APPENDIX 1
19 March 2012

Establishing a Register of Interest for an Aboriginal Cultural Heritage Assessment and Aboriginal Heritage Impact Permit application – Girilambone Avoca Tank Project NSW 2831

I am writing to you in accordance with Section 4.1.2 of the Aboriginal cultural heritage consultation requirements for proponents and specifically to initiate Stage 1 of the Aboriginal consultation process.

Tritton Resources Limited Pty is in the early stage of exploration of a newly identified resource to the north of its Girilambone Copper Mine, currently referred to as the Avoca Tank Project. The Avoca Tank Project area covers approximately 8.7km² across part of Lots 10, 135 and 144 (DP 751315) on the Coolabah 8235 1:100,000 map sheet. The project area is approximately 4 kilometres north west along the Mitchell Highway of the town of Girilambone NSW 2831. A map showing the location of the subject area is attached.

On Site Cultural Heritage Management has been engaged to conduct an Aboriginal Cultural Heritage Assessment of the subject land. The assessment may result in an application for an Aboriginal Heritage Impact Permit (AHIP) pursuant to the NSW National Parks and Wildlife Act.

In accordance with Stage 1 of the Aboriginal cultural heritage consultation requirements for proponents, I am writing to you to identify Aboriginal persons who may hold cultural knowledge relevant to determining the significance of Aboriginal objects that may be located within the project area.

Could you please conduct relevant database or register searches and provide the names of Aboriginal people you consider may be affected by this proposal. The names of Aboriginal persons you provide will be invited to register an interest in the project and participate in the consultation process.

Your assistance in this process would be much appreciated and ensure that the proponent and OEH consider the views of Aboriginal people affected by this proposal.
Could you please forward the names of those Aboriginal persons you consider may be affected by this proposal to me by 3 April 2012.

Please note that this correspondence has been sent to the following organisations in accordance with Section 4.1.2 of the consultation requirements:

a) Office of Environment and Heritage EPRG regional office, North West Dubbo  
b) Nyngan Local Aboriginal Land Council  
c) the Registrar, Aboriginal Land Rights Act 1983 for a list of Aboriginal owners  
d) the National Native Title Tribunal for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements  
e) Native Title Services Corporation Limited (NTSCORP Limited)  
f) Bogan Shire Council, Nyngan  
g) Central West Catchment Management Authority, Nyngan for contact details of any established Aboriginal reference group

Please contact me should you require any further information or wish to discuss this proposal.

Regards

Gerard Niemoeller  
Principal Heritage Consultant
Figure 1: Avoca Tank project area (8.7 km²) shown in thick blue lines across part of Lots 10, 135 and 144 (DP 751315) on the Coobabah 8235 1:100,000 map sheet.
Onsite Cultural Heritage Management
PO Box 574
NAROCMA NSW 2546
Att: Gerard Niemoller

20th March 2012

Dear Gerard,

WRITTEN NOTIFICATION AS REQUIRED UNDER OFFICE OF ENVIRONMENT AND HERITAGE (OEH) ABORIGINAL CULTURAL HERITAGE REQUIREMENT FOR PROPOUNENTS 2010 – Proposed Girilambone Avoca Tank Project, Girilambone NSW

I refer to your letter dated 19th March 2012 to the Office of Environment and Heritage (OEH) regarding the above matter.

A list of known Aboriginal parties that OEH feels is likely to have an interest in this development is attached as Attachment 1 (overleaf). Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the requirements.

If you wish to discuss any of the above matters further please contact me, at your earliest convenience, on (02) 6883 5361.

Yours sincerely

Paul Houston
Aboriginal Heritage Planning Officer
OEH

The Department of Environment Climate Change and Water is now known as
The Office of Environment and Heritage.

PO Box 2111, Dubbo NSW 2830
48-52 Wingewarra St Dubbo NSW
Tel: (02) 6883 5330 Fax (02) 6884 5362
www.environment.nsw.gov.au
<table>
<thead>
<tr>
<th>Organisation/Affiliation</th>
<th>Name/Title</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bogan Corporation</td>
<td>Aboriginal</td>
<td>PO Box 345 NYNGAN NSW 2825</td>
</tr>
<tr>
<td>John Shipp</td>
<td></td>
<td>79 Thompson Street Dubbo</td>
</tr>
<tr>
<td>NYNGAN LALC</td>
<td>Chairperson</td>
<td>PO Box 43 NYNGAN NSW 2825</td>
</tr>
</tbody>
</table>

The Department of Environment Climate Change and Water is now known as The Office of Environment and Heritage.
NYNGAN LOCAL ABORIGINAL LAND COUNCIL

PO Box 43
NYNGAN NSW 2825
EMAIL: nynganlab@bigpond.com

28th March 2012

On Site
Cultural Heritage Management
Attention: Gerard Nemenzeller
PO BOX 574
NAROOMA NSW 2546

Dear Gerard

Re: Githabone Avoca Tank Project 2831

Nyngan Local Aboriginal Land Council would like to register an interest in the Githabone Avoca Tanks Project.

Another Aboriginal Organisation in the Nyngan Community is Bogan Aboriginal Corporation. Their contact details are:
Bogan Aboriginal Corporation
CEO: Lesly Ryan
46 Nymagee St
Nyngan NSW 2825
Ph: 02 68 321 730
M: 0419 418 851
Email: bogan@y7net.com.au

Looking forward to working with you in the future. Thankyou

Yours faithfully,

Yveta Dutson
CEO
Nyngan LALC

NYNGAN LOCAL
ABORIGINAL
LAND COUNCIL
26 March 2012

Gerard Niemoeller
Principal Heritage Consultant
Onsite Cultural Heritage Management
PO Box 574
Narooma NSW 2546

Dear Mr Niemoeller

Native Title Search Results of Girilambone within Bogan Shire Council Local Government Area

Thank you for your search request of 19 March 2012 in relation to the above area.

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

<table>
<thead>
<tr>
<th>Register Type</th>
<th>NNTT Reference Numbers</th>
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<tbody>
<tr>
<td>Schedule of Applications (unregistered claimant applications)</td>
<td>NC12/1</td>
</tr>
<tr>
<td>Register of Native Title Claims</td>
<td>Nil.</td>
</tr>
<tr>
<td>National Native Title Register</td>
<td>Nil.</td>
</tr>
<tr>
<td>Register of Indigenous Land Use Agreements</td>
<td>Nil.</td>
</tr>
<tr>
<td>Notified Indigenous Land Use Agreements</td>
<td>Nil.</td>
</tr>
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</table>

I have included an application summary, map attachment and a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal’s databases.
The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to "Area covered by claim" section of the relevant Register Extract or Application Summary and any maps attached.

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

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

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

Yours sincerely

[Signature]

Nakari Thorpe
Senior Case Management Assistant

Telephone (02) 9227 4004
Facsimile (02) 9227 4030
Email Nakari.thorpe@nntt.gov.au

Encl
# Claimant Application Summary

<table>
<thead>
<tr>
<th>Application numbers</th>
<th>Federal Court number:</th>
<th>NNTT number:</th>
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<td></td>
<td>NSD45/12</td>
<td>NC12/1</td>
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<table>
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<tr>
<th>Application name</th>
<th>Ngemba/Ngyampaa People</th>
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<tbody>
<tr>
<td>Name of body where application filed</td>
<td>Federal Court of Australia</td>
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<table>
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<tr>
<th>Date application filed</th>
<th>14/03/2012</th>
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<table>
<thead>
<tr>
<th>Current stage(s)</th>
<th>Currently Identified for Registration Testing, Pre Notification</th>
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<table>
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<tr>
<th>Registration information</th>
<th>Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.</th>
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<tbody>
<tr>
<td>Registration test status:</td>
<td>Currently identified for Reg Test</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Mrs Elaine Ohlsen, Mr Peter Williams, Mr Brett Smith, Ms Danielle Flakeler-Carney, Mr Neville Merritt, Mr Edward Shipp, Mr John Shipp, Ms Grace Gordon, Mr Jason Ford</th>
</tr>
</thead>
</table>

| Address for service         | NTSCORP Ltd  
|                            | Unit 1a Suite 202, 44-70 Rosehill Street  
|                            | REDfern NSW 2016  
|                            | Phone: (02) 9310 3188  
|                            | Fax: (02) 9310 4177 |

| Persons claiming to hold native title | The Ngemba/Ngyampaa People are the native title claim group on whose behalf the Applicant makes this application. The native title claim group comprises all the descendants of the following aboriginal ancestors:  
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Caroline Hilt (who was born on the Barwon River around 1847);  
| Thomas Sullivan (who was born in Brewarrina about 1860);  
| Nellie Colless (who was born in Brewarrina around 1868);  
| Billy Coleman (who was born in Cobar in 1860);  
| Mary Ann Allen (who was born in 1844);  
| Moses Biggs (who was born in 1837);  
| Polly Parke (who was born in 1846);  
| Anne Brandy (who was born in Colac in 1874);  
| Caroline Brandy (who was born on Duck Creek in 1869);  
| Wadina Boe (who was born in 1848);  
| Richard Kang (who was born in 1847);  
| Jimmy Keeewong (who was born in 1849);  
| Kitty Narangong;  
| Tom Dennis (who was born in Brewarrina in 1864);  
| Wannie Picer (who was born in Brewarrina in 1878);  
| Jack Dennis (who was born on the Barwon River in around 1855);  
| Kate Baker (who was born in Booroomba in 1874);  
| Francis "Tracker" Williams (who was born in Grandabooka in 1883);  
| William Johnson (who was born in Big Willandra in 1876);  
| Henry Parkes (who was born in 1863);  
| Topsy Harris also known as Topsy Scotty (who was born in Marfick in 1866);  
| Jack Redman;  
| Thomas Williams also known as Thomas Broughton (who was born in Roto);  
| Maggie Redman (who was born in Keewong in 1868); |
Native title rights and interests claimed

1. Where exclusive native title can be recognised (such as areas where there has been no prior extinguishment of native title or where s 238 and/or s 47, 47A, 47B apply), the Ngenba/Ngiyampaa People as defined in Schedule A of this application, claim the right to possession, occupation, use and enjoyment of the lands and waters of the application area to the exclusion of all others subject to the valid laws of the Commonwealth and the State of New South Wales.

2. Where exclusive native title cannot be recognised, the Ngenba/Ngiyampaa People as defined in Schedule A of this application, claim the following non-exclusive rights and interests including the right to conduct activities necessary to give effect to them:

(a) the right to access the application area;
(b) the right to use and enjoy the application area;
(c) the right to move about the application area;
(d) the right to camp on the application area;
(e) the right to erect shelters and other structures on the application area;
(f) the right to live being to enter and remain on the application area;
(g) the right to hold meetings on the application area;
(h) the right to hunt on the application area;
(i) the right to fish in the application area;
(j) the right to have access to and use the natural water resources of the application area;
(k) the right to gather and use the natural resources of the application area (including food, medicinal plants, timber, tubers, charcoal, wax, stone, ochre and rein as well as materials for fabricating tools, hunting implements, making artwork and musical instruments);
(l) the right to share and exchange resources derived from the land and waters within the application area;
(m) the right to participate in cultural and spiritual activities on the application area;
(n) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
(o) the right to conduct ceremonies on the application area;
(p) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area;
(q) the right to speak for and make non-exclusive decisions about the application area in accordance with traditional laws and customs;
(r) the right to speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs; and
(s) the right to control access to or use of the lands and waters within the application area by other Aboriginal People in accordance with traditional laws and customs.

3. The native title rights and interests referred to in paragraph 2 do not confer possession, occupation, use or enjoyment of the lands and waters of the application area to the exclusion of all others.

4. 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 including the common law;
(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
### Area

| **Jurisdiction:** New South Wales |
| **Location:** The application covers an area of 95,125 sq km over northern-central NSW. It covers Brewarrina to the north, Gilgandra to the east, Hillston to the south and Ivanhoe to the west. |
| **Local government region(s):** Bogm Shire Council, Bourke Shire Council, Brewarrina Shire Council, Carnarvon Shire Council, Central Darling Shire Council, Cobar Shire Council, Coonamble Shire Council, Gilgandra Shire Council, Lachlan Shire Council, Walgett Shire Council, Warren Shire Council |
| **Representative A/TSI body(s):** NTSCORP Limited |
| **Approximate size:** 95,125 sq km |

(Note: There may be areas within the external boundary of the application that are not claimed.)

**Land/water and/or sea:** Land/Water

### Area covered by the claim (as detailed in the application):

(A) Area covered by application

The area covered by the application ("the Application Area") comprises all of the land and waters within the external boundaries described in Attachment B and depicted in the map at Attachment C.

The Application Area description and map have been prepared with the assistance of the Geo-Spatial Unit of the National Native Title Tribunal. The area covered by this application does not include the areas described at point B below.

(B) Areas within the external boundaries not covered by the application

1. The area covered by the application excludes any land and waters covered by past or present freehold title or by previous valid exclusive possession as defined by section 23B of the Native Title Act (1993) (Cth).

2. The area covered by the application excludes any land and waters which are:
   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 exclusive pastoral lease;
   e) a residential lease;
   f) a community purpose lease;
   g) a lease disestablished from a mining lease and referred to in s. 23B(2)(c)(vi) of the Native Title Act 1993 (Cth);
   h) an lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

3. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

4. Subject to paragraphs 5 and 6, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or territory.

5. Subject to paragraph 7 below, where the act specified in paragraphs 2, 3 and 4 falls within the provisions of:
   a) s. 23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
   b) s. 23B(9A) - Establishment of a national park or state park;
   c) s. 23B(9B) - Acts where legislation provides for non-extinguishment;
   d) s. 23B(9C) - Exclusion of Crown to Crown grants; and
   c) s. 23B(10) - Exclusion by regulation

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

6. Where an act specified in paragraphs 2, 3 and 4 affects or affected land or waters referred to in:
   a) s. 47 - Pastoral leases etc covered by claimant application;
   b) s. 47A - Reserves covered by claimant application;
c) s.47B - Vacant Crown land covered by claimant application
the area covered by the act is not excluded from the application.

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

8. The area covered by the application excludes the land and waters covered by the Barkandji People's native title determination application NSW0681/1998 (Barkandji Traditional Owners #8 v Attorney General of NSW) (NC97/32).

<table>
<thead>
<tr>
<th>Attachments</th>
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<tbody>
<tr>
<td>1. A map showing the boundaries of the area covered by the application, Attachment C of the Application, 1 page - A3, Attached 14/03/2012.</td>
</tr>
<tr>
<td>2. Description of the area covered by the application, Attachment B of the Application, 4 pages - A4, Attached 14/03/2012.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>NNIT contact details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case manager: Nicole Maher</td>
</tr>
<tr>
<td>Address: National Native Title Tribunal</td>
</tr>
<tr>
<td>Level 25</td>
</tr>
<tr>
<td>25 Bligh Street</td>
</tr>
<tr>
<td>SYDNEY NSW 2000</td>
</tr>
<tr>
<td>GPO Box 9973</td>
</tr>
<tr>
<td>SYDNEY NSW 2001</td>
</tr>
<tr>
<td>Phone: (02) 9227 4000</td>
</tr>
<tr>
<td>Freecall 1800 640 501</td>
</tr>
<tr>
<td>Fax: (02) 9227 4030</td>
</tr>
<tr>
<td>Web page: <a href="http://www.nnit.gov.au">www.nnit.gov.au</a></td>
</tr>
</tbody>
</table>
Searching the NNTT Registers in New South Wales

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

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

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

In NSW because we cannot search the registers in relation to individual parcels of land we search by local government area.

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

What if the search shows no current applications?
If there is no application covering the local government area this only indicates that at the time of the search neither the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claim.

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

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

Where the information is found
The information you are seeking is held in three registers and in an applications database.

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

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

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

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

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

Application summaries
An application summary contains a description of the location, contents and status of a native title claim.

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

How do you request a search?
A search request form is available on the Tribunal’s website at: http://www.nntt.gov.au/registers/search.html
Mail, fax or email your request to the Tribunal’s Sydney registry, identifying the local government area you want searched.

Email: SydneySearch@nntt.gov.au
Fax: (02) 9227 4010
Address: GPO Box 9973, Sydney NSW 2001
Phone: (02) 9227 4000
External boundary description

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

Commencing at the southernmost point of the application at the intersection of the centreline of the Roto Road reserve and the Lachlan River at Hillston and extending generally north westerly along the centreline of that road reserve to Mossgiel Trunk Road; then generally westerly along the centreline of that road reserve to the Cobb Highway; then generally north westerly along the centreline of that road reserve to the Ivanhoe - Menindee Road; then generally westerly along the centreline of that road reserve to the eastern boundary of native title determination application NSD6084/98 Barkandji Traditional Owners 8 (NC97/32) at Longitude 144.206842° East; then continuing along the boundaries of that native title determination application, also described as:

From the centreline of the Ivanhoe - Menindee Road reserve at Longitude 144.206842° East; and extending northerly to the western boundary of Lot 4594 on DP767758 at Latitude 32.301343° South; then generally northerly along the western boundaries of that lot to the easternmost corner of Lot 776 on DP762100; then north westerly along the boundaries of that lot to the easternmost corner of Lot 775 on DP762082; then continuing north westerly and south westerly along the boundaries of that lot to the southernmost corner of Lot 774 on DP762102; then south westerly, north westerly, north easterly and south easterly along the boundaries of that lot to the southernmost corner of Lot 1979 on DP769987; then generally north easterly and north westerly along the boundaries of that lot to the westernmost corner of Lot 4595 on DP767759; then generally north easterly along the north western boundaries of that lot and Lot 1130 on DP762534 to the easternmost corner of Lot 939 on DP762071; then north westerly along the boundary of that lot to the southern boundary of the Barrier Highway road reserve; then north easterly and generally easterly along the southern boundaries of that road reserve to Longitude 144.803043° East; then generally north easterly through Longitude 144.804560° East, Latitude 31.576881° South to a point on the western boundary of Lot 1282 on DP762978 at Latitude 31.429323° South; then north westerly to the westernmost corner of that lot; then generally north easterly along the north western
Then continuing generally north easterly along the north western boundaries of Lot 4176 on DP766743, Lot 4177 on DP766744, Lot 4857 on DP769170 and onwards across South Road to the western boundary of Lot 2 on DP780369; then generally northerly along the south western boundary of that lot, south western and north western boundaries of Lot 954 on DP762132, south western boundary of Lot 3610 on DP765962, south western and north western boundaries of Lot 3609 on DP768961, western boundary of Lot 933 on DP762220, south western and north western boundaries of Lot 625 on DP761643 to it northernmost corner; then continuing north easterly across Gundabooka Kings Cross Road to the western boundary of Lot 1394 on DP763061; then generally northerly along the western and northern boundaries of that lot to the western most corner of Gundabooka National Park; then generally north easterly along the northern boundaries of that national park to the northernmost boundary of Lot 3147 on DP765352; then northerly along the boundary of that lot to the western boundary of Lot 2250 on DP764515; then north westerly and easterly along the boundaries of that lot and onwards to the centreline of the Kidman Way road reserve; then generally northerly along the centreline of that road reserve to the prolongation westerly of the southern boundary of Lot 4678 on DP767842; then easterly to and along the southern boundary of that lot and Lot 253 on DP760955; then generally northerly along the eastern boundaries of that lot to the eastern boundary of an unnamed road reserve located between Lot 4291 on DP767038 and Lot 61 on DP751844; then northerly to centreline of that unnamed road reserve; then generally north easterly along the centreline of that road reserve to the western boundary of the Mitchell Highway; then continuing north easterly across that highway to the westernmost corner of Lot 52 on DP751841; then generally north easterly along the western boundary of that lot, eastern boundary of Lot 4133 on DP766636, western boundaries of Lot 40 on DP751867, Lot 42 on DP751867, Lot 6830 on DP743320 and Lot 6829 on DP743320 to the Kamilaroi Highway; then continuing north easterly across that highway to the centreline of an unnamed road reserve located parallel to the western boundary of Lot 39 on DP751867; then generally northerly along that road reserve to the prolongation southerly of the easternmost boundary of Lot 59 on DP751867, then generally northerly to and along the eastern boundary of that lot and the eastern...
boundary of Lot 4357 on DP767194 to the Darling River and onwards to its centreline; then
generally northerly, generally easterly and generally south easterly along the centreline of
that river, the Barwon River, the Macquarie River and the Castlereagh River to the centreline
of the Newell Highway at Gilgandra; then north westerly along the centreline of that
highway road reserve to the Ouley Highway; then north easterly and generally westerly
along the centreline of that highway road reserve to Nancarrow Road; then generally
southerly along the centreline of that road reserve to Boothaguy Creek; then generally
westerly along the centreline of that creek to again the Ouley Highway; then generally
southerly along the centreline of that highway road reserve to the Gunningbar Creek; then
gen erally north westerly along the centreline of that creek to the Albert Priest Channel; then
gen er ally westerly along the centreline of that channel to an unnamed road reserve which
bisects Lot 2 on DP232612; then generally south westerly along the centreline of that road
reserve to the Mitchell Highway at Mullengudgery; then generally north westerly along the
centreline of that highway road reserve to the Bogan River at Nyngan; then generally
southerly along the centreline of that river to Bulbodney Creek; then generally southerly
along the centreline of that creek to Tigers Creek; then generally south westerly along the
centreline of that creek to Yarra Yarra Creek; then generally south westerly along the
centreline of that creek to Longitude 146.921830° East, then westerly to an unnamed
watercourse at approximately Longitude 146.911275° East, Latitude 32.558960° South; then
gen er ally westerly along the centreline of that watercourse to Fiveways Road; then westerly
approximately 500 metres to an unnamed watercourse at Latitude 32.557767° South; then
gen er ally south westerly along the centreline of that unnamed watercourse to Tinda Creek;
then generally southerly along the centreline of that creek to Morumbil Swamp; then
gen er ally south westerly along the centreline of that swamp, Crowie Creek, Booberoi Creek
and the Lachlan River back to the commencement point.
Data Reference and source

- Application boundary data compiled by National Native Title Tribunal based on data provided by NTSCorp.
- Native title determination application NID6094/98 Barkandji Traditional Owners B (NC97/32) as accepted for registration on 2 November 2006.
- Cadastre data sourced from Public Sector Mapping Agency (November 2010).
- Roads based on cadastre data sourced from LFPA Authority, NSW.
- Rivers / Creeks based on cadastre data, 1:100,000 topographic data which is © Commonwealth of Australia and is supplied by Geoscience Pty Ltd under licence from Geoscience Australia and information supplied by NTSCorp (based on 2007 LPI (topographic data)).

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (19 August 2011)
Attachment C – Map of the Area covered by the application
Gerard Niemoeller  
On Site Cultural Heritage Management  
PO Box 574  
NAROOMA NSW 2546

Dear Gerard

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 19th March 2012 regarding an Aboriginal Stakeholders within Girilambone area, 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 (NSW).

I suggest you contact the Nyngan Local Aboriginal Land Council. They may also be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely

Tabatha Dantoine  
Administration Officer  
Office of the Registrar, Aboriginal Land Rights Act (1983)

23 March 2012
4 April 2012

Registering Interest for an Aboriginal Cultural Heritage Assessment and Aboriginal Heritage Impact Permit application – Girilambone Avoca Tank Project, Bogan Shire Council NSW 2831

I am writing to you in accordance with Section 4.1.3 of the *Aboriginal cultural heritage consultation requirements for proponents*.

Tritton Resources Limited Pty is in the early stages of exploration of a newly identified resource to the north of its Girilambone Copper Mine, currently referred to as the Avoca Tank Project. The Avoca Tank Project area covers approximately 8.7km² across part of Lots 10, 135 and 144 (DP 751315) on the Coolabah 8235 1:100,000 map sheet. The project area is approximately 4 kilometres northwest of the town of Girilambone NSW 2831 along the Mitchell Highway within the Bogan Shire. A map showing the location of the subject area is attached.

On Site Cultural Heritage Management has been engaged to conduct an Aboriginal Cultural Heritage Assessment of the subject land. The assessment may result in an application for an Aboriginal Heritage Impact Permit (AHIP) pursuant to the *NSW National Parks and Wildlife Act*.

**Purpose of this letter**

The preparation of an AHIP requires the proponent to establish a *Register of Interest* for the project and undertake community consultation as outlined in the Office of Environment and Heritage (formerly DECCW) *Aboriginal cultural heritage consultation requirements for proponents*. These requirements set out and establish a 4 stage consultation process.

Your details were provided to me in response to correspondence to those organisations listed in Section 4.1.2 of the consultation requirements. I am now writing to you in accordance with Section 4.1.3 of those requirements. A list of organisations and individuals corresponded with as part of this process is also attached for your information.
More specifically the proponent has engaged the services of *On Site Cultural Heritage Management* to:

- undertake the community consultation process as per the *Aboriginal cultural heritage consultation requirements for proponents*
- undertake an Aboriginal Cultural Heritage Assessment of the Avoca Tank Project and
- prepare Aboriginal Heritage Impact Permit applications (if required)

The purpose of establishing the Register of Interest is to formally identify and undertake community consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of the Avoca Tank project area or Aboriginal objects within the subject land (Lots 10, 135 and 144 (DP 751315) on the Coolabah 8235 1:100,000 map sheet and within the Bogan Shire).

The purpose of Aboriginal community consultation is to assist the proponent in the preparation of an application for an Aboriginal Heritage Impact Permit (AHIP) and to assist the Director General of the Office of Environment and Heritage in his or her consideration and determination of that application.

Should you decide to register your interest you will be provided with further information consisting of a proposed methodology for the project (in accordance with Stage 2 of the consultation requirements) and a list of questions to assist in understanding whether cultural values occur within the project area (to assist with Stage 3).

I am also required to inform you that should you decide to register your interest your details will be forwarded to Office of Environment and Heritage, Dubbo and the Nyngan Local Aboriginal Land Council unless you specify that you do not want your details released.

If you hold cultural knowledge relevant to determining the cultural significance of the Aboriginal objects located within the Avoca Tank project area or Aboriginal objects within the subject land (Lots 10, 135 and 144 (DP 751315) on the Coolabah 8235 1:100,000 map sheet and within the Bogan Shire) then I invite you to register your interest for this project. You can register your interest by writing a letter, email or telephoning me by 19 April 2012. My contact details are provided above. If you are registering your organisation then please provide the name and details of a nominated contact person.

Please note that any registrations of interest received after 19 April 2012 will not be included on the register. A notice inviting registrations of interest and participation in the community consultation process also appeared in the Public Notices of the Nyngan Observer on Wednesday 4 April 2012.

Please contact me should you require any further information or wish to discuss this proposal.

Regards

Gerard Niemoeller
Principal Heritage Consultant
List of Aboriginal organisations / individuals identified during Stage 4.1.2 of *Aboriginal cultural heritage consultation requirements for proponents* and invited to register to interest as part of this assessment

<table>
<thead>
<tr>
<th>Aboriginal Organisation / Individual Name</th>
<th>Address</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bogan Aboriginal Corporation</td>
<td>46 Nymagee St NYNGAN NSW 2825</td>
<td><a href="mailto:boganac@netxp.com.au">boganac@netxp.com.au</a> Ph: (02) 6832 1750 M: 0419418851</td>
</tr>
<tr>
<td>CEO Lesly Ryan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nyngan Local Aboriginal Land Council / Vaneta Dutton CEO</td>
<td>PO Box 43 NYNGAN NSW 2825</td>
<td><a href="mailto:nyanganlac@bigpond.com">nyanganlac@bigpond.com</a></td>
</tr>
<tr>
<td>Mr John Shipp</td>
<td>79 Thompson Street DUBBO NSW 2830</td>
<td></td>
</tr>
<tr>
<td><strong>NTS Corp Ltd</strong> on behalf of Native Title application for the Ngemba/Ngiyampaa People**</td>
<td>NTSCORP Ltd Unit 1a Suite 2.02, 44-70 Rosehill Street REDfern NSW 2016</td>
<td>Phone: (02) 9310 3188 Fax: (02) 9310 4177 <a href="mailto:lawrence@ntscorp.com.au">lawrence@ntscorp.com.au</a></td>
</tr>
<tr>
<td>(Federal Court number: NSD415/12, NNTT number: NC12/1) and Native Title applicants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mrs Elaine Ohlsen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr Peter Williams</td>
<td></td>
<td></td>
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<tr>
<td>Mr Brett Smith</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms Danielle Flakeler-Carney</td>
<td></td>
<td></td>
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<tr>
<td>Mr Neville Merritt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr Edward Shipp</td>
<td></td>
<td></td>
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<tr>
<td>Mr John Shipp</td>
<td></td>
<td></td>
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<tr>
<td>Ms Grace Gordon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr Jason Ford</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(identified by National Native Title Tribunal)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 1: Avoca Tank project area (87 km²) shown in thick blue lines across part of Lots 10, 135 and 144 (DP 753,315) on the Coomalie 8235 1:100,000 map sheet.
Aboriginal Cultural Heritage Assessment

Triton Resources Limited Pty proposes to undertake mineral exploration within part of Lots 10, 13 and 14 (1076406) from the Coombabah 6236 1:100,000 map sheet. The project area is approximately 1 kilometre north-west of the town of Gulargambone NSW 2831 along the Mitchell Highway within the Bogan Shire.

Pursuant to Aboriginal cultural heritage notification requirements under the National Parks & Wildlife Act 1974, Aboriginal people holding cultural knowledge relevant to determining the significance of the subject land or Aboriginal objects within are invited to register interest and participate in a community consultation process.

The purpose of this consultation is to assist the proponent undertake an Aboriginal cultural heritage assessment, prepare an Aboriginal Heritage Impact Permit application and assist the Director General of OEH consider and make a determination of the application. Please register your interest by 13 April 2012.

Gerard Niemann
On Site Cultural Heritage Management
PO Box 571 NAROOMA NSW 2546
gerard@onsitechdw.com.au
Ph: 0411 441 895
24 April 2012

ABORIGINAL CULTURAL HERITAGE ASSESSMENT - Methodology and Significance

Avoca Tank Project (Tritton Resources) Girilambone, Bogan Shire NSW 2831

REGISTERED ABORIGINAL PARTIES: Bogan Aboriginal Corporation - Lesly Ryan, CEO
Nyngan Local Aboriginal Land Council - Vaneta Dutton CEO
Marra Wallan Pty Ltd – John Shipp, CEO
Native Title Services for Ngemba/Ngiyampaa Claimants

1.0 INTRODUCTION

This document is provided to the ‘Registered Aboriginal Parties’ in accordance with the Stage 2 and Stage 3 (sections 4.2 and 4.3 ) of the Aboriginal cultural heritage consultation requirements for proponents 2010 and to present information about the proposed project currently subject to an Aboriginal Cultural Heritage Assessment. The purpose of the community consultation outlined in these requirements is to:

- consult with Aboriginal people who hold cultural knowledge relevant to determining the significance of the subject place and Aboriginal objects that may be within.
- assist the proponent prepare an Aboriginal Heritage Impact Assessment and Permit application (if required).
- assist the Director General of the Office of Environment and Heritage consider and make a determination of that application.

This document is provided to those persons and organisations who registered their interest in response to correspondence of 4 April 2012 and in accordance with Stage 1 (Section 4.1.3). The names of those persons and organisations who registered their interest are listed above. Contact details of all the Aboriginal parties who registered their interest is also attached to this document.
1.1 The Project

Tritton Resources Limited Pty is in the early stages of exploration of a newly identified resource to the north of its Girilambone Copper Mine, currently referred to as the Avoca Tank Project. The Avoca Tank Project area covers approximately 8.7km² across part of Lots 10, 135 and 144 (DP 751315) on the Coolahab 8235 1:100,000 map sheet. The project area is approximately 4 kilometres northwest of the town of Girilambone NSW 2831 along the Mitchell Highway within the Bogan Shire. A map showing the location of the subject area is attached.

On Site Cultural Heritage Management has been engaged by Tritton Resources to undertake the community consultation process as per the Aboriginal cultural heritage consultation requirements for proponents and conduct an Aboriginal Cultural Heritage Assessment of the subject land. The assessment may result in an application for an Aboriginal Heritage Impact Permit (AHIP) pursuant to the NSW National Parks and Wildlife Act.

2.0 CONSULTING WITH ABORIGINAL PEOPLE ABOUT THE SIGNIFICANCE OF THE PROJECT AREA

Stage 3 (Section 4.3) of the Aboriginal cultural heritage consultation requirements for proponents 2010 requires the proponent to seek information about the cultural significance of the project area land and the Aboriginal objects or places that may be within. This purpose of this stage is also to facilitate a process whereby the registered Aboriginal parties can:

a) contribute to culturally appropriate information gathering and the research methodology
b) provide information that will enable the cultural significance of Aboriginal objects and/or places on the proposed project area to be determined
c) have input into the development of any cultural heritage management options.

A list of questions about the proposed project and assessment is provided below. These questions are only suggestions and you may provide any additional information you feel is necessary to inform the proponent and OEH about the Aboriginal cultural significance or values of the project area.

1. Are there any objects or places of cultural value in the project area or in the immediate proximity? If so how will the proposed development affect those values?

2. Do you have any cultural concerns or perspectives about this project or assessment?

3. Do you think there is the potential for burials to occur at the site? If so why?

4. Are there any particular research questions you would like to see answered through the archaeological assessment process?
5. Have you got any views about the management of the lands within the Avoca Tank Project Area that may not be impacted?

6. Is any of the information you have provided culturally sensitive and is it OK to print your views in a report?

3.0 METHODOLOGY FOR THIS ABORIGINAL CULTURAL HERITAGE ASSESSMENT

The methodology for the current assessment is proposed to include:

- Consultation with the Aboriginal Community to: identify Aboriginal traditional owners, elders and custodians who can speak about this place (Stage 1 - completed); ascertain their views about the cultural significance of the Aboriginal objects; identify whether there are particular research themes or questions of interest that could be incorporated into any research design or addressed through archaeological assessment (Stage 2 and 3 – this document)

- An AHIMS database search to identify previously recorded sites within or within proximity to the study area. An AHIMS database search has identified that there are 4 previously recorded Aboriginal sites within the identified area. All of these places are recorded as being earth mounds and/or hearths.

- Review of AHIMS Site cards to provide a archaeological context for the assessment of the study area

- Review of other relevant heritage registers (such as the Register of the National Estate, NSW State Heritage Register, Bogan Local Heritage Register). A search of these databases has not identified any historic places or objects within the Avoca Tank Project Area.

- Review relevant cultural heritage and archaeological reports to provide a regional and local context for the assessment of this Aboriginal place and associated objects

- Conduct a site assessment to record and document information about the site and Aboriginal objects relevant to determining and assessing the cultural heritage significance. An attempt to relocate AHIMS sites discussed above will be made as part of the survey.

- Preparation of a report documenting the results of the above processes, assessment of the places significance and the formulation of appropriate heritage management strategies

- Preparation of an Aboriginal Heritage Impact Permit application (if required)

This assessment is being conducted in accordance with relevant DECCW policy and regulations and specifically:

- Aboriginal cultural heritage consultation requirements for proponents 2010
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales
Supporting Information Requirements for AHIP Applications

This assessment has also considered relevant OEH internal policy and specifically:
- Operational Policy: Protecting Aboriginal Cultural Heritage
- Guide to Determining and Issuing Aboriginal Heritage Impact Permits

4.0 WHERE TO FROM HERE?

Registered Aboriginal parties have 28 days to review this document and provide information about the assessment methodology and significance of the project area. Your views and any written submissions you make and will be incorporated into the assessment and report and provided to OEH.

If you would like to review this document and provide further comment please do so by Wednesday 23 May 2012.

Registered Aboriginal parties will also have a further 28 days to review the final Aboriginal Cultural Heritage Assessment report.

Please contact On Site Cultural Heritage Management should you require any further information or wish to discuss this proposal.
List of Aboriginal organisations / individuals identified during Stage 4.1.2 of *Aboriginal cultural heritage consultation requirements for proponents* and invited to register to interest as part of this assessment:

<table>
<thead>
<tr>
<th>Aboriginal Organisation / Individual Name</th>
<th>Address</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bogan Aboriginal Corporation CEO Lesly Ryan</td>
<td>46 Nymagee St NYNGAN NSW 2825</td>
<td><a href="mailto:boganac@netxp.com.au">boganac@netxp.com.au</a> Ph: (02) 6832 1750 M: 0419418851</td>
</tr>
<tr>
<td>Nyngan Local Aboriginal Land Council / Vaneta Dutton CEO</td>
<td>PO Box 43 NYNGAN NSW 2825</td>
<td><a href="mailto:nyngantalc@bigpond.com">nyngantalc@bigpond.com</a></td>
</tr>
<tr>
<td>Marra Wallan Pty Ltd Mr John Shipp CEO</td>
<td>PO BOX 6088 Dubbo NSW 2830</td>
<td><a href="mailto:John@marrawallan.com.au">John@marrawallan.com.au</a> <a href="mailto:john.shipp@bigpond.com">john.shipp@bigpond.com</a></td>
</tr>
<tr>
<td><strong>NTS Corp Ltd</strong> on behalf of Native Title application for the Ngemba/Ngiyampa People (Federal Court number: NSD415/12, NNTT number: NC12/1) and Native Title applicants: Mrs Elaine Ohlsen Mr Peter Williams Mr Brett Smith Ms Danielle Flakeler-Carney Mr Neville Merritt Mr Edward Shipp Mr John Shipp Ms Grace Gordon Mr Jason Ford (identified by National Native Title Tribunal)</td>
<td>NTSCORP Ltd Unit 1a Suite 2.02, 44-70 Rosehill Street REDFERN NSW 2016</td>
<td>Phone: (02) 9310 3188 Fax: (02) 9310 4177 <a href="mailto:dilawrence@ntscorp.com.au">dilawrence@ntscorp.com.au</a></td>
</tr>
</tbody>
</table>
Figure 1: Avoca Tank project area (8.7 km²) shown in thick blue lines across part of Lots 10, 135 and 144 (DP 751315) on the Coonabarabran 1:100,000 map sheet.
APPENDIX 2
12 September 2012

Establishing a Register of Interest for an Aboriginal Cultural Heritage Assessment and Aboriginal Heritage Impact Permit application – Avoca Tank Project (Stage 2) Girilambone NSW 2831

I am writing to you in accordance with Section 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents* and specifically to initiate Stage 1 of the Aboriginal consultation process.

Tritton Resources Limited Pty is in the early stage of exploring a newly identified resource to the north of its Girilambone Copper Mine, currently referred to as the Avoca Tank Project. The Avoca Tank Project land is divided into two stages and situated across 18.62km². The land is located approximately 4 kilometres north west of Girilambone NSW 2831 along the Mitchell Highway.

The Avoca Tank Stage 1 project land covers approximately 8.7km² across part of Lots 10, 135 and 144 (DP 751315) on the Coolabah 8235 1:100,000 map sheet. The Stage 1 land was the subject of a previous Aboriginal Cultural Heritage Assessment by On Site Cultural Heritage Management between April and August (2012).

On Site Cultural Heritage Management has now been contracted to conduct an Aboriginal Cultural Heritage Assessment of the adjoining Avoca Tank Stage 2 project land. The assessment may result in an application for an Aboriginal Heritage Impact Permit (AHIP) pursuant to the *NSW National Parks and Wildlife Act*. A map showing the location of the Avoca Tank project area (Stages 1 and 2) is attached.

In accordance with Section 4.1.2, Stage 1 of the *Aboriginal cultural heritage consultation requirements for proponents*, I am writing to you to identify Aboriginal persons who may hold cultural knowledge relevant to determining the significance of Aboriginal objects that may be located within the project area.
Could you please conduct relevant database or register searches and provide the names of Aboriginal people you consider may be affected by this proposal. The names of Aboriginal persons you provide will be invited to register an interest in the project and participate in the consultation process.

Your assistance in this process would be much appreciated and ensure that the proponent and OEH consider the views of Aboriginal people affected by this proposal.

Could you please forward the names of those Aboriginal persons you consider may be affected by this proposal to me by Thursday 27 September 2012.

Please note that this correspondence has been sent to the following organisations in accordance with Section 4.1.2 of the consultation requirements:

a) Office of Environment and Heritage EPRG regional office, North West Dubbo
b) Nyngan Local Aboriginal Land Council
c) the Registrar, Aboriginal Land Rights Act 1983 for a list of Aboriginal owners
d) the National Native Title Tribunal for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements
e) Native Title Services Corporation Limited (NTSCorp Limited)
f) Bogan Shire Council, Nyngan
g) Central West Catchment Management Authority, Nyngan for contact details of any established Aboriginal reference group

Please contact me should you require any further information or wish to discuss this proposal.

Regards

Gerard Niemoeller
Principal Heritage Consultant
Figure 1: Avoca Tank project area (Stage 2) shown in light blue polygon (9.90 km²), part of Lot 3 (DP 751342), Lots 10 and 135 (DP 751315) on the Coolabah 8235 1:100,000 map sheet. The adjoining Stage 1 area (8.72km²) across part of Lots 10, 135 and 144 (DP 751315) is shown in the dark blue polygon and was the subject of a previous Aboriginal Cultural Heritage Assessment by On Site CIM (2012).
Onsite Cultural Heritage Management  
PO Box 574  
NAROOMA NSW 2546  
Att: Gerard Niemcicier  

13th September 2012  

Dear Gerard,  

WRITTEN NOTIFICATION AS REQUIRED UNDER OFFICE OF ENVIRONMENT AND HERITAGE (OEH) ABORIGINAL CULTURAL HERITAGE REQUIREMENT FOR PROPONENTS 2010 – Proposed Giralfavorite Avoca Tank Project Stage 2, Giralfavorite NSW  

I refer to your letter dated 12th September 2012 to the Office of Environment and Heritage (OEH) regarding the above matter.  

A list of known Aboriginal parties that OEH feels is likely to have an interest in this development is attached as Attachment 1 (overleaf). Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the requirements.  

If you wish to discuss any of the above matters further please contact me, at your earliest convenience, on (02) 6883 5361.  

Yours sincerely  

Paul Houston  
Aboriginal Heritage Planning Officer  
OEH  

The Department of Environment Climate Change and Water is now known as  
The Office of Environment and Heritage.

PO Box 2111, Dubbo NSW 2830  
46-52 Wingewarra St Dubbo NSW  
Tel (02) 6883 5330 Fax (02) 6884 9352  
www.environment.nsw.gov.au
**ATTACHMENT 1**

OEH'S LIST OF ABORIGINAL STAKEHOLDER GROUPS WITHIN THE BOGAN LGA - THAT MAY HAVE AN INTEREST IN THE PROJECT; PROVIDED AS PER THE "OEH ABORIGINAL CULTURAL HERITAGE REQUIREMENT FOR PROPOUNENTS 2010".

<table>
<thead>
<tr>
<th>Organisation/Affiliation</th>
<th>Name/Title</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bogan Aboriginal Corporation</td>
<td></td>
<td>PO Box 345, NYNGAN NSW 2825</td>
</tr>
<tr>
<td>John Shipp</td>
<td></td>
<td>79 Thompson Street, Dubbo</td>
</tr>
<tr>
<td>NYNGAN LALC</td>
<td>Chairperson</td>
<td>PO Box 43, NYNGAN NSW 2825</td>
</tr>
<tr>
<td>Trevor Robinson</td>
<td></td>
<td>Po Box 73, Peak Hill NSW 2899</td>
</tr>
<tr>
<td>Wiradjuri Interim Working Party</td>
<td></td>
<td>Po Box 73, Peak Hill NSW 2899</td>
</tr>
</tbody>
</table>

The Department of Environment Climate Change and Water is now known as The Office of Environment and Heritage.

PO Box 2111, Dubbo NSW 2830
48-52 Wingewarra St Dubbo NSW
Tel: (02) 6883 6330 Fax: (02) 6884 9382
www.environment.nsw.gov.au
Hi Gerard

As previous Sheila Couley Nyngan LALC & Lesly Ryan Bogan Aboriginal Corporation would be the people to contact for site work
Kind Regards

Veneta Dutton
Chief Executive Officer

NYNGAN Local Aboriginal Land Council
PO BOX 43
102 Pangee Street
Nyngan, NSW, 2825

p: 02 68 322 639
f: 02 68 322878
PO BOX 43 Nyngan NSW
nynganlalc@bigpond.com

This message (which includes any attachments) is intended only for the addressee and may contain privileged or confidential information. If you are not the intended recipient you must not use, disclose, copy or distribute this communication. If you have received this message in error please delete the email and any attachments and notify the sender as soon as possible. There is no warranty that this email is error or virus free. If this is a private communication it does not represent the views of the NSW Aboriginal Land Council.
Dear Mr Niemoeller

Native Title Search Results of town of Girilambone

Thank you for your search request of 12 September 2012 in relation to the above area.

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

<table>
<thead>
<tr>
<th>Register Type</th>
<th>NNTT Reference Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule of Applications (unregistered claimant applications)</td>
<td>Nil.</td>
</tr>
<tr>
<td>Register of Native Title Claims</td>
<td>NC12/1</td>
</tr>
<tr>
<td>National Native Title Register</td>
<td>Nil.</td>
</tr>
<tr>
<td>Register of Indigenous Land Use Agreements</td>
<td>Nil.</td>
</tr>
<tr>
<td>Notified Indigenous Land Use Agreements</td>
<td>Nil.</td>
</tr>
</tbody>
</table>

I have included a register extract, map attachment and a NNTT Registers fact sheet to help you understand the search result.

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

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the
external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to “Area covered by claim” section of the relevant Register Extract or Application Summary and any maps attached.

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

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

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

Yours sincerely

Jessica Di Blasio  | EXECUTIVE ASSISTANT/CLIENT SERVICES OFFICER
National Native Title Tribunal | Sydney Office, Operations East
Level 16, Law Courts Building, Queens Square, Sydney, New South Wales 2000
Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email jessica.dibliasio@anntt.gov.au
Freecall 1800 640 501 | www.nnntt.gov.au

Facilitating timely and effective outcomes.
Application Information and Extract from the Register of Native Title Claims

Application Information

Application numbers:

- Federal Court number: NSD415/12
- NNTT number: NC121

Application name:

Ngami, Nguwong, Wanggupower and Wayilwan native title determination application

Registration history:

Registered from 12/04/2012.

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

Application filed with: Federal Court of Australia

Date application filed:

14/03/2012

Date claim entered on Register:

12/04/2012

Applicants:

Mr. Blaine Gibson, Mr. Peter Williams, Mr. Beat Smith, Ms. Danielle.

Hackett Carpenter, Mr. Neville Merrett, Mr. Edward Shipp, Mr. John

Shipp, Mr. Graeme Gordon, Mr. Jason Ford

Address for service:

NTSCORP Ltd

Unit 14 Suite 2.02, 44-50 Rosehill Street

REDFERN, NSW 2016

Phone: (02) 9310 3188

Fax: (02) 9310 4477

Additional Information:

Not Applicable

Area covered by the claim:

X. Area covered by application

The area covered by the application ("the Application Area") comprises all of the land and waters within the external boundaries described in Attachment B and depicted in the map at Attachment C.

The Application Area description and map have been prepared with the assistance of the Geo Spatial Unit of the National Native Title Tribunal. The area covered by this application does not include the areas described at point B below.
(B) Areas within the external boundaries not covered by the application

1. The area covered by the application excludes any land and waters covered by past or present freehold title or by previous valid exclusive possession acts as defined by section 23B of the Native Title Act (1993) (Cth).

2. The area covered by the application excludes any land and waters which are:
   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 exclusive pastoral lease;
   e) a residential lease;
   f) a community purpose lease;
   g) a lease dissected from a mining lease and referred to in s.23B(2)(c)(vi) of the Native Title Act 1993 (Cth);
   h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

3. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

4. Subject to paragraphs 5 and 6, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or territory.

5. Subject to paragraph 7 below, where the act specified in paragraphs 2, 3 and 4 falls within the provisions of:
   a) s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
   b) s.23B(1A) - Establishment of a national park or state park;
   c) s.23B(9B) - Acts where legislation provides for non-extinguishment;
   d) s.23B(9C) - Exclusion of Crown to Crown grants; and
   e) s.23B(10) - Exclusion by regulation
the area covered by the act is not excluded from the application.

6. Where an act specified in paragraphs 2, 3 and 4 affects or affected land or waters referred to in:
   a) s.47 - Pastoral leases etc covered by claimant application;
   b) s.47A - Reserves covered by claimant application;
   c) s.47B - Vacant Crown land covered by claimant application
the area covered by the act is not excluded from the application.

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

8. The area covered by the application excludes the land and waters covered by the Barkandji People’s native title determination application NSD6084/1998 (Barkandji Traditional Owners #8 v Attorney General of NSW) (NC97/32).

Persons claiming to hold native title:
The Ngemba/Ngyampaa People are the native title claim group on whose behalf the Applicant makes this application. The native title claim group comprises all the descendents of the following apical ancestors:

Caroline Hilt (who was born on the Barwon River around 1847);
Thomas Sullivan (who was born in Brewarrina about 1860);
Nellie Colless (who was born in Brewarrina around 1868);
Billy Coleman (who was born in Cobar in 1840).
Mary Ann Allen (who was born in 1844);
Moses Biggs (who was born in 1837);
Polly Parkes (who was born in 1846);
Anne Brandy (who was born in Colane in 1874);
Caroline Brandy (who was born on Duck Creek in 1869);
Wadna Boe (who was born in 1848);
Richard King (who was born in 1827);
Juniya Keewong (who was born in 1849);
Kitty Narrangie;
Tom Dennis (who was born in Brewarrina in 1864);
Winnie Pierce (who was born in Brewarrina in 1878);
Jack Dennis (who was born on the Barwon River in around 1855);
Kate Baker (who was born in Boorooma in 1874);
Francis "Tracker" Williams (who was born in Gundabooka in 1883);
William Johnson (who was born in Big Willandra in 1876);
Henry Parkes (who was born in 1863);
Topsy Harris also known as Topsy Scotty (who was born in Marfield in 1866);
Jack Redtun;
Thomas Williams also known as Thomas Broughton (who was born in Roto);
Maggie Redtun (who was born in Keewong in 1868);
Ada Arnot (who was born in Nyngan in 1865);
Moses Divine;
Jack Smith (who was born in Mossgel in 1869);
Ellen Sprowl also known as Ellen McHughes (who was born in Brewarrina in 1867);
Fanny Hippi also known as Fanny Williams;
Millic Wells also known as Milie Shearer (who was born in Brewarrina in 1874);
Pluto Williams (who was born in Tind / Mossgel in 1873);
Steve Shaw (who was born in Coronga Peak in 1855);
Fanny Brown also known as Tiltagara Fanny (who was born in Hillston in 1862);
David Brown (who was born on the Macquarie River in 1850);
Janey Brown (who was born on the Macquarie River in 1853);
Betsy Gwen (who was born in Haddon Rigg near Warren in 1849);
Louise Hinton (who was born on the Macquarie River in 1843);
Cissy Lee (who was born in 1852);
Boorooma Murphy (who was born in Boorooma in 1832);
Harry Murphy (who was born in Brewarrina around 1871);
Thomas Nixon (who was born in Buttabone in 1843);
Colane Lumpy (who was born in 1864);
Charlotte Wilson;
Tilly Riley (who was born in 1863);
Geordie Murray (who was born in 1851 in Ivanhoe).

Registered native title rights and interests:
The following Native Title Rights & Interests were entered on the Register on 12/04/2012:
1. Where exclusive native title can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A, 47B apply), the Ngemba/Ngiyampaa People as defined in Schedule A of this application, claim the right to possession, occupation, use and enjoyment of the lands and waters of the application area to the exclusion of all others subject to the valid laws of the Commonwealth and the State of New South Wales.

2. Where exclusive native title cannot be recognised, the Ngemba/Ngiyampaa People as defined in Schedule A of this application, claim the following non-exclusive rights and interests including the right to conduct activities necessary to give effect to them:
(a) the right to access the application area;
(b) the right to use and enjoy the application area;
(c) the right to move about the application area;
(d) the right to camp on the application area;
(e) the right to erect shelters and other structures on the application area;

(f) the right to live being to enter and remain on the application area;

(g) the right to hold meetings on the application area;

(h) the right to hunt on the application area;

(i) the right to fish in the application area;

(j) the right to have access to and use the natural water resources of the application area;

(k) the right to gather and use the natural resources of the application area (including food, medicinal plants, timber, tubers, charcoal, wax, stone, ochre and resin as well as materials for fabricating tools, hunting implements, making artwork and musical instruments);

(l) the right to share and exchange resources derived from the land and waters within the application area;

(m) the right to participate in cultural and spiritual activities on the application area;

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

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

(p) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area;

(q) the right to speak for and make non-exclusive decisions about the application area in accordance with traditional laws and customs;

(r) the right to speak authoritatively about the application area among other Aboriginal People in accordance with traditional laws and customs; and

(s) the right to control access to or use of the lands and waters within the application area by other Aboriginal People in accordance with traditional laws and customs.

3. The native title rights and interests referred to in paragraph 2 do not confer possession, occupation, use or enjoyment of the lands and waters of the application area to the exclusion of all others.

4. 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 including the common law;

(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 and customs of the Ngemba/Ngiyampaa People for personal, domestic and communal purposes (including social, cultural, religious, spiritual and ceremonial purposes).

Register attachments:

1. A map showing the boundaries of the area covered by the application, Attachment C of the Application, 1 page - A3, Attached 14/03/2012.

2. Description of the area covered by the application, Attachment B of the Application, 4 pages - A4, Attached 14/03/2012.

Note: The Register may, in accordance with s.188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.
Searching the NNTT Registers in New South Wales

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

In New South Wales native title cannot exist on privately owned land including family home and farm.

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

In NSW because we cannot search the registers in relation to individual parcels of land we search by local government area.

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

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

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

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

Where the information is found
The information you are seeking is held in these registers and on an applications database.

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

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

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

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

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

Application summaries
An application summary contains a description of the location, consent and status of a native title claim.

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

How do you request a search?
A search request form is available on the Tribunal’s website at:
Mail, fax or email your request to the Tribunal’s Sydney registry, identifying the local government areas you want searched.

Email: NSWRenquiries@nntt.gov.au
Fax: (02) 9227 4089
Address: GPO Box 9973, Sydney NSW 2011
Phone: (02) 9227 4000
External boundary description

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

Commencing at the southernmost point of the application at the intersection of the centreline of the Roto Road reserve and the Lachlan River at Hillston and extending generally north westerly along the centreline of that road reserve to Mossiel Trunk Road; then generally westerly along the centreline of that road reserve to the Cobb Highway; then generally north westerly along the centreline of that road reserve to the Ivanhoe – Menindee Road; then generally westerly along the centreline of that road reserve to the eastern boundary of native title determination application NSD6084/98 Barkandji Traditional Owners 8 (NC97/32) at Longitude 144.206842° East; then continuing along the boundaries of that native title determination application, also described as:

From the centreline of the Ivanhoe – Menindee Road reserve at Longitude 144.206842° East; and extending northerly to the western boundary of Lot 4594 on DP767758 at Latitude 32.301343° South; then generally northerly along the western boundaries of that lot to the easternmost corner of Lot 776 on DP762100; then north westerly along the boundaries of that lot to the easternmost corner of Lot 775 on DP762082; then continuing north westerly and south westerly along the boundaries of that lot to the southernmost corner of Lot 774 on DP762102; then south westerly, north westerly, north easterly and south easterly along the boundaries of that lot to the southernmost corner of Lot 1979 on DP765987; then generally north easterly and north westerly along the boundaries of that lot to the westernmost corner of Lot 4595 on DP767759; then generally north easterly along the north western boundaries of that lot and Lot 1130 on DP762534 to the easternmost corner of Lot 939 on DP762071; then north westerly along the boundary of that lot to the southern boundary of the Barrier Highway road reserve; then north easterly and generally easterly along the southern boundaries of that road reserve to Longitude 144.803043° East; then generally north easterly through Longitude 144.804560° East, Latitude 31.576881° South to a point on the western boundary of Lot 1282 on DP763978 at Latitude 31.429323° South; then north westerly to the westernmost corner of that lot; then generally north easterly along the north western
boundaries of that lot; Lot 1283 on DP762979 and Lot 4176 on DP766743 to the easternmost corner of Lot 5412 on DP763323, being the point at which it leaves the boundary of native title determination application NSW/684/98 Barkandji Traditional Owners 8 (NC97/32).

Then continuing generally north easterly along the north western boundaries of Lot 4176 on DP766743, Lot 4177 on DP767744, Lot 4857 on DP769170 and onwards across Louth Road to the western boundary of Lot 2 on DP803696; then generally northerly along the south western boundary of that lot; south western and north western boundaries of Lot 964 on DP762132, south western boundary of Lot 3610 on DP765962, south western and north western boundaries of Lot 3609 on DP768964, western boundary of Lot 933 on DP762220, south western and north western boundaries of Lot 625 on DP761643 to its northermmost corner; then continuing north easterly across Gundabooka Kings Cross Road to the western boundary of Lot 1394 on DP763061; then generally northerly along the western and northern boundaries of that lot to the western most corner of Gundabooka National Park; then generally north easterly along the northern boundaries of that national park to the northernmost boundary of Lot 3147 on DP765352; then north easterly along the boundary of that lot to the western boundary of Lot 2250 on DP764515; then north westerly and easterly along the boundaries of that lot and onwards to the centreline of the Kidman Way road reserve; then generally northerly along the centreline of that road reserve to the prolongation westerly of the southern boundary of Lot 4678 on DP767842; then easterly to and along the southern boundary of that lot and Lot 263 on DP760955; then generally northerly along the eastern boundaries of that lot to the eastern boundary of an unnamed road reserve located between Lot 4291 on DP767038 and Lot 61 on DP751841; then northerly to centreline of that unnamed road reserve; then generally north easterly along the centreline of that road reserve to the eastern boundary of the Mitchell Highway; then continuing north easterly across that highway to the westernmost corner of Lot 52 on DP751841; then generally north easterly along the western boundary of that lot, eastern boundary of Lot 4133 on DP766636, western boundaries of Lot 40 on DP751867, Lot 42 on DP751867, Lot 6830 on DP43320 and Lot 6829 on DP43320 to the Kamilaroi Highway; then continuing north easterly across that highway to the centreline of an unnamed road reserve located parallel to the western boundary of Lot 39 on DP751867; then generally northerly along that road reserve to the prolongation southerly of the easternmost boundary of Lot 59 on DP751867, then generally northerly to and along the eastern boundary of that lot and the eastern
boundary of Lot 4357 on DP767194 to the Darling River and onwards to its centreline; then generally northerly, generally easterly and generally south easterly along the centreline of that river, the Barwon River, the Macquarie River and the Castlereagh River to the centreline of the Newell Highway at Gilgandra; then north westerly along the centreline of that highway road reserve to the Oxley Highway; then north easterly and generally westerly along the centreline of that highway road reserve to Nancarrow Road; then generally southerly along the centreline of that road reserve to Boothaguy Creek; then generally westerly along the centreline of that creek to again the Oxley Highway; then generally south westerly along the centreline of that highway road reserve to the Gunningbar Creek; then generally north westerly along the centreline of that creek to the Albert Priest Channel; then generally westerly along the centreline of that channel to an unnamed road reserve which bisects Lot 2 on DP23612; then generally south westerly along the centreline of that road reserve to the Mitchell Highway at Mullengudgery; then generally north westerly along the centreline of that highway road reserve to the Bogan River at Nyngan; then generally southerly along the centreline of that river to Bulbadney Creek; then generally southerly along the centreline of that creek to Tigers Creek; then generally south westerly along the centreline of that creek to Yarra Yarra Creek; then generally south westerly along the centreline of that creek to Longitude 146.921830° East, then westerly to an unnamed watercourse at approximately Longitude 146.911275° East, Latitude 32.558660° South; then generally westerly along the centreline of that watercourse to Fiveways Road; then westerly approximately 800 metres to an unnamed watercourse at Latitude 32.557767° South; then generally south westerly along the centreline of that unnamed watercourse to Tinda Creek; then generally southerly along the centreline of that creek to Morumbil Swamp; then generally south westerly along the centreline of that swamp, Crowie Creek, Booberooi Creek and the Lachlan River back to the commencement point.
Data Reference and source

- Application boundary data compiled by National Native Title Tribunal based on data provided by NTSCORP.
- Native title determination application NSTD094/98 Barkandji Traditional Owners 8 (NC97/32) as accepted for registration on 2 November 2006.
- Cadastre data sourced from Public Sector Mapping Agency (November 2010).
- Roads based on casement data sourced from LFM Authority, NSW.
- Rivers / Creeks based on casement data, 1:100,000 topographic data which is © Commonwealth of Australia and is supplied by Geoscience Pty Ltd under licence from Geoscience Australia and information supplied by NTSCORP (based on 2007 LPI (topographic data)).

Reference datum

Geographical coordinates have been provided by the NMIT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the interaction with such they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (19 August 2011)
Attachment C – Map of the Area covered by the application
Gerard Niemoller
On Site Cultural Heritage Management
PO Box 574
NAROOMA NSW 2546

Dear Gerard

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 12 September 2012 regarding Aboriginal Stakeholders within Giriambone area, 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 (NSW).

I suggest you contact the Nyngan Local Aboriginal Land Council. They may also be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely

Shannon Williams
Project Officer
Office of the Registrar, Aboriginal Land Rights Act (1983)

18 September 2012
18 September 2012 ref: oeh 18-9-12/1cor

Mr G. Niemoeller
OnSite Cultural Heritage Management Pty Ltd
PO Box 574
NAROOMA NSW 2546

Dear Mr Niemoeller

ACHA / AHIP : Avoca Tank Project (Stage 2) - Girilambone

I refer to your letter/notice dated 12/9/2012 received 17/9/2012.

Please refrain from forwarding notices of the subject nature via email – it is requested that you please send via Australia Post to: Notifications Officer – PO Box 2105 STRAWBERRY HILLS NSW 2012.

I acknowledge that section 4.1.2 of the Office of Environment & Heritage’s Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 require you to contact NTSCORP in order to compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places. However, NTSCORP’s privacy guidelines restrict us from providing proponents with contact details of traditional owners who may have such an interest or hold such knowledge.

In response to your notification, NTSCORP will forward your correspondence to any individuals, groups and organisations whom NTSCORP is aware assert traditional interests within or hold cultural knowledge about the relevant area. Recipients of our correspondence will be invited to register their interest in the project directly with you as soon as possible.

Please be aware that NTSCORP cannot make a guarantee or undertaking that the recipients of our correspondence represent the entirety of traditional owners for the relevant area. In order to undertake the said process, a time frame of 21 days is required. The subject notice will be processed as soon as possible.

You might wish to note that my attempts to contact you via email on each of gniemoeller@skymesh.com.au and gerard@onsitechm.com.au were returned as ‘undeliverable’.

Yours faithfully

Peter Schultz
Senior Land Tenure & Notifications Officer
9 October 2012

Registering Interest for an Aboriginal Cultural Heritage Assessment and Aboriginal Heritage Impact Permit application – Girilambone Avoca Tank Project (Stage 2), Bogan Shire Council NSW 2831

I am writing to you in accordance with Section 4.1.3 of the Aboriginal cultural heritage consultation requirements for proponents.

Tritton Resources Limited Pty is in the early stage of exploring a newly identified resource to the north of its Girilambone Copper Mine, currently referred to as the Avoca Tank Project. The Avoca Tank Project land is divided into two stages and situated across 18.62km². The land is located approximately 4 kilometres north west of Girilambone NSW 2831 along the Mitchell Highway.

The Avoca Tank Stage 1 project land covers approximately 8.7km² across part of Lots 10, 135 and 144 (DP 751315) on the Coolabah 8235 1:100,000 map sheet. The Stage 1 land was the subject of a previous Aboriginal Cultural Heritage Assessment by On Site Cultural Heritage Management between April and August (2012).

On Site Cultural Heritage Management has now been contracted to conduct an Aboriginal Cultural Heritage Assessment of the adjoining Avoca Tank Stage 2 project land across 9.90 km², part of Lot 3 (DP 751342), Lots 10 and 135 (DP 751315) on the Coolabah 8235 1:100,000 map sheet). The assessment may result in an application for an Aboriginal Heritage Impact Permit (AHIP) pursuant to the NSW National Parks and Wildlife Act. A map showing the location of the Avoca Tank project area (Stages 1 and 2) is attached.

Purpose of this letter

The preparation of an AHIP requires the proponent to establish a Register of Interest for the project and undertake community consultation as outlined in the Office of Environment and Heritage Aboriginal cultural heritage consultation requirements for proponents. These requirements set out and establish a 4 stage consultation process.
Your details were provided to me in response to correspondence to those organisations listed in Section 4.1.2 of the Aboriginal cultural heritage consultation requirements for proponents. I am now writing to you in accordance with Section 4.1.3 of those requirements. A list of organisations and individuals corresponded with as part of this process is also attached for your information.

More specifically the proponent has engaged the services of On Site Cultural Heritage Management to:

- undertake the community consultation process as per the Aboriginal cultural heritage consultation requirements for proponents
- undertake an Aboriginal Cultural Heritage Assessment of the Avoca Tank Project (Stage 2) and
- prepare Aboriginal Heritage Impact Permit application (if required)

The purpose of establishing the Register of Interest is to formally identify and undertake community consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of the Avoca Tank project area (Stage 2) or Aboriginal objects within the subject land (9.90 km² across part of Lot 3 (DP 751342), Lots 10 and 135 (DP 751315) on the Coolabah 8235 1:100,000 map sheet and within the Bogan Shire).

The purpose of Aboriginal community consultation is to assist the proponent in the preparation of an application for an Aboriginal Heritage Impact Permit (AHIP) and to assist the Director General of the Office of Environment and Heritage in his or her consideration and determination of that application.

Should you decide to register your interest you will be provided with further information consisting of a proposed methodology for the project (in accordance with Stage 2 of the consultation requirements) and a list of questions to assist OEH in understanding the cultural value of the project area (to assist with Stage 3).

I am also required to inform you that should you decide to register your interest your details will be forwarded to Office of Environment and Heritage, Dubbo and the Nyngan Local Aboriginal Land Council unless you specify that you do not want your details released.

If you hold cultural knowledge relevant to determining the cultural significance of the Aboriginal objects located within the Avoca Tank project area or Aboriginal objects within the subject land (9.90 km², part of Lot 3 (DP 751342), Lots 10 and 135 (DP 751315) on the Coolabah 8235 1:100,000 map sheet and within the Bogan Shire then I invite you to register your interest for this project. You can register your interest by writing a letter, email or telephoning me by 24 October 2012. My contact details are provided above. If you are registering your organisation then please provide the name and details of a nominated contact person.

Please note that any registrations of interest received after 24 October 2012 will not be included on the register. A notice inviting registrations of interest and participation in the community consultation process also appeared in the Public Notices of the Nyngan Observer on Wednesday 10 October 2012.
Please contact me should you require any further information or wish to discuss this proposal.

Regards

Gerard Niemoeller
Principal Heritage Consultant

List of Aboriginal organisations / individuals identified during Stage 4.1.2 of Aboriginal cultural heritage consultation requirements for proponents and invited to register interest as part of this assessment

<table>
<thead>
<tr>
<th>Aboriginal Organisation / Individual Name</th>
<th>Address</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bogan Aboriginal Corporation</td>
<td>46 Nymagee St, PO Box 345, NYNGAN NSW 2825</td>
<td><a href="mailto:boganac@netxp.com.au">boganac@netxp.com.au</a> Ph: (02) 6832 1750 M: 0419418851</td>
</tr>
<tr>
<td>CEO Lesly Ryan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nyngan Local Aboriginal Land Council / Vaneta Dutton CEO</td>
<td>PO Box 43, NYNGAN NSW 2825</td>
<td><a href="mailto:nynganlalc@bigpond.com">nynganlalc@bigpond.com</a></td>
</tr>
<tr>
<td>Marra Wallan Pty Ltd</td>
<td>79 Thompson Street, PO BOX 6088 Dubbo NSW 2830</td>
<td><a href="mailto:john@marrawallan.com.au">john@marrawallan.com.au</a> <a href="mailto:john.shipp@bigpond.com">john.shipp@bigpond.com</a></td>
</tr>
<tr>
<td>Mr John Shipp CEO</td>
<td></td>
<td></td>
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<tr>
<td>NTS Corp Ltd on behalf of Native Title application for the Ngemba/Ngiyampaa People</td>
<td>NTSCORP Ltd, Notifications Officer PO Box 2105 STRAWBERRY HILLS NSW 2012. Unit 1a Suite 2.02, 44-70 Rosehill Street REDFERN NSW 2016</td>
<td>Phone: (02) 9310 3188 Fax: (02) 9310 4177</td>
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<tr>
<td>(Federal Court number: NSD415/12, NNTT number: NC12/1) and Native Title applicants:</td>
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<tr>
<td>Mrs Elaine Olsuen</td>
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<td>Mr Peter Williams</td>
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<td>Mr Brett Smith</td>
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<td>Ms Danielle Flakeler-Carney</td>
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<td>Mr Neville Merritt</td>
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<td>Mr Edward Shipp</td>
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<td>Mr John Shipp</td>
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<tr>
<td>Ms Grace Gordon</td>
<td></td>
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<tr>
<td>Mr Jason Ford</td>
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<tr>
<td>(identified by National Native Title Tribunal)</td>
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</tr>
<tr>
<td>Trevor Robinson</td>
<td>PO Box 73, Peak Hill NSW 2869</td>
<td></td>
</tr>
<tr>
<td>Wiradjuri Interim Working party</td>
<td>PO Box 73, Peak Hill NSW 2869</td>
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</tbody>
</table>
ABORIGINAL CULTURAL HERITAGE ASSESSMENT - Methodology and Significance

Avoca Tank Project – Stage 2 (Tritton Resources) Girilambone, Bogan Shire NSW 2831

TO THE REGISTERED ABORIGINAL PARTIES:

Bogan Aboriginal Corporation - Lesly Ryan, CEO
Nyngan Local Aboriginal Land Council - Vaneta Dutton CEO
Native Title Services for Ngemba/Ngiyampaa Claimants – c/o Neville Kim

1.0 INTRODUCTION

This document is provided to the ‘Registered Aboriginal Parties’ in accordance with Stage 2 and Stage 3 (Sections 4.2 and 4.3) of the Aboriginal cultural heritage consultation requirements for proponents 2010 (Requirements).

The Registered Aboriginal Parties are those persons and organisations who registered their interest as part of Stage 1 (Section 4.1.3) of the Requirements and in response to:

- Correspondence of 9 October 2012 or
- The notice inviting registrations of interest and participation in the community consultation process that appeared in the Public Notices of the Nyngan Observer on Wednesday 10 October 2012.

The names of the Registered Aboriginal Parties are listed above at the top of this correspondence their contact details are included at the end of this document. Information about the project is provided below in Section 2.0.
According to Section 1.1 (pg 1), the purpose of the Aboriginal cultural heritage consultation requirements for proponents document is to establish the requirements for consultation with the Registered Aboriginal Parties as part of the heritage assessment process, to determine potential impacts of proposed activities on Aboriginal objects and places and to inform decision making for any application for an AHIP.

The aim is to facilitate positive Aboriginal cultural heritage outcomes by (Section 1.1, pg 1):

- affording an opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects(s) and/or place(s) in the area of the proposed project to be involved in consultation so that information about cultural significance can be provided to CEH to inform decisions regarding applications for an AHIP;

- providing Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects (s) and/or place(s) in the area of the proposed project with the opportunity to participate in decision making regarding the management of their cultural heritage by providing proponents information regarding cultural significance and inputting into management options.

2.0 THE PROJECT – AVOCA TANK (STAGE 2)

Tritton Resources Limited Pty Ltd is in the early stage of exploring a newly identified resource to the north of its Giralambone Copper Mine, currently referred to as the Avoca Tank Project. The Avoca Tank Project land is divided into two stages and situated across 18.62km². The land is located approximately 4 kilometres north west of Giralambone NSW 2831 along the Mitchell Highway.

The Avoca Tank Stage 1 project land covers approximately 8.7km² across part of Lots 10, 135 and 144 (DP 751315) on the Coolahah 8235 1:100,000 map sheet. The Stage 1 land was the subject of a previous Aboriginal Cultural Heritage Assessment by On Site Cultural Heritage Management between April and August (2012).

On Site Cultural Heritage Management has been engaged to conduct an Aboriginal Cultural Heritage Assessment of the adjoining Avoca Tank Stage 2 project land across 9.90 km², part of Lot 3 (DP 751342), Lots 10 and 135 (DP 751315) on the Coolahah 8235 1:100,000 map sheet. As part of the assessment process On Site CHM is also conducting community consultation as per the process in the Aboriginal cultural heritage consultation requirements for proponents.

The exploration proposed to be undertaken by Tritton Resources involves an exploratory drilling program across the area of 200+ drill holes. The majority of this program is intended to be air core drilling which is performed and launched from the back of a small specially modified 4WD truck requiring little to no clearing of drill pads.
Some further exploratory drilling using truck mounted rigs and requiring clearing of drill pads may also be undertaken in some localised areas within exploration area. The results of the exploratory drilling program will influence whether any future proposed mining will be proposed and the overall footprint of the project and mine layout (above ground open cut mining or underground mining).

The assessment may result in an application for an Aboriginal Heritage Impact Permit (AHIP) pursuant to the NSW National Parks and Wildlife Act. A map showing the location of the Avoca Tank project area (Stages 1 and 2) is attached.

3.0 METHODOLOGY FOR THIS ABORIGINAL CULTURAL HERITAGE ASSESSMENT

The aim of Stage 2 (Section 4.2) of the requirements is to provide registered Aboriginal parties with information about the scope of the proposed project and the proposed cultural heritage assessment process. Information about the project is provided above in Section 2.0.

The methodology for the current assessment is proposed to include:

- Consultation with the Aboriginal Community to identify Aboriginal traditional owners, elders and custodians who can speak about this place (Registered Aboriginal Parties); ascertain their views about the cultural significance of the Aboriginal objects; identify whether there are particular research themes or questions of interest that could be incorporated into any research design or addressed through archaeological assessment (Stage 2 and 3 of the requirements — this document).

- An AHIMS database search to identify previously recorded sites within or within proximity to the study area. An AHIMS database search has identified that there are no previously recorded Aboriginal sites within the identified area.

- Review of other relevant heritage registers (such as the Register of the National Estate, NSW State Heritage Register, Bogan Local Heritage Register). A search of these databases has not identified any historic places or objects within the project area.

- Review relevant cultural heritage and archaeological reports to provide a regional and local context for the assessment of this Aboriginal place and associated objects.

- Conduct a site assessment (survey) to identify, record and document information about Aboriginal objects relevant to determining and assessing the cultural heritage significance.

- Preparation of a report documenting the results of the above processes, assessment of the places significance and the formulation of appropriate heritage management strategies.

- Preparation of an Aboriginal Heritage Impact Permit application (if required).
This assessment is being conducted in accordance with relevant DECCW policy and regulations and specifically:

- Aboriginal cultural heritage consultation requirements for proponents 2010
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales
- Guide to investigation, assessing and reporting on Aboriginal Cultural heritage in NSW
- Applying for an Aboriginal Heritage Impact Permit: Guide for applicants

4.0 CONSULTING WITH ABORIGINAL PEOPLE ABOUT THE SIGNIFICANCE OF THE PROJECT AREA

Stage 3 (Section 4.3) of the Aboriginal cultural heritage consultation requirements for proponents 2010 requires the proponent to seek information about the cultural significance of the project area land and the Aboriginal objects or places that may be within. The purpose of this stage is also to facilitate a process whereby the registered Aboriginal parties can:

a) contribute to culturally appropriate information gathering and the research methodology
b) provide information that will enable the cultural significance of Aboriginal objects and/or places on the proposed project area to be determined
c) have input into the development of any cultural heritage management options.

A list of questions about the proposed project and assessment is provided below. These questions are only suggestions and you may provide any additional information you feel is necessary to inform the proponent and OEH about the Aboriginal cultural significance or values of the project area.

1. Are there any objects or places of cultural value in the project area or in the immediate proximity? If so how do you think the proposed development might affect those values?

2. Do you have any cultural concerns or perspectives about this assessment or project?

3. Do you think there is the potential for burials to occur at the site? If so why?

4. Are there any particular research questions you would like to see answered through the archaeological assessment process?

5. Have you got any views about the management of the lands within the Avoca Tank Project Area that may not be impacted?

6. Is any of the information you have provided culturally sensitive and is it OK to print your views in a report?
5.0 PRELIMINARY ASSESSMENT

An ARIMS site search has been conducted for the Stage 2 area and reveals that there are no previously recorded Aboriginal objects or sites within the project area. An examination of topographic maps and aerial photography shows that the Stage 2 land is relatively flat, undifferentiated and there are no obvious features (such as sources of water, hills) that may have acted as focal points for Aboriginal occupation in the past.

Based on previous studies in the region the most likely Aboriginal sites types present in the project area will be stone artefacts, hearths/earth mounds and scarred trees. Given the potential absence (on maps) of potable water in the project and wider area these occurrences are predicted to be infrequent and isolated.

6.0 WHERE TO FROM HERE?

Registered Aboriginal parties have 28 days to review this document and provide information about the assessment methodology and significance of the project area. Your views and any written submissions you make will be incorporated into the assessment and report and provided to OEH.

If you would like to review this document and provide further comment please do so by Saturday 24 November 2012.

Registered Aboriginal parties will also have a further 28 days to review the final Aboriginal Cultural Heritage Assessment report.

Please contact Gerard Niemoeller of On Site Cultural Heritage Management on 0414441896 should you require any further information or wish to discuss this proposal.
**List of Aboriginal organisations / individuals who registered their interest during Stage 4.1.3 of Aboriginal cultural heritage consultation requirements for proponents and as part of this assessment**

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<tr>
<th>Aboriginal Organisation / Individual Name</th>
<th>Address</th>
<th>Contact Details</th>
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<tr>
<td>Bogan Aboriginal Corporation</td>
<td>46 Nymagee St PO Box 345 NYNGAN NSW 2825</td>
<td><a href="mailto:boganac@netxpo.com.au">boganac@netxpo.com.au</a> Ph: (02) 6832 1750 M: 0419418851</td>
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<td>CEO Lesly Ryan</td>
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<tr>
<td>Nyngan Local Aboriginal Land Council /</td>
<td>PO Box 43 NYNGAN NSW 2825 <a href="mailto:nynganlalc@bigpond.com">nynganlalc@bigpond.com</a></td>
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<td>Vaneta Dutton CEO</td>
<td></td>
<td></td>
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<tr>
<td><strong>NTS Corp Ltd on behalf of Native Title</strong></td>
<td></td>
<td>Phone: (02) 9310 3188 Fax: (02) 9310 4177</td>
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<td>application for the Ngemba/Ngiyampaa</td>
<td>NTSCORP Ltd Notifications Officer PO Box 2105 STRAWBERRY HILLS NSW 2012. Unit 1a Suite 2.02, 44-70 Rosehill Street REDFERN NSW 2016</td>
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Figure 1: Avoca Tank project area (Stage 2) shown in light blue polygon (9.90 km$^2$), part of Lot 3 (DP 751342), Lots 10 and 135 (DP 751315) on the Coolabah 8235 1:100,000 map sheet. The adjoining Stage 1 area (8.72 km$^2$) across part of Lots 10, 135 and 144 (DP 751315) is shown in the dark blue polygon and was the subject of a previous Aboriginal Cultural Heritage Assessment by On Site CHM (2012).
APPENDIX 3
Appendix 3.1: Parish of Gidalambone 1910 Map

Appendix 3.2: Parish of Gidalambone 1916 Map
Appendix 3.3: Parish of Gidalambone 1937 Map

Appendix 3.4: Parish Map of The Brothers 1911
Appendix 3.5: Parish Map of The Brothers 1926

Appendix 3.6: Parish Map of The Brothers 1957
APPENDIX 4
ENVIRONMENTAL IMPACT STATEMENT

TRITTON RESOURCES PTY LTD
Avoca Tank Project
Report No. 859/02

Appendix 5

Avoca Tank Project
Report No. 859/02

AHIMS Web Services (AWS)
Search Result

Onsite Cultural Heritage Management - Narooma
PO Box 574
Narooma New South Wales 2546
Attention: Gerard Neumann
Email: gerard@onsite.dhm.com.au

Date: 26 September 2012
Client Service ID: 81415

Dear Sir or Madam,

AHIMS Web Service search for the following area at Datum: GDA Zone: 55, Eastings: 4790000, 4810000,
Northings: 65450000 - 65550000 with a Buffer of 0 meters, conducted by Gerard Neumann on 26 September
2012

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

| 57 Aboriginal sites are recorded in or near the above location. |
| 0 Aboriginal places have been declared in or near the above location. * |

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

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the
  search area.
- If you are checking AHIMS as part of your due diligence, refer to the next steps of the Due Diligence Code of
  practice.
- You can get further information about Aboriginal places by looking at the gazetted notice that declared it.
  Aboriginal places gazetted after 2001 are available on the NSW Government Gazette
  (http://www.nsw.gov.au/gazette) website. Gazetted notices published prior to 2001 can be obtained from
  Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested.
- It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and
  Heritage and Aboriginal places that have been declared by the Minister.
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are
  recorded as grid references and it is important to note that there may be errors or omissions in these
  recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of
  Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded
  as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

FO BOX 1967 Hurstville NSW 2220
43 Bridge Street HURSTVILLE NSW 2220
Tel: (02) 9585 6345 (02) 9585 6741 Fax: (02) 9585 6094
ABN 30 841 387 371
Email: sitehn@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

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## Environmental Impact Statement

### Tritton Resources Pty Ltd

**Appendix 5 Avoca Tank Project**

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*Report generated by AHIMS Web Service on 26/9/2012 for Gerard Niemoller for the following areas at Datum: GDA, Zone: 55, Eastings: 478900 - 492000, Northings: 654900 - 655500 with a Buffer of 8 meters. Additional Info: Used to provide context for archaeological study. Number of Aboriginal sites and Aboriginal objects found in 57.

This information is not guaranteed to be free from errors. Office of Environment and Heritage (NSW) and its employees declining liability for any actions or omissions made on the information and consequences of such acts or omissions.*
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
National Parks and Wildlife Service

Box 1947, Hornsby NSW 2077, Tel: 1800 633 644

Standard Site Recording Form

ujemy 970

HEAD OFFICE USE ONLY:

NPWS Site no: 26-3-970

Site type: Open Campsite

Accessed by: [Name]

Date: [Date]

Site name: Gooleah 8285

NPWS District: Colo

Region: Colo Lamington

Reason for investigation: Arch. Survey - EIS

Person in charge: [Name]

Photographs taken? No

How many attached? 1

How to get to the site from the nearest town: From Boolongong Rd, site is located approx. 5.5 km along main access track to N. End prospect, approx 50 m from dam 1000

Other sites nearby: Yes

Are these sites in the NPWS Register? Yes

Has this site been listed on the Register? No

Has the site been intervened upon? Yes

Why? Deposited where?

Is the site important to local Aboriginal groups? Yes

Name, contact details (names, addresses, phone numbers): [Details]

Contacted for this recording? Yes

Attached adaption information recorded? No

Arch. Survey & Cultural Heritage Management

Copper Mine, N. East Prospect

Condition of site: Disturbed

Recommendations for management & protection: Inactive

T. Kelton

Address: [Address]

Date: 16/12/1997
## Site Position & Environment

<table>
<thead>
<tr>
<th>Site Position &amp; Environment</th>
<th>Office Use Only: NPWS Ref No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Location &amp; beach/marsh/edge top, etc.</td>
<td>North East, East, Southeast</td>
</tr>
<tr>
<td>2. Local rock type</td>
<td>Coastal Geology</td>
</tr>
<tr>
<td>3. Distance from drinking water</td>
<td>20 km from Source</td>
</tr>
<tr>
<td>4. Vegetation</td>
<td>Open woodland</td>
</tr>
<tr>
<td>5. Edible plants</td>
<td></td>
</tr>
<tr>
<td>6. Faunal resources (include shellfish)</td>
<td></td>
</tr>
<tr>
<td>7. Other exploitable resources (mer pebbles, cone, etc.)</td>
<td></td>
</tr>
</tbody>
</table>

### Site Type

<table>
<thead>
<tr>
<th>Site Type</th>
<th>Site Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Remote Noto</td>
</tr>
</tbody>
</table>

### Description of Site & Contents

Note scale of preservation of site & contents. Do NOT displace or move site or contents.

**PART OF OPEN RAY Foyer**

**Scatter Site**

**GC 05-1**

### Attachments

- Sketches etc. eg. plan & section of assemblage, show relation between site contents, indicate north, show scale.
- Attach aerial photos showing where useful, showing scale, particularly for sites.
**National Parks and Wildlife Service**

**Standard Site Recording Form**

<table>
<thead>
<tr>
<th>NPWS Code</th>
<th>1250,000 map sheet:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z02</td>
<td>Z02</td>
</tr>
</tbody>
</table>

**AMG Grid reference:**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Column</th>
<th>Row</th>
</tr>
</thead>
<tbody>
<tr>
<td>48S</td>
<td>E17</td>
<td>L25N</td>
</tr>
</tbody>
</table>

**Scale of map used for site reference:** 1:25,000

**Yes:** 25K, 50K (Chosen)

**MHN:** 1:100K

**Comments:**

**Other sites in locality:** Yes

**Site Types:**

- Open Area
- Track

**Have a Photo Been taken from site:** No

**When:**

**Comparison Area:**

- Deposited where?

**Site recorded by:**

- J. Kelton

**Address:**

- Cnr. | 10/4/1994

---

**Arch. Survey**

**Girrakool**

---

**Site No.:** 6C-01/15-2

**Date:**

- 26-3-0071

---

**Report No. 859/02**

**TRITTON RESOURCES PTY LTD**

**Avoca Tank Project**

---

**ENVIROMENTAL IMPACT STATEMENT**

**Appendix 5**
### Site Position & Environment

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landform</td>
<td>Beach/Ripple/mudflat, etc.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>?</td>
</tr>
<tr>
<td>Soil</td>
<td>?</td>
</tr>
<tr>
<td>Land usage</td>
<td>?</td>
</tr>
<tr>
<td>Resource Zone</td>
<td>?</td>
</tr>
<tr>
<td>Distance to drinking water</td>
<td>?</td>
</tr>
<tr>
<td>Geology</td>
<td>?</td>
</tr>
</tbody>
</table>

### Appendix 5

**Avoca Tank Project**

Report No. 859/02

**Enviro Site - Nest**

**Description of Site & Contents:**

- Note state of preservation of site & contents. Do NOT dig, disturb, damage site or contents.
- **Family Nest Site**
  - Associated with *Open Artwork Another Site*
  - 12-05-1
<table>
<thead>
<tr>
<th>SITE POSITION &amp; ENVIRONMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Landform &amp; bedrock; topography too. Own sheet no.</td>
</tr>
<tr>
<td>a. aspect east c. slope</td>
</tr>
<tr>
<td>4. Landform type</td>
</tr>
<tr>
<td>2. Distance to drinking water</td>
</tr>
<tr>
<td>3. Resource zone associated with site (aquifer, pipeline, forest etc.)</td>
</tr>
<tr>
<td>4. Vegetation.</td>
</tr>
<tr>
<td>5. Edible plants noted</td>
</tr>
<tr>
<td>6. Faunal resources (include threatened)</td>
</tr>
<tr>
<td>7. Other exploitable resources (honey, petrels, oysters etc.)</td>
</tr>
<tr>
<td>Site type</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESCRIPTION OF SITES CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note state of preservation of site &amp; contents. Do NOT dig or deface damage site or contents.</td>
</tr>
</tbody>
</table>

As for bike tracks:

<table>
<thead>
<tr>
<th>CHECKLIST TO HELP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length, width, depth.</td>
</tr>
<tr>
<td>Topsoil &amp; subsoil.</td>
</tr>
<tr>
<td>Deposits, strata.</td>
</tr>
<tr>
<td>Stratigraphic anomalies, boreholes, test pits.</td>
</tr>
<tr>
<td>Deposits, strata.</td>
</tr>
<tr>
<td>Artifactual features.</td>
</tr>
<tr>
<td>Natural features.</td>
</tr>
<tr>
<td>Vegetation.</td>
</tr>
<tr>
<td>Faunal resources.</td>
</tr>
<tr>
<td>Other exploitable resources.</td>
</tr>
</tbody>
</table>
Site located 50m south of soak along go. mng and incline No's

Diameter 250m x 50m

Y held sites average 75m diam

>30 quartz flakes

Flakes

Spears

Soak

\[
\begin{align*}
\text{Flakes} &= \{25, 22, 23, 18, 15, 10, 6, 4, 3\} \\
\text{Spears} &= \{10, 7, 5, 4, 3\}
\end{align*}
\]

OnSite Cultural Heritage Management
Mangaur - Buffer Zone

16-12

- 250 metres along
- 240 metres across

1) Hand ground stone / Volcanic / Pebble / Bifacial
   - Silica flow of
   - Abrasion on edges
   - Negatives seen - possibly for use as a hammer stone

2) Broken - quartzite pebble

3) 23 x 15 x 7
   - Yellow chert
   - Flake
National Parks and Wildlife Service

Appendix 5  Avoca Tank Project

Report No. 859/02

[Image]

Name: GE-05-1 Locality or property: Girilambone Goree Girilambone

Reason for investigation: Rock Survey

Person in charge: Girilambone

How to get to site: From Borongena Rd, a N east impact

Site 5 km from Borongena Rd, a N east impact

See Report for location.

Other sites in vicinity:

Are these in NSW Register?

Yes

Site Types include: Open Artfacts Acheology

Have artefacts been removed from site?

No

When?

Discussed with N.

Is this important to people/Aborigines?

Yes

Contact: John Welden, Ngaru Wac

Contacted for this recording?

Yes

Was additional Aboriginal information taken in or not, why not?

Yes

Vegetation/Soil/Climatic reference sources: History since European contact

Girilambone Report 1992, Forrest

[Diagram]

Condition of site: Exposed, low integrity

Vegetation or exposed earth

Recommendations for management & protection of site (if necessary)

As per report

Site recorded by: I. Kellen

Date: 16/12/1991

OnSite Cultural Heritage Management

A5-183
TRITTON RESOURCES PTY LTD
Avoca Tank Project
Report No. 859/02

National Parks and Wildlife Service

Site No. 46-058-1
Locality/property name Goolagong Caves Beerwah, Gympie

Reason for investigation...by...EIS

Section No. Parent
Goolagong Caves

How to get to the site (e.g., turn off):
From Booroomi Rd, north of Lake Aroona, approx. 3.5 km.

Access track(s): N-East prospect, approx. 50 m. from ham.

Are there any other structures present?
Yes

Site Types include:
Open Pit/wood Scooner

Additional information:
Buddy, Ian, Gympie, 12 Jan.

Copper Mine, N-East Prospect

Condition of site: Disturbed

Recommendations for management & protection:

OnSite
Cultural Heritage Management
<table>
<thead>
<tr>
<th>SITE POSITION &amp; ENVIRONMENT</th>
<th>OFFICE USE ONLY: NFWS site no.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Landform: a. base/moor, lopéraage, e.g., Siora</td>
<td>b. site aspect: 150°</td>
</tr>
<tr>
<td>a. mark on diagram provided or on your own sketch the position of the site</td>
<td>c. slope: 30°</td>
</tr>
<tr>
<td>e. Describe briefly:</td>
<td></td>
</tr>
<tr>
<td>2. Landscape type:</td>
<td>g. Land use/laterly:</td>
</tr>
<tr>
<td>Bauxite</td>
<td>Grazing, Mining</td>
</tr>
<tr>
<td>3. Resource Zone associated with site (e.g., marl, wine, forest etc.)</td>
<td></td>
</tr>
<tr>
<td>4. Vegetation:</td>
<td></td>
</tr>
<tr>
<td>Ex. Dry shrubland</td>
<td></td>
</tr>
<tr>
<td>5. Edible plants noted:</td>
<td></td>
</tr>
<tr>
<td>6. Fossil resources (include shellfish):</td>
<td></td>
</tr>
<tr>
<td>7. Other exploitable resources (river pebbles, oyster, etc.):</td>
<td></td>
</tr>
</tbody>
</table>

**DESCRIPTION OF SITE & CONTENTS**

Note: State of preservation of site & contents: Do NOT erode, damage site or contents.

<table>
<thead>
<tr>
<th>Site type:</th>
<th>Detailed Site</th>
</tr>
</thead>
</table>

**COMPLETE Site**

PART OF SITE 1

EC 01

Attached sketches etc., eg, plan & section of a site, show relation between site contents, indicate north, show scale.

A sketch in reverse phrasing is used where useful allowing scale, particularly for art sites.
ENVIRONMENTAL IMPACT STATEMENT
TRITTON RESOURCES PTY LTD
Avoca Tank Project
Report No. 859/02

SITE POSITION & ENVIRONMENT

1. Longform a. beach/mnt slope/slope top, etc. b. slice Slope
c. slope: 2°
d. mark on diagram provided or your own sketching position of the site:
e. Describe briefly:

2. Local rock type

3. Vegetation

4. Fauna and flora

5. Topography

6. Fauna resources (include habitat)

7. Other exploitable resources (dove, pelicans, cockatoo, etc.)

DESCRIPTIOH OF SITE & CONTENTS

Site type:

Site name:

(Site name)

CHECKLIST TO HELP REVIEWER

1. Site plan
2. Site condition
3. Site description
4. Site history
5. Site location
6. Site function

Attach sketches etc. eg plan & section of shelter, show relation between site contents, indicates north, show scale

Attach answers to above questions where useful, showing scale, particularly for art sites.
OS-1
F 5

1) Hand grinding stone / Volcanic / Pebble / Bifacial
  - siliceous matrix
  - abrasion on edges
  - negative scar possibly from use as a hammerstone
  - 78 x 60 x 40

2) Broken quartzite pebble
  - 48 x 30 x 30

3) 28 x 15 x 7 yellow ochred flake

---

OnSite Cultural Heritage Management

A5-189
National Parks and Wildlife Service

[Form Details]

[Site Details]

Position no:

Parcels:

Photos taken? Yes

How to get to site:

Location with GPS: No landmarks

Archaeological survey

Archaeological survey

Buddy Weldon, Nyungen, LAHE

Cultural heritage management

Condition of site:

As per report

Signet: [Signature]

Date: 14/12/94

Address: 92 Darling St

Caura
National Parks and Wildlife Service
Box 1587, Mount Isa NSW 2309. Tel (02) 550 0444
Standard Site Recording Form Revised 5/95
26-3-0145

ENVIRONMENTAL IMPACT STATEMENT
TRITTON RESOURCES PTY LTD
Avoca Tank Project
Report No. 859/02

Appendix 5
Avoca Tank Project
Report No. 859/02

Site name: G6-HS-82
Locality: Gilmilambone Copper Mine, North West Prospect
Region: Gilmilambone

Reason for investigation
ARCH SURVEY.

Petition No.

Owner
Gilmilambone

Does the site contain any permanent features? Yes

How many are there? 1

Are any of these features on the National Parks Register? No

Are any of these features on the Aboriginal Cultural Heritage Register? No

Is the site important to local Aboriginal people? Yes

Give contact details (name, address, contact number):
Buddy Weldon Jyngan, L.A.C.

Checklist:
- Surface visibility
- Mangroves
- Plants
- Conditions at site:

Recommendations for management & protection (attach separate sheet if necessary):

$3 per report

Site recorded by: J. RECTOR
Date: 11/12/94
Address: 92 Darling St
Coura, 2109.
### Site Position & Environment

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landform</td>
<td>Rocky</td>
</tr>
<tr>
<td>Slope/Aspect</td>
<td>N-S</td>
</tr>
<tr>
<td>Depth</td>
<td>3m</td>
</tr>
<tr>
<td>Land use/Effect</td>
<td>Grazing/Mining</td>
</tr>
<tr>
<td>Distance from Drinking Water</td>
<td>20 km</td>
</tr>
<tr>
<td>Resource Zone</td>
<td>Bogon Flute</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Euc. dry sclerophyll</td>
</tr>
</tbody>
</table>

#### Checklist to Help
- Native plants
- Trees & shrubs
- Native animal species
- Indigenous knowledge
- Historical landmarks
- Cultural significance
- Aboriginal sites
- Environmental impact

#### Description of Site & Contents

Attach sketches etc., eg plan & section of shelter, show relation between site contents, indicate north, show scale.

#### Notes

As per attached sheet.
HS - 28

- Nest
- Poor
- Graded / Ungraded
- Ridge Line - bare ground.
National Parks and Wildlife Service
Box 1967, Marrara NSW 2280 Tel (02) 666 6444
Standard Site Recording Form
Revised 1990
26-3-0147

<table>
<thead>
<tr>
<th>Portion no</th>
<th>Park</th>
<th>Cundinumbra</th>
</tr>
</thead>
</table>

| How to get to the site (indicate site features, give best approach to site up from above below dumping) | Site located east 5.3 km north of Brandon = R. Weldon. Nyongan. Lake.
| Other sites in locality | Yes | Open Scatter |

| Have witnesses been removed from site (Specify when) | Deposited there? | No |

| Are there important features? (Specify) | Yes | Buddy Weldon. Nyongan. Lake |

| Conclusion for this recording | No additional information necessary. |

| Vertebrates written response sources (specify site of occurrence report on Archaeological Survey Report of Cundinumbra Copper mine, North West Prospect) | Proposed Extension |

| Condition of site | Poor |

| Recommendations for management & protection of each separate site | As per Report |

| Site recorded by | J. Kenton |
| Address/Location | 24 Darkling St Cowra 2794 |

Date 16/12/94
TRITTON RESOURCES PTY LTD
Avoca Tank Project
Report No. 859/02

National Parks and Wildlife Service
Box 1967, Rouseville NSW 2285. Tel: (02) 956 6444
Standard Site Recording Form

1:250,000 map sheet: 1:250,000

AMCS Grid reference: 61616 750 524 700

Stage of map used for grid reference: I 25K, 50K

Site name: Cooalabah

Site type: Open Camp Site

Prepared by: Gildbambone

Reason for investigation: ARC Survey - C15

Other units in vicinity: Yes

Site Types: Include open Scatter

Advise if site was destroyed since survey: Yes

Prepared by: S. KHAN

Date: 10/12/94

OnSite Cultural Heritage Management

A5-202
## SITE POSITION & ENVIRONMENT

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slope</td>
<td>Single Headed</td>
</tr>
</tbody>
</table>

### 1. Location Type
- Engraved / Shell

### 2. Distance from drinking water
- 20 km

### 3. Resource Zone Associated with site (tombs, graves, forest etc.)
- Open Woodland

### 4. Vegetation
- Eucalyptus growth

### 5. Erode Plants Noted
- Yes

### 6. Fluvial Resources Include Smeltings
- Yes

### 7. Other Ochre deposits resources (overportables, ochre, etc)
- Yes

### Site Type
- Nest 1 Site

### DESCRIPTION OF SITE & CONTENTS

Main state of preservation of site & contents: Do NOT disturb, damage site or contents.

As per Attached Sheet

### CHECKLIST TO HELP DOCUMENTaturing site evidence:
- Site layout, structure, location, size, depth, stratigraphic layers.
- Artefact catalogue: size, weight, condition, association.
- Site plans, profile views, sections, photographs.
- Site maps, topographic survey, aerial photographs.
- Site maps, aerial photographs, site plans, profile views.
- Site plans, aerial photographs, site maps, topographic survey.

### ATTACHMENTS
- Attach sketches, etc., e.g., plan & section of structure, show relation between site contents. Indicate north, show scale.
- Attach associated photographs where useful, showing scale, particularly for artefacts.
Avoca Tank Project
Report No. 859/02

TRITTON RESOURCES PTY LTD
ENVIRONMENTAL IMPACT STATEMENT
Appendix 5

A5-206

OnSite Cultural Heritage Management
Details of Transects for Avoca Tank project area (Stage 1)

<table>
<thead>
<tr>
<th>Transect</th>
<th>Slope</th>
<th>Average visibility %</th>
<th>Exposures %</th>
<th>Exposure types</th>
<th>Sites or objects</th>
<th>Length (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>0 - 2</td>
<td>30</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1750</td>
</tr>
<tr>
<td>B</td>
<td>0 - 2</td>
<td>30</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1700</td>
</tr>
<tr>
<td>C</td>
<td>0 - 2</td>
<td>20</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1950</td>
</tr>
<tr>
<td>D</td>
<td>0 - 2</td>
<td>30</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1800</td>
</tr>
<tr>
<td>E</td>
<td>0 - 2</td>
<td>30</td>
<td>15</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1850</td>
</tr>
<tr>
<td>F</td>
<td>0 - 2</td>
<td>20</td>
<td>15</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1850</td>
</tr>
<tr>
<td>G</td>
<td>0 - 2</td>
<td>20</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1850</td>
</tr>
<tr>
<td>H</td>
<td>0 - 2</td>
<td>30</td>
<td>20</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1900</td>
</tr>
<tr>
<td>I</td>
<td>0 - 2</td>
<td>20</td>
<td>15</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>yes</td>
<td>1900</td>
</tr>
<tr>
<td>J</td>
<td>0 - 2</td>
<td>15</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>yes</td>
<td>1950</td>
</tr>
<tr>
<td>K</td>
<td>0 - 2</td>
<td>10</td>
<td>10</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>2000</td>
</tr>
<tr>
<td>L</td>
<td>0 - 2</td>
<td>30</td>
<td>25</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>2000</td>
</tr>
<tr>
<td>M</td>
<td>0 - 2</td>
<td>30</td>
<td>20</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>2200</td>
</tr>
<tr>
<td>N</td>
<td>0 - 2</td>
<td>30</td>
<td>20</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>2000</td>
</tr>
<tr>
<td>O</td>
<td>0 - 2</td>
<td>25</td>
<td>15</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>1500</td>
</tr>
<tr>
<td>P</td>
<td>0 - 2</td>
<td>25</td>
<td>15</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>800</td>
</tr>
<tr>
<td>Q</td>
<td>0 - 2</td>
<td>20</td>
<td>15</td>
<td>gravel lags, ant hills, sheetwash deflations</td>
<td>no</td>
<td>500</td>
</tr>
</tbody>
</table>
### Details of Transsects for Avoca Tank project area (Stage 2)

<table>
<thead>
<tr>
<th>Transect</th>
<th>Slope</th>
<th>Average visibility %</th>
<th>Exposures %</th>
<th>Exposure types</th>
<th>Sites or objects</th>
<th>Length (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-2</td>
<td>30</td>
<td>10</td>
<td>gravel lags, antills, sheetwash deflations</td>
<td>no</td>
<td>700</td>
</tr>
<tr>
<td>2</td>
<td>0-2</td>
<td>35</td>
<td>20</td>
<td>gravel lags, antills, sheetwash deflations</td>
<td>no</td>
<td>900</td>
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<tr>
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<td>0-2</td>
<td>30</td>
<td>10</td>
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<td>25</td>
<td>gravel lags, antills, sheetwash deflations</td>
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<td>2200</td>
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<tr>
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<td>16</td>
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### Stone artefact attributes recorded at Avoca Tank 1, 2 and 5

<table>
<thead>
<tr>
<th>Site</th>
<th>Artefact No</th>
<th>Raw Material</th>
<th>Artefact Type</th>
<th>Platform surface</th>
<th>Termination</th>
<th>Length (mm)</th>
<th>Width (mm)</th>
<th>Thickness (mm)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoca Tank 1</td>
<td>1</td>
<td>quartzite</td>
<td>retouched flake</td>
<td>flake scar</td>
<td>feather</td>
<td>33.8</td>
<td>22.8</td>
<td>12.1</td>
<td>cortex on dorsal</td>
</tr>
<tr>
<td>Avoca Tank 1</td>
<td>2</td>
<td>quartzite</td>
<td>flake</td>
<td>crushed</td>
<td>feather</td>
<td>22.5</td>
<td>21.6</td>
<td>7.8</td>
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<tr>
<td>Avoca Tank 1</td>
<td>3</td>
<td>granodiorite</td>
<td>ground fragment</td>
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<td></td>
<td>52.8</td>
<td>36.8</td>
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<td>quartz</td>
<td>retouched flake</td>
<td>flake scar</td>
<td>feather</td>
<td>24.2</td>
<td>30.8</td>
<td>8.6</td>
<td>distal retouch</td>
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<tr>
<td>Avoca Tank 1</td>
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<td>quartzite</td>
<td>retouched flake</td>
<td>cortex</td>
<td></td>
<td>38.8</td>
<td>29.0</td>
<td>19.4</td>
<td>proximal flake</td>
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<td>flake</td>
<td>flake scar</td>
<td>feather</td>
<td>21.0</td>
<td>25.6</td>
<td>2.6</td>
<td>overhang removal</td>
</tr>
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<td>Avoca Tank 1</td>
<td>7</td>
<td>porphyritic</td>
<td>hammerstone</td>
<td></td>
<td></td>
<td>80.8</td>
<td>71.1</td>
<td>36.1</td>
<td>cortex</td>
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<td>8</td>
<td>basalt</td>
<td>flake</td>
<td>indeterminate</td>
<td></td>
<td>17.0</td>
<td>11.6</td>
<td>1.8</td>
<td>proximal flake</td>
</tr>
<tr>
<td>Avoca Tank 1</td>
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<td>quartz</td>
<td>flake</td>
<td>flake scar</td>
<td>feather</td>
<td>23.0</td>
<td>20.1</td>
<td>6.6</td>
<td></td>
</tr>
<tr>
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<td>flake</td>
<td>indeterminate</td>
<td>step</td>
<td>35.3</td>
<td>21.1</td>
<td>9.5</td>
<td>overhang removal &amp; distal retouched</td>
</tr>
<tr>
<td>Avoca Tank 1</td>
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<td>quartzite</td>
<td>retouched flake</td>
<td>flake scar</td>
<td></td>
<td>31.2</td>
<td>32.5</td>
<td>12.2</td>
<td></td>
</tr>
<tr>
<td>Avoca Tank 2</td>
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<td>silex</td>
<td>flake</td>
<td>flake scar</td>
<td>feather</td>
<td>24.0</td>
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<tr>
<td>Avoca Tank 5</td>
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<td>quartz</td>
<td>flake</td>
<td>flake scar</td>
<td>feather</td>
<td>24.5</td>
<td>10.1</td>
<td>7.2</td>
<td></td>
</tr>
<tr>
<td>Avoca Tank 5</td>
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<td>quartz</td>
<td>flake</td>
<td>indeterminate</td>
<td>feather</td>
<td>18.8</td>
<td>19.4</td>
<td>4.2</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 6
ABORIGINAL CULTURAL HERITAGE ASSESSMENT - Avoca Tank Project

STRAITS RECOMMENDATIONS:

1. That all areas identified as sites are cordoned off and are classified as “no go zone areas” until an AHIP has been granted (see Plates 1 & 2)

2. That all Straits employees and contractors working in this area are made aware that certain areas have been identified as no go zones and they are reminded of the financial consequences they can face

3. That the areas are monitored on a regular basis until an AHIP has been approved

4. That Straits Community and Heritage Manager work closely with staff to ensure these messages are relayed and to work closely with Nyngan Local Aboriginal Land Council or Bogan Aboriginal Corporation to apply for custodianship of Aboriginal objects

5. That photographic monitoring points outside the no go zone area of each site is established for the purpose of auditing the sites until an AHIP has been granted

Paul W Calvin
Community and Heritage Manager
Plate 1 (above): (from left) Aboriginal Representatives Lesly Ryan (Bogan Aboriginal Corporation), Sheila Couley (Nyngan Local Aboriginal Land Council), Kate Duca (OnSite CHM), Neville Merritt (Ngemba/Ngiyampaa Native Title claim group) discuss site protection with Paul Calvin (Straits Resources).

Plate 2 (below): Site protection and Compliance information for Tritton personnel
APPENDIX 7
10.0 CONCLUSIONS, MANAGEMENT AND RECOMMENDATIONS

10.1 CONCLUSIONS

1. The survey and assessment process across the Avoca Tank project area (Stages 1 and 2) has identified a total of five locations where Aboriginal objects and occupation evidence occurs. (Avoca Tank 1 to 5).

2. A review of the 11 previously recorded AHIMS sites within the Avoca Tank project area (Stage 1) has determined that there are duplicate recordings and these 11 sites actually represent 5 sites. Two of these sites have been rerecorded as part of this survey. Duplicate site recordings 26-3-0036 / 26-3-0119/ 26-3-0140 have been rerecorded as Avoca Tank 1 and duplicate site recordings 26-3-0067 / 26-3-0146, 26-3-0058 / 26-3-0147, 26-3-0066 / 26-3-0145 have been recorded as Avoca Tank 3 comprising 3 hearth locales. Hearth nodules recorded at site 26-3-0070 / 26-3-0071 were unable to be relocated as part of this survey and it is likely that these features have since eroded away.

3. The results of this assessment reveal Aboriginal occupation evidence is sparsely distributed across the Avoca Tank project area and indicative of low intensity use of the landscape by Aboriginal people characterised by a high level of mobility and relatively short term occupation or single use of these places.

4. The low intensity of Aboriginal occupation materials across the area is likely due to the paucity of reliable sources of potable water, stone outcrops suitable for the manufacture of stone tools and to some extent the disturbance upon Aboriginal occupation materials by previous land use practices.

5. Aboriginal consultation and archaeological analysis of these places within a regional context has assessed the cultural significance of these places (encompassing Aboriginal and archaeological significance). Avoca Tank 1 (an open artefact scatter), is considered to have a low to moderate level of cultural significance. Avoca Tank 2 (a single isolated stone artefact), is considered to have a low level of cultural significance. Avoca Tank 3 (three 'hearth') is considered to have a low level of cultural significance. Avoca Tank 4 (historic scar tree and Aboriginal stockmen's camp) is considered to have a moderate level of cultural significance. Avoca Tank 4 has been identified by Registered Aboriginal Parties as having a moderate to high level of Aboriginal significance and also attributed with historic and aesthetic values. Avoca Tank 5 (2 x isolated stone artefacts), is considered to have a low level of cultural significance.

10.2 MANAGEMENT OPTIONS

The Aboriginal objects identified within the Avoca Tank study area are legally protected under the National Parks and Wildlife Act 1974 (NPW Act). Part 5 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging or moving an object from the land.
There are a number of defences and exemptions to the offence of harming an Aboriginal object or place. One of the defences is that the harm was carried out under an Aboriginal Heritage Impact Permit (AHIP).

The Burra Charter advocates a cautious approach to the management of a place, cultural significance and values: do as much as necessary but as little as possible (Article 3). Within the context of development and associated assessment processes under the Environmental Assessment and Planning Act, the formulation of management strategies is also influenced by the level of cultural significance, the proposal and potential impacts on identified values.

A number of strategies are generally applied to the management of Aboriginal objects and their values. These strategies are conservation, mitigated impact and unmitigated impact. Conservation and mitigated impact may be interrelated. For instance places and objects might be conserved in situ, or through mitigated impact places, objects and their values might be conserved through strategies such as documentation, salvage, appropriate curation, display and interpretation. Development of management strategies should ultimately derive from a clear understanding of the cultural significance of a given place and the range of values held by different groups or individuals.

10.3 RECOMMENDATIONS

This assessment has identified five places (Avoca Tank 1 to 5) within the Avoca Tank project area (Stages 1 and 2) containing Aboriginal objects protected under the National Parks and Wildlife Act. Tritton has advised that all of these sites will be avoided as part of any exploratory drilling program. Recommendations for avoiding each of the identified sites during the drilling program were provided with the site descriptions (Section 7.2).

Straits (Tritton) Resources has implemented a series of management strategies to afford protection of these sites during the exploratory drilling program and from related activities. These strategies have been implemented in accordance with the Straits Community and Heritage Policy and Straits Procedures - Heritage Management Planning (Australia). Recommendations from the internal memo and photographic evidence (see Plate 10.1) of implemented site protection measures are provided in Appendix 6.

Should the exploration program within the Avoca Tank project area proceed to mining that may potentially impact on the identified sites then mitigative strategies will need to be developed and applied.

Should impacts upon identified sites (Avoca Tank 1 to 5) be unavoidable the proponent will need to apply for relevant AHIPs.
Plate 10.1 (below): (from left) Aboriginal Representatives Lesly Ryan (Bogan Aboriginal Corporation), Shelia Couley (Nyangar Local Aboriginal Land Council), Kate Duca (OnSite CHM), Neville Merritt (Ngemba/Ngiyampaa Native Title claim group) discuss site protection with Paul Calvin (Tritton / Straits Resources).

It was discussed above that management strategies should be developed with a clear understanding of the place, its values and cultural significance. On this basis and the potential impacts of proposed mining activities it is recommended that:

1. Wherever possible Tritton seek to conserve identified places in situ and develop and implement appropriate management strategies during exploration activities or construction, development and operation of an active mine.

Should impact on these places be unavoidable during the construction, development or operation of a mine it is recommended that the proponent apply for Aboriginal Heritage Impact Permits (AHIPs):

2. The stone artefacts at Avoca Tank 1 (AHIMS Sites 26-3-0034 / 26-3-0119 / 26-3-0149) should be subject to cultural collection under a care agreement with Nyangar LALC.
3. The hearth previously recorded at AHIMS sites 26-3-0070 / 26-3-0071 was unable to be relocated during this survey and is likely to have been eroded away. No further action is warranted regarding this place.
4. Avoca Tank 2, consisting of one isolated stone artefact is considered to have a low level of cultural significance and no further action is warranted regarding this site.
5. Avoca Tank 3, consisting of 3 hearths, is considered to have a low level of cultural significance and no further action is warranted regarding this site.

6. Avoca Tank 4, consisting of the historic scar tree, Aboriginal stockmen's camp and its setting has a moderate to high level of Aboriginal significance and should be conserved and managed accordingly. If this place is able to be avoided and conserved then a site specific and appropriate management plan/policy should be prepared to protect the cultural heritage values and their significance. If conservation is not possible then Tritton should develop a methodology in consultation with the Registered Aboriginal Parties about the potential salvage, relocation and conservation of the scar tree. Preliminary discussion with the Aboriginal community representatives present during the Stage 1 and 2 survey indicated that the salvage and relocation of the tree to another location would be acceptable if this place could not be avoided. More comprehensive recording and documentation of this place should also be undertaken as part of any AIIIP process.

7. Avoca Tank 5, consisting of 2 isolated stone artefacts is considered to have a low level of cultural significance and no further action is warranted regarding this site.

8. Should the project proceed to full scale mining operations, no further archaeological surveys of the Avoca Tank project area is required.

On the basis of the legal requirements of the National Parks and Wildlife Act it is recommended that:

9. Where impact on identified places cannot be avoided, Tritton should apply for an Aboriginal Heritage Impact Permit (AHP).

10. OTH provide consent to salvage and destroy these localities and include as conditions recommendations 7 to 7 above.

A summary of sites identified within the Avoca Tank project area (Stage1), their significance and recommendations is provided below in Table 10.1.

Comments on this assessment from the Registered Aboriginal Parties are discussed below in Section 10.4.
<table>
<thead>
<tr>
<th>Sites</th>
<th>Previously recorded AHIMS Sites</th>
<th>Site type and comments</th>
<th>Aboriginal Significance</th>
<th>Archaeological Significance</th>
<th>Summary of mitigation strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoca Tank 1</td>
<td>26.3.0037 / 26.3.0119 / 26.3.0149</td>
<td>Open artefact scatter - low density scatter (11 x stone artefacts) with high raw material diversity and moderate artefact type diversity.</td>
<td>Moderate</td>
<td>Low to moderate</td>
<td>Apply for an AHP if required and salvage artefacts under care agreement with Nungarian LALC.</td>
</tr>
<tr>
<td>Avoca Tank 2</td>
<td>-</td>
<td>Isolated stone artefact</td>
<td>Low</td>
<td>Low</td>
<td>Apply for an AHP if required. No further action warranted.</td>
</tr>
<tr>
<td>Avoca Tank 3</td>
<td>26.3.0067 / 26.3.0146</td>
<td>3 x hearths - no other cultural material in association.</td>
<td>Low to moderate</td>
<td>Low</td>
<td>Apply for an AHP if required. No further action warranted.</td>
</tr>
<tr>
<td>Avoca Tank 4</td>
<td>-</td>
<td>Historic scar trees and Aboriginal stockman's camp.</td>
<td>Moderate to high</td>
<td>Moderate</td>
<td>Conserve tree, camp and environmental context. If impact is unavoidable then apply for an AHP to salvage and relocate tree.</td>
</tr>
<tr>
<td>Avoca Tank 5</td>
<td>-</td>
<td>2 x isolated stone artefacts</td>
<td>Low</td>
<td>Low</td>
<td>Apply for an AHP if required. No further action warranted.</td>
</tr>
</tbody>
</table>
10.4 COMMENTS ON THIS ASSESSMENT FROM REGISTERED ABORIGINAL PARTIES

A draft of this report was sent to the registered Aboriginal parties on 21st February 2013. The Registered Aboriginal parties were provided 28 days to review the report and provide comment. The closing date for comments was 22nd March 2013.

All of the registered parties supplied comment on the draft. Nyngan UALC and Bogan Aboriginal Corporation endorsed the assessment and resulting recommendations. A copy of these endorsement letters is included in Appendix 7.

Native Title Services Corporation, on behalf of the Ngemba/Ngiyampaa Native Title claim group, also provided comment on the assessment (Appendix 7). NTS comments on the assessment have been tabulated and a response provided below in Table 10.2. The table of comments was sent to NTS Corp who provided a further response also included at Appendix 7.
Table 10.2: Response to NTS Corp Comments on Avoca Tank Project Draft ACHAR

<table>
<thead>
<tr>
<th>NTSCORP COMMENTS</th>
<th>RESPONSE TO NTSCORP COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coverage of Surveys Undertaken</td>
<td>At this stage of the project the proposed footprint and layout of the mine has not been finalised. The final layout will be informed by a number of factors including constraints identified as part of environmental and heritage studies and the location of the ore body as determined by drilling. The intention to plan the mine layout and avoid heritage places wherever possible is demonstrated within Recommendation 1.</td>
</tr>
</tbody>
</table>

This makes it unclear whether the surveys undertaken to inform the Draft ACHAR cover all areas which will be impacted by the Project, including all proposed drill holes, access roads and other infrastructure sites. Accordingly, NTSCORP submits that Tritton should ensure that, whether as part of a further assessment process or as part of the management processes adopted for the Project, all areas where infrastructure will be located, including access roads, be subject to further assessment surveys which includes representatives from the Claim Group.

Section 6.0 - Avoca Tank Stage 2 (pg 50)

At the time of the survey the proponent had advised that the Stage 2 area was being subject to archaeological survey to identify potential impacts on Aboriginal objects and identify constraints on the planning process for the mine footprint should the exploration program shift to full scale mining and to be considered in the EIS.

For consistency and compatibility of results between the Stage 1 and 2 project areas a similar survey strategy was employed for the Stage 2 project area as was employed for the Stage 1 project area. The location of transects undertaken as part of Stage 2 is shown in Figure 6.1.

The survey strategy employed by OSCHM achieved coverage across 34% (6.35km²) of the entire Avoca Tank (Stages 1 and 2). This level of coverage is considered sufficient to understand the potential for Aboriginal occupation evidence to occur across the landscape level. This archaeological survey has
determined that Aboriginal occupation evidence is sparsely distributed across the Avoca Tank project area and despite the 63.5 kilometres of transects surveyed found to only occur at five discrete locations.

Further archaeological surveys were not recommended due to this low density of Aboriginal occupation evidence and low potential for further evidence to occur. Subsequent and more intensive surveys are generally only warranted when a baseline survey identifies a moderate to high potential for further Aboriginal occupation evidence to occur. This is not the case within the Avoca Tank project area.

It is also worth noting that Tritton Resources invited representatives from the Claim group to participate in both surveys. Neville Merritt participated in the Stage 2 survey and was also shown a number of sites identified during the Stage 1 survey (including Avoca Tank 1, 2 and 4 and AHIMS site 26-3-0070/26-3-0071). A range of potential management strategies were discussed with Neville (see page 27 – 28).

The other Registered Aboriginal Parties (Nyngan LALC and Bogan Aboriginal Corporation) have also since provided their support for the recommendations in the report, including Recommendation 8 that no further archaeological surveys are required.

<table>
<thead>
<tr>
<th>Comments and Suggestions on Management Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fencing of Identified Places and Objects</strong></td>
</tr>
<tr>
<td>The Claim Group have expressed concerns over the plastic fencing currently used at the Projects site to demarcate and protect identified objects and places.</td>
</tr>
<tr>
<td>Cordonning off and designating identified sites as ‘no go zones’ is discussed at sections 7.2.1 to 7.2.5 of the Draft ACHAR. The Claim Group request that fencing off of identified objects and places be specifically adopted as</td>
</tr>
<tr>
<td>The plastic fencing currently installed around the identified sites is temporary. The fencing at sites that will be conserved and managed during the development and operational phase of any proposed mine will be upgraded as part of the boundary fencing program. The fencing at these sites will be upgraded to steel pickets and wire sufficient to prevent trespassers and animals.</td>
</tr>
<tr>
<td>Straits have also implemented protection measures in accordance with the Straits Community and Heritage Policy and Straits Procedures - Heritage Management Planning (Australia). Recommendations from the internal memo and implemented site protection measures were discussed at Section 10.3 (pg</td>
</tr>
</tbody>
</table>
one of the management measures in addition to those
detailed at section 10.3 of the Draft ACHAR.

The Claim Group requests that steel pickets and wire be
used instead of plastic fencing to ensure durability and
sufficient protection. The Claim Group also request that
such fencing be sufficiently high to prevent animals and
trespassers from entering the ‘no go zones’.

### Ongoing Monitoring

NTSCORP suggests that ongoing monitoring, including
representatives from the Claim Group, be included as a
management measure in addition to those detailed at
section 10.3 of the Draft ACHAR. Such monitoring
should be required for all activities which involve
surface disturbance, and would be able to incorporate
the additional assessment surveys as suggested above.
The monitoring process should include mechanisms
which enable Tritton and the cultural heritage monitors
onsite to jointly develop protection and mitigation
measures in respect of additional objects and sites
which are identified as exploration proceeds.

<table>
<thead>
<tr>
<th>83</th>
<th>and provided at Appendix 6.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A recommendation (consistent with those discussed at sections 7.2.1 to 7.2.5) relating to the fencing of these sites (with steel pickets and wire) and designation as ‘no go zones’ will also be included within Section 10.3, Recommendation 2 of the final report.</td>
</tr>
<tr>
<td>84</td>
<td>The below comments refer to the practice of monitoring earthworks for Aboriginal objects in a subsurface context (usually stone artefacts). These comments do not refer to the practice of cultural monitoring of identified cultural heritage places to be conserved during the construction, development and operation of an active mine. Cultural monitoring of identified and retained Aboriginal heritage places by the Aboriginal Community should be considered by Tritton as appropriate and part of the development and implementation of management strategies referred to in <strong>Recommendation 1</strong>.</td>
</tr>
<tr>
<td>85</td>
<td>The archaeological survey determined that Aboriginal occupation evidence is sparsely distributed across the Avoca Tank project area, which is considered to have a low archaeological potential to contain further Aboriginal occupation evidence.</td>
</tr>
<tr>
<td>86</td>
<td>Just as further survey is not considered warranted from an archaeological perspective, nor is monitoring of general earthworks. From an archaeological perspective monitoring might generally only be warranted when a survey identifies a moderate to high potential for Aboriginal occupation evidence to occur in a subsurface context. This is not the case within the Avoca Tank project area.</td>
</tr>
<tr>
<td>87</td>
<td>Further, where areas of potential subsurface deposit are identified, current OEH policy practice favours the undertaking of test excavations over monitoring. A number of reasons are accepted for the preference of test excavation strategy to identify Aboriginal occupation evidence to occur in a subsurface context:</td>
</tr>
</tbody>
</table>
1. The undertaking of test excavations is generally conducted during the planning and approvals phase of a project. The identification of Aboriginal cultural heritage values during this phase provides more flexibility for the project planning to develop and implement appropriate heritage conservation strategies in response to the nature and significance of these values.

2. The undertaking of test excavations is usually implemented under the framework of an AHP or process in the Code of Practice for Archaeological Investigations. This framework provides certainty to the Aboriginal communities that Aboriginal heritage values will be identified and appropriately considered.

In contrast, monitoring is considered a “high risk” approach:

3. Monitoring of project earthworks usually occurs after the project planning phase and at the commencement of activities that have the potential to harm Aboriginal objects (within the meaning of the NPW Act). This timing also means that the flexibility and opportunity to respond appropriately and achieve a good heritage conservation outcome to protect identified Aboriginal heritage values in situ is greatly reduced.

4. In the absence of an AHP, the identification of Aboriginal objects in a subsurface context during earthworks also requires a “stop work approach” and necessitates to apply for an AHP supported by the necessary assessment and consultation processes. This may also lead to long and costly delays for the project and proponent and will generally not produce good heritage conservation outcomes.

Regardless, the paucity of Aboriginal occupation evidence across the project area and low potential for Aboriginal objects to occur within a subsurface context does not warrant the implementation of either
Relocation of Objects & Further Consultation Processes
The potential relocation of identified objects as exploration proceeds to mining is discussed at section 9.1 and included as one of the ten management principles at section 10.3 of the Draft ACHAR. NTSCorp suggests that the Claim Group be specifically consulted with included in any salvage and storage programmes developed in relation to this relocation.

At several places in the Draft ACHAR, including as one of the management mechanisms listed at section 10.3, it is suggested that Aboriginal Heritage Impact Permits (AHIPs) may be required if impact in identified places or objects cannot be avoided. NTSCorp submits that the consultation processes which will be adopted in any AHIP processes, including both cultural heritage significance assessments and development of management mechanisms, be delineated in the Draft.

management strategy (test excavation or monitoring).

Besides the paucity of Aboriginal occupation evidence to warrant monitoring, another factor relates to the low integrity of the landscape across the Avoca Tank project area. The landscape is considered degraded and eroded. These conditions are not conducive to the preservation of subsurface archaeological deposits containing Aboriginal objects. At least part of this degradation has been caused by erosion caused relating to previous land use practices. These erosive agents are considered to have impacted greatly upon the landscape. Previous land use practices, erosion and the resulting integrity of the subject land and effects on Aboriginal objects are discussed throughout the report but especially in Sections 4.1 and 4.4.

The relocation and salvage of any Aboriginal objects would require the development of an appropriate salvage methodology in consultation with the Registered Aboriginal Parties.

Salvage methodologies have not been developed because, as yet, it is not understood whether the final footprint and layout may impact on identified Aboriginal cultural heritage values. Any salvage methodology would be circulated to the Registered Aboriginal Parties for their review and comment prior to the Aboriginal Heritage Impact Permit (AHIP) application.

"The National Parks and Wildlife Act 1974 (NPW Act) allows the transfer of Aboriginal objects to an Aboriginal person or Aboriginal organisation for safekeeping. The person or organisation must enter into a care agreement with OEH."

If required, a care agreement would also be developed as part of any salvage methodology and AHIP application. Consultation about the relocation, future storage and conservation practices for Aboriginal objects is required to be undertaken with the Registered Aboriginal Parties.

Some discussion with the Registered Aboriginal Parties (including Neville Merritt as representative for
ACHAR and include specific consultation and collaboration with the Claim Group.

Further Surveys Required if Project Proceeds to Mining

NTSCORP do not support point 8 of the proposed management measures at section 10.3 of the Draft ACHAR. If the Project proceeds to mining, it is appropriate that further cultural heritage surveys be undertaken at a greater level of intensity and coverage sufficient to reflect the increased impacts of production as compared to exploration. This is particularly pertinent given that no member of the Claim Group was involved in Stage 1 of the survey process, as noted in section 3.3.1.

The archaeological survey determined that Aboriginal occupation evidence is sparsely distributed across the Avoca Tank project area. Further archaeological surveys were not recommended due to the low density of Aboriginal occupation evidence and low potential for further evidence to occur.

Subsequent and more intensive surveys are generally only warranted when a baseline survey identifies a moderate to high potential for further Aboriginal occupation evidence to occur. This is not the case within the Avoca Tank project area.

It is also worth noting that Triton Resources invited representatives from the Claim group to participate in both the Stage 1 and 2 surveys. Neville Merritt participated in the Stage 2 survey and was also shown a number of sites identified during the Stage 1 survey (including Avoca Tank 1, 2 and 4 and AHIMS site 26-3-0070/26-3-0071). A range of potential management strategies were discussed with Neville (see page 27 – 28).

The other Registered Aboriginal Parties (Nyung LALC and Bogan Aboriginal Corporation) who participated in the surveys have provided support for the recommendations in the report, including Recommendation 8 that no further archaeological surveys are required.

Their views about the Aboriginal occupation and significance of the Avoca Tank study area are provided in Sections 8.0 and 9.1.
NYNGAN LOCAL ABORIGINAL LAND COUNCIL
PO Box 43
NYNGAN NSW 2825
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PH: (02) 6832 2639
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8th April 2013

Mr Gerard Niemoeller
Principle Heritage Consultant
On Site Cultural Management Pty Ltd
PO BOX 574
Narooma NSW 2546

Dear Gerard,

RE: Site Assessment done on “Avoca” and “Avoca Tanks”.

On behalf of the Aboriginal Site Assessment done on the above properties in which we accompanied Mr Gerard Niemoeller. Nyngan Local Aboriginal Land Council (LALC) had input and discussions on the artefacts located at both of the above properties.

We would like to endorse the recommendations that are stated in your final report. If need for removal of any artefacts an Aboriginal Heritage Impact Permit application would be applied for to ensure the objects can be relocated and protect of the artefacts. If they need be removed it will also any prevent loss or harm to them and could be stored in a local cultural keeping place.

For further information please contact the Nyngan LALC.

Yours Faithfully

[Signature]

Veneta Dutton
CEO
Nyngan
Local Aboriginal Land Council (LALC)
5th April 2013

Mr Gerard Niemoeller
Principal Heritage Consultant
On Site Cultural Management Pty Ltd
PO Box 574
NAROOMA NSW 2546

Hi Gerard

In regards to the Site assessment done on “Avoca” and “Avoca Tanks”,
On behalf of the Aboriginal Site assessment done on the properties in which I
accompanied Gerard and had input and discussion on the artefacts located on the
above properties.

I would like to endorse the recommendations that are stated in your final report.
If need for the removal of any artefacts an Aboriginal Heritage Impact Permit
application would be applied for to relocate the objects if the need be.

For further information please contact me.

Yours faithfully

Lesley Ryan
CEO/Sites officer
Bogan Aboriginal Corporation

Bogan Aboriginal Corporation
9 April 2013

Gerard Niemceiier
Principal Heritage Consultant
On Site Cultural Heritage Management Pty Ltd
PO Box 574
NARCOMA NSW 2546

By Email: gerard@onsitechm.com.au

WITHOUT PREJUDICE

Dear Gerard,

Comments on Avoca Tank Project Draft ACHAR

As per your correspondence of 25 February 2013, NTSCorp Ltd (NTSCorp), on behalf of the Ngemba, Ngayampaa, Wayiwan, Wangaypuwaan People native title claim group (Claim Group), makes the following comments on the draft Aboriginal Cultural Heritage Assessment Report (Draft ACHAR) prepared in respect of the Avoca Tank Project (Project) proposed by Tritton Resources Limited Pty (Tritton).

Coverage of Surveys Undertaken

At section 6.0, the Draft ACHAR states that, for the Stage 1 area, 'the survey consisted of a series of transects north south along the proposed drill lines'. No such statement in regards to drill-hole locations is made in respect of the Stage 2 survey area coverage. No comments are made in respect of the location of access roads and other infrastructure in relation to either survey location.

This makes it unclear whether the surveys undertaken to inform the Draft ACHAR cover all areas which will be impacted by the Project, including all proposed drill-holes, access roads and other infrastructure sites. Accordingly, NTSCorp submits that Tritton should ensure that, whether as part of a further assessment process or as part of the management processes adopted for the Project, all areas where infrastructure will be located, including access roads, be subject to further assessment surveys which includes representatives from the Claim Group.

Comments and Suggestions on Management Measures

Fencing of Identified Places and Objects

The Claim Group have expressed concerns over the plastic fencing currently used at the Projects site to demarcate and protect identified objects and places.
Cordonning off and designating identified sites as ‘no go zones’ is discussed at sections 7.2.1 to 7.2.5 of the Draft ACHAR. The Claim Group request that fencing off of identified objects and places be specifically adopted as one of the management measures in addition to those detailed at section 10.3 of the Draft ACHAR. The Claim Group requests that steel pickets and wire be used instead of plastic fencing to ensure durability and sufficient protection. The Claim Group also request that such fencing be sufficiently high to prevent animals and trespassers from entering the ‘no go zones’.

**Ongoing Monitoring**

NTSCORP suggests that ongoing monitoring, including representatives from the Claim Group, be included as a management measure in addition to those detailed at section 10.3 of the Draft ACHAR. Such monitoring should be required for all activities which involve surface disturbance, and would be able to incorporate the additional assessment surveys as suggested above. The monitoring process should include mechanisms which enable Triton and the cultural heritage monitors onsite to jointly develop protection and mitigation measures in respect of additional objects and sites which are identified as exploration proceeds.

**Relocation of Objects & Further Consultation Processes**

The potential relocation of identified objects as exploration proceeds to mining is discussed at section 9.1 and included as one of the ten management principles at section 10.3 of the Draft ACHAR. NTSCORP suggests that the Claim Group be specifically consulted with and included in any salvage and storage programmes developed in relation to this relocation.

At several places in the Draft ACHAR, including as one of the management mechanisms listed at section 10.3, it is suggested that Aboriginal Heritage Impact Permits (AHIPs) may be required if impact in identified places or objects cannot be avoided. NTSCORP submits that the consultation processes which will be adopted in any AHIP processes, including both cultural heritage significance assessments and development of management mechanisms, be delineated in the Draft ACHAR and include specific consultation and collaboration with the Claim Group.

**Further Surveys Required if Project Proceeds to Mining**

NTSCORP do not support point 8 of the proposed management measures at section 10.3 of the Draft ACHAR. If the Project proceeds to mining, it is appropriate that further cultural heritage surveys be undertaken at a greater level of intensity and coverage sufficient to reflect the increased impacts of production as compared to exploration. This is particularly pertinent given that no member of the Claim Group was involved in Stage 1 of the survey process, as noted in section 3.3.1.
We thank you for your consideration of these comments. Please contact the undersigned on (02) 9310 3188 or at mackay@ntscorp.com.au if you would like to discuss these comments further.

Yours Faithfully,

Ross Mackay  
Strategic Project Officer  
NTSCORP Limited
24 May 2013

Gerard Niemcoeller
Principal Heritage Consultant
On Site Cultural Heritage Management Pty Ltd
P.O. Box 574
NAROOMA NSW 2546

By Email: gerard@onsitechm.com.au

Dear Gerard,

Comments on Avoca Tank Project Draft ACHAR Response

As requested, NTSCORP Limited (NTSCORP), on behalf of the Ngemba, Ngiyampaa, Wayilwan, Wangaypuwaan People native title claim group (Claim Group), makes the following comments on the Response to NTS Comments on Avoca Tank Project Draft ACHAR (Response).

Coverage of Surveys Undertaken

Thank you for clarifying the methodology behind the scope of the surveys undertaken.

Whilst NTSCORP are happy to concede that no further surveys need be undertaken for the purposes of the Aboriginal Cultural Heritage Assessment Report (ACHAR) itself, NTSCORP maintains that all areas which will be impacted by the Project, including all proposed drill-holes, access roads other infrastructure sites and eventual mine footprint must be subject to a survey prior to construction taking place. This is particularly important as there are no monitoring processes proposed. Accordingly, whether as part of a further assessment process or as part of the management processes adopted, it must be assured that all infrastructure areas which have not been subject to previous surveys informing the ACHAR, will be subject to further assessment surveys. These further assessments will include representatives from the Claim Group.

Comments and Suggestions on Management Measures

Fencing of Identified Places and Objects

Thank you for clarifying fencing and management procedures in respect of identified places and objects of cultural heritage significance. The measures detailed in this respect of your response address the concerns of the claim group in this regard.
Ongoing Monitoring

NTSCORP continue to maintain its position that, regardless of the cultural heritage potential analysis undertaken, ongoing monitoring, including representatives from the Claim Group, be included as a management measure in addition to those detailed at section 10.3 of the Draft ACHAR for all surface disturbance activities. Although the Response indicates an informed opinion that there is 'low potential for Aboriginal objects to occur', monitoring is required to assure the Claim Group that any unidentified sites and objects will not be impacted as exploration proceeds and a mine footprint is determined.

Relocation of Objects & Further Consultation Processes

It is NTSCORP’s preferred position that salvage and relocation methodologies be delineated in the Draft ACHAR, however accepts and does not oppose that, in this instance, such methodologies will be developed as exploration proceeds.

NTSCORP acknowledges the comments in the Response that the Claim Group will be included in consultation for any salvage methodologies, care agreements and AHIP processes required as exploration proceeds. NTSCORP requests that, as these consultation processes are required, the proponent meets with representatives of the Claim Group in a closed session to discuss, develop and/or confirm proposed salvage and relocation methodologies.

Further Surveys Required if Project Proceeds to Mining

NTSCORP maintain their position not to support point 8 of the proposed management measures at section 10.3 of the Draft ACHAR. If the Project proceeds to mining, it is appropriate that further cultural heritage surveys involving representatives of the Claim Group be undertaken at a greater level of intensity to include both ethnographic and archaeological surveys and coverage sufficient to reflect the increased impacts of production as compared to exploration.

We thank you for this opportunity to provide further comments in response. Please contact the undersigned on (02) 9310 3188 or at mackay@ntscorp.com.au if you would like to discuss these comments further.

Yours faithfully,

Ross Mackay
Strategic Project Officer
NTSCORP Limited

cc: Paul Calvin, Community & Heritage Manager, Straits Resources