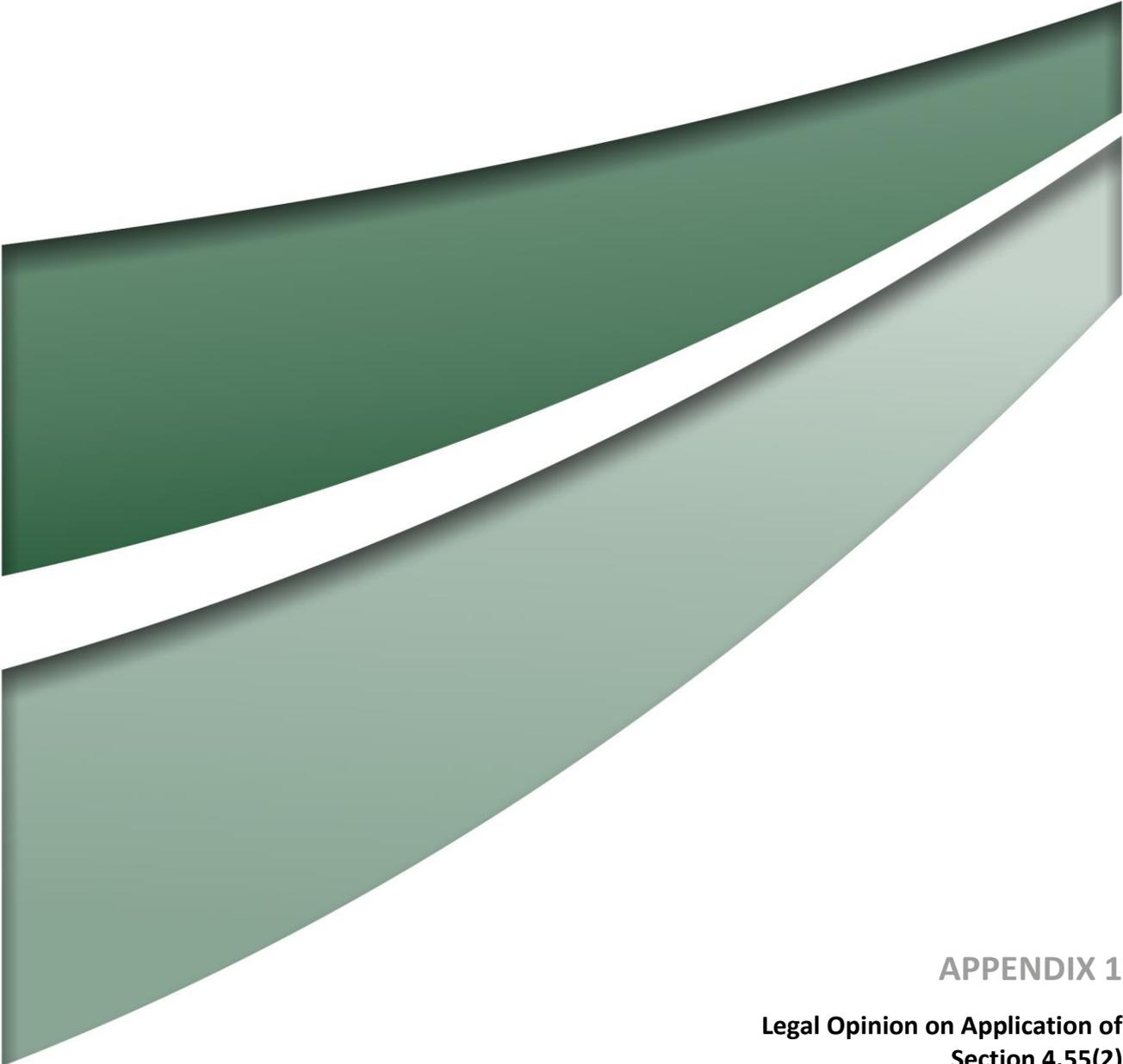


**WALLERAWANG QUARRY
MODIFICATION 3**

Statement of Environmental Effects

FINAL

June 2019



APPENDIX 1

**Legal Opinion on Application of
Section 4.55(2)**

Our ref: BCE 181214

17 May 2018

Alex Irwin
Senior Environmental Consultant
RW Corkery & Co Pty Ltd
62 Hill Street
ORANGE NSW 2800



By email: alex@rwcorkery.com

Dear Mr Irwin

Walker Quarries Pty Ltd (Walker) – Proposed quarry extension

We refer to your email to us of 9 May 2018.

You have asked for advice regarding Walker's proposed expansion of the existing quarry (**Proposal**) and whether the Proposal constitutes a modification to the existing development consent in accordance with the *Environmental Planning and Assessment Act 1979 (Act)*, specifically s4.55(2) (formerly s96(2)). If it is so, it will not be necessary for Walker to make an application for a new development consent.

Summary of Advice

In our view, it is open to the consent authority to approve an amendment to the existing development consent under s4.55(2) of the Act to accommodate the Proposal.

The question of whether the Proposal can be approved as a modification under s4.55(2) is a question of fact and degree: is the developed as modified substantially the same development as anticipated under the current development consent?

Based on our review of the Proposal and the cases on this question which we have reviewed below, we are of the confident opinion that the Proposal can be approved as a modification of the development consent under s4.55(2).

Discussion of Advice

S4.55(2) of the Act states:

(2) *Other modifications*

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:



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SYDNEY NEWCASTLE CANBERRA MELBOURNE BRISBANE

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)...*

We note S4.55(2)(a) is the same clause as previously enacted under s96(2)(a) under the prior version of the Act and referred in the cases below.

As noted above, this requires an examination of whether the development as modified by the Proposal is substantially the same development as anticipated under the current development consent.

Decisions of the Land and Environment Court support the proposition that the main elements of the Proposal are matters substantially the same as the existing development consent.

Substantially the Same

1. In 2015 in *Agricultural Equity and Westlime*¹ (**Westlime**) Pepper J set out the legal principles that apply to the exercise of a decision under s96(2)(a) including whether a modified development consent is substantially the same as follows:

173 *The applicable legal principles governing the exercise of the power contained in s 96(2)(a) of the EPAA may be stated as follows:*

1. *first, the power contained in the provision is to “modify the consent”. Originally the power was restricted to modifying the details of the consent but the power was enlarged in 1985 (North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43 NSWLR 468 at 475 and Scrap Realty Pty Ltd v Botany Bay City Council [2008] NSWLEC 333; (2008) 166 LGERA 342 at [13]). Parliament has therefore “chosen to facilitate the modification of consents, conscious that such modifications may involve beneficial cost savings and/or improvements to amenity” (Michael Standley at 440);*
2. *the modification power is beneficial and facultative (Michael Standley at 440);*
3. *the condition precedent to the exercise of the power to modify consents is directed to “the development”, making the comparison between the development as modified and the development as originally consented to (Scrap Realty at [16]);*
4. *the applicant for the modification bears the onus of showing that the modified development is substantially the same as the original development (Vacik Pty Ltd v Penrith City Council [1992] NSWLEC 8);*
5. *the term “substantially” means “essentially or materially having the same essence” (Vacik endorsed in Michael Standley at 440 and Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298 at [30]);*
6. *the formation of the requisite mental state by the consent authority will involve questions of fact and degree which will reasonably admit of different conclusions (Scrap Realty at [19]);*

¹ *Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No 3) [2015] NSWLEC 75*
10912708.1:lmv

7. *the term “modify” means “to alter without radical transformation” (Sydney City Council v Ilenace Pty Ltd [1984] 3 NSWLR 414 at 42, Michael Standley at 474, Scrap Realty at [13] and Moto Projects at [27]);*
 8. *in approaching the comparison exercise “one should not fall into the trap” of stating that because the development was for a certain use and that as amended it will be for precisely the same use, it is substantially the same development. But the use of land will be relevant to the assessment made under s 96(2)(a) (Vacik);*
 9. *the comparative task involves more than a comparison of the physical features or components of the development as currently approved and modified. The comparison should involve a qualitative and quantitative appreciation of the developments in their “proper contexts (including the circumstances in which the development consent was granted)” (Moto Projects at [56]); and*
 10. *a numeric or quantitative evaluation of the modification when compared to the original consent absent any qualitative assessment will be “legally flawed” (Moto Projects at [52]).*
2. We note the original development consent was approved on 19 October 2004 under DA 344-11-2001 (**2004 Consent**). This was modified on 25 August 2017 (**2017 Modification**). A consideration of whether Walker’s proposal is substantially the same requires that the Proposal be compared to 2004 Consent, however this does not preclude consideration of the 2017 Modification².

2004 Consent

3. The 2004 Consent primarily relates to approval to, as set out in Schedule 1:
“develop and operate a hard rock quarry and associated infrastructure with access from the Great Western Highway, including crushing and transport of product.”
4. Schedule 2 provides the administrative and other conditions of the consent giving effect to the Schedule 1 approval.
5. The period of the 2004 Consent is set as 10 years from the date of the Mining Lease. The relevant Mining Lease is No 1633 dated 15 July 2009, making the expiry date 15 July 2019. We note the 2017 Modification did not amend this expiry date.
6. The approved areas of extraction and stockpiling are set by the plans included in the 2004 Consent (and 2017 Modification).
7. The maximum depth of extraction is not specifically addressed in the 2004 Consent, although we anticipate the depth may be discussed in the ancillary documents referred in Condition 1.2 in Schedule 2 of the 2004 Consent. The 2017 Modification, however, provides the limit of extraction as no lower than a depth of 930m AHD.

Proposal

8. We understand the main elements of the Proposal are to:

² *Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No 3)* [2015] NSWLEC 75 at p125
10912708.1:lmv

- (a) extend the period of consent of the 2004 Consent (as modified by the 2017 Modification) beyond its current expiry on 15 July 2019 (**Period Issue**);
 - (b) expansion of the extraction area, both laterally and vertically to a depth of 860mAHD (**Extraction Expansion**); and
 - (c) increase the area available for stockpiling, to the west of the Western Stockpile Area (**Stockpiling Expansion**).
9. We do not consider that the above elements conflict with the intent of the 2004 Consent set out in 3 above. A discussion of these elements as they may be related to cases involving quarries follows.

Environmental and Amenity Impacts

10. Whether or not there will be increased environmental or neighbourhood amenity impacts under a proposed modified development is not a consideration as to whether or not a modification proposal is substantially the same under s4.55(2)(a) of the Act. Authority for this position is set out in a decision of Talbot J in which he provides:

“Even if the present applicant is correct in that there will be a significant increase in the environmental impact ... that, nevertheless, does not necessarily preclude a conclusion that the development, to which the consent as modified relates, is substantially the same development as that already permitted. The extension ... alone does not change the inherent character of the development itself. There may be some additional environmental impact but that is a matter to be considered as part of the deliberations on the merits.”³

Walker will need to satisfy the consent authority in relation to the environmental, rehabilitation, amenity and similar issues, however we anticipate these will be able to be satisfied on terms similar to existing conditions of the 2004 Consent (or the 2017 Modification).

Period Issue

11. The Period Issue is unlikely to be a bar to approval of the Proposal unless the effect of the Period Issue is relevant to other factors that make the Proposal substantially different.
12. In *CSR Building Products* Commissioner Bly held that a proposed extension of 15 years to a consent for a clay shale quarry was **not** substantially different in circumstances where:
- (a) the actual annual extraction rates were significantly less than the rates anticipated in the original consent⁴ and the proposal did not seek an overall increase in the approved extraction amounts;
 - (b) consent orders dealt with a range of matters, including the establishment of a consultative panel, site revegetation, dust, noise, roads, bund walls and

³ *Wolgan Action Group Incorporated v Lithgow City Council* [2001] NSWLEC 199 [43]

⁴ *CSR Building Products Ltd v Maitland City Council* [2005] NSWLEC 680 [3]

annual reviews but these matters did not change the consent “*in any fundamental way*”⁵.”

- (c) notwithstanding the consequential extension of the period of amenity impact on a nearby residential area, the impacts were “*within reason and result in an appropriate balance between the extraction...and residential amenity*.”⁶
 - (d) the proposal incorporated “*consultative procedures and air quality monitoring, noise control and site revegetation aspects*” included in the original consent⁷;
13. We understand the Proposal, similarly to the circumstances of *CSR Building Products* does not seek to amend the annual production limit of 500,000 tonnes per annum. In any event the anticipated production under the Proposal remains a proposal to “*operate a hard rock quarry and associated infrastructure*” as per the 2004 Consent.

Extraction Expansion

14. A LEC case dealing with the expansion of the extraction area of a quarry is *Concrite Quarries*⁸. In that case the applicant sought to modify the extraction area by an increase of approximately 5,450 square metres. Lloyd J held that the development for which the modification was sought was substantially the same development on the factual basis that:
- (a) the extended area of quarrying was to be conducted in the same manner and the same conditions as the original consent⁹;
 - (b) the extension would not result in an increase in
 - (i) the environmental impact of the development¹⁰;
 - (ii) the volume of traffic;
 - (iii) noise impact; or
 - (iv) visual impact¹¹;(we note his Honour associated the above factors with the fact that the consent period was not proposed to be extended); and
 - (c) the total volume of material would not exceed the total existing limit provided in the original consent¹²;
15. In *Concrite*, his Honour noted an issue raised by the respondent as being irrelevant as to whether or not the modified proposal related to substantially the same development as was presently being carried out, or substantially the same development as originally approved¹³.

⁵ *Ibid*, [13]

⁶ *Ibid*, [13]

⁷ *Ibid*, [14]

⁸ *Concrite Quarries Pty Ltd v Wingecarribee Shire Council* [2000] NSWLEC 97

⁹ *Ibid*, [6]

¹⁰ *Ibid*, [7]

¹¹ *Ibid*, [9]

¹² *Ibid*, [8]

¹³ *Ibid*, [10]

16. His Honour also held in *Concrite* that the modification application did not require the applicant to submit an environmental impact statement in accordance with the former s78A of the Act (now s4.12(8)) as, although the development was State Significant Development, the application for modification was not a development application¹⁴.

Stockpiling Expansion

17. We consider the Stockpiling Expansion to be a modification with similar effect to the Extraction Expansion, in that it increases the area of the relevant quarry operations but does not modify "*the inherent character*"¹⁵ of the approval to conduct quarry operations.

As a result of the above discussion we are of the confident opinion that the Proposal can be approved as a modification of the development consent under s4.55(2).

We understand that this advice may be provided to the consent authority and agree to that happening.

Please let us know should you wish to discuss any aspect of this advice or any other related matters.

Yours faithfully
HICKSONS



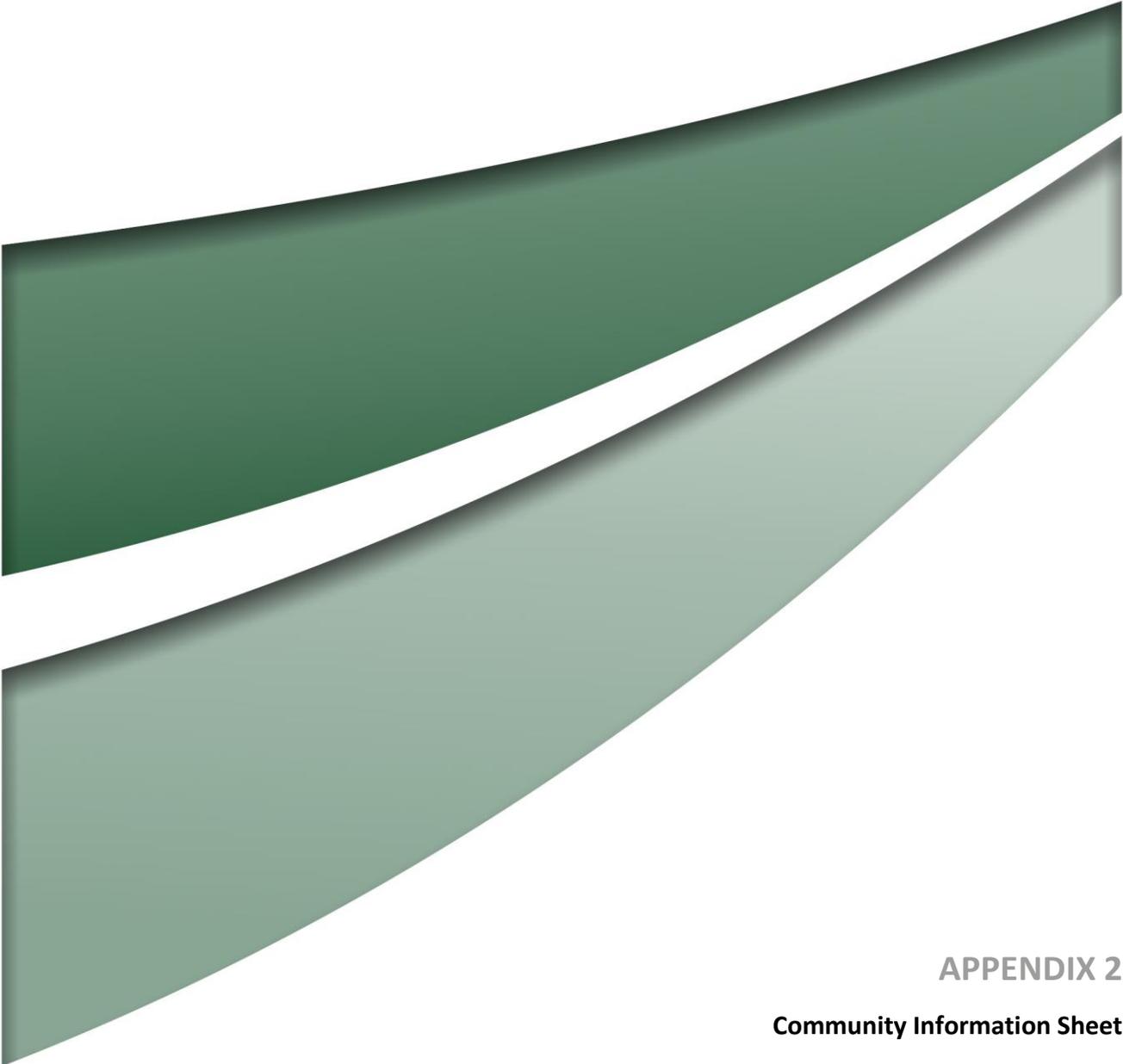
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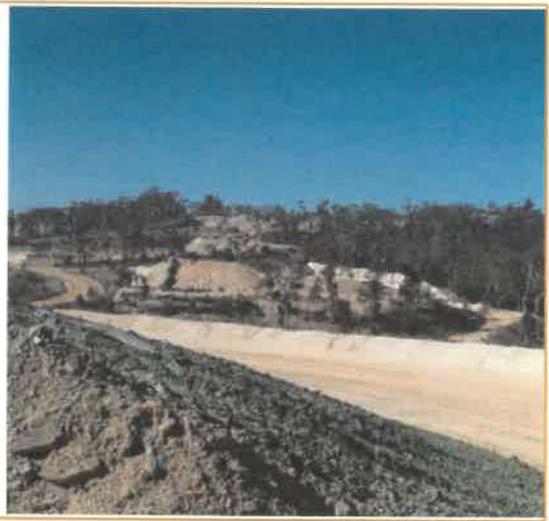
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¹⁴ Ibid, [11-12]

¹⁵ *Wolgan Action Group Incorporated v Lithgow City Council* [2001] NSWLEC 199 [43]



APPENDIX 2
Community Information Sheet



Wallerawang Quarry Modification Proposal

Dear Resident,

Walker Quarries Pty Ltd (“Walker Quarries”) currently operates Wallerawang Quarry (the Quarry), located on land adjoining the Great Western Highway to the south of Wallerawang, approximately 8km northwest of Lithgow (refer to **Figure 1** included with this letter). The Quarry has been operating under Development Approval DA 344-11-2001, which was originally approved in 2004, since late 2014 and the Development Approval is due to expire in July 2019.

The Quarry is currently approved to produce up to 500 000t of rock, sand and other products per year. The rock is mined from a single open cut using conventional drill and blast, load and haul methods, with crushing and screening undertaken in-pit to produce quartzite aggregates, road base and other hard rock products. A washing plant is also operated at the Quarry producing a range of fine aggregates and sand products. For further information about the Quarry, please refer to Walker Quarries’ website at <http://walkerquarries.com.au/statutory-information/>.

Walker Quarries intends on making application to modify DA 344-11-2001 to:

- extend the period of consent beyond July 2019;
- extend the extraction area (both laterally and vertically), within the present approved Mining Lease Area; and
- marginally increase the area available for stockpiling (to the west of the Western Stockpile Area) (refer to **Figure 2** included with this letter).

It is noted that there will be no change to the Quarry’s annual production rate, transport operations, hours of operation, nor is any significant change to processing operations is being proposed.

More information on the proposed modification can be obtained by viewing a *Project Overview and Preliminary Environmental Assessment* which has been prepared to support an application to the Department of Planning and Environment (DPE) for Secretary’s Environmental Assessment Requirements (SEARs). This document is available on Walker Quarries’ website at the address shown above.

Brooklyn Office:

First Floor, 12 Dangar Road, PO Box 239, BROOKLYN NSW 2083
Telephone: (02) 9985 8511 Email: brooklyn@rwcorkery.com

Orange Office:

62 Hill Street, ORANGE NSW 2800
Telephone: (02) 6362 5411 Email: orange@rwcorkery.com

Brisbane Office:

Suite 5, Building 3, Pine Rivers Office Park, 205 Leitchs Road, BRENDAL QLD 4500
Telephone: (07) 3205 5400 Email: brisbane@rwcorkery.com

What Happens Next?

Walker Quarries will be preparing and lodging a comprehensive Environmental Impact Statement (EIS), with the assistance of R.W. Corkery and Co. Pty Limited (RWC), in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the requirements included in the SEARs (once issued).

On completion of the EIS, the development application will be advertised and publicly exhibited for a period to be defined by the DPE (typically 28 days). During this exhibition period, you will have the opportunity to review and comment on the proposed modification. The DPE will require the Applicant to respond to any requests for correction, clarification or supplementary information.

Community Input

Walker Quarries is committed to continuing to operate the Quarry in a manner which will minimise impacts on the surrounding community. To assist in ensuring that all impacts are identified, assessed and either eliminated or minimised, Walker Quarries has requested that RWC be available to consult with community members to discuss the proposed Modification and potential impacts.

This consultation will focus on identifying the issues of importance and relevance to the community, as well as any concerns held over the Modification. Walker Quarries has targeted the week commencing the 25th of June for this consultation and if you would like to be included, please contact Andrew Bridle at RWC using the contact details below and a suitable time will be arranged for either Andrew or Alex Irwin (Senior Environmental Consultant) to speak or meet with you.

Andrew Bridle: Graduate Environmental Consultant

Telephone: (02) 6362 5411

Email: andrew@rwcorkery.com

Further Updates

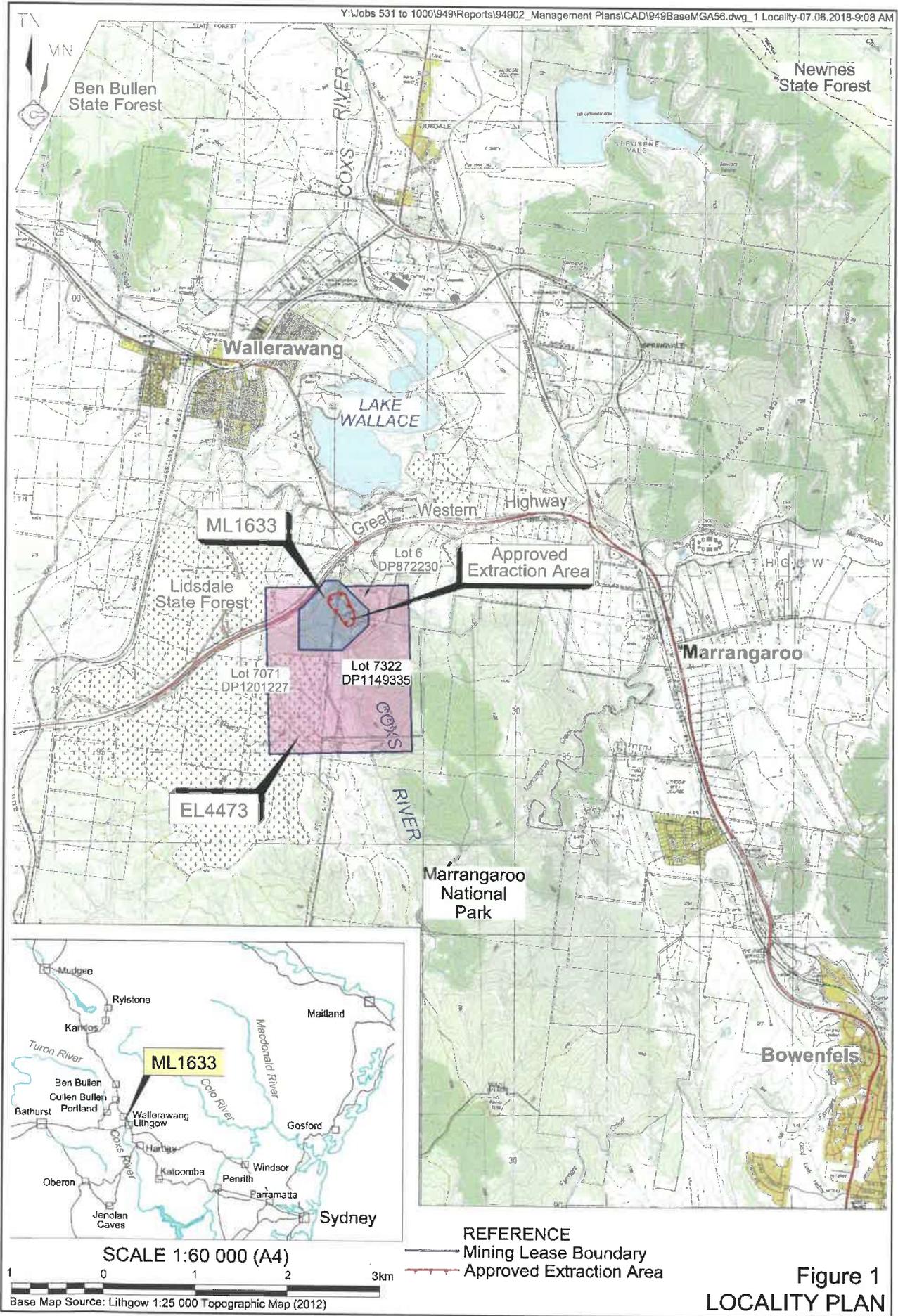
Further information on the proposed modification will be provided to the community during the preparation of the EIS by email. Please let Andrew know if you wish to be included in future email correspondence. Additionally, if you know of others who may wish to be included in future distribution of information, please let Andrew know.

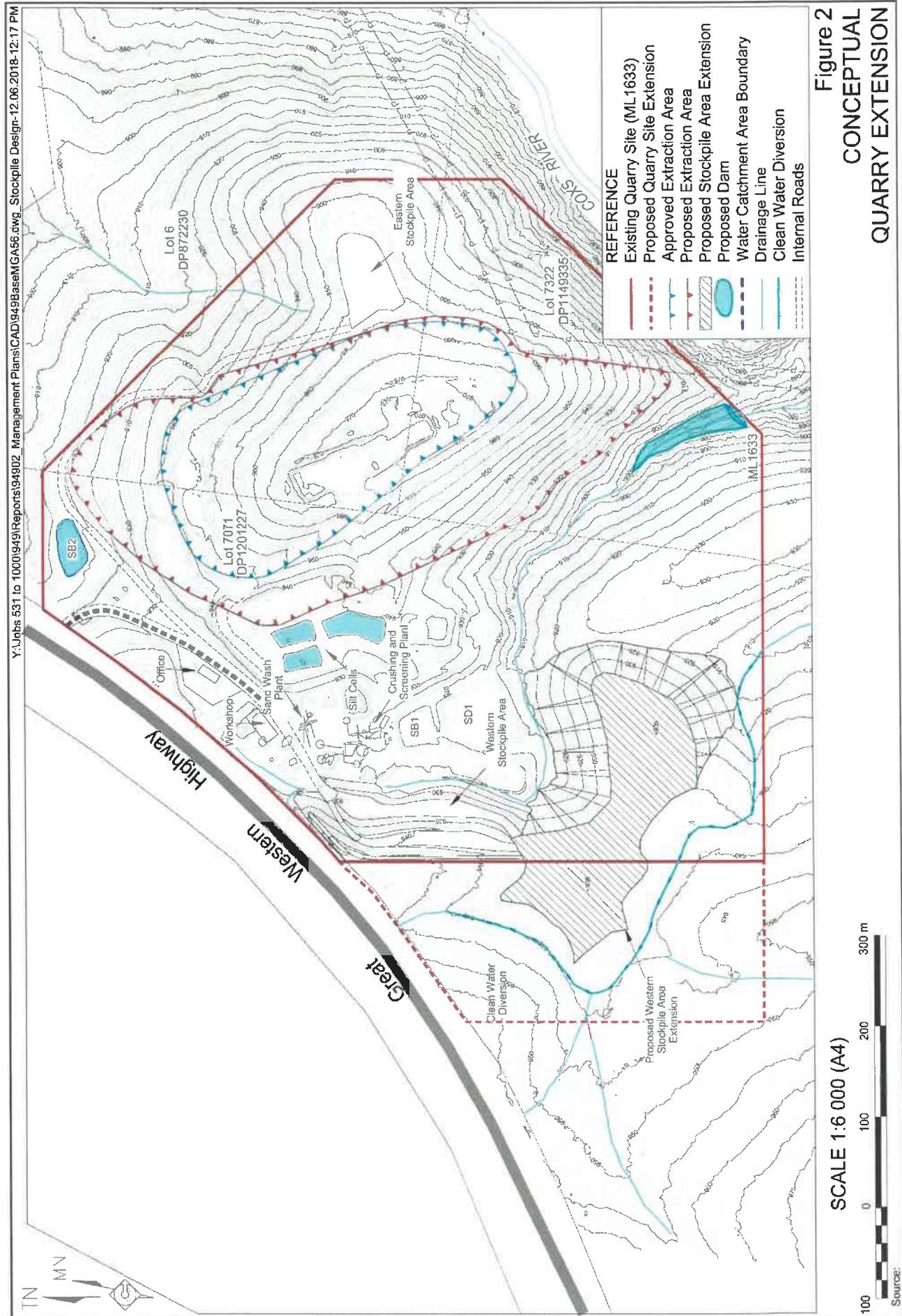
Many thanks for your interest.

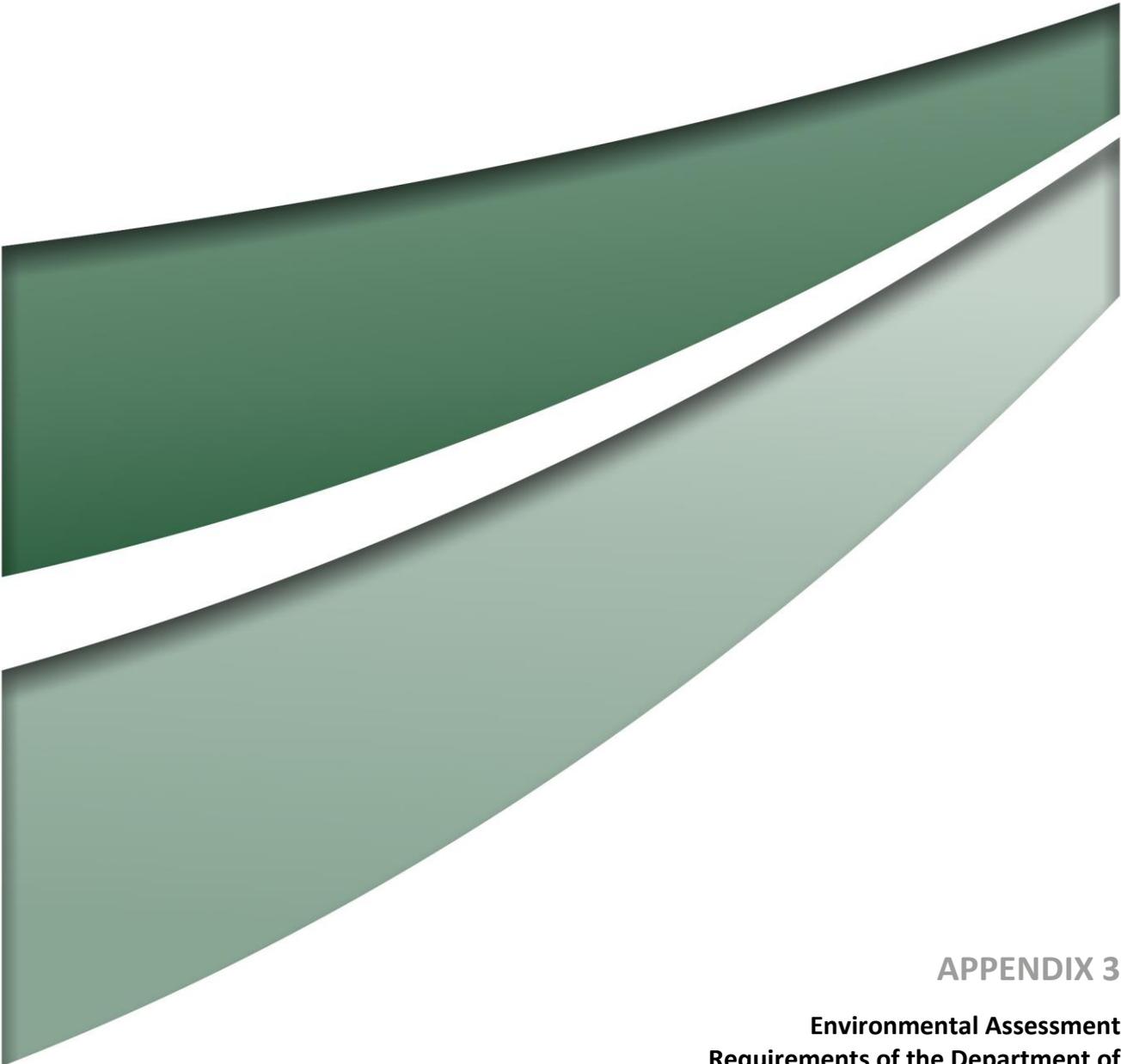
Yours sincerely

Alex Irwin
Senior Environmental Consultant

Encls: Figure 1– Locality Plan
Figure 2 – Conceptual Quarry Extension







APPENDIX 3

**Environmental Assessment
Requirements of the Department of
Planning & Environment and Consulted
Government Agencies**

Mr Alex Irwin
R.W. Corkery & Co Pty Limited
12 Dangar Road
Brooklyn NSW 2083

Dear Mr ^{Alex} Irwin

**Wallerawang Quarry (DA 344-11-2001)
Modification 2 – Environmental Assessment Requirements**

I refer to your email dated 8 June 2018 seeking Environmental Assessment Requirements (EARs) for the above proposal. The Department understands that the proposed modification involves:

- extending the approved extraction area;
- increasing the extraction depth;
- extending the Western Stockpiling Area;
- constructing an additional water storage dam; and
- extending the lifespan of the quarry by an additional 25 years.

The Department has reviewed the Preliminary Environmental Assessment (PEA) provided and is generally satisfied with the proposed approach to the preparation of the Statement of Environmental Effects (SEE). In particular, the Department notes that you intend to prepare detailed technical assessments with respect to noise and vibration, air quality, surface and ground water resources, Aboriginal cultural heritage and biodiversity.

Based on the information provided, the Department does not intend to issue formal EARs for the proposed modification. However, you should ensure that the above assessments are prepared in accordance with the following:

- *NSW Noise Policy for Industry (2017)*;
- *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2016)*; and
- *Biodiversity Assessment Method (2017)*.

The Department also requests that the SEE consider opportunities to improve or refine the final landform, in consultation with DRG and Forestry Corporation of NSW (FCNSW).

The Department would like to emphasise the importance of consultation with all relevant stakeholders, including government agencies, Registered Aboriginal Parties and affected residents. The Department requests that you fully document the outcomes of the proposed Community Engagement Strategy in the SEE.

In order to facilitate the proposed modification, DA 344-11-2001 will need to be transitioned to State Significant Development (SSD) under clause 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*. The Department requests that you submit a draft SEE to the Department for its review prior to the lodgement of the modification application. The Department will then commence the process of transitioning the development in accordance with the Regulation.

Should you have any questions in relation to the above, please contact Lauren Evans at the details above.

Yours sincerely



Howard Reed
Director
Resource Assessments

18.6.18

1616897: LGS
Economic Development & Environment

11 September 2018

Alex Irwin
alex@rwcorkery.com



Dear Alex,

Preliminary Environmental Assessment of a Proposed Modification to DA 344-11-2001 Walker/Wallerawang Quarry Pty Ltd, Great Western Highway Wallerawang NSW 2845

I refer to your email received 14 August 2018 in regard to the Preliminary Environmental Assessment for a proposed modification to DA344-11-2001 for the Walker/Wallerawang Quarry Pty Ltd, Great Western Highway Wallerawang.

Council has reviewed the Preliminary Environmental Assessment and will undertake a full assessment of the application once it has been submitted to the Department.

In general, Council has no objection to the project subject to Council's original conditions remaining on the consent. Specific conditions that should remain include:

VISUAL

32. The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of the Secretary.

33. Prior to utilising the WSEA, the Applicant must construct a visual bund between the north-western boundary of the WSEA and the Great Western Highway, as described in EA (Mod 1). The visual bund must be maintained to the satisfaction of the Secretary.

34. The Applicant must install bunds at strategic locations around the site and plant additional trees along the boundary of the development site to screen, so far as is reasonable and feasible, the development from external viewers, to the satisfaction of the Secretary.

In relation to flooding, Council's Local Environmental Plan 2014 relates to properties located within proximity to Farmers Creek. As such Council has no data or flood information for the property in relation to the Coxs River.

Please do not hesitate to contact the undersigned who is available between 8:15am and 11:00am Monday to Friday on (02) 63549999, in Council's Economic Development & Environment should you have any queries in relation to this matter.

Yours sincerely

Lauren Stevens
Development Planner

From: Allan Adams <Allan.Adams@epa.nsw.gov.au>
Sent: Thursday, 2 August 2018 4:08 PM
To: Andrew Bridle
Cc: Darryl Clift
Subject: Wallerawang Quarry proposed modification

Dear Andrew

I refer to your email to the Environment Protection Authority (EPA) regarding the proposed modification and supporting Preliminary Environmental Assessment (PEA) for the Wallerawang Quarry (DA 344-11-2001).

The EPA has reviewed the PEA and notes that the proposed modification involves a southwest extension to the Western Stockpile Area. The extension area identified in Figure 3 indicates the disturbance area is proposed to occur within close proximity to nearby tributaries of the Coxs River. The EPA notes that further assessment of the design is being undertaken by the proponent to optimise the stockpile area, and minimise environmental impacts.

By referring to Figure 3 construction of the south west extension will involve cutting and pushing out a level pad stockpile surface that will result in vegetation around the pad being buried and a steep unvegetated batter resulting. Due to the proximity and potential impact of the proposed works on the Coxs River, the EPA requests that the proponent explores all options to minimise the area of disturbance outside the footprint of the stockpile pad; by adopting a cut and remove approach, rather than a cut and push, this would avoid creating steep unvegetated, and erodible batters.

In the event that the proponent proposes to place all excavated material as battering around and below the stockpile pad due to limited storage or otherwise on site; the EPA is aware that other licensed premises within close proximity to the Wallerawang Quarry site are currently seeking VENM/ENM for rehabilitation purposes. At present Energy Australia (EA) (EPL766) is currently licensed, and seeking VENM and ENM material from within the Bathurst and local government areas for capping purposes.

Thank you for the opportunity to comment on the PEA.

Allan

Allan Adams

Regional Operations Officer – Central West

South Branch, NSW Environment Protection Authority
(02) 6333 3804 - 0438 598 680

allan.adams@epa.nsw.gov.au www.epa.nsw.gov.au ☐@EPA NSW

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555



Please send official electronic correspondence to central.west@epa.nsw.gov.au

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



The Managing Director
Walker Quarries Pty Ltd
PO Box 307
WALLERAWANG NSW 2790

Our ref: DOC18/560751
MCV18/846

10 August 2018

Dear Sir

Wallerawang Quarry – Proposed Modification to DA 344-11-2001 - Review of Preliminary Environmental Assessment and Request for Items to be addressed in the Environmental Impact Statement

I refer to the email from Andrew Bridle of R.W. Corkery and Co Pty Ltd dated 27 July 2018 including the attached document "*Project Overview and Preliminary Environmental Assessment of a Proposed Modification to DA 344-11-2001 (Wallerawang Quarry), June 2018*", prepared by R.W. Corkery & Co Pty. Limited on behalf of Walker Quarries.

The Resources Regulator Environmental Operations section has reviewed the Preliminary Environmental Assessment and provides the following comments.

The Resources Regulator requests that the forthcoming Environmental Impact Statement addresses the **Mining Development - Rehabilitation Standard Assessment Requirements**, attached to this letter. The Development Consent modification is an opportunity to re-assess existing approved post mining rehabilitation outcomes and ensure they are modified to meet contemporary standards and expectations.

Avoiding or minimising the size and batter steepness of any final void should be a key consideration when determining the post mining landform.

It is noted you are consulting directly with the Forestry Corporation of NSW. The EIS should document how the proponent has addressed issues raised by the Forestry Corporation of NSW with regard to post mining rehabilitation outcomes.

If you require additional information regarding this letter, please contact me directly on (02) 4276 7428 or by email to greg.kininmonth@planning.nsw.gov.au

Yours sincerely



Greg Kininmonth
Manager Environmental Operations (Southern)
Resources Regulator
NSW Department of Planning and Environment
10 August 2018

Attachment – Mining Development Rehabilitation Standard Assessment Requirements

(cc via email to – Andrew Bridle, R.W. Corkery and Co. Pty Ltd)

ADVICE RESPONSE

Mining Development - Rehabilitation Standard Assessment Requirements

Post-mining land use

- (a) Identification and assessment of post-mining land use options;
- (b) Identification and justification of the preferred post-mining land use outcome(s), including a discussion of how the final land use(s) are aligned with relevant local and regional strategic land use objectives;
- (c) Identification of how the rehabilitation of the project will relate to the rehabilitation strategies of neighbouring mines within the region, with a particular emphasis on the coordination of rehabilitation activities along common boundary areas;

Rehabilitation objectives and domains

- (d) Inclusion of a set of project rehabilitation objectives and completion criteria that clearly define the outcomes required to achieve the post-mining land use for each domain. Completion criteria should be specific, measurable, achievable, realistic and time-bound. If necessary, objective criteria may be presented as ranges;

Rehabilitation Methodology

- (e) Details regarding the rehabilitation methods for disturbed areas and expected time frames for each stage of the rehabilitation process;
- (f) Mine layout and scheduling, including maximising opportunities for progressive final rehabilitation. The final rehabilitation schedule should be mapped against key production milestones (i.e. ROM tonnes) of the mine layout sequence before being translated to indicative timeframes throughout the mine life. The mine plan should maximise opportunities for progressive rehabilitation;

Conceptual Final Landform Design

- (g) Inclusion of a drawing at an appropriate scale identifying key attributes of the final landform, including final landform contours and the location of the proposed final land use(s);

Monitoring and Research

- (h) Outlining the monitoring programs that will be implemented to assess how rehabilitation is trending towards the nominated land use objectives and completion criteria;
- (i) Details of the process for triggering intervention and adaptive management measures to address potential adverse results as well as continuously improve rehabilitation practices;
- (j) Outlining any proposed rehabilitation research programs and trials, including their objectives. This should include details of how the outcomes of research are considered as part of the ongoing review and improvement of rehabilitation practices;

Post-closure maintenance

- (k) Description of how post-rehabilitation areas will be actively managed and maintained in accordance with the intended land use(s) in order to demonstrate progress towards meeting the rehabilitation objectives and completion criteria in a timely manner;

Barriers or limitations to effective rehabilitation

- (l) Identification and description of those aspects of the site or operations that may present barriers or limitations to effective rehabilitation, including:
 - (i) evaluation of the likely effectiveness of the proposed rehabilitation techniques against the rehabilitation objectives and completion criteria;
 - (ii) an assessment and life of mine management strategy of the potential for geochemical constraints to rehabilitation (e.g. acid rock drainage, spontaneous combustion etc.), particularly associated with the management of overburden/interburden and reject material;

- (iii) the processes that will be implemented throughout the mine life to identify and appropriately manage geochemical risks that may affect the ability to achieve sustainable rehabilitation outcomes;
 - (iv) a life of mine tailings management strategy, which details measures to be implemented to avoid the exposure of tailings material that may cause environmental risk, as well as promote geotechnical stability of the rehabilitated landform; and
 - (v) existing and surrounding landforms (showing contours and slopes) and how similar characteristics can be incorporated into the post-mining final landform design. This should include an evaluation of how key geomorphological characteristics evident in stable landforms within the natural landscape can be adapted to the materials and other constraints associated with the site.
- (m) Where a void is proposed to remain as part of the final landform, include:
- (i) a constraints and opportunities analysis of final void options, including backfilling, to justify that the proposed design is the most feasible and environmentally sustainable option to minimise the sterilisation of land post-mining;
 - (ii) a preliminary geotechnical assessment to identify the likely long term stability risks associated with the proposed remaining high wall(s) and low wall(s) along with associated measures that will be required to minimise potential risks to public safety; and
 - (iii) outcomes of the surface and groundwater assessments in relation to the likely final water level in the void. This should include an assessment of the potential for fill and spill along with measures required be implemented to minimise associated impacts to the environment and downstream water users.
- (n) Where the mine includes underground workings:
- (i) determine (with reference to the groundwater assessment) the likelihood and associated impacts of groundwater accumulating and subsequently discharging (e.g. acid or neutral mine drainage) from the underground workings post cessation of mining; and
 - (ii) consideration of the likely controls required to either prevent or mitigate against these risks as part of the closure plan for the site.
- (o) Consideration of the controls likely to be required to either prevent or mitigate against rehabilitation risks as part of the closure plan for the site;
- (p) Where an ecological land use is proposed, demonstrate how the revegetation strategy (e.g. seed mix, habitat features, corridor width etc.) has been developed in consideration of the target vegetation community(s);
- (q) Where the intended land use is agriculture, demonstrate that the landscape, vegetation and soil will be returned to a condition capable of supporting this; and
- (r) Consider any relevant government policies.



Department of Industry

OUT18/14345

Andrew Bridle
Graduate Environmental Consultant
RW Corkery & Co. Pty Limited

andrew@rwcorkery.com

Dear Mr Bridle

Wallerawang Quarry Proposed Modifications Statement of Environmental Effects (SoEE)

I refer to your email of 12 September 2018 to the Department of Industry (DoI) in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries. Any further referrals to Department of Industry can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

The department provides the following requirements for consideration in assessment of the proposal.

DoI - Lands

- Consultation with the NSW Aboriginal Land Council, claimant for Aboriginal Land Claim (ALC) No. 44317, is required. As previously advised, a Compensation Agreement is required for the use of Crown land.

The majority of the proposed works are within Crown land on Lot 7322 DP1149335, which is currently subject to an ALC (No. 44317 - lodged by the NSW Aboriginal Land Council under the *Aboriginal Land Rights Act 1983*) and a Native Title Application. A Land Access Agreement (571908) for exploration is in place between Crown Lands and Sitegoal Pty Ltd (the parent company of Walkers Quarries Pty Ltd), however, consultation regarding the proposed modification is required.

- The final land form void should be rehabilitated to a standard that will ensure there is no ongoing maintenance requirement greater than the surrounding bushland.

In addition, the construction of the dam should be undertaken in accordance with the relevant standards and accordingly be rehabilitated to ensure no ongoing maintenance following the relinquishment of the mining tenure.

DoI – Water

The PEA should address the following in accordance with the detailed comments in Attachment A:

- Water Supply and Licensing
- Water impact assessment, monitoring and management
- Assessment against the Aquifer Interference Policy (2012)

DPI - Fisheries

The PEA should specifically address impacts on the aquatic ecology of waterways or any Key Fish Habitats (defined as Third order streams or larger (Strahler Stream Ordering System)) such as the Coxs River, and an unnamed third order tributary that runs through the mining lease. To achieve this, an aquatic ecological environmental assessment should be prepared in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)*. Further details are provided in **Attachment A**.

Yours sincerely



Alison Collaros
A/Manager, Assessment Advice
Lands and Water - Strategy and Policy
24 October 2018

**Wallerawang Quarry Proposed Modifications
Statement of Environmental Effects (SoEE)**

Dol - Water

• **Water Supply and Licencing**

- Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.
- Assessment of any volumetric water licensing requirements (including those for ongoing water take following completion of the project).
- The identification of an adequate and secure water supply for the life of the project. Confirmation that water can be sourced from an appropriately authorised and reliable supply. This is to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.

• **Water Impacts, Monitoring and Management**

- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.
- Details of the final landform of the site, including final void management (where relevant) and rehabilitation measures.
- Full technical details and data of all surface and groundwater modelling, and an independent peer review.
- Proposed surface and groundwater monitoring activities and methodologies.
- Proposed management and disposal of produced or incidental water.

• **Relevant policies and guidelines**

- Consideration of relevant policies and guidelines.
- A detailed assessment against the NSW Aquifer Interference Policy (2012) using DPI Water's assessment framework.

A statement of where each element of the SEARs is addressed in the PEA (i.e. in the form of a table).

DPI - Fisheries

AQUATIC ECOLOGICAL ASSESSMENT

The aquatic ecological environmental assessment should include the following information;

- A recent aerial photograph (preferably colour), map or GIS of the locality which maps the key fish habitats to be affected either directly or indirectly by the development.
- Description and quantification of aquatic and riparian vegetation should be presented and mapped. This should include an assessment of the extent and condition of riparian vegetation and the extent and condition of freshwater aquatic vegetation and the presence of significant habitat features (e.g. gravel beds, snags, reed beds, etc).
- Quantification of the extent of aquatic and riparian habitat removal or modification which will result from the proposed development, and impacts on fish passage.

- Detailed maps outlining compensatory habitats and significant habitat features that will be created to offset any loss of aquatic or riparian habitat as a result of dam construction.
- Aspects of the management of the proposal, both during construction and after completion, which relate to impact minimisation e.g. Environment Management Plans.

KEY ISSUES

Dams & Barriers to Fish Passage

The Department does not support the construction of in-stream structures such as dams within *Key Fish Habitat*. Such works are contrary to the *NSW Weirs Policy* and the Department's *Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* which adopt the following management principle "*The construction of new weirs, or enlargement of existing weirs, shall be discouraged.*" This State government policy is reiterated. Of key concern are the environmental impacts of dams on waterways, in particular blockage to the free passage of fish. "*The Installation and Operation of Instream Structures that alter Natural Flow Regimes of Rivers and Streams*" has been listed as a Key Threatening Process under Schedule 6 of the *Fisheries Management Act 1994* and the department has a responsibility to limit these impacts.

The current PEA proposal includes the construction of a Maximum Harvestable Rights Dam on within *Key Fish Habitat* located approximately 250m from the junction of the Coxs River. DPI Fisheries recommend consideration be given to resighting this dam upstream on a second order stream (Strahler Stream Order System) in order to avoid environmental compensation through the ***NSW Biodiversity Offsets Policy: Aquatic Biodiversity***.

NSW Biodiversity Offsets Policy: Aquatic Biodiversity

The proponent should refer to the *NSW Biodiversity Offsets Policy for Major Projects, Fact Sheet: Aquatic Biodiversity* located on the website <http://www.environment.nsw.gov.au/resources/biodiversity/14817aqoffs.pdf> if they are intent on constructing a dam within *Key Fish Habitat*.

Chapters 3 and 4 of the *DPI Fisheries Policy and Guidelines for Fish Habitat Conservation and Management (Update 2013)* outline the requirements for environmental compensation to ensure there is a 'no net loss' of key fish habitat. The *NSW Biodiversity Offsets Policy for Major Projects* allows for both site based offsets to compensate for the loss of each aquatic habitat type or the payment of an amount to compensate for the value of the aquatic habitat being lost to be considered. The policy and guidelines require a minimum 2:1 offset for Type 1–3 key fish habitats to help redress both direct and indirect impacts of development.

DPI Fisheries may therefore require the negotiation of a compensatory habitat package through the use of aquatic biodiversity offsets and/or supplementary measures to ensure that such outcomes are achieved if the Maximum Harvestable Rights Dam is to be constructed within *Key Fish Habitat*.

Threatened Species, populations and ecological communities– Fisheries Management Act 1994

The proposal should include a threatened aquatic species assessment (as per part 7A *Fisheries Management Act 1994*) to address whether there are likely to be any significant impacts on listed threatened species, populations or ecological communities listed under the *Fisheries Management Act 1994*.

Threatened fish species mapping distributions are available at: <https://www.dpi.nsw.gov.au/fishing/threatened-species/what-current/threatened-species-distributions-in-nsw>

END ATTACHMENT A

Alex Irwin
Senior Environmental Consultant
RW Corkery & Co

Dear Alex

Proposed Development	Wallerawang Quarry - Notification of Intention to Modify DA 344-11-2001
Applicant	Walker Quarries Pty Ltd
Location	Wallerawang

I refer to your enquiry dated 18 June 2018 regarding comments for the above proposal.

Department of Industry, Crown Lands and Water Division (the Department) has reviewed the proposal, together with the submitted documents and would like to advise that Lot 7322 DP 1149335, forming part of this proposal, is Crown land. The Department has not provided consent for this development application to be lodged as landowner under s49(1)(b) of the Environmental Planning and Assessment Regulation 2000.

In order to provide consent as landowner the proponent may apply for Landowners Consent (LOC) from the Department. An electronic copy of the form and guidelines can be accessed at www.industry.nsw.gov.au. Once the Department has reviewed the Landowners Consent application, a written response will be provided to the proponent and the Council to advise whether consent is granted or not. Please note that the LOC provides permission for the proponent to lodge the development application with Council

Department of Industry, Crown Lands and Water Division (the Department) has reviewed the proposal, together with the submitted *Preliminary Environmental Assessment* and offers the following to be considered in the Statement of Environmental Effects;

1. This response does not imply the concurrence of the Minister for Lands and Forestry for the proposed development.
2. Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the Department authorising such work or occupation.
3. The reserve is currently held under an Aboriginal Land Claim No. 44317 lodged by NSW Aboriginal Land Council under the

Aboriginal Land Rights Act 1983. This claim applies to Lot 7322. As such consultation with the claimants would be required prior to granting/modification of a licence.

4. No development drainage, overflow or contaminated waste (contaminated runoff) shall impact negatively on the Crown land or waterway.
5. The development is conducted with minimal environmental disturbance to the Crown land and is to avoid, where appropriate, the removal or damage of any native vegetation located within Crown lands.
6. Appropriate erosion and sediment controls would be installed to prevent sediment laden water impacting upon crown land.
7. Controls would be in accordance with the technical document, Landcom (2006) Edition 4 'Managing Urban Stormwater: Soils & Construction. These controls would be installed prior to the commencement of works.
8. The Department should be notified of any sedimentation events that flow into the Crown waterway, Coxs River Creek, or any encroachment of the earthworks into the Crown waterway by email to orange.crownlands@crowmland.nsw.gov.au.
9. It is noted that an extension to the final quarry void will directly impact on Crown Land Lot 7322 DP1149335. It is required that the final land form void is rehabilitated to a standard that will ensure there is no ongoing maintenance requirement greater than the surrounding bushland.

Should you require any further information, please do not hesitate to contact Daryl Lawrence at the Orange Office by phone on 02 6391 4341.

Yours sincerely



Bryson Lashbrook
Senior Property Management Officer
Department of Industry, Crown Lands and Water Division

Standard Environmental Assessment Requirements

Biodiversity
<p>1. Biodiversity impacts related to the proposed [development/project] are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the <i>Biodiversity Conservation Act 2016</i> (s6.12), <i>Biodiversity Conservation Regulation 2017</i> (s6.8) and Biodiversity Assessment Method, unless OEH and DPE determine that the proposed development is not likely to have any significant impacts on biodiversity values.</p> <p>2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method.</p> <p>3. The BDAR must include details of the measures proposed to address the offset obligation as follows;</p> <ul style="list-style-type: none"> • The total number and classes of biodiversity credits required to be retired for the development/project; • The number and classes of like-for-like biodiversity credits proposed to be retired; • The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules; • Any proposal to fund a biodiversity conservation action; • Any proposal to conduct ecological rehabilitation (if a mining project); • Any proposal to make a payment to the Biodiversity Conservation Fund. <p>If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.</p> <p>4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.</p> <p>5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the <i>Biodiversity Conservation Act 2016</i>.</p>
Aboriginal cultural heritage
<p>6. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test</p>

excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by the [Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW \(DECCW, 2011\)](#) and consultation with OEH regional branch officers.

7. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal cultural heritage consultation requirements for proponents 2010 \(DECCW\)](#). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

8. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

Historic heritage

9. The EIS must provide a heritage assessment including but not limited to an assessment of impacts to *State and local heritage* including conservation areas, natural heritage areas, places of Aboriginal heritage value, buildings, works, relics, gardens, landscapes, views, trees should be assessed. Where impacts to State or locally significant heritage items are identified, the assessment shall:

- a. outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the mitigation measures) generally consistent with the NSW Heritage Manual (1996),
- b. be undertaken by a suitably qualified heritage consultant(s) (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria),
- c. include a statement of heritage impact for all heritage items (including significance assessment),
- d. consider impacts including, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, landscape and vistas, and architectural noise treatment (as relevant), and
- e. where potential archaeological impacts have been identified develop an appropriate archaeological assessment methodology, including research design, to guide physical archaeological test excavations (terrestrial and maritime as relevant) and include the results of these test excavations.

Water and soils

10. The EIS must map the following features relevant to water and soils including:
- a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
 - b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).
 - c. Wetlands as described in s4.2 of the Biodiversity Assessment Method.
 - d. Groundwater.
 - e. Groundwater dependent ecosystems.
 - f. Proposed intake and discharge locations.

<p>11. The EIS must describe background conditions for any water resource likely to be affected by the development, including:</p> <ol style="list-style-type: none"> a. Existing surface and groundwater. b. Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations. c. Water Quality Objectives (as endorsed by the NSW Government http://www.environment.nsw.gov.au/ieo/index.htm) including groundwater as appropriate that represent the community's uses and values for the receiving waters. d. Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the ANZECC (2000) Guidelines for Fresh and Marine Water Quality and/or local objectives, criteria or targets endorsed by the NSW Government. e. Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning
<p>12. The EIS must assess the impacts of the development on water quality, including:</p> <ol style="list-style-type: none"> a. The nature and degree of impact on receiving waters for both surface and groundwater, demonstrating how the development protects the Water Quality Objectives where they are currently being achieved, and contributes towards achievement of the Water Quality Objectives over time where they are currently not being achieved. This should include an assessment of the mitigating effects of proposed stormwater and wastewater management during and after construction. b. Identification of proposed monitoring of water quality. c. Consistency with any relevant certified Coastal Management Program (or Coastal Zone Management Plan)
<p>13. The EIS must assess the impact of the development on hydrology, including:</p> <ol style="list-style-type: none"> a. Water balance including quantity, quality and source. b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas. c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems. d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches). e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water. f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options. g. Identification of proposed monitoring of hydrological attributes.
<p>Flooding and coastal hazards</p>
<p>14. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:</p>

- a. Flood prone land.
- b. Flood planning area, the area below the flood planning level.
- c. Hydraulic categorisation (floodways and flood storage areas).
- d. Flood hazard

15. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.

16. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:

- a. Current flood behaviour for a range of design events as identified in 14 above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

17. Modelling in the EIS must consider and document:

18. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.

19. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood.

20. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories.

21. Relevant provisions of the NSW Floodplain Development Manual 2005.

22. The EIS must assess the impacts on the proposed development on flood behaviour, including:

- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
- b. Consistency with Council floodplain risk management plans.
- c. Consistency with any Rural Floodplain Management Plans.
- d. Compatibility with the flood hazard of the land.
- e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES.

k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

ATTACHMENT B

Guidance Material

Title	Web address
<u>Relevant Legislation</u>	
<i>Biodiversity Conservation Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/63/full
<i>Coastal Management Act 2016</i>	https://www.legislation.nsw.gov.au/#/view/act/2016/20/full
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>	http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/
<i>Environmental Planning and Assessment Act 1979</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N
<i>Fisheries Management Act 1994</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+38+1994+cd+0+N
<i>Marine Parks Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+64+1997+cd+0+N
<i>National Parks and Wildlife Act 1974</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N
<i>Protection of the Environment Operations Act 1997</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N
<i>Water Management Act 2000</i>	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+2000+cd+0+N
<i>Wilderness Act 1987</i>	http://www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N
<u>Biodiversity</u>	
Biodiversity Assessment Method (OEH, 2017)	https://biodiversity-ss.s3.amazonaws.com/Uploads/1494298079/Biodiversity-Assessment-Method-May-2017.pdf
Biodiversity Development Assessment Report	https://www.legislation.nsw.gov.au/#/view/act/2016/63/part6/div3/sec6.12
Guidance and Criteria to assist a decision maker to determine a serious and irreversible impact (OEH, 2017)	https://biodiversity-ss.s3.amazonaws.com/Uploads/1494298198/Serious-and-Irreversible-Impact-Guidance.PDF
Accreditation Scheme for Application of the Biodiversity Assessment Metho Order 2017	https://www.legislation.nsw.gov.au/regulations/2017-471.pdf
Biodiversity conservation actions	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-biodiversity-actions-170496.pdf
Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules	www.environment.nsw.gov.au/resources/bcact/ancillary-rules-reasonable-steps-170498.pdf
OEH Threatened Species Website	www.environment.nsw.gov.au/threatenedspecies/
NSW BioNet (Atlas of NSW Wildlife)	www.bionet.nsw.gov.au/
NSW guide to surveying threatened plants (OEH 2016)	www.environment.nsw.gov.au/resources/threatenedspecies/160129-threatened-plants-survey-guide.pdf
OEH threatened species survey and assessment guideline information	www.environment.nsw.gov.au/threatenedspecies/surveyassessm entgdlns.htm

Title	Web address
BioNet Vegetation Classification - NSW Plant Community Type (PCT) database	www.environment.nsw.gov.au/research/Vegetationinformationsystem.htm
OEH Data Portal (access to online spatial data)	http://data.environment.nsw.gov.au/
Fisheries NSW policies and guidelines	http://www.dpi.nsw.gov.au/fisheries/habitat/publications/policies,-guidelines-and-manuals/fish-habitat-conservation
List of national parks	http://www.environment.nsw.gov.au/NationalParks/parksearchatoz.aspx
Revocation, recategorisation and road adjustment policy (OEH, 2012)	http://www.environment.nsw.gov.au/policies/RevocationOfLandPolicy.htm
Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW, 2010)	http://www.environment.nsw.gov.au/protectedareas/developmntadjoiningdecc.htm
<u>Heritage</u>	
The Burra Charter (The Australia ICOMOS charter for places of cultural significance)	http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf
Statements of Heritage Impact 2002 (HO & DUAP)	http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf
NSW Heritage Manual (DUAP) (scroll through alphabetical list to 'N')	http://www.environment.nsw.gov.au/Heritage/publications/
<u>Aboriginal Cultural Heritage</u>	
Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/comconsultation/09781ACHconsultreq.pdf
Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)	http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf
Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)	http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf
Aboriginal Site Recording Form	http://www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
Aboriginal Site Impact Recording Form	http://www.environment.nsw.gov.au/resources/cultureheritage/120558asirf.pdf
Aboriginal Heritage Information Management System (AHIMS) Registrar	http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm
Care Agreement Application form	http://www.environment.nsw.gov.au/resources/cultureheritage/20110914TransferObject.pdf
<u>Water and Soils</u>	
Acid sulphate soils	
Acid Sulfate Soils Planning Maps via Data.NSW	http://data.nsw.gov.au/data/
Acid Sulfate Soils Manual (Stone et al. 1998)	http://www.environment.nsw.gov.au/resources/epa/Acid-Sulfate-Manual-1998.pdf

Title	Web address
Acid Sulfate Soils Laboratory Methods Guidelines (Ahern et al. 2004)	http://www.environment.nsw.gov.au/resources/soils/acid-sulfate-soils-laboratory-methods-guidelines.pdf This replaces Chapter 4 of the Acid Sulfate Soils Manual above.
Flooding and Coastal Erosion	
Reforms to coastal erosion management	http://www.environment.nsw.gov.au/coasts/coastalerosionmgmt.htm
Floodplain development manual	http://www.environment.nsw.gov.au/floodplains/manual.htm
Guidelines for Preparing Coastal Zone Management Plans	Guidelines for Preparing Coastal Zone Management Plans http://www.environment.nsw.gov.au/resources/coasts/130224CZMPGuide.pdf
NSW Climate Impact Profile	http://climatechange.environment.nsw.gov.au/
Climate Change Impacts and Risk Management	Climate Change Impacts and Risk Management: A Guide for Business and Government, AGIC Guidelines for Climate Change Adaptation
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	www.environment.gov.au/water/publications/quality/australian-and-new-zealand-guidelines-fresh-marine-water-quality-volume-1
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	http://deccnet/water/resources/AWQGuidance7.pdf
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

From: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>
Sent: Thursday, 9 August 2018 2:37 PM
To: Alex Irwin
Subject: Project overview and PEA

Hi Alex,
We don't have any particular comment on this document. We are predominantly interested in the document/s relating to rehabilitation and want to ensure there is adequate time for us to review, then discuss the document. We would appreciate being kept up to date with the modification process from your end rather than relying on Dept of Planning circulating documents for comment.
Regards,
Melanie

From: Alex Irwin <alex@rwcorkery.com>
Sent: Tuesday, 31 July 2018 12:37 PM
To: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>
Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Melanie,

We are working to completing a Statement of Environmental Effects by the end of the year, with exhibition, assessment and determination likely to completed in the first half of 2019.

If possible, we would appreciate the feedback / requirements of FC NSW within the next 2 weeks. Walker Quarries and RWC are also happy to meet with you again or discuss over the phone matters related to the use and rehabilitation of FC NSW land.

Regards,

Alex Irwin
Senior Environmental Consultant
(Mobile 0429 635 975)

RW Corkery & Co Pty Limited

Geological and Environmental Consultants



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From: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>
Sent: 31 July 2018 12:19 PM
To: Alex Irwin <alex@rwcorkery.com>
Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Hi Alex,

Sorry, I didn't get back to you earlier. We have been informed by the Resources Regulator the approval for the MOP was conditional, requiring further consultation with us on any further development consent applications, which is occurring now.

Thanks for sending the PEA. I haven't had the chance to thoroughly review it yet. What is your timeframe for submission?

Dan will return from leave next week so a meeting within the next month would be good.

Regards,
Melanie

From: Alex Irwin [<mailto:alex@rwcorkery.com>]
Sent: Thursday, 28 June 2018 10:21 AM
To: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>
Cc: Dan Kirby <Dan.Kirby@fcnsw.com.au>; 'Paul Hensley (pfhensley@gmail.com)' <pfhensley@gmail.com>
Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Melanie,

I apologise that the MOP was not provided to FC NSW prior to finalisation. I note we were unfortunately rushing to completed by the nominated deadline imposed by DPE and I lost track of commitments made.

We will continue to engage with you regarding the proposed modification to development consent and long term objectives for rehabilitation of the mining lease. We are in process of completing various specialist consultants to advise us on constraints to our currently proposed site layout (as contained in the Project Overview / PEA which provides for some modifications to the concept plan provided to you on 23 May and discussed in our last meeting). As these studies are completed we will finalise a site layout and prepare a proposed final landform / land use. This may be an opportune time to meet with FC NSW again to discuss rehabilitation and final landform / land use objectives. I expect late July / early August looms as a likely time for such a meeting.

Regards,

Alex Irwin
Senior Environmental Consultant
(Mobile 0429 635 975)

RW Corkery & Co Pty Limited

Geological and Environmental Consultants



Brooklyn
Level 1, 12 Dangar Road
PO Box 239
BROOKLYN NSW 2083

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62 Hill Street
ORANGE NSW 2800

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Phone: (02) 6362 5411
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Phone: (07) 3205 5400
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From: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>

Sent: 27 June 2018 12:05 PM

To: Alex Irwin <alex@rwcorkery.com>

Cc: Dan Kirby <Dan.Kirby@fcnsw.com.au>

Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Hi Alex,

I'm a little confused. We were supposed to be consulted on the Rehab plan/MOP prior to it being submitted. In the below email trail, back in October last year, you asked if we had any specific requirements. I outlined a few and then asked to see the document to be able to review it and provide further comment. Walker Quarries was then granted an extension for the preparation of the Rehab Plan and I was assured FCNSW would be provided a copy "well ahead of the due date". This does not appear to have occurred.

I have made some enquiries with DRG and now know there was provisional acceptance only of Rehabilitation Outcomes in the MOP approval letter. Noting that further consultation will be required in the forthcoming Development Consent application process and in the development of the next longer term MOP submission. I look forward to working with you and Walker Quarries when this occurs, I am sure we can agree on the outcomes once the mine is decommissioned.

Regards,
Melanie

From: Alex Irwin [<mailto:alex@rwcorkery.com>]

Sent: Friday, 15 June 2018 10:10 AM

To: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>

Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Hi Melanie,

The MOP is the Rehabilitation Management Plan as required by the development consent.

Regards,

Alex Irwin

Senior Environmental Consultant

(Mobile 0429 635 975)

RW Corkery & Co Pty Limited

Geological and Environmental Consultants



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From: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>
Sent: 14 June 2018 10:17 AM
To: Alex Irwin <alex@rwcorkery.com>
Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Hi Alex,
While finalising the conditions for the Compensation Agreement, I want to be sure of what rehabilitation plans will be in place. Are you close to submitting the Rehab Plan? The new MOP outlines rehab as well, will the plan be much different to what's in the MOP?
Thanks,
Melanie

From: Alex Irwin [<mailto:alex@rwcorkery.com>]
Sent: Thursday, 16 November 2017 12:31 PM
To: Melanie Klootwijk <Melanie.Klootwijk@fcnsw.com.au>
Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Hi Melanie,

Thanks for the feedback below.

We recently obtained an extension on the preparation of the Rehabilitation Management Plan (RMP) from the DPE (attached) and have yet to draft this document.

The RMP and MOP will be incorporated into the one document which we plan on drafting in January and February next year and I will be sure to provide a copy of this to you well ahead of the due date. IN the interim, your comments below will be considered and I am happy to take on board any other comments you may have in the intervening period.

Regards,

Alex Irwin
Senior Environmental Consultant
(Mobile 0429 635 975)

RW Corkery & Co Pty Limited

Geological and Environmental Consultants



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From: Melanie Klootwijk [<mailto:Melanie.Klootwijk@fcnsw.com.au>]
Sent: 15 November 2017 11:58 AM
To: Alex Irwin <alex@rwcorkery.com>
Subject: RE: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW - Rehabilitation Management Plan

Hi Alex,
Do you have a copy of the Rehab Plan that I can directly comment on?

The below are the comments submitted to the Department from FCNSW in relation to rehabilitation as mentioned in the modification:

- FCNSW opposes the Quarry site entrance and access road, within the State forest boundary, to be retained
- FCNSW opposes an open cut void being retained
- FCNSW opposes the former Hoskins Quarry being left in the form it was prior to commencement of operations,
- FCNSW opposes the main (or any) water storages of the Quarry Site to be retained

All the above areas should be rehabilitated and revegetated to re-establish the native open forest community which previously occurred across the area disturbed.

I understand that through the current MOP a final void is approved, however after lodging the above comments with the Department, they applied a condition that the Rehabilitation Management Plan must be prepared in consultation with us. I understand further negotiation may be required in relation to this plan.

Regards,

Melanie Klootwijk | Stewardship Supervisor (NOTE: I work Tues - Thurs)
Forestry Corporation of NSW | Northern Softwoods Region

Cnr Panorama Ave and Browning Street | Bathurst NSW 2795
PO Box 143 | Bathurst NSW 2795
M: 0427 259 503 | F: 02 6331 5528
E: melanie.klootwijk@fcnsw.com.au | W: www.forestrycorporation.com.au

From: Alex Irwin [<mailto:alex@rwcorkery.com>]
Sent: Friday, 20 October 2017 2:21 PM
To: Dan Kirby <Dan.Kirby@fcnsw.com.au>
Subject: 949 - Wallerawang Quarry - Requirement to Consult with FC NSW

Good afternoon Dan,

Walker Quarries Pty Ltd received approval for a modification to the project approval for the Wallerawang Quarry (DA 344-11-2001) on 25 August 2017 (attached).

Condition 3(31) of DA 344-11-2001 requires Walker Quarries to consult with FC NSW in the preparation of a Rehabilitation Management Plan.

With respect to the nominated condition, and noting that Walker Quarries is currently operating under a Mining Operations Plan which addresses some of the requirements of the Rehabilitation Management Plan, can you provide any specific requirements of FC NSW for the preparation and/or update of this plan.

I note DA 344-11-2001 requires these plans to be submitted to the Secretary for approval by 25 November 2017 and so we would appreciate any advice as soon as possible.

Regards,

Alex Irwin

Senior Environmental Consultant
(Mobile 0429 635 975)

RW Corkery & Co Pty Limited

Geological and Environmental Consultants



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3 August 2018

SF2018/112228; WST08/00090/04

General Manager
RW Corkery
62 Hill Street
ORANGE NSW 2800

Attention: Andrew Bridle

Dear Mr Bridle

**DA-344-11-2001: Lot 6 DP872230, Lot 7322 DP1149335 and Lot 7071 DP1201227;
Great Western Highway (HW5), Wallerawang: Wallerawang Quarry**

Thank you for your email on 23 July 2018 referring a Preliminary Environmental Assessment (PEA) for a proposed modification at Wallerawang Quarry. I note the proposed modification includes an extension of the approved extraction area, with an additional resource extraction of 10 million tonnes over a 25 year period. Importantly for Roads and Maritime, the proposed extension will not result in changes to existing peak traffic volumes generated by existing quarry operations.

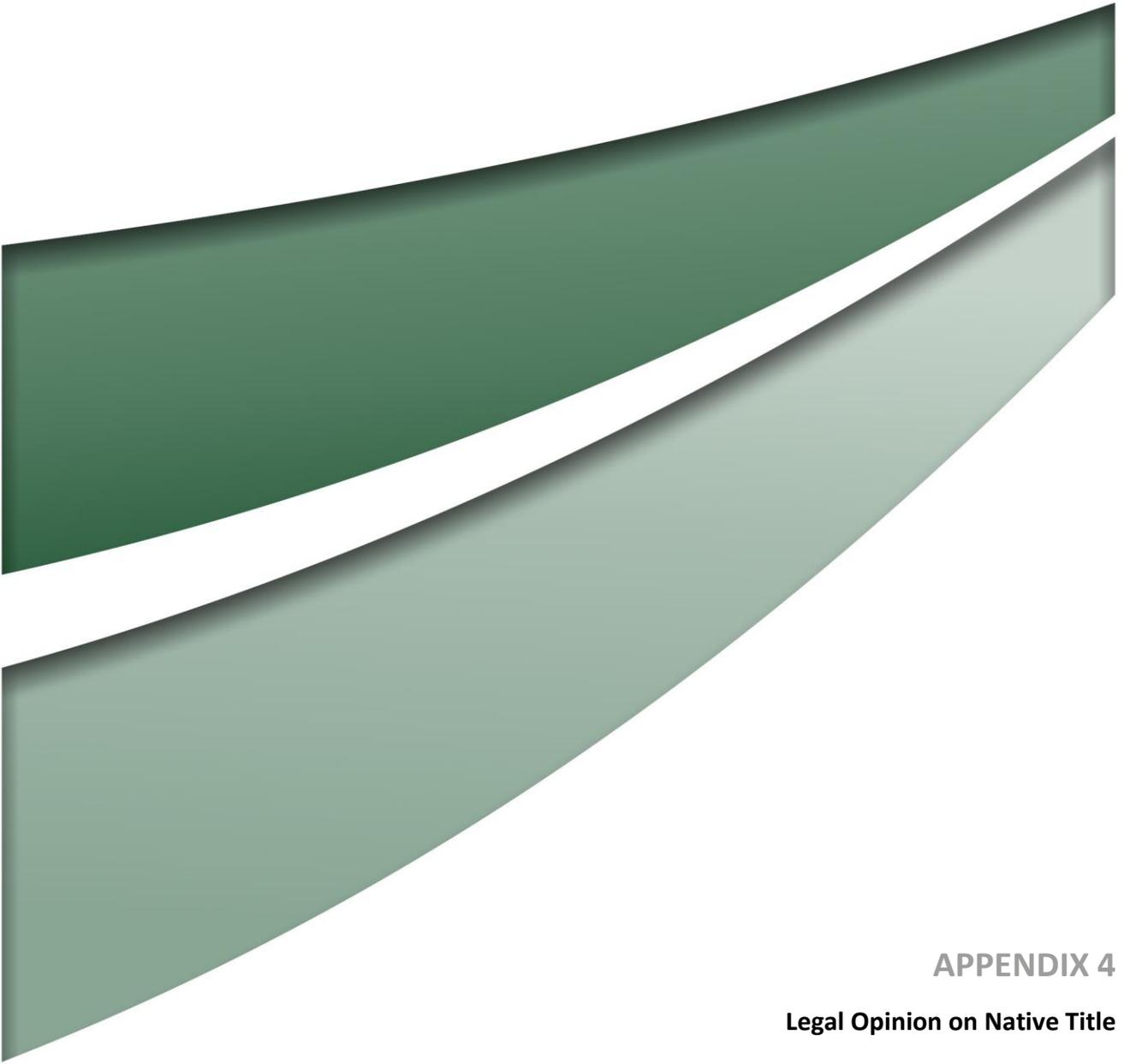
Roads and Maritime has reviewed the PEA. Noting there are no proposed changes to transportation operations, Roads and Maritime does not object to the proposal.

I trust this information is of assistance. Should you require further information in relation to this matter please contact the undersigned on 02 6861 1453.

Yours faithfully

Andrew McIntyre
Manager Land Use
Western

Roads and Maritime Services



APPENDIX 4

Legal Opinion on Native Title



Exploration & Mining Title Services
www.hemts.com.au

Native Title Clearance Report

**Prepared for
WALKER QUARRIES PTY LTD**

**23 April 2018
NEW SOUTH WALES**

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EXECUTIVE SUMMARY

This Native Title Clearance Report has been prepared for the purpose of evaluating the status of Native Title rights with respect to the land parcels identified in Table 1: Summary of Land (“**Subject Area**”) being Lot 7071 in Deposited Plan 1201227 (“**Lot 7071**”) and Lot 7322 in Deposited Plan 1149335 (“**Lot 7322**”).

It is submitted that the information available is sufficient to provide guidance regarding the status of Native Title with respect to the Subject Area.

SCOPE OF NATIVE TITLE REPORT

This report has been prepared pursuant to the *Department of Industry, Skills and Regional Investment Protocol and Checklist for Proof of Extinguishment of Native Title* (“**Protocol**”).

The following land parcels comprise the Subject Area:

Table 1: Summary of Land

Reference No.	Land Parcel Identifier	Short reference	Current Tenure
1	Lot 7071 in Deposited Plan 1201227	Lot 7071	State Forest
2	Lot 7322 in Deposited Plan 1149335	Lot 7322	Crown Land

KEY ASSUMPTIONS/DISCLAIMER

This report has been compiled on the assumption that the information obtained from the following sources is true and correct:

- Title Searches, Title Plans and other related Title documents have been obtained from data broker Infotrack. All property information from data brokers used in this report has been sourced from the New South Wales Land Registry Services (“**NSWLRS**”).
- Information regarding Native Title Claims, Applications, Determinations and Decisions made pursuant to the *Native Title Act 1993* (Cth) (“**NTA**”) has been obtained from the Native Title Register which is maintained by the National Native Title Tribunal.
- Historical tenure records were received from the NSWLRS.
- This report represents the opinion of Hetherington Exploration & Mining Title Services Pty Ltd only.

ENCLOSED SUPPORTING DOCUMENTS

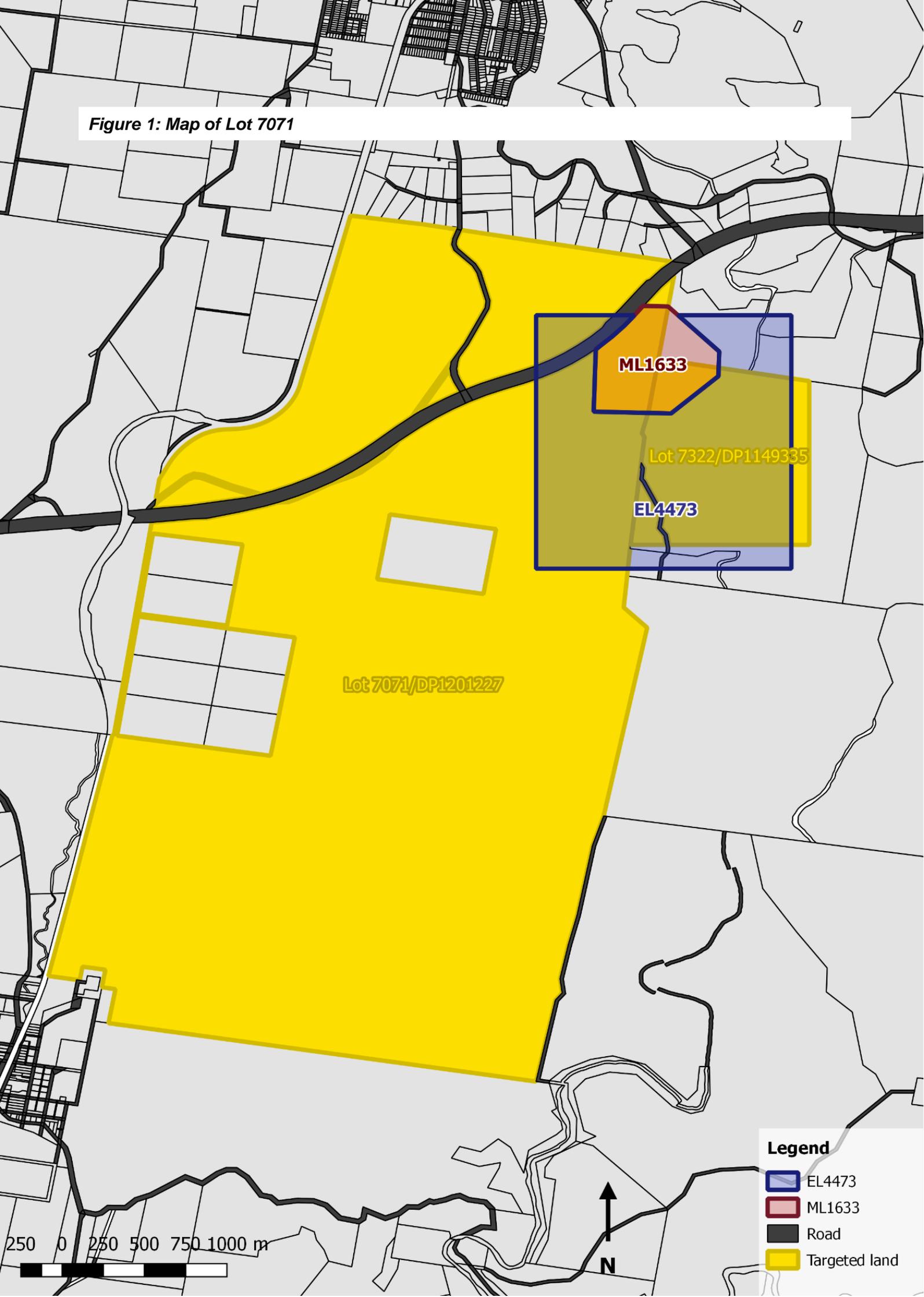
The following Appendices are enclosed with this report:

Appendix A	Title searches relating to the Subject Area
Appendix B	Deposited Plans relating to the Subject Area
Appendix C	Overlap Analysis Report provided by the National Native Title Tribunal.
Appendix D	NSW Government Gazettes
Appendix E	Historical parish maps

IDENTIFICATION OF SUBJECT AREA

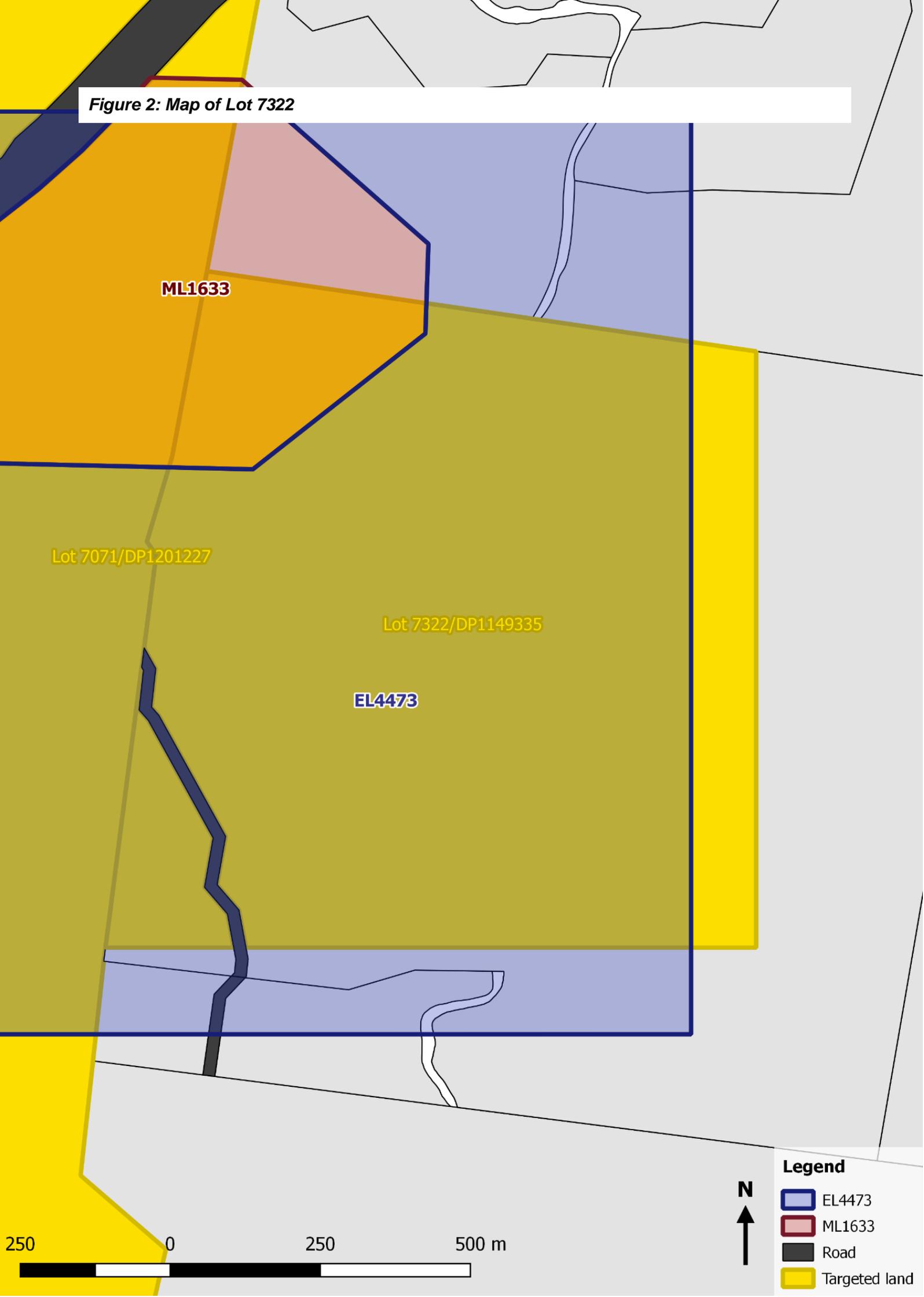
Diagrams of the Subject Area have been included at Figures 1 and 2 overleaf.

Figure 1: Map of Lot 7071



- Legend**
- EL4473
 - ML1633
 - Road
 - Targeted land

Figure 2: Map of Lot 7322



Legend

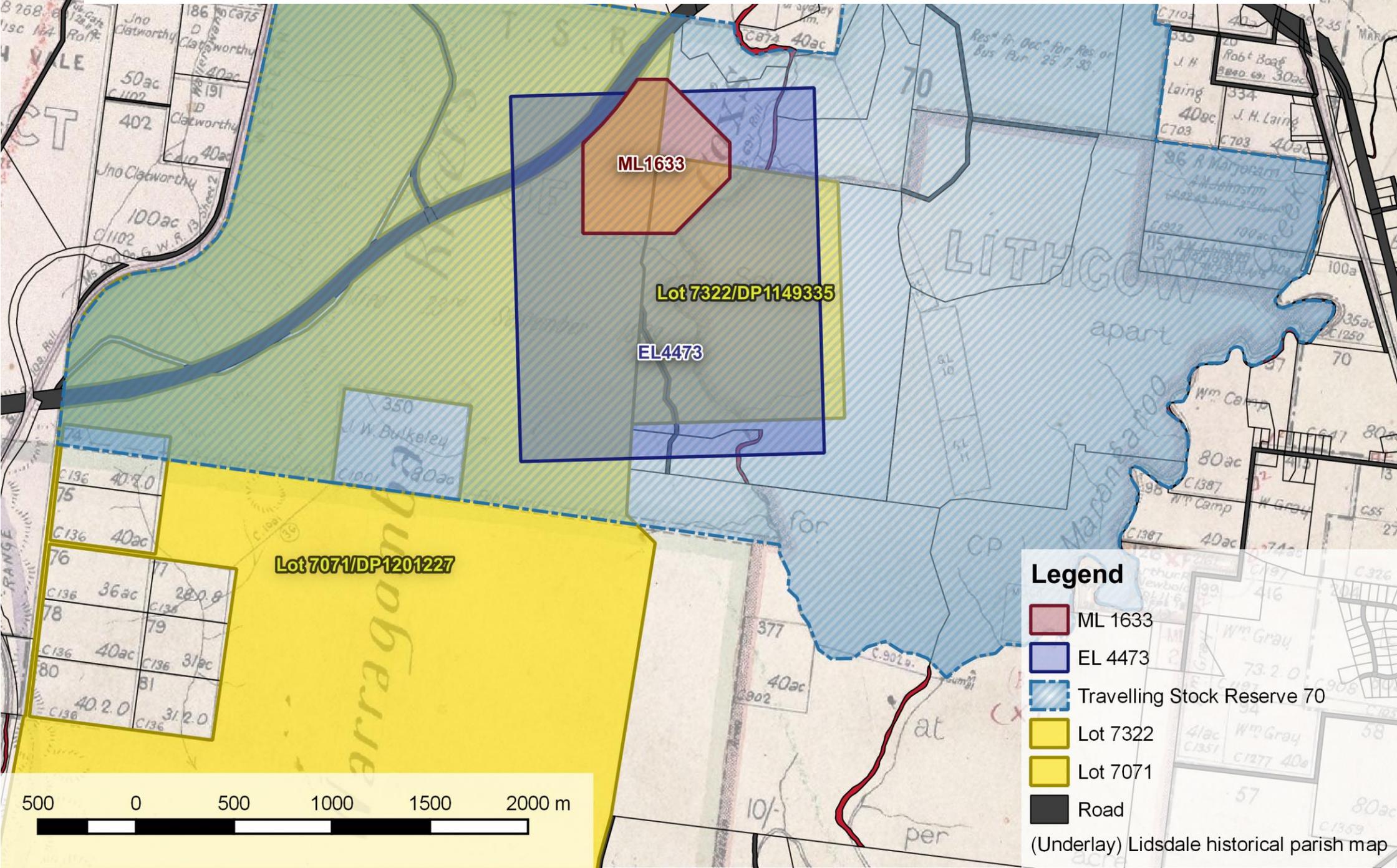
- EL4473
- ML1633
- Road

Targeted land



250 0 250 500 m

Figure 3: Map of Travelling Stock Reserve 70



500 0 500 1000 1500 2000 m

Table 2: Particulars of current land titles

Reference No.	Current Identifier	Folio	Proprietor	Current Status	Tenure
1	7071/1201227		The State of New South Wales	State Forest	
2	7322/1149335		The State of New South Wales	Crown Land	

NATIVE TITLE CLAIMANT APPLICATIONS AND DETERMINATIONS

According to the National Native Title Register maintained by the National Native Title Tribunal, there is currently a Native Title Claimant Application which has been lodged in respect to the Subject Area.

The Register for Native Title Claims lists one registered Native Title Determination Application over the Subject Area:

Title	Area of Title Affected	Tribunal ID	Name	Federal Court No	Date Lodged	Status
Lot 7071	100%	NC2017/001	Warrabinga-Wiradjuri #7	NSD857/2017	29/05/2017	Accepted for registration
Lot 7322	100%					

A copy of the Overlap Analysis Report is located at Appendix C.

LEGISLATIVE BASIS FOR THE EXTINGUISHMENT OF NATIVE TITLE

Previous Exclusive Possession Acts

Section 23A of the NTA provides that previous exclusive possession acts (“**PEPAs**”) attributable to the Commonwealth including the granting of things, such as leases that confer exclusive possession, will have completely extinguished Native Title.

Section 23B(2) of the NTA defines PEPAs, stating that an Act is a PEPA if;

- It is valid; and
- It took place on or before 23 December 1996.

Pursuant to Section 23E of the NTA, a State or Territory may make provision for extinguishment of Native Title by acts attributable to the State or Territory. Section 8 of the *Native Title Act 1994 (NSW)* provides that acts attributable to New South Wales, including PEPAs as defined by Section 23B of the NTA, are valid.

Section 23G of the NTA confirms that partial extinguishment is applicable in cases where the rights conferred by a non-exclusive possession act are partly inconsistent with the Native Title rights and interests. Section 23G(1)(c) further states that any extinguishment under this section is taken to be done upon grant of the right.

Reserves (general)

The majority in *Western Australia v Ward* (2002) HCA 258 found the relevant test when determining if Native Title had been extinguished as a result of the creation of a reserve by the Crown, was

determining whether the created or asserted reserve rights were inconsistent with the existing Native Title rights and interests over the land.

To determine whether there is an inconsistency in rights, an investigation and comparison is made between the rights affected by the reserve and the existing Native Title rights over the land.

Accordingly, it is the opinion of Hetherington that the reserves contained within the historical tenure of the land parcels listed in *Table 3: Tenure Analysis*, are dedications by the Crown and created grazing rights over Lot 7322 which are inconsistent with, and extinguish, Native Title grazing rights.

Travelling Stock Reserve

Reservation of land under the *Crown Lands Alienation Act 1861* (NSW) for use by travelling stock may constitute an act inconsistent with Native Title. Section 23B(7) of the NTA gives that '*the construction or establishment of any public work that commenced to be constructed or established on or before 23 December 1996*' may be considered a Previous Exclusive Possession Act if it is a Valid Act such as an act by a State (such as under section 19).

Section 253 of the NTA provides the definition of a Public Work, which includes under sub-section (jia); '*where the expression is used in or for the purposes of Division 2 or 2A of Part 2—a stock-route*'. The grant of the Travelling Stock Route overlying the Subject Area was made pursuant to section 4 of the *Crown Lands Alienation Act 1861* (NSW), which empowers the Governor to declare portions of Crown Lands '*... to be dedicated to public purposes and what lands shall be reserved from sale until surveyed for the preservation of water supply or other public purpose*'.

Accordingly, it is the opinion of Hetherington that the travelling stock reserve contained within the historical tenure of the land parcels listed in *Table 3: Tenure Analysis*, is a dedication by the Crown which is a Previous Exclusive Possession Act extinguishing Native Title rights over the applicable area pursuant to s 23B(7) of the NTA.

State Forests

Dedication of land as a State Forest is not a Scheduled Interest as recognised by Schedule 1 of the NTA.

Special Leases

Grant of a Special Lease under Crown Lands Consolidation Act 1913 is a Scheduled Interest as recognised by Schedule 1(8) of the NTA, and can therefore potentially extinguish Native Title rights if it is granted solely or primarily for any of the purposes listed in the Schedule.

Table 3: Tenure Analysis

Please note: Copies of all documents referred to in this Tenure Analysis Table may be found at Appendices D and E.

Ref	Folio Identifier	Land owner	Historical Title Reference	Assertion as to extinguishment	Extinguishment Details
1	Lot 7071 in Deposited Plan 1201227	The State of New South Wales	<p>Lidsdale State Forest Number 707</p> <ul style="list-style-type: none"> Dedicated under the <i>Forestry Act 1916</i> (NSW) and notified in Gazette dated 9 May 1919, evidenced in folios 2594-2595. <p>No. 2 extension notified in Gazette dated 10 March 1922 evidenced in folio 1637.</p>	Non-extinguishing	Dedication of land as a State Forest is not a Scheduled Interest as recognised by Schedule 1 of the NTA.
			<p>Travelling Stock Reserve 70</p> <ul style="list-style-type: none"> Reserved from sale under section 4 of the <i>Crown lands Alienation Act 1861</i> (NSW) and notified in Gazette dated 23 September 1879. 	Fully extinguishing	<p>Travelling Stock Reserve 70 was granted under section 4 of the <i>Crown Lands Alienation Act 1861</i> (NSW), which empowers the Governor to '<i>declare what portions of Crown Lands will be set apart the portions of town lands or suburban lands to be dedicated to public purposes</i>'.</p> <p>As a result, this constitutes a reservation for '<i>public works</i>' in satisfaction of section 23A of the NTA, and therefore constitutes an act of previous exclusive possession, extinguishing Native Title under s 23B(7).</p>

Ref	Folio Identifier	Land owner	Tenure History	Assertion as to extinguishment	Extinguishment Details
2	Lot 7322 in Deposited Plan 1149335	The State of New South Wales	<p>Annual Lease number 1 of 1940</p> <ul style="list-style-type: none"> Notified in the Gazette dated 31 May 1940. Commenced on 1 June 1940. Revoked by Special Lease Number 4 of 1946 on 13 November 1951 in accordance with section 30 of the <i>Crown Lands Consolidation Act 1913</i> (NSW). <p>Annual Lease Number 1 of 1940 is evidenced by the Eighth Edition Parish Map for Lidsdale dated 11 January 1932, revised 18 March 1938 and 22 April 1940.</p>	Non-extinguishing	Grant of an Annual Lease is not a Scheduled Interest as recognised by Schedule 1 of the NTA.
			<p>Reserve 69450</p> <ul style="list-style-type: none"> Reserve from sale generally in pursuance of section 29 of the <i>Crown Lands Consolidation Act 1913</i> (NSW). Notified in Gazette dated 9 August 1940. <p>Reserve 69450 is evidenced by the Eighth Edition Parish Map for Lidsdale dated 11 January 1932, revised 22 April 1940.</p>	Non-extinguishing	General reservation from sale is not a Scheduled Interest as recognised by Schedule 1 of the NTA.

Ref	Folio Identifier	Land owner	Tenure History	Assertion as to extinguishment	Extinguishment Details
2	Lot 7322 in Deposited Plan 1149335 (cont.)	The State of New South Wales	<p>Special Lease number 4 of 1946</p> <ul style="list-style-type: none"> Notified in the Gazette dated 16 October 1953. Commenced on 13 November 1951 for a term until 31 December 1961. Term extended until expiry on 31 December 1978. <p>Special Lease Number 4 of 1946 is evidenced by the Tenth Edition Parish Map for Lidsdale dated 10 December 1948, the Eleventh Edition Parish Map for Lidsdale dated 10 February 1975, and the Lidsdale Regional Charting Map dated 1 August 1974.</p>	Non-extinguishing	<p>Grant of a Special Lease under Crown Lands Consolidation Act 1913 is a Scheduled Interest as recognised by Schedule 1(8) of the NTA if it is granted solely or primarily for any of the listed purposes. Grazing alone is not a listed purpose.</p> <p>The Gazette dated 15 October 1953 indicates that the purpose for Special Lease 1946-4 was granted for the purpose of Grazing.</p>
			<p>Special Lease Number 11 of 1946</p> <ul style="list-style-type: none"> Notified in the Gazette dated 16 October 1953. Commenced on 13 November 1951 for a term until 31 December 1961. <p>Special Lease Number 11 of 1946 is evidenced by the Tenth Edition Parish Map for Lidsdale dated 10 December 1948, the Eleventh Edition Parish Map for Lidsdale dated 10 February 1975,</p>	Non-extinguishing	<p>Grant of an Special Lease under the Crown Lands Consolidation Act 1913 is a Scheduled Interest as recognised by Schedule 1(8) of the NTA if it is granted solely or primarily for any of the listed purposes. Grazing alone is not a listed purpose.</p> <p>The Gazette dated 15 October 1953 indicates that the purpose for Special Lease 1946-11 was granted for the purpose of Grazing.</p>

Ref	Folio Identifier	Land owner	Tenure History	Assertion as to extinguishment	Extinguishment Details
			and the Lidsdale Regional Charting Map dated 1 August 1974.		
2	Lot 7322 in Deposited Plan 1149335 (cont.)	The State of New South Wales	Travelling Stock Reserve 70 Reserved from sale under section 4 of the <i>Crown lands Alienation Act 1861</i> (NSW) and notified in Gazette dated 23 September 1879.	Fully extinguishing	Travelling Stock Reserve 70 was granted under section 4 of the <i>Crown Lands Alienation Act 1861</i> (NSW), which empowers the Governor to ' <i>declare what portions of Crown Lands will be set apart the portions of town lands or suburban lands to be dedicated to public purposes</i> '. As a result, this constitutes a reservation for ' <i>public works</i> ' in satisfaction of section 23A of the NTA, and therefore constitutes an act of previous exclusive possession, extinguishing Native Title under s 23B(7).

Please see Appendices D and E for copies of documents referenced in the Tenure analysis table.

CERTIFICATION OF TENURE MATERIAL

NSW Government Gazettes

It is understood that, pursuant to the Protocol, Government Gazettes are exempt from the outlined certification requirements.

All relevant parish maps are located at Appendix D.

Parish Maps

All relevant parish maps are located at Appendix E and have been obtained from NSWLRS's Historical Lands Records Viewer and this is suggested to be an adequate level of certification for the Department's requirements.

Title Searches and Plan

Lot 7071

The Title Search for Lot 7071 has been obtained through InfoTrack, and includes certification that the information contained in the document has been provided electronically by the Registrar General in accordance with Section 96B of the *Real Property Act 1900* (NSW) ("**RPA**"). It is suggested that, pursuant to Section 156 of the *Evidence Act 1995* (Cth) ("**EA**"), such certification is sufficient to show that the document is a true copy of the original document.

It is understood that in the past the Department has accepted that an official plan is one which has been deposited and registered with the relevant NSW Government department. It is respectfully suggested that the Administration sheet of Deposited Plan Crown Plan 1201227 demonstrates that this has occurred. Further, the diagram has been signed by a licensed surveyor.

This, combined with the matching Deposited Plan reference number on the supplied certified copy of the Title Search is sufficient certification to show that the document is a true copy pursuant to section 156 of the EA.

A copy of the Deposited plan is located at Appendix B.

Lot 7322

The Title Search for Lot 7322 has been obtained through InfoTrack, and includes certification that the information contained in the document has been provided electronically by the Registrar General in accordance with Section 96B of the *Real Property Act 1900* (NSW) ("**RPA**"). It is suggested that, pursuant to Section 156 of the *Evidence Act 1995* (Cth) ("**EA**"), such certification is sufficient to show that the document is a true copy of the original document.

It is understood that in the past the Department has accepted that an official plan is one which has been deposited and registered with the relevant NSW Government department. It is respectfully suggested that the annotation on the top right corner of Deposited Plan Crown Plan 1149335 demonstrates that this has occurred.

This, combined with the matching Deposited Plan reference number on the supplied certified copy of the Title Search is sufficient certification to show that the document is a true copy pursuant to section 156 of the EA.

A copy of the Deposited plan is located at Appendix B.

CONCLUSION

From the investigations undertaken and analysis provided above, it is our opinion that Native Title Rights over the ground subject to Travelling Stock Reserve 70 ("TSR 70") were fully extinguished upon notification of the reservation of portion No. 70 in the Cook County Parish of Lidsdale on 23 September 1879.

The area subject to TSR 70 upon notification is defined in the NSW Government Gazette dated 23 September 1879. The Reserve encompasses approximately 16.24 Km², and encompasses the entirety of Lot 7322.

The northern portion of Lot 7071 is subject to the area of TSR 70 extending south to the Town of Rydal Population boundary. The Rydal Population boundary is defined in the NSW Government Gazette dated 26 February 1887. The relevant boundary line is defined as:

Commencing at the south-east corner of portion 350, parish of Lidsdale, county of Cook; thence bounded on part of the north by a line partly forming the south boundary of that portion west to a point north of the north-east corner of portion 228, parish of Falnash... thence bounded on the east by a line partly forming the west boundary of [portion 377, parish of Lidsdale, county of Cook] with its prolongation north to a point east of the south-east corner of portion 350; thence bounded on the remainder of the North by a line west to the point of commencement.

The boundary defined above is an extension of the southern boundary of portion 350 (now Lot 350 DP 751651) in both its easterly and westerly directions.

The entirety of EL 4473 falls within the area of TSR 70.

Please contact the undersigned with any queries relating to this Report.

Yours sincerely,



SAM CARMAN
Tenement Consultant
Hetherington Exploration & Mining Title Services Pty Ltd
Sydney Office

Encl.

Appendix A

Title searches



FOLIO: 7071/1201227

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
21/2/2018	3:46 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7071 IN DEPOSITED PLAN 1201227
AT RYDAL & WALLERAWANG
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LIDSDALE COUNTY OF COOK
TITLE DIAGRAM DP1201227

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (5 NOTIFICATIONS)

- * 1 LAND EXCLUDES LOTS 74-81 AND 350 IN DP751651 SHOWN IN THE TITLE DIAGRAM
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 THE LAND ABOVE DESCRIBED IS ADMINISTERED UNDER THE FORESTRY ACT 2012 BY THE FORESTRY CORPORATION OF NEW SOUTH WALES
- * 4 DEDICATED AS A STATE FOREST KNOWN AS LIDSDALE STATE FOREST NO.707 AS NOTIFIED HEREUNDER:
 - * LIDSDALE STATE FOREST NO.707 AS TO PART - SEE GOV. GAZ. DATED 9.5.1919 FOLIOS 2594-2595
 - * LIDSDALE STATE FOREST NO.707, NO.2 EXTENSION AS TO PART - SEE GOV. GAZ. DATED 10.3.1922 FOLIO 1637
- * 5 DP1019449 RIGHT OF WAY OVER TRACK IN USE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

NOTE: PROPOSED EASEMENT FOR TRANSMISSION LINE 60 WIDE SHOWN DESIGNATED (B) IN THE TITLE DIAGRAM

NOTE: PROPOSED EASEMENT FOR TRANSMISSION LINE 45.72 WIDE SHOWN DESIGNATED (E) IN THE TITLE DIAGRAM (VIDE CROWN PLAN 4321.3090)

NOTE: PROPOSED EASEMENT FOR PIPELINE AND ACCESS 15 WIDE SHOWN DESIGNATED (C) IN THE TITLE DIAGRAM (VIDE DP643779)

NOTE: PROPOSED EASEMENT FOR PIPELINE AND ACCESS 15 WIDE SHOWN DESIGNATED (D) IN THE TITLE DIAGRAM (VIDE DP1186181)

THIS LAND MAY BE SUBJECT TO SUBSISTING INTERESTS THAT HAVE NOT BEEN

END OF PAGE 1 - CONTINUED OVER

FOLIO: 7071/1201227

PAGE 2

NOTATIONS (CONTINUED)

RECORDED. BEFORE DEALING WITH THIS LAND INQUIRIES SHOULD BE MADE
WITH FORESTRY CORPORATION OF NEW SOUTH WALES

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Walker Quarries

PRINTED ON 21/2/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



FOLIO: 7322/1149335

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
21/2/2018	3:48 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7322 IN DEPOSITED PLAN 1149335
AT MARRANGAROO
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LIDSDALE COUNTY OF COOK
TITLE DIAGRAM DP1149335

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA151761)

SECOND SCHEDULE (4 NOTIFICATIONS)

- * 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 3 LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM
- * 4 NOTIFICATION IN GOVERNMENT GAZETTE DATED 30.6.1978 FOL 2551 EASEMENT FOR TRANSMISSION LINE 60 WIDE AFFECTING PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN DP594284 SHEET 1.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

21/2/2018 5:00PM

FOLIO: 7071/1201227

First Title(s): THIS FOLIO
Prior Title(s): CROWN LAND

Recorded	Number	Type of Instrument	C.T. Issue
21/10/2014	DP1201227	DEPOSITED PLAN	FOLIO CREATED CT NOT ISSUED
10/2/2016	AJ973966	DEPARTMENTAL DEALING	

*** END OF SEARCH ***



NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

21/2/2018 5:52PM

FOLIO: 7322/1149335

First Title(s): THIS FOLIO

Prior Title(s): CROWN LAND

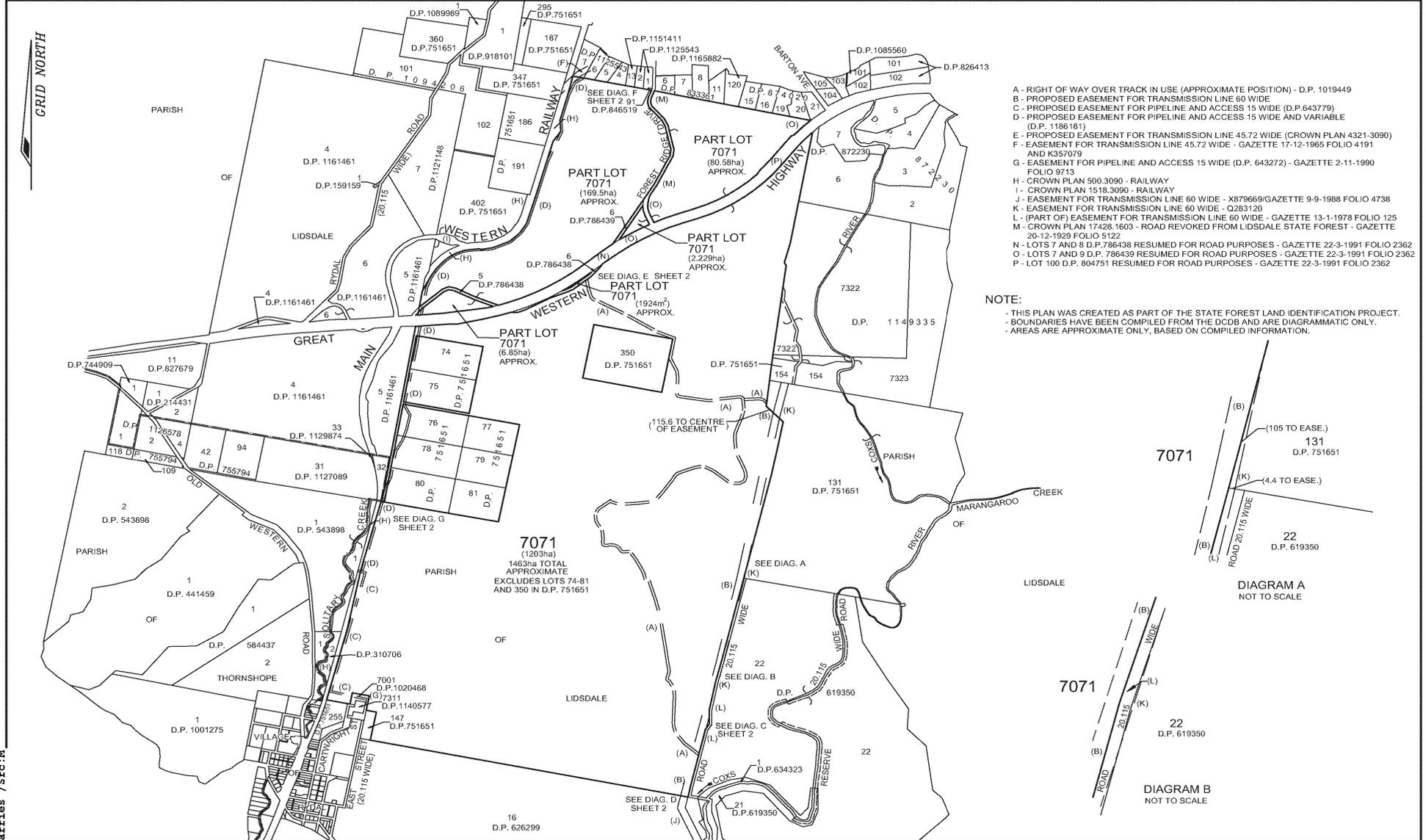
Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
15/3/2010	DP1149335	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
15/3/2010	CA151761	CONVERSION ACTION	FOLIO CREATED CT NOT ISSUED

*** END OF SEARCH ***

Appendix B

Deposited Plans

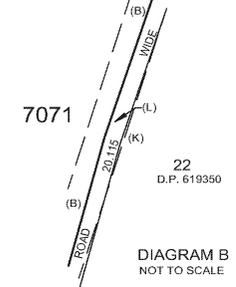
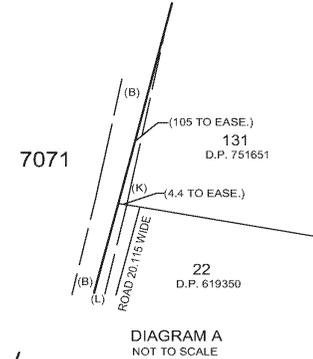
Reg: R395370 / Doc: DP 1201227 P / Rev: 21-Oct-2014 / Sts: SC OK / Pgs: ALL / Prt: 05-Apr-2018 08:23 / Seq: 1 of 4
 Ref: Walker Quarries / Src: IN



- A - RIGHT OF WAY OVER TRACK IN USE (APPROXIMATE POSITION) - D.P. 1019449
- B - PROPOSED EASEMENT FOR TRANSMISSION LINE 60 WIDE
- C - PROPOSED EASEMENT FOR PIPELINE AND ACCESS 15 WIDE (D.P. 643779)
- D - PROPOSED EASEMENT FOR PIPELINE AND ACCESS 15 WIDE AND VARIABLE (D.P. 1186181)
- E - PROPOSED EASEMENT FOR TRANSMISSION LINE 45.72 WIDE (CROWN PLAN 4321-3090) AND K357079
- F - EASEMENT FOR TRANSMISSION LINE 45.72 WIDE - GAZETTE 17-12-1965 FOLIO 4191
- G - EASEMENT FOR PIPELINE AND ACCESS 15 WIDE (D.P. 643272) - GAZETTE 2-11-1990 FOLIO 9713
- H - CROWN PLAN 500.3090 - RAILWAY
- I - CROWN PLAN 1518.3090 - RAILWAY
- J - EASEMENT FOR TRANSMISSION LINE 60 WIDE - X879669/GAZETTE 9-9-1988 FOLIO 4738
- K - EASEMENT FOR TRANSMISSION LINE 60 WIDE - Q283120
- L - (PART OF) EASEMENT FOR TRANSMISSION LINE 60 WIDE - GAZETTE 13-1-1978 FOLIO 125
- M - CROWN PLAN 17428.1603 - ROAD REVOKED FROM LIDSDALE STATE FOREST - GAZETTE 20-12-1929 FOLIO 5122
- N - LOTS 7 AND 8 D.P. 786438 RESUMED FOR ROAD PURPOSES - GAZETTE 22-3-1991 FOLIO 2362
- O - LOTS 7 AND 9 D.P. 786439 RESUMED FOR ROAD PURPOSES - GAZETTE 22-3-1991 FOLIO 2362
- P - LOT 100 D.P. 804751 RESUMED FOR ROAD PURPOSES - GAZETTE 22-3-1991 FOLIO 2362

NOTE:

- THIS PLAN WAS CREATED AS PART OF THE STATE FOREST LAND IDENTIFICATION PROJECT.
- BOUNDARIES HAVE BEEN COMPILED FROM THE DCCB AND ARE DIAGRAMMATIC ONLY.
- AREAS ARE APPROXIMATE ONLY, BASED ON COMPILED INFORMATION.



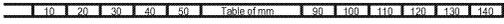
Surveyor: WAYNE KEITH ROWE,
 of LANGFORD & ROWE, DUBBO
 Date of Survey: 4-09-2014
 Surveyors Ref: 2014/101C

PLAN OF LOT 7071 BEING UNIDENTIFIED CROWN LAND WITHIN LIDSDALE STATE FOREST No.707: ORIGINAL DEDICATION AND EXTENSION 2
 Lengths are in metres. Reduction Ratio 1:20,000

L.G.A: LITHGOW CITY
 Locality: RYDAL AND WALLERAWANG
 Subdivision No:

Registered
 21.10.2014

DP1201227



Reg:R395370 /Doc:DP 1201227 P /Rev:21-Oct-2014 /sts:SC.OK /Pgs:ALL /Prt:05-Apr-2018 08:23 /Seq:2 of 4
Ref:Walker Quarries /Src:IX

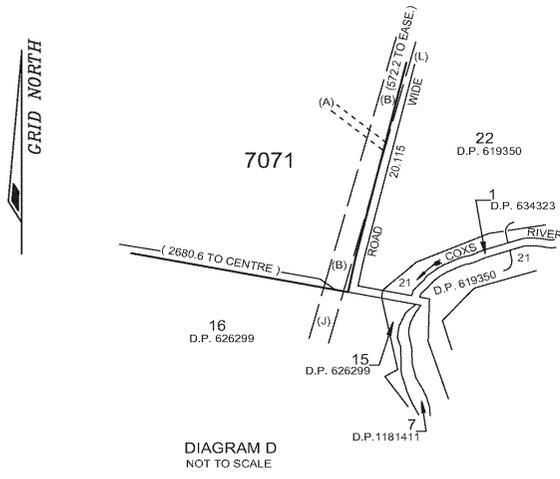


DIAGRAM D
NOT TO SCALE

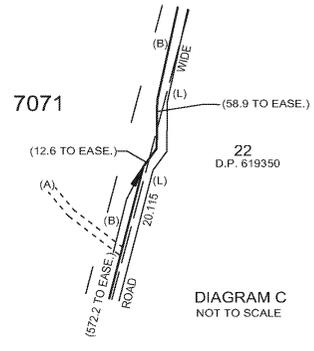


DIAGRAM C
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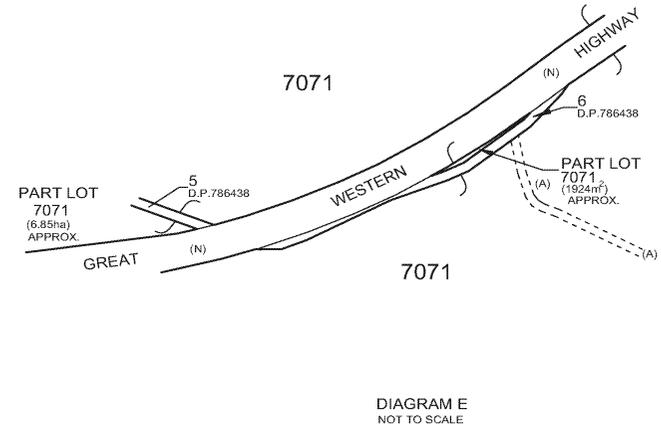


DIAGRAM E
NOT TO SCALE

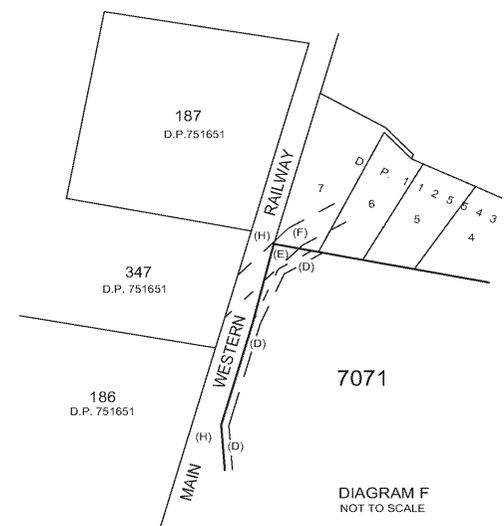


DIAGRAM F
NOT TO SCALE

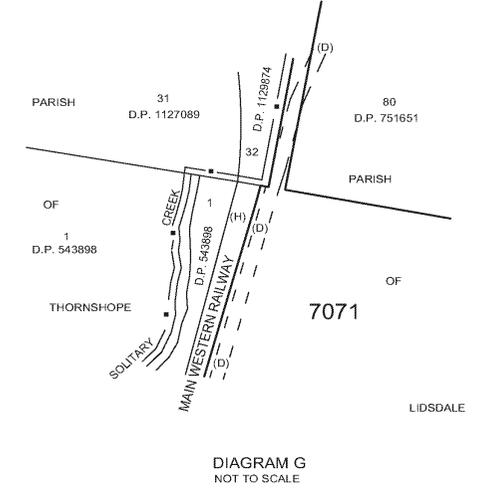
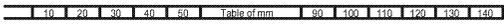


DIAGRAM G
NOT TO SCALE

- A - RIGHT OF WAY OVER TRACK IN USE (APPROXIMATE POSITION) - D.P. 1019449
- B - PROPOSED EASEMENT FOR TRANSMISSION LINE 60 WIDE
- D - PROPOSED EASEMENT FOR PIPELINE AND ACCESS 15 WIDE AND VARIABLE (D.P. 1186181)
- E - PROPOSED EASEMENT FOR TRANSMISSION LINE 45.72 WIDE (CROWN PLAN 4321-3090 FOLIO 9713)
- F - EASEMENT FOR TRANSMISSION LINE 45.72 WIDE - GAZETTE 17-12-1965 FOLIO 4191 AND K357079
- G - EASEMENT FOR PIPELINE AND ACCESS 15 WIDE (D.P. 643272) - GAZETTE 2-11-1990 FOLIO 9713
- H - CROWN PLAN 500.3090 - RAILWAY
- J - EASEMENT FOR TRANSMISSION LINE 60 WIDE - X879669/GAZETTE 9-9-1988 FOLIO 4738
- K - EASEMENT FOR TRANSMISSION LINE 60 WIDE - Q283120
- L - (PART OF) EASEMENT FOR TRANSMISSION LINE 60 WIDE - GAZETTE 13-1-1978 FOLIO 125
- N - LOTS 7 AND 8 D.P.786438 RESUMED FOR ROAD PURPOSES - GAZETTE 22-3-1991 FOLIO 2362

Surveyor: WAYNE KEITH ROWE of LANGFORD & ROWE, DUBBO Date of Survey: 3-09-2014 Surveyors Ref: 2014/101C	PLAN OF LOT 7071 BEING UNIDENTIFIED CROWN LAND WITHIN LIDSDALE STATE FOREST No.707: ORIGINAL DEDICATION AND EXTENSION 2 Lengths are in metres. Reduction Ratio 1:20,000	L.G.A: LITHGOW CITY Locality: RYDAL AND WALLERAWANG Subdivision No:	Registered  21.10.2014	DP1201227
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PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
<p>Registered:  21.10.2014 Office Use Only</p> <p>Title System: CROWN LAND</p> <p>Purpose: CROWN FOLIO CREATION</p>	DP1201227	
<p>PLAN OF LOT 7071 BEING UNIDENTIFIED CROWN LAND WITHIN LIDSDALE STATE FOREST No.707: ORIGINAL DEDICATION AND EXTENSION 2</p>	<p>LGA: LITHGOW CITY</p> <p>Locality: RYDAL AND WALLERAWANG</p> <p>Parish: LIDSDALE</p> <p>County: COOK</p>	
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, WAYNE KEITH ROWE of LANGFORD AND ROWE CONSULTING SURVEYORS a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p><i>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on</i></p> <p><i>*(b) The part of the land shown in the plan ("being") was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on the part not surveyed was compiled in accordance with that Regulation.</i></p> <p><i>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</i></p> <p>Signature: <i>W. M. Rowe</i> Dated: 4-09-2014</p> <p>Surveyor ID: 1938</p> <p>Datum Line -</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p><i>*Strike through if inapplicable.</i></p> <p><i>*Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</i></p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I, <i>*Authorised Person/*General Manager/*Accredited Certifier</i>, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p><i>*Strike through if inapplicable.</i></p>	<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Plans used in the preparation of survey/compilation.</p> <p>Compiled from the DCDB , D.P. 1020468, D.P. 1019449, D.P. 643272, D.P. 643779, D.P. 1186181, 1161461, D.P. 543898, D.P. 717025, D.P. 1125543, D.P. 626299, C2961-1507, C2831-1507, C2849-1507, C2848-1507, C1402-1507, C2739-1507, 500-3090, 1518-3090, Q283120 AND X879669</p> <p style="text-align: center;">If space is insufficient continue on PLAN FORM 6A</p> <p>Surveyor's Reference: 2014/101C</p>	

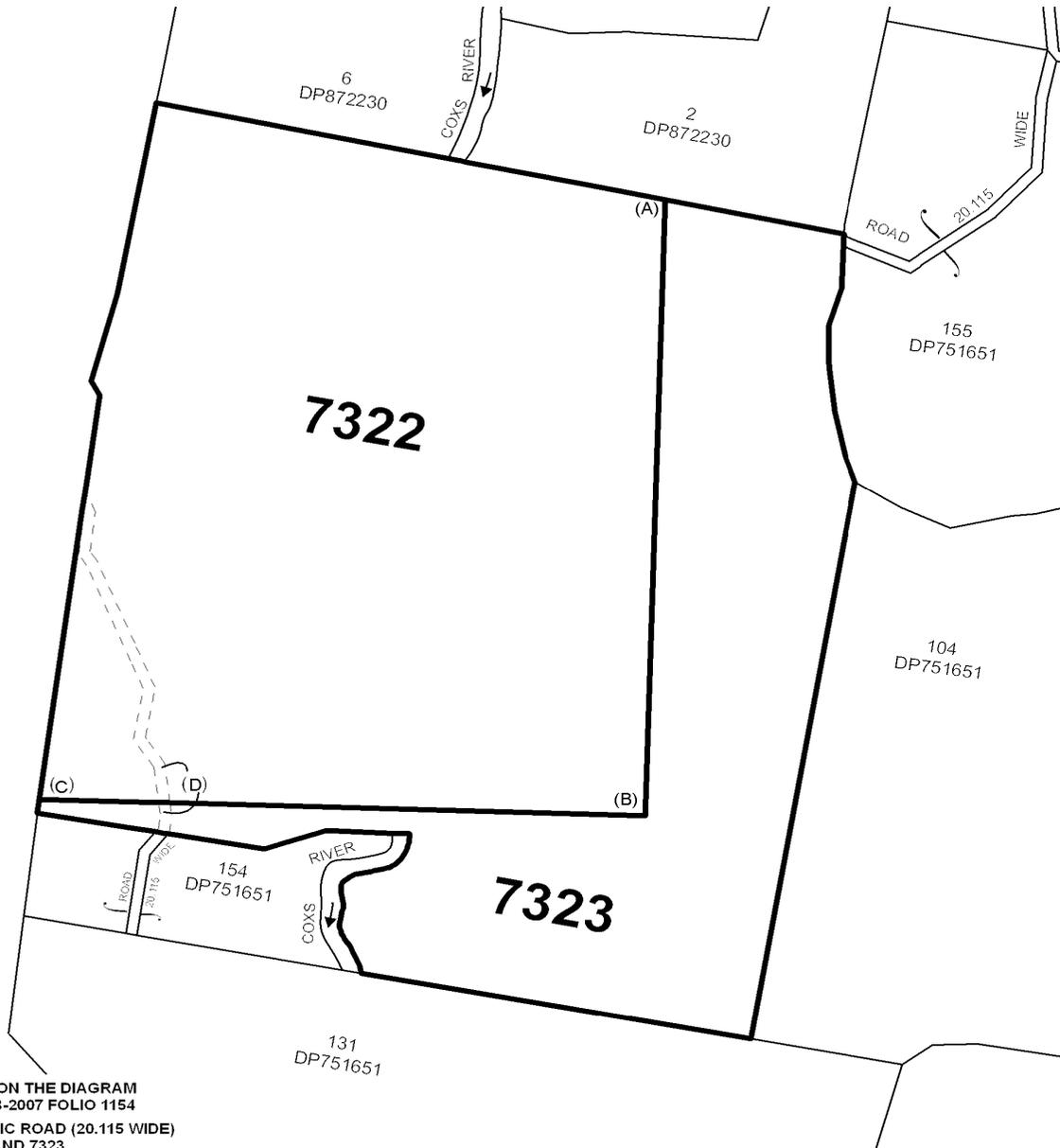
PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 2 sheet(s)
 Registered: 21.10.2014	Office Use Only	Office Use Only
PLAN OF LOT 7071 BEING UNIDENTIFIED CROWN LAND WITHIN LIDSDALE STATE FOREST No.707: ORIGINAL DEDICATION AND EXTENSION 2		DP1201227
Subdivision Certificate number: Date of Endorsement:		This sheet is for the provision of the following information as required: <ul style="list-style-type: none">• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2012</i>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
STREET ADDRESS NOT KNOWN FOR NEW LOTS.		
Authorised Representative of Forestry Corporation NSW		
Signature: 		Dated: 18/9/2014
Ross Dickson Company Secretary		
If space is insufficient use additional annexure sheet		
Surveyor's Reference: 2014/101C		



LIDSDALE
STATE
FOREST
No. 707



DP 1149335

Registered :  15-03-2010
Title System : CROWN LAND
Purpose : CROWN LAND CONVERSION
Reference Map : U1097-8, PARISH
Last Plan : 2849-1507

DP751651__UP112834_7322 CA151761
**PLAN OF CROWN LAND BEING
RESERVE (LOT 7322) AND
NATIONAL PARK (LOT 7323)**

Lengths are in metres. Reduction Ratio - NTS

Sheet 1 of 1 sheets

LGA: LITHGOW
LOCALITY : MARRANGAROO
PARISH : LIDSDALE
COUNTY : COOK (27)

THIS PLAN WAS PREPARED SOLELY TO
IDENTIFY THE LAND ABOVE AND THE
BOUNDARIES HAVE NOT BEEN
INVESTIGATED BY THE REGISTRAR GENERAL
THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF
S.7A CONVEYANCING ACT 1919

Drawn By: AK
Signed Off: RW
Office: NX

- A) - (C) BOUNDARY AS SHOWN ON THE DIAGRAM
IN NSW GOV GAZ 28-FEB-2007 FOLIO 1154
D) UNMEASURED CROWN PUBLIC ROAD (20.115 WIDE)
EXCLUDED FROM LOT 7322 AND 7323

Appendix C

Overlap Analysis Report provided by the National Native Title Tribunal



Overlap Analysis Report

Disclaimer

This information product has been created to assist in understanding the spatial characteristics and relationships of this native title matter and is intended as a guide only. Spatial data used has been sourced from the relevant custodians in each jurisdiction, and/or the Tribunal, and is referenced to the GDA94 datum.

While the National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the NNTT, the Registrar nor the Commonwealth of Australia is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used.

The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date.

The NNTT and Registrar expressly disclaim any liability arising from the use of this information.

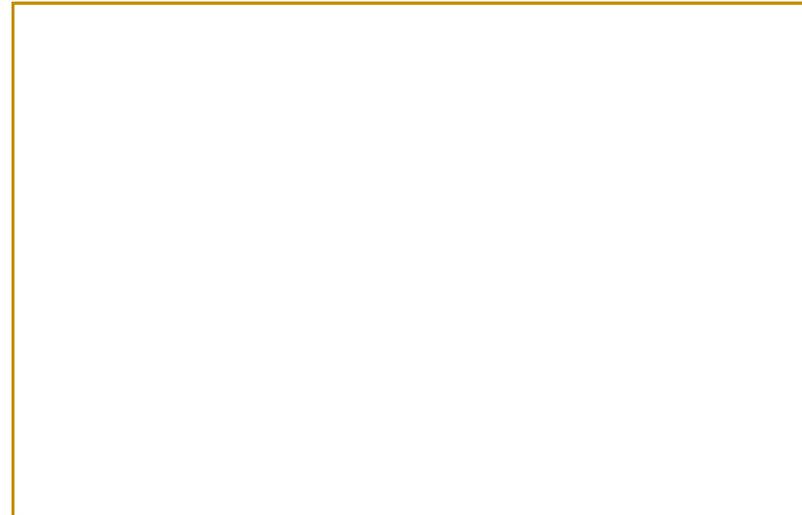
This information should not be relied upon in relation to any matters associated with cultural heritage.

Please note:

- Calculated areas may not be the same as the legal area of a parcel.
- Where shown, NNTT Tenure Class for a non freehold parcel refers to a tenure grouping derived for the purposes of the Tribunal, and does not necessarily represent the jurisdictional tenure type.
- Overlap results are returned only for the currently active jurisdiction.

Selected feature

Parcel ID	7071//D1201227
Tenure	
NNTT tenure class	
Area sq km (calculated)	14.6630
Name	
Date of currency	1/08/2017



Overlap details

Schedule of Native Title Determination Applications

Overlap Tribunal ID	Name	FC No	RT Status	Area sq	Overlap Area
NC2017/001	Warrabinga-Wiradjuri #7	NSD857/2017	Accepted for registration	14,139.1927	14.6630

Register of Native Title Claims

Overlap Tribunal ID	Name	FC No	RT Status	Combined	Area sq	Overlap Area
NC2017/001	Warrabinga-Wiradjuri #7	NSD857/2017	Accepted for registration	N	14,139.1927	14.6630

Native Title Determinations

No overlap found

Native Title Determination Outcomes

No overlap found

Indigenous Land Use Agreements

No overlap found

RATSIB areas

Name	Organisation	RATSIB Status	Area sq km(calculated)	Overlap Area sq km (calculated)
New South Wales	NTSCORP Limited	NTSP	1,723,577.6107	14.6630

Local Government Areas

Name	Full Name	As at	Area sq km(calculated)	Overlap Area sq km (calculated)
Lithgow	Lithgow City Council	1/08/2017	4,511.9012	14.6630



Overlap Analysis Report

Disclaimer

This information product has been created to assist in understanding the spatial characteristics and relationships of this native title matter and is intended as a guide only. Spatial data used has been sourced from the relevant custodians in each jurisdiction, and/or the Tribunal, and is referenced to the GDA94 datum.

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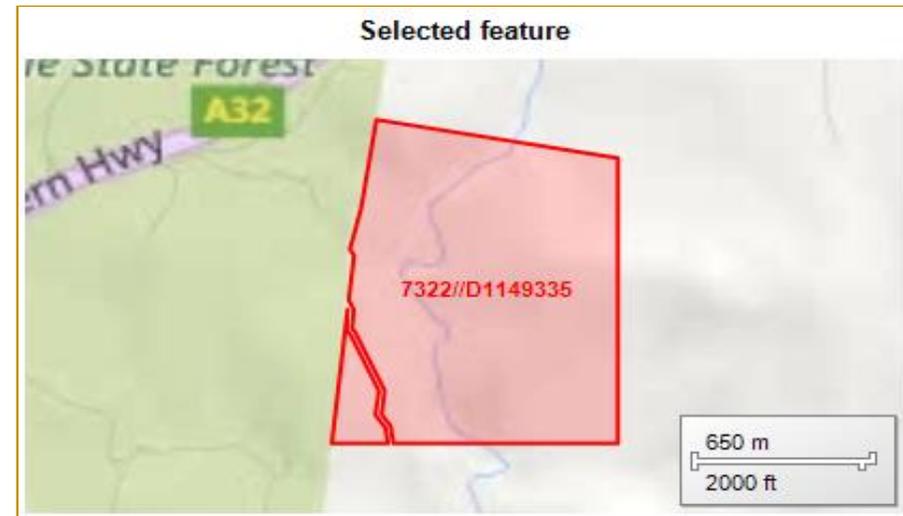
This information should not be relied upon in relation to any matters associated with cultural heritage.

Please note:

- Calculated areas may not be the same as the legal area of a parcel.
- Where shown, NNTT Tenure Class for a non freehold parcel refers to a tenure grouping derived for the purposes of the Tribunal, and does not necessarily represent the jurisdictional tenure type.
- Overlap results are returned only for the currently active jurisdiction.

Selected feature

Parcel ID	7322//D1149335
Tenure	Reserve
NNTT tenure class	Reserve/Park
Area sq km (calculated)	1.2810
Name	
Date of currency	1/08/2017



Overlap details

Schedule of Native Title Determination Applications

Overlap Tribunal ID	Name	FC No	Date Lodged	RT Status	Area sq	Overlap Area
NC2017/001	Warrabinga-Wiradjuri #7	NSD857/2017	29/05/2017	Accepted for registration	14,139.1927	1.2810

Register of Native Title Claims

Overlap Tribunal ID	Name	FC No	Date Lodged	RT Status	Combined	Area sq	Overlap Area
NC2017/001	Warrabinga-Wiradjuri #7	NSD857/2017	29/05/2017	Accepted for	N	14,139.1927	1.2810

Native Title Determinations

No overlap found

Native Title Determination Outcomes

No overlap found

Indigenous Land Use Agreements

No overlap found

RATSIB areas

Name	Organisation	RATSIB Status	Area sq	Overlap Area
New South Wales	NTSCORP Limited	NTSP	1,723,577.6107	1.2810

Local Government Areas

Name	Full Name	As at	Area sq	Overlap Area
Lithgow	Lithgow City Council	1/08/2017	4,511.9012	1.2810

Appendix D

NSW Government Gazettes

south by a line partly forming the south boundary of that portion west to the centre of the railway line from Homebush to Waratah, and by that line southerly and westerly to a point south of a point 1 chain east of the south-east corner of portion 26, parish of Narara; thence on the west by a line parallel to and 1 chain east of the east boundaries of that portion and portions 23, 24, 22, 13, 14, 30, and 29 aforesaid north, to the point of commencement,—partly shown on plan catalogued R. 52-1,834 Roll.

LIVERPOOL.

County of Cumberland, parishes of Holsworthy, Minto, Cabramatta, St. Luke, St. John, Liberty Plains, and Bankstown: Commencing at the south-east corner of T. Laycock's 200 acres, parish of Holsworthy; and bounded thence on part of the south by a line partly formed by the south boundaries of that portion, T. Moore's 1,300 acres, and T. Moore's 160 acres, west to a point south of the south-east corner of portion 89, parish of St. Luke; thence bounded on the west by a line partly formed by the east boundaries of portions 89, 87, 83, 85, 86, 91, 92, and part of 93, north to the north-west corner of Cartright's (now Bosley's) 910 acres; thence bounded on the north by a line partly formed by the south boundaries of Marsden's (now William Lawson's) 1,030 acres and J. Chisholm's 2,113 acres east to a point north of the north-east corner of J. C. Wearne's 280 acres, portion 132, parish of Holsworthy; thence bounded on the east by a line south to a point east of the point of commencement; and thence bounded on the remainder of the south by a line west to that point,—partly shown on plan catalogued C. 57-2,063, Surveyor General's Office.

PARRAMATTA.

County of Cumberland, parishes of St. Luke, Prospect, Gidley, South Colah, Castle Hill, Field of Mars, St. John, and Liberty Plains: Commencing at the south-west corner of Marsden's (now Wm. Lawson's) 1,030 acres, parish of St. Luke; and bounded thence on the west by a line partly formed by the west boundary of that portion north to a point west of the south-west corner of J. Hillas' 60 acres, parish of Gidley; thence bounded on the north by a line east to a point north of the north-east corner of J. C. Wearne's 280 acres, portion 132, parish of Holsworthy; thence bounded on the east by a line south to a point east of the south-east corner of J. Chisholm's 2,113 acres; thence bounded on the south by a line partly formed by the south boundaries of that portion and Marsden's (now Wm. Lawson's) 1,030 acres west, to the point of commencement.

RICHMOND.

County of Cumberland, parish of Castlereagh: Commencing at the south-east corner of portion 101, parish of Castlereagh, county of Cumberland; and bounded thence on the south by a line partly formed by the south boundary of that portion west to the east boundary of John Baylies' 200 acres; thence bounded on the west by a line north to a point west of the north-west corner of Abraham Cornwall's 144 acres; thence bounded on the north by a line partly formed by the northernmost boundary of that portion east to a point north of the point of commencement; and thence bounded on the east by a line south, to that point.

RYDAL.

Counties of Cook, Westmoreland, and Roxburgh, parishes of Falnash, Lidsdale, Antonio, Thornshope (Westmoreland), and Thornshope (Roxburgh): Commencing at the south-east corner of portion 350, parish of Lidsdale, county of Cook; thence bounded on part of the north by a line partly forming the south boundary of that portion west to a point north of the north-east corner of portion 228, parish of Falnash; thence bounded on the west by a line partly forming the east boundaries of portions 228, 28, and 31, with its prolongation south to a point on the north boundary of portion 23, parish of Thornshope, counties of Westmoreland and Roxburgh; thence bounded on the south by a line partly forming part of the north boundary of that portion and its prolongation east to a point south of the south-west corner of portion 377, parish of Lidsdale, county of Cook; thence bounded on the east by a line partly forming the west boundary of that portion with its prolongation north to a point east of the south-east corner of portion 350; thence bounded on the remainder of the north by a line west, to the point of commencement.

ULLADULLA.

County of St. Vincent, parishes of Ulladulla and Woodburn: Commencing on the shore of the Pacific Ocean, at the north-east corner of portion 11a, parish of Ulladulla; and bounded thence on part of the north by a line, part of which forms the north boundaries of portions 11a, 68, and 124, bearing west to a point north of the north-west corner of portion 100, same parish; and bounded thence on the west by a line, part of which forms the west boundaries of portions 100, 101, 102, 103, 105, and 163, bearing south to a point west of the north-west corner of portion 38, parish of Woodburn; on the south by a line, part of which forms the north boundary of

portion 38, bearing east to a point south from the most eastern extremity of Warden Head; thence on the east by a line passing through that point bearing north to a point east of the point of commencement; thence on the remainder of the north by a line bearing west, to that point.

WILBERFORCE.

Counties of Cook and Cumberland, parishes of Wilberforce (Cook), Maroota, and Pitt Town (Cumberland): Commencing at the south-east corner of E. Reynolds' 30 acres, parish of Wilberforce, county of Cook; and bounded thence on part of the south by the south boundary of that portion and the north boundaries of J. Norris and B. Woods' 50 acres and D. Robinson and others' 350 acres west to the east boundary of the easternmost portion of 100 acres of C. Palmer, parish of Currency; thence bounded on the west by part of that east boundary and the east boundaries of Mary Reiby's 100 acres, H. Baldwin's 100 acres, T. W. Parr's 100 acres, T. Gosport's 60 acres, G. Yeoman's 60 acres, Benevolent Society's 500 acres, D. Sweeny's 50 acres, and J. R. Hatfield's 50 acres north to a point west of the south-west corner of J. Buckland's 640 acres, parish of Wilberforce; thence bounded on the north by a line partly formed by the south boundary of that portion and the south boundaries of J. Buckland's 320 acres and W. Hall's 1,200 acres east to a point north of the north-east corner of J. Trotter's 100 acres, parish of Pitt Town, county of Cumberland; thence bounded on the east by a line partly formed by the east boundary of that portion south to a point east of the point of commencement; and thence bounded on the remainder of the south by a line west, to that point.

WINDSOR AND PITT TOWN.

Counties of Cook and Cumberland, parishes of Wilberforce and Kurrajong (Cook), Pitt Town, St. Matthew, Londonderry, Gidley, Castlereagh, Ham Common, and Nelson (Cumberland): Commencing at a point south of the south-east corner of J. Trotter's 100 acres, parish of Pitt Town, county of Cumberland, and east of the south-east corner of E. Reynolds' 30 acres, parish of Wilberforce, county of Cook; and bounded thence on the east by a line south to a point east of the south-east corner of a portion of 42 acres 3 roods, adjoining the north-west boundary of R. Rouse's 310 acres, parish of Londonderry, county of Cumberland; thence bounded on the south by a line partly formed by the south boundary of that portion, a portion of 40 acres 3 roods, and a portion of 45 acres west to a point south of the south-east corner of portion 101, parish of Castlereagh; thence bounded on the west by a line north to a point west of the point of commencement; and thence bounded on the north by a line partly formed by the north boundaries of D. Robinson and others' 350 acres, S. Norris and B. Wood's 50 acres, and the south boundary of E. Reynolds' 30 acres, parish of Wilberforce, county of Cook, east, to that point.

WOLLONGONG.

County of Camden, parishes of Wollongong, Kembla, Wonona, and Cordeaux: Commencing at the north-west corner of Gregory Blaxland's 1,280 acres, parish of Wollongong, "Keelogs"; and bounded thence on part of the west by a line partly forming the west boundary of that portion bearing south to the south boundary or its westerly prolongation of Daniel Healey's 70 acres 3 roods, parish of Kembla; thence on the south by a line partly forming the south boundary of that portion, and of John Williams' 50 acres, Thomas Simms' 50 acres, W. Landren's 60 acres, John Harris' 60 acres, and Isaac Cornwall's 60 acres, bearing east to the western shore of the Pacific Ocean; on the east by a line passing through the South Pacific Ocean bearing north to a point east of the south-east corner of Daniel Griffin's 100 acres, parish of Wonona; thence on the north by a line partly forming the south boundaries of that portion and of Robert Owen's 58 acres, John Caunt's 86 acres, John Armstrong's 36½ acres, and Thomas Hale's 26½ acres, bearing west to a point north of the point of commencement; and thence on the remainder of the west by a line bearing south to that point.

NOTE.—These boundaries are in lieu of those published in Gazette No. 121, of 20th March, 1835. So much of that Proclamation as affects the population areas at Bulli, Campbelltown, Clifton, Gosford, Liverpool, Parramatta, Richmond, Rydal, Ulladulla, Wilberforce, Windsor and Pitt Town, and Wollongong, is revoked by notice in this day's Gazette.

[Ms. 87-1,046]

Given under my Hand and Seal, at Government House, Sydney, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and eighty-seven, and in the fiftieth year of Her Majesty's Reign.

By His Excellency's Command,
THOMAS GARRETT.

[546]

GOD SAVE THE QUEEN!

[3887]

Department of Lands,
Sydney, 23rd September, 1879.

RESERVES FROM SALE FOR TRAVELLING STOCK.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the 4th section of the Crown Lands Alienation Act of 1861, the land specified in the Schedule appended hereto shall be reserved from sale for travelling stock.

JAMES HOSKINS.

No. 69. County of Cook, parish of Lidsdale, near Wallerawang, area about 900 acres. The Crown Lands within the following boundaries: Commencing on the south boundary of J. Bishop's 640 acres, at a point where the east boundary of portion 535* meets it; and bounded on the west by the east boundary of that portion and portions 534* and 533* to the north-west corner of portion 554*; thence by the north boundaries of that portion and portion 555*, the east boundary of portion 555*, part of the north and the east boundaries of portion 556*, and the east boundary of portion 557* easterly and southerly to a point west from the south-west corner of portion 907*; thence by a line bearing east to that corner, the west and part of north boundaries of that portion, the west and the north boundaries of portion 906* to the north boundary of portion 791*, northerly and easterly, part of the east boundary of the latter portion, and the north boundary of 793*, southerly and easterly to the west boundary of 432*, part of the west boundary of that portion south, and the west boundary of 142* and 143*, and the west boundary of 144*, and part of the west boundary of 131, westerly and northerly to a point where the south boundary of a village reserve meets it; thence by the south boundary of that reserve to its south-west corner, and by part of its west boundary bearing north to the south-east corner of portion 69, by part of the south boundary of that portion, the east, south, and west boundaries of portion 108*, southerly, westerly, and northerly to the south boundary of 609*; thence by part of that boundary and its westerly continuation to the east boundary of J. Bishop's 640 acres aforesaid; thence by part of the south boundary of that land southerly and westerly, to the point of commencement.

No. 71. County of Cook, parishes of Falnash and Lidsdale, near Wallerawang, area about 900 acres. The Crown Lands within the following boundaries: Commencing at the south-west corner of T. Walker's 800 acres; and bounded thence on the east by part of the west boundary of that land, bearing north to the road from Meadow Flat; thence by that road south-westerly to a point due west from the north-west corner of portion 31; thence by a line partly forming the north boundary of that portion, bearing east to its north-east corner; thence by the east boundary of that portion and its southerly continuation to a point due west from the north-west corner of portion 32; thence on the south by a line partly forming the north boundary of that portion and its easterly continuation, bearing east to the west boundary of portion 120*; thence on the east by part of the west boundary of that portion and the west boundaries of portions 121* and 73*, to a point due east from the south-east corner of portion 759*; thence by a line partly forming the south boundary of that portion, bearing west to its south-west corner; thence by part of the west boundary of that portion, the south and west boundaries of 760*, part of the south and west boundaries of 722*, to the south boundary of T. Walker's 800 acres aforesaid; thence by part of that boundary bearing west to the north-east corner of portion 53; thence by the east, south, and west boundaries of that portion southerly, westerly, and northerly, to the point of commencement.

No. 70. County of Cook, parish of Lidsdale, near Wallerawang, area about 2,500 acres. The Crown Lands within the following boundaries: Commencing on the Great Western Railway where the east boundary of Fulton's 1,280 acres crosses it; and bounded on the west by part of the east boundary of that portion bearing south to the north boundary of the population boundary of Rydal; thence by that boundary and its continuation easterly to Cox's River; thence by that river downwards to the Marangaroo Creek and by that creek upwards to the south boundary of A. Brown's 320 acres; thence by part of the south and the west boundaries of that portion west and north to the south-east corner of 822*; thence by the south boundaries of that portion and portion 821 west to the south-west corner of the latter portion; thence by the west boundary of that portion and its continuation northerly to the south boundary of 820*; thence by part of the south and the west boundaries of that portion westerly and northerly to its north-west corner; thence by a line north to the south boundary of portion 262*; thence by part of the south, the west, and the north boundaries of that portion west, north, and east to the Great Western Railway Line; thence by that railway line northerly to the southern boundary of portion 146; thence by part of the southern boundary of that portion and the south boundary of portion 145 west to an eastern boundary of James Walker's 2,000 acres; thence by part of the east boundary of

that portion south to the northern boundary of portion 427; thence by part of the north, the east, and the south boundaries of that portion and the south boundary of portion 426 easterly, southerly, and westerly to an eastern boundary of J. Walker's 2,000 acres aforesaid; thence by part of that east boundary, the south, and part of the west boundaries of that portion, south, west, and north to a point due east from the south-east corner of portion 468*; thence by a line partly forming the south boundary of that portion west to the Great Western Railway; thence by that railway line southerly and south-westerly, to the point of commencement.

NOTE.—The number of the portions quoted above are those used on the County Map of Cook, now used in the Surveyor General's Office, Sydney.

GWYDIR DISTRICT.

Travelling stock reserve No. 374 extension. County of Murchison, parish of Turrawarra, area 40 acres, being portion 202. The Crown Lands within the following boundaries: Commencing at the north-west corner of portion 6; and bounded thence on the north by a line partly forming part of the south boundary of portion 201 west 20 chains; thence on the west by a line south 20 chains; thence on the south by a line east 20 chains; thence on the east by part of the west boundary of portion 5, and the west boundary of portion 6 aforesaid north 20 chains, to the point of commencement.

Forms part of Myall Creek and Grogan Runs.

[C. S. 77-1,004; Plan Cat. M. 546-1,789]

[3888]

Department of Lands,
Sydney, 23rd September, 1879.

RESERVES FROM SALE FOR WATER SUPPLY.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the 4th section of the Crown Lands Alienation Act of 1861, the land specified in the Schedule appended hereto shall be reserved from sale for the preservation water supply.

JAMES HOSKINS.

LACHLAN DISTRICT.

No. 1,792. County of Monteagle, parish of Jandra, area about 120 acres. The Crown Lands within the following boundaries: Commencing on the left bank of Tyagong Creek, at the north-west corner of portion No. 72, C. Ralston's 640 acres; and bounded thence on the east by a line partly forming the west boundary of that portion south in all 1 mile 40 chains; thence on the south by a line west 9 chains 32½ links to a point due south from the south-east corner of portion No. 74; thence on the west by a line partly forming the east boundary of that portion north to its north-east corner; thence again on the south by a north boundary of that portion west to Tyagong Creek, and by that creek upwards to the point of commencement.

Forms part of Bumbaldry Run.

[Ms. 79-8,793; Plan cat. L. 264-1,834]

LIVERPOOL PLAINS DISTRICT.

No. 1,483. County of Darling, parish of Veness, area about 10 acres. The Crown Lands within the following boundaries: Commencing at the north-east corner of portion 83; and bounded thence on the west by the east boundary of that portion bearing south to the Manilla River; thence on part of the south by part of that river downwards to the south-west corner of portion 6; thence on the east by the west boundary of that portion bearing north to its north-west corner; thence on the remainder of the south by the north boundary of that portion bearing east to the south-west boundary of travelling stock reserve 662, notified 1st July, 1874; and thence on the north-east by part of the south-west boundary of that reserve bearing north-west, to the point of commencement.

Forms part of the Manilla and Glenriddle Runs.

[Ms. 79-10,792]

No. 1,369 extension. County of Darling, parish of Barraba, area about 150 acres: Commencing on the north boundary of portion 74, at a south-west corner of water reserve No. 1,369, notified 21st April, 1879; and bounded thence on the east and on the north by a west boundary of that reserve bearing north 60 chains and a south boundary of that reserve bearing west about 25 chains; thence on the west by a line being a prolongation of a west boundary of water reserve No. 1,369 aforesaid, bearing south to the north boundary of portion 74 aforesaid; thence on the south by part of that north boundary bearing east, to the point of commencement.

Forms part of Barraba Run, and includes measured portion No. 36.

[Ms. 79-10,790; Plan D. 365-1,808]

and bounded thence by a northern and an eastern boundary of Fortis Creek State Forest No. 172, dedicated 16th September, 1914, westerly and northerly to the south-western corner of portion 34; by the southern boundary of that portion and the western boundary of portion 30 aforesaid, to the point of commencement. Again commencing at the south-western corner of portion 89, parish of Clifden; and bounded thence by a line southerly to the eastern prolongation of the northern boundary of block A of Crown-lease Area No. 2,762, notified 10th November, 1916; by that prolongation and the northern boundary of that Crown-lease Area westerly to the eastern boundary of Block D of Crown-lease Area No. 125, notified 22nd May, 1912, parish of Chapman; and by part of that boundary of that portion and the southern boundary of Fortis Creek State Forest No. 172, dedicated 16th September, 1914, northerly and easterly, to the point of commencement.

NOTE.—By this Proclamation it is not intended that travelling stock and camping reserve 11,869, notified 19th July, 1890, within the above-described State Forest shall cease to be a travelling stock and camping reserve.

[F. 1916-4,198]

EASTERN DIVISION.

LAND DISTRICT OF LITHGOW; BLAXLAND SHIRE;
FORESTRY DISTRICT OF FORBES.

Lidsdale State Forest, No. 707.

All that area or tract of country comprising part of the parish of Lidsdale, county of Cook, in the State of New South Wales, embracing an area of 3,920 acres, more or less, being the Crown Lands within the following boundaries: Commencing at the south-western corner of portion 244, parish of Lidsdale, county of Cook; and bounded thence by a line forming the southern boundary of that portion and part of the southern boundary of portion 92 easterly, in all a total distance of 100 chains; thence by lines southerly to a point east of the south-eastern corner of portion 350 easterly to a point north of the south-eastern corner of portion 263, and southerly to that corner; by the southern boundary of that portion and its western prolongation to an eastern boundary of the village of Rydal; by boundaries of that village northerly and westerly and a line westerly to the eastern side of the railway line from Bathurst to Sydney; by that side of that railway generally northerly to the southern boundary of portion 3, parish of Thornshope, county of Roxburgh; by part of that boundary easterly and the eastern boundary of that portion, and part of the eastern boundary of portion 93, parish Lidsdale, county Cook, northerly to the south-eastern side of the said railway,—as shown on plans catalogued in the Department of Lands Ms. 500 Oe., G.W.R. 13, Sht. 2, and G.W.R. 30A Roll; by that side of that railway line generally north-easterly, to the point of commencement:—excluding the area contained in portion 350, within the above-described boundaries, and a road of access thence to 1 chain wide,—as shown by broken red lines on Sketch K with Papers F. 1919-951.

[F. 1919-951]

Signed and sealed at Sydney; this thirtieth day of April, 1919.

By His Excellency's Command,

W. C. GRAHAME.

[6059]

GOD SAVE THE KING!

NOTIFICATION OF RESUMPTION OF LAND FOR RAILWAY PURPOSES UNDER THE "PUBLIC WORKS ACT, 1912."

PROCLAMATION

NEW SOUTH WALES, } By His Excellency Sir WALTER
to wit. } EDWARD DAVIDSON, Knight
(l.s.) } Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia.

W. E. DAVIDSON,
Governor.

WHEREAS the Railway Commissioners for New South Wales are desirous of acquiring the land referred to in the Schedule hereto for the purpose

of maintaining the traffic on the existing line of railway between Sydney and Albury, by provision of overbridge near Bowral, which work appears to the Commissioners necessary, and is such work as the Commissioners are authorised to carry out pursuant to the "Government Railways Act, 1912," as amended by the "Government Railways (Amendment) Act, 1916," and it is estimated that the cost of completing such work will not exceed the sum of £20,000: And whereas the said land is, in my opinion, required for carrying out the said work: Now, therefore, I, the Governor aforesaid, with the advice of the Executive Council, in pursuance of the "Public Works Act, 1912," do hereby direct that the said work shall be carried out under the "Public Works Act, 1912," by the said Commissioners, who, in respect of the said work, I hereby declare shall be deemed to be the Constructing Authority: And in further pursuance of the provisions of the said Act, I do hereby direct that the said land may be acquired and taken for the purposes aforesaid under the provisions contained in Division I of Part V of the said Act, and I do declare by this notification to be published in the Government Gazette, and in one or more newspapers published or circulated in the Police District wherein the said land is situated, that the private lands comprised within the descriptions set forth in the Schedule hereto have been resumed for the public purpose hereinbefore expressed, that is to say,—for maintaining the traffic on the existing line of railway between Sydney and Albury, by provision of overbridge near Bowral, to the intent that upon the publication of this notification in the Gazette the said land described in the Schedule hereto shall forthwith be vested in the said Constructing Authority on behalf of His Majesty for the purposes of the said "Public Works Act, 1912." for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or other easements whatsoever, and to the intent that the legal estate therein, together with all powers incident thereto, or conferred by that Act, shall be vested in such Constructing Authority as a Trustee: and I declare that the following is the Schedule of land hereinbefore referred to:—

SCHEDULE.

All that piece of land situate in the Municipality of Bowral parish of Mittagong county of Camden and State of New South Wales being part of portion 13 of 4200 acres Commencing at the intersection of the northern side of Bowral-street with the north-western boundary of the Great Southern Railway thence bounded on the south by part of that side of Bowral-street bearing north 88 degrees 46½ minutes west 114 7/10th links thence on the north-west by lines bearing north 30 degrees 33¼ minutes east 634 8/10th links north 31 degrees 11 minutes east 1590 1/10th links north 30 degrees 22¾ minutes east 806 9/10th links north 31 degrees 38 minutes east 425 6/10th links thence on the north-east by the southern extremity of Railway-crescent bearing south 66 degrees 46¾ minutes east 101 1/10th links and thence on the south-east by part of the north-western boundary of the Great Southern Railway aforesaid bearing south 31 degrees 38 minutes west 430 3/10th links south 30 degrees 22¾ minutes west 806½ links south 31 degrees 11 minutes west 1590½ links and south 30 degrees 33¼ minutes west 578 links to the point of commencement containing about 3 acres 1 rood 29¾ perches and said to be the property of H. M. Oxley.

In witness whereof I have hereunto set my Hand and caused the Public Seal of the State to be hereto affixed, at Sydney, this sixteenth day of April, in the year of our Lord one thousand nine hundred and nineteen, and in the ninth year of His Majesty's reign.

By His Excellency's Command,

R. T. BALL.

[6890]

GOD SAVE THE KING!

LAND DISTRICT—GRAFTON; SHIRE—NYMBOIDA.

Parish Nullama, county Gresham, 10½ acres, being those parts of the lease shown on plans catalogued Ms. 2,730 and Ms. 2,731 Gfn.

Signed and sealed at Sydney, this 8th day of August, 1940.

(L.S.) WAKEHURST, Governor.

By His Excellency's Command,

COLIN A. SINCLAIR, Minister for Lands.

(3622) GOD SAVE THE KING!

(4273) Sydney, 9th August, 1940.

RESERVES FROM SALE OR LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be temporarily reserved from sale for the public purposes hereinafter specified, and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

COLIN A. SINCLAIR, Minister for Lands.

FOR RUBBISH DEPOT.

LAND DISTRICT—DUNEDOO CENTRAL; SHIRE—COBBORA.

No. 69,431 from sale (69,432 from lease generally). Parish Mendooran, county Napier, 3 acres, within portion 23. N. 1,299-1,883. P. 40-3,328.

FOR PUBLIC SCHOOL PURPOSES.

LAND DISTRICT—MOLONG; SHIRE—BOREE.

No. 69,433 from sale (69,434 from lease generally). Parish Toogong, county Ashburnham, 3 acres 3 roods 2 perches, portion 266. Plan A. 6,017-1,770. L.B. 40-570 Oe. P. 40-6,556.

FOR TRAVELLING STOCK AND CAMPING.

LAND DISTRICT—GOULBURN; SHIRE—MULWAREE.

No. 69,435 from sale (69,436 from lease generally). Parish Norrong, county Argyle, about 28 acres. Bounded by portions 59, 38, 81, road from Towrang to Greenwich Park, portions 137, 131 and 130, and lines from the north-west corner of portion 130 to the south-west corner of portion 59 bearing 40 degrees about 9 chains, 337 degrees about 7 chains, and 315 degrees about 3 chains. P. 40-6,866.

FOR CAMPING.

LAND DISTRICT—GOSFORD; SHIRE—WOY Woy.

No. 69,437 from sale (69,438 from lease generally). Parish Patonga, county Northumberland, about 420 acres: Commencing at the north-east corner of portion 53, and bounded thence by part of the south boundary of portion 54 and its prolongation to R. 40-412 for access, thence by the landward boundary of that Reserve following Patonga Creek and Hawkesbury River to the eastern boundary of portion 53 aforesaid, and by that boundary to the point of commencement. N. 694-2,111. P. 40-6572.

FOR TRAVELLING STOCK.

LAND DISTRICT OF HAY; MUNICIPALITY OF HAY.

No. 69,439 from sale (69,440 from lease generally). Parish Hay South, county Waradgery, about 85 acres, being the land revoked this day from the Hay Permanent Common dedicated 14th March, 1930: Commencing on the western boundary of portion 99 at a point about 17 chains north of the south-western corner of that portion, thence by lines bearing south-east about 13 chains, south about 81 chains and south-west about 13 chains to a point on the western boundary of portion 78 about 20 chains south of the north-western corner of that portion and thence by a line partly forming the western boundaries of portions 78 and 99 northerly to the point of commencement. P. 40-2,696.

FOR TRAVELLING STOCK AND CAMPING.

LAND DISTRICT OF HAY; MUNICIPALITY OF HAY.

No. 69,441 from sale (69,442 from lease generally). Parish Hay South, county Waradgery, about 130 acres, being the Crown land bounded by the south-western boundary of portion 111, the eastern and southern boundaries of portion 79 and the eastern boundaries of the land shown on plan Ms. 1,281, Hay. W. 1,444-1,839 Roll. P. 40-2,696.

FOR TRAVELLING STOCK.

LAND DISTRICT—GRAFTON; SHIRE—NYMBOIDA.

No. 69,446 from sale (69,447 from lease generally). Parishes Broadmeadows and Nullama, county Gresham, 21 acres 3 roods, portions RES. Ms. 2,729, 2,730 and 2,731 Gfn. P. 40-4,361.

FOR PRESERVATION OF NATIVE FLORA.

LAND DISTRICT—GLOUCESTER; SHIRE—STROUD.

No. 69,448 from sale (69,449 from lease generally). Parish Booloombayt, county Gloucester, about 280 acres, contained in part of Bullahdelah State Forest No. 296 which was revoked by Gazette notice of 10th August, 1934, and in R. 44,334 from sale (44,335 from lease) for Preservation of Native Flora, notified 15th September, 1909, revoked this day. P. 40-5,882.

(4274) Sydney, 9th August, 1940.

RESERVE FROM SALE GENERALLY.

IT is hereby notified, in pursuance of the provisions of section 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be and are hereby temporarily reserved from sale generally.

COLIN A. SINCLAIR, Minister for Lands.

LAND DISTRICT—LITHGOW; SHIRE—BLAXLAND.

No. 69,450 from sale. Parish Lidsdale, county Cook, 80 acres. Commencing at the south-western corner of portion 144; thence by a line south about 65 chains; thence by a line east to Cox's River; thence by that river to the southern boundary of portion 44; thence by that boundary westerly to the point of commencement. L. 40-7,233.

FROM SALE GENERALLY.

LAND DISTRICT—QUEANBEYAN; SHIRE—YARROWLUMLA.

No. 69,443 from sale. Parish Carwoola, county Murray, about 395 acres within approved Special Lease No. 1939-8. L. 40-7,021.

(4275) Sydney, 9th August, 1940.

WITHDRAWAL OF TRAVELLING STOCK AND CAMPING RESERVES FROM THE CONTROL OF PASTURES PROTECTION BOARDS.

IT is hereby notified that, in pursuance of the provisions of section 42 of the Pastures Protection Act, 1934, the parts of Travelling Stock and Camping Reserves particularised hereunder shall be and the same are hereby withdrawn from the control of the Pastures Protection Board of the district mentioned.

COLIN A. SINCLAIR, Minister for Lands.

LAND BOARD DISTRICT—ORANGE; PASTURES PROTECTION DISTRICT—COONABARABRAN.

Parish Mendooran, county Napier; Reserve No. 2 for Travelling Stock. Part withdrawn—3 acres within portion 23.

(Placed under control, Gazette, 23rd April, 1920; extended 1st August, 1930.) P. 40-3,328.

(4285) Sydney, 9th August, 1940.

RESERVES FROM SALE.

IT is hereby notified that, in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purposes hereinafter specified, and they are hereby reserved accordingly.

COLIN A. SINCLAIR, Minister for Lands.

FOR SOIL CONSERVATION.

LAND DISTRICT—GRAFTON; SHIRE—NYMBOIDA.

No. 69,444 from sale. Parish Cowan, county Gresham, 560 acres. Portion 4. G. 810-1,782 R. L. 40-1,156.

(8318)

It is hereby notified that Special Leases of the land specified in the annexed Schedule have been granted to the undermentioned persons.

The leases are subject to the provisions of the Crown Lands Consolidation Act, 1913, and the Regulations thereunder, and to the special conditions, provisions, exceptions, covenants and reservations set out at the foot of the Schedule.

Rent is subject to adjustment on survey as from the commencement of the next year ensuing.

NOTIFICATION OF GRANTING OF SPECIAL LEASES.

Any amounts which have been paid in excess will be refunded upon application to the Under Secretary for Lands. If not claimed, the amounts will be appropriated to future charges as they fall due.

Any amount required to complete payment of expenses and rent from the date of the commencement of the lease to 31st December, 1953, must be paid by the lessee to the Crown Land Agent of the District or to the Under Secretary for Lands, within two months from this date, otherwise the lease

Sydney, 16th October, 1953.

will be liable to forfeiture, and should forfeiture be declared, all moneys lodged with the application will become forfeited to the Crown.

For the year 1954 and any subsequent year the rentals and instalments of survey fee (if any) must be paid during the month of December of the preceding year.

F. H. HAWKINS, Minister for Lands.

SCHEDULE.

Reg. No. of Papers.	No. of Lease.	Name and Address of Lessee.	Situation and Area of Land.	Purpose of Lease.	Term of Lease.	Annual Rent.	Expenses.		Amount already paid as Rent, Deposit and Survey Fee.	Balance.		Shire or Municipality.
							Rent required to complete payment to 31st Dec., 1953.	(1) Inspection, etc., (2) Survey Fee (part only).		Payable by Lessee.	Due to Lessee.	
Tenure. 1953-3153	1952-20, Bathurst.	Haley, Barclay Stevenson, and Haley, Alexander Bruce, c/o. Garland, Reaboon & Abbott, Solicitors, 9-13 Bligh-street, Sydney.	Parish Bringellet, county Bathurst, portions 1, 178 and 179; plan B. 4,637-2,009. Area, 17 acres 0 roods 32 perches.	Grazing	... 18 Sept., 1953, to 31 Dec., 1963.	£ s. d. 5 11 10a	£ s. d. 1 12 2	£ s. d. (1) 3 12 6 (2) 0 14 0	£ s. d. 3 0 0 0 14 0	£ s. d. 2 4 8	.....	Aber-crombie.
1952-10325	1951-22, Bega.	Retallack, Hilton William, of Hotel Candelo, Candelo.	Parish Candelo, county Auckland, town of Candelo, portion 300, blocks A and B (of former S.H. area 1,727) exclusive of about 1 acre within the north-west corner of block A. Area, 9 acres 1 rood 3 perches (excluding road).	Grazing	... 1 Aug., 1953, to 31 Dec., 1967.	5 0 0	2 1 11	(1) 9 17 6 (2) 0 13 0	3 0 0 0 14 0	8 18 5	.....	Imlay.
1953-7544	1951-24, Casino.	Shea, Alice Alvena (Mrs.), of Old Bonalbo.	Parish Robertson, county Buller, village of Capeen, bounded by Duck Creek, C. and T.S.R. 67,440, Cheviot street, Dryraaba-street, Kirk-street, reserved for water supply, exclusive of allotments 5 and 9, section 6 and Tabulam-street. Area, about 30 acres (excluding Tabulam-street, but including other streets and lanes).	Grazing	... 1 Oct., 1953, to 31 Dec., 1960.	8 18 7b	2 4 5	(1) 6 15 0 (2) 0 15 0	3 0 0 0 14 0	6 0 5	.....	Kyogle.
1953-8620	1950-18, Cooma.	Burke, Clarence Reginald, of Cromwell-street, Cooma.	Parish Cooma, county Beresford, portion 248. Area, 2 acres 0 roods 35 perches.	Sawmill	... 26 June, 1951, to 31 Dec., 1960.	10 0 0	25 3 7	(1) 4 2 6 (2) 0 13 0	3 0 0 0 13 0	26 6 1	.....	Cooma.
1952-9272	1951-11, Deniliquin.	Smith, Ronald Barry, of 111 Harflour-street, Deniliquin.	Parish North Deniliquin, county Townsend, town of North Deniliquin, allotment 1, section 56. Area, about 39½ perches.	Business purposes (service station).	... 1 Sept., 1953, to 31 Dec., 1967.	7 0 0c	2 6 10	(1) 2 12 6 (2) .....d	3 0 0 0 13 0e	1 6 4	.....	Deniliquin.

3472.

NEW SOUTH WALES GOVERNMENT GAZETTE No. 182.

[16 October, 1953.]

NOTIFICATION OF GRANTING OF SPECIAL LEASES—continued.

Ref. No. of Papers.	No. of Lease.	Name and Address of Lessee.	Situation and Area of Land.	Purpose of Lease.	Term of Lease.	Annual Rent.	Expenses.		Amount already paid as Rent, Deposit and Survey Fee.	Balance.		Shire or Municipality.
							Rent required to complete payment to 31st Dec., 1953.	(1) Inspection, etc., (2) Survey Fee (part only).		Payable by Lessee.	Due to Lessee.	
Leases. 1949-3075	1948-42, Grafton.	Newman, Stanley Lawrence, of Billy's Creek.	Parish Moonpar, county Fitzroy, portion 44; plan F. 4,145-1,810 not yet approved. Area, about 61 acres.	Agriculture and grazing.	1 Sept., 1952, to 31 Dec., 1959.	£ s. d. 1 0 0	£ s. d. 1 6 8	(1) 1 12 6 (2) 0 12 8	£ s. d. 0 12 0	£ s. d. 0 0 2	£ s. d. 3 0 0	Nymboida.
Tenure. 1953-6813	1949-60, Grafton.	Hough, Herbert Victor, of Woodford Dale.	Parish Stuart, county Clarence, "Quarry Reserve 38,063." Area, about 79 acres.	Grazing	1 Sept., 1953, to 31 Dec., 1967.	1 10 0c	0 10 0	(1) 3 5 0 (2) 0 13 4	3 0 0 0 13 4	0 15 0	.....	Copmanhurst.
1953-1166	1951-52, Grafton.	Smith, Robert Thomas, of Stockyard Creek, via Grafton.	Parish Chapman, county Clarence, portions 13, 14, 15 and 26; plan C. 1,606R1 and 2,956-1,577. Area, 884 acres (excluding roads).	Grazing	16 Sept., 1953, to 31 Dec., 1967.	9 6 4f	2 14 7	(1) 9 5 0 (2) 2 12 0	3 0 0 2 6 0	9 5 7	.....	Copmanhurst.
1952-9059	1951-35, Grafton.	McLachlan, Harold Angus, of Ulmarra.	Parishes Scope and Wooli Wooli, county Clarence, part R.1, 082, east of portions 16 and 17, parish Wooli Wooli, and portion 7, parish Scope. Area, about 49 acres 2 roods.	Grazing	1 Jan., 1951, to 31 Dec., 1964.	1 10 0	4 10 0	(1) 1 0 0 (2) .....g	3 0 0 0 17 0	1 13 0	.....	Orara.
1952-8060	1951-29, Grafton.	Winn, William Robert Bruce, c/o. Collins & Pollock, Solicitors, Grafton.	Parish Dalmorton, county Gresham, being western parts of portion 9. Area, about 2 acres 3 roods (excluding lanes).	Grazing	1 Jan., 1951, to 31 Dec., 1964.	2 0 0h	6 0 0	(1) 4 13 0 (2) .....i	3 0 0	7 13 0	.....	Nymboida.
Leases. 1949-8887	1947-10, Gundagai.	Dominick, Sidney Ashfield, of Coolac.	Parish Mooney Mooney, county Harden, portion 335 (plan not yet approved). Area, about 87 acres.	Grazing	1 Nov., 1948, to 31 Dec., 1962.	12 10 1j	64 12 2	(1) 2 11 3 (2) 0 14 0	3 0 0 0 8 8	64 8 9	.....	Gundagai.
1949-8887	1948-5, Gundagai.	Taber, Clive Alger, of Mooney Mooney Coolac.	Parish Mooney Mooney, county Harden, portion 391 (plan not yet approved, Area, 86 acres (excluding road).	Grazing	1 Nov., 1948, to 31 Dec., 1962.	13 6 3k	63 15 9	(1) 2 11 3 (2) 0 14 0	13 5 0 0 18 8	57 17 4	.....	Gundagai.
Tenure. 1952-10466	1952-9, Gunnedah.	Burns, Sydney Alexander, of 106 Lang-road, Centennial Park.	Parish Bogabri, county Pottinger, town of Bogabri, allotments 11 to 15, section 4, and lane on west of allotments 11 to 14. Area, about 2 acres 2 roods 7 perches.	Sawmill	1 Jan., 1952, to 31 Dec., 1958.	10 0 0l	20 0 0	(1) 5 5 0 (2) 0 13 0	3 0 0 0 13 0	22 5 0	.....	Namoi.
1952-9576	1951-6, Gunnedah.	Mapperson, Albert Charles, c/o. Waterford & MacFarlane, Solicitors, Coonamble.	Parish Premer, county Pottinger, portion 16; plan P. 5,862-1,781, Area, 7 acres 2 roods 28 perches.	Grazing	8 Sept., 1953, to 31 Dec., 1960.	1 18 6m	0 12 2	(1) 3 13 6 (2) 0 13 0	3 0 0 0 13 0	1 5 8	.....	Tamarang.
1953-8120	1949-1, Hay.	Simpkin, Archibald Stephen, of Maude.	Parish Maude, county Waradgery, portion 64; plan W. 1,864-1,839. Area, 115 acres.	Grazing, agriculture and irrigation works.	7 Apr., 1953, to 31 Dec., 1966.	11 12 3o	8 11 2	(1) 8 18 6 (2) 0 16 0	3 0 0 0 16 0	14 9 8	.....	Waradgery.
1953-7540	1951-15, Hillston.	Neill, William Alfred, of Bunda Mail, Hillston.	Parish Lachlan, county Nicholson, that part of R. 62,337 for Resting Place, notified 7th November, 1930, north of the intersecting road. Area, about 38 acres.	Grazing	1 Oct., 1953, to 31 Dec., 1967.	2 0 0	0 10 1	(1) 3 12 6 (2) 0 16 0	3 0 0 0 16 0	1 2 7	.....	Carrathool.

NOTIFICATION OF GRANTING OF SPECIAL LEASES—continued.

Reg. No. of Papers.	No. of Lease.	Name and Address of Lessee	Situation and Area of Land.	Purpose of Lease.	Term of Lease.	Annual Rent.	Expenses.		Amount already paid as Rent, Deposit and Survey Fee.	Balance.		Shire or Municipality.
							Rent required to complete payment to 31st Dec., 1953.	(1) Inspection, etc., (2) Survey Fee (part only).		Payable by Lessee.	Due to Lessee.	
Tenure. 1951-8372	1946-11, Lithgow.	Gardiner, Colin Vincent, of Post Office, Rydal.	Parish Lidsdale, county Cook, portion 154. Area, about 29 acres 3 roads 10 perches (excluding road).	Grazing ...	13 Nov., 1951, to 31 Dec., 1961.	£ s. d. 1 0 0	£ s. d. 2 2 8	£ s. d. (1) 0 17 6 (2) 0 10 0	£ s. d. 5 7 8 ^p 0 12 0	£ s. d. 2 9 6	£ s. d. 2 9 6	Blaxland.
1951-8372	1949-16, Lithgow.	Wilson, John, of "Rock Hill," Wallerawang.	Parish Lidsdale, county Cook, portion 155. Area, about 182 acres 3 roads (excluding road).	Grazing ...	13 Nov., 1951, to 31 Dec., 1961.	2 5 8	4 17 5	(1) 0 17 6 (2) 1 8 0	3 0 0 2 3 4	1 19 7	.....	Blaxland.
1951-8372	1944-12, Lithgow.	Rowe, Alfred Holloway Fothergill, of Sunny- side, Marrangaroo.	Parish Lidsdale, county Cook, portion 104. Area, about 479 acres 2 roads.	Grazing ...	13 Nov., 1951, to 31 Dec., 1961.	5 19 11	12 15 11	(1) 0 17 6 (2) 1 6 8	3 0 0 0 16 0	11 4 1	.....	Blaxland.
1951-8372	1946-4, Lithgow.	Allsopp, Prince Edward, c/o. W. H. Allsopp, Snr., Post Office, Marrangaroo.	Parish Lidsdale, county Cook, portion 194. Area, about 485 acres 2 roads (excluding road).	Grazing ...	13 Nov., 1951, to 31 Dec., 1961.	6 1 5	12 19 2	(1) 0 17 6 (2) 1 6 8	3 0 0 1 6 8	10 16 8	.....	Blaxland.
1952-8001	1948-134, Newcastle.	Jenkins, George Harold, of R.M.B. 304, Lemon Tree road, via New- castle.	Parish Sutton, county Gloucester, portion 206 (not yet approved). Area, 9 acres 2 roads.	Erection of buildings and recreation (cabins, camping ground and caravan parking).	18 Jan., 1952, to 31 Dec., 1958.	20 0 0	39 1 4	(1) 8 19 11 (2) 0 8 8	3 0 0 0 8 8	45 1 3	.....	Port Stephens.
1952-11169	1952-9, Nyngan.	Andrews, Victor Harry, of Umang - street, Tottenham.	Parish Quondong, county Flinders, south-western parts of Reserve for classification. Area, about 1,920 acres.	Grazing ...	21 Aug., 1953, to 31 Dec., 1967.	12 0 0 ^q	4 7 5	(1) 5 10 0 (2) 3 8 0 ^s	3 0 0 5 5 0	5 0 5	.....	Bogan.
1952-11169	1952-24, Nyngan.	Andrews, Victor Harry, of Umang - street, Tottenham.	Parish Quondong, county Flinders, north-eastern parts of Reserve for classification. Area, about 830 acres.	Grazing ...	21 Aug., 1953, to 31 Dec., 1967.	5 3 9 ^r	1 17 10	(1) 5 10 0 (2) 2 8 0 ^s	3 0 0 2 8 0	4 7 10	.....	Bogan.
1953-3147	1950-7, Parkes.	Davis, Charles Edward, c/o. M. J. Maguire, Solicitor, Parkes.	Parish Currajong, county Asbburnham, portion 864. Area, about 1 acre 2 roads 16 perches.	Erection of buildings (factory and access).	1 Sept., 1953, to 31 Dec., 1967.	6 8 0	17 1 11 ^t	(1) 2 8 9 (2) 0 13 0	3 0 0 0 13 0	16 10 8	.....	Parkes.
1952-10968	1952-2, Port Macquarie.	Dick, Edwin Mervyn, of Waugh-street, Port Macquarie.	Parish Torrens, county Macquarie, a small island in Limeburner's Creek shown on plan Ms. 936 Gfn. Area, about 1 acre.	Vegetable garden.	1 Sept., 1953, to 31 Dec., 1967.	1 0 0	0 6 8	(1) 1 16 3 (2) 0 13 0	3 0 0 0 13 0	.....	0 17 1	Hastings.
1952-5224	1951-16, Port Macquarie.	Barnett, George Henry, of Elands, via Wing- ham	Parish Bulga, county Macquarie, portion 125; M. 8,574-666 R. Area, 60 acres (excluding reserved road but including other roads, streets and lanes).	Dairying and grazing.	4 May, 1951, to 31 Dec., 1957.	24 1 9 ^u	64 2 11	(1) 5 17 6 (2) 0 18 0	27 1 9 0 18 0	42 18 8	.....	Manning.
1953-3375	1953-1, Rylstone.	Rose, Claude Samuel, of Bylong.	Parish Lee, county Phillip, portions 4, 85, 61, 75, 59 and 67. Area, about 684 acres.	Grazing ...	25 Aug., 1953, to 31 Dec., 1967.	15 8 0 ^v	5 8 10	(1) 1 11 4 (2) 2 8 0	3 0 0 2 8 0	4 0 2	.....	Rylstone.

NOTIFICATION OF GRANTING OF SPECIAL LEASES—continued.

16 OCTOBER, 1963.]

NEW SOUTH WALES GOVERNMENT GAZETTE No. 162.

3476

Reg. No. of Papers.	No. of Lease.	Name and Address of Lessee.	Situation and Area of Land.	Purpose of Lease.	Term of Lease.	Annual Rent.	Expenses.		Amount already paid as Rent, Deposit and Survey Fee.	Balance.		Shire or Municipality.
							Rent required to complete payment to 31st Dec., 1953.	(1) Inspection, etc., (2) Survey Fee (part only).		Payable by Lessee.	Due to Lessee.	
Tenure. 1953-3416	1953-2, Tamworth.	Tamworth Pastures Protection Board, of Tamworth.	Parish Tamworth, county Inglis, city of Tamworth, part portion 281, being a rectangular strip having frontages of about 70 feet to Johnston-street and about 154 feet to unnamed road east of that portion; L. 2,156-1,690. Area, about 1 rood.	Depot ...	25 Aug., 1953, to 31 Dec., 1980.	£ s. d. 4-10 0c	£ s. d. 1 11 10	£ s. d. (1) 4 7 6 (2) 6 10 0w	£ s. d. 3 0 0 6 10 0	£ s. d. 2 19 4	£ s. d.	City of Tamworth.
1953-5571	1952-3, Temora.	Camp, Ernest Howard, of "Hill View," Ariah Park.	Parish Mandamah, county Bourke, bounded by portion 44, parish Langi-Kal-Kal, portion 154, parish Mandamah, and the northern side of road 300 links wide from Wagga-Wagga to Yalgogrin. Area, about 7 acres.	Grazing ...	4 Sept., 1953, to 31 Dec., 1967.	1 2 0	0 7 3	(1) 2 15 0 (2) 0 13 0	3 0 0 0 13 0	0 2 3	.....	Narraburra.
Leases. 1950-7253	1947-9, Tumbarumba.	Toppin, Kenneth, of Adelong-road, Tumbarumba.	Parish Tumbarumba, county Selwyn, portion 690; plan S. 2,542-1,522. Area, 5 acres 0 roods 12 perches.	Grazing ...	12 Mar., 1952, to 31 Dec., 1965.	2 0 0x	3 12 4	(1) 1 0 0 (2) .....y	3 0 0 0 8 8z	1 3 8	.....	Tumbarumba.
Tenure. 1953-1408	1952-7, Wellington.	Shepherd, Frederick Albert, of Buchareena.	Parish Warne, county Wellington, village of Buchareena, allotment 2, section 8. Area, 2 acres 3 roods 14 perches.	Residence and store.	18 Sept., 1953, to 31 Dec., 1967.	3 1 4aa	0 18 0	(1) 2 0 0 (2) 0 13 0	3 0 0 0 13 0	.....	0 2 0	Wellington.
1951-9222	1950-13, Yass.	Wilson, Glen of "Elvington," Bowning.	Parish Bowning, county Harden, portion 318; plan H. 7,060-1,776. Area, 64 acres 3 roods.	Grazing ...	4 Nov., 1952, to 31 Dec., 1962.	14 11 5	16 17 9	(1) 4 0 0 (2) 0 19 0	3 0 0 1 0 0	17 16 9	.....	Demond-rille.

a Including £2 3s. 0d. rent for use of Crown improvements. b Including 3s. 7d. rent for use of Crown improvements. c Rent subject to review under Special Condition. d Actual cost of survey, fee £10 10s. 0d. charged. e Account survey fee costs only. f Including £1 19s. 0d. rent for use of Crown improvements. g Survey fee not charged having been paid on expired Special Lease 1923/8 Grafton. h Including 2s. 9d. rent for use of Crown improvements. i Survey fee not charged having been paid on expired Special Lease 22/15 Grafton. j Including £2 10s. 1d. rent for use of Crown improvements. k Including £3 6s. 3d. rent for use of Crown improvements. l Including 4s. 6d. rent for use of Crown improvements. m Including 3s. 6d. rent for use of Crown improvements. n Including £5 17s. 3d. rent for use of Crown improvements. o Including £2 7s. 8d. excess rent paid on Permissive Occupancy 45/338 terminated 12th November, 1951. p Including £1 10s. 0d. rent for use of Crown improvements. q Including 11s. 3d. rent for use of Crown improvements. r Including 11s. 3d. rent for use of Crown improvements. s Balance of survey fee payable on the aggregate area of Special Leases 1952/9 and 1952/24 Nyngan. t Including rent for use and occupation of the land from 1st May, 1951, to the date of commencement of Special Lease 50/7 at the rate of £6 8s. 0d. per annum. u Including £12 1s. 9d. rent for use of Crown improvements. v Including £7 3s. 8d. rent for use of Crown improvements. w Survey fee paid in full. x Including 3s. 7d. rent for use of Crown improvements. y Actual cost of survey fee £21 0s. 0d. charged. z Account survey fee costs only. aa Including 1s. 4d. rent for use of Crown improvements.

FOR SPECIAL CONDITIONS, ETC., SEE NEXT PAGE.

NOTIFICATION OF GRANTING OF SPECIAL LEASES—*continued.*

SPECIAL CONDITIONS, PROVISIONS, EXCEPTIONS, COVENANTS, AND RESERVATIONS.

Special Lease 1952-20, Bathurst.—B. S. and A. B. Haley.—The lease shall be subject to subsections 1, 2, 4 to 17, 19, 20, and 23) of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (i) within strips of land at least $1\frac{1}{2}$ chains wide along each bank of all creeks and watercourses; (ii) within strips of land at least $1\frac{1}{2}$ chains wide on each side of the centre line of all depressions whose sides have slopes in excess of one (vertically) in four (horizontally), i.e., approximately 14 degrees; and (iii) within strips $1\frac{1}{2}$ chains wide on each side of the centre line of the courses of all creeks and gullies within the land leased. (b) The lessee shall not destroy any timber, scrub, vegetative cover nor any regeneration thereof on those parts of the land leased where the slopes are steeper than one (vertically) in three (horizontally), i.e., approximately 18 degrees. (c) The lessee shall preserve all timber, scrub, vegetative cover and any regeneration thereof within strips not less than 3 chains wide along the tops of all ranges and main ridges. (d) In addition to the foregoing conditions, the lessee shall preserve, preferably in well-distributed clumps or strips, not less than an average of ten (10) trees per acre of the land leased together with any other timber, scrub, vegetative cover or any regeneration thereof which may from time to time be determined by the Catchment Areas Protection Board to be useful or necessary for soil conservation or erosion mitigation purposes. (e) No burning-off on the land leased shall be carried out apart from the consent of the Catchment Areas Protection Board in writing first obtained. Any permission granted in accordance with this clause shall be subject to such conditions as the Catchment Areas Protection Board may impose. (f) The lessee shall not overstock the land leased either wholly or in part, the decision as to overstocking to rest with the Catchment Areas Protection Board. During the currency of the lease the lessee shall furnish such returns relative to the stocking of the land leased as the Catchment Areas Protection Board may require. (g) The lessee shall effect such pasture improvement as the Catchment Areas Protection Board may from time to time deem necessary in the interests of soil conservation.

Special Lease 1951-22, Bega. H. W. Retallack.—The lease shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) An average of at least five (5) matured or semi-matured trees of honey-producing value shall be left to each acre for shade, shelter and honey provision. (b) Any buildings erected on the land leased shall be confined to an area with a 66-foot frontage to a formed road and with a depth of 132 feet.

Special Lease 1951-24, Casino. A. A. Shea.—The lease shall be subject to subsections 1, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) Gates shall be erected on roads within the land leased when and where directed by the District Surveyor for public use and together with approaches thereto shall be maintained in good order to the satisfaction of the District Surveyor. (b) No structures shall be erected or works undertaken on roads within the land leased. Such roads shall not be cultivated or used for any purpose not compatible with the use of the road by the public. (c) An average of not less than five (5) matured or semi-matured trees of honey-producing value per acre shall be left for shade, shelter and honey provision. (d) When Duck Creek

is dry lessee shall allow travelling stock free access to any water in the lagoon on the subject land.

Special Lease 1950-18, Cooma. C. R. Burke.—The lease shall be subject to subsections 1 to 5, 7 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The lessee shall, upon determination of the lease by forfeiture, effluxion of time, or otherwise, and within such time as may be given, remove the structures or all or any material, from the land, at his own cost and without compensation, and shall leave the land in a clean and tidy condition. (b) The lessee shall not permit the accumulation on the land leased of sawdust or waste timber, which shall be removed or otherwise disposed of. If destroyed by fire, the burning shall not encroach within a chain of the road boundaries and shall be protected by a screen on the side nearest to the roadway. All reasonable precautions to eliminate nuisances by smoke to any part of the town or public highway shall be taken. (c) The right is reserved to at once terminate the lease should the Minister be of the opinion that the public health is endangered thereby or any nuisance committed.

Special Lease 1951-11, Deniliquin. R. B. Smith.—The lease shall be subject to subsections 1 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special condition:—The rent for the last seven (7) years of the term of the lease may be reappraised either upon reference by the Minister or at the request of the lessee made during the first six (6) months of such period.

Special Lease 1948-42, Grafton. S. L. Newman.—The lease shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof within a strip of land 5 chains wide within and along the bank of Billy's Creek. (b) The lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (i) within strips of land at least 5 chains wide along each bank of all creeks and watercourses; (ii) within strips of land at least $1\frac{1}{2}$ chains wide on each side of the centre line of all depressions whose sides have slopes in excess of one (vertically) in four (horizontally, i.e., approximately 14 degrees; and (iii) within strips $1\frac{1}{2}$ chains wide on each side of the centre line of the courses of all creeks and gullies within the land leased. (c) The lessee shall not destroy any timber, scrub, vegetative cover nor any regeneration thereof on those parts of the land leased where the slopes are steeper than one (vertically) in three (horizontally), i.e., approximately 18 degrees. (d) The lessee shall preserve all timber, scrub, vegetative cover and any regeneration thereof within strips not less than 3 chains wide along the tops of all ranges and main ridges. (e) In addition to the foregoing conditions, the lessee shall preserve, preferably in well-distributed clumps or strips, not less than an average of ten (10) trees per acre of the land leased together with any other timber, scrub, vegetative cover or any regeneration thereof which may from time to time be determined by the Minister for Lands to be useful or necessary for soil conservation or erosion mitigation purposes. (f) The lessee shall not overstock the land leased either wholly or in part, the decision as to overstocking to rest with the Minister for Lands. During the currency of the lease the lessee shall furnish such returns relative to the stocking of the land leased as the Minister for Lands may require.

NOTIFICATION OF GRANTING OF SPECIAL LEASES—*continued.*

SPECIAL CONDITIONS, PROVISIONS, EXCEPTIONS, COVENANTS, AND RESERVATIONS—*continued.*

Special Lease 1949-60, Grafton. H. V. Hough.—The lease shall be subject to subsections 1, 2, 4, 6 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The rent for the last seven (7) years of the term of the lease may be reappraised by the Minister or at the request of the lessee made during the first six (6) months of such period. (b) An average of not less than five (5) matured or semi-matured trees of honey-producing value shall be left to each acre for shade, shelter and honey provision. (c) The lessee shall within a period of twelve (12) months from notification of the granting of the lease, fence those unfenced parts of the northern and eastern boundaries situated in the north-east corner of the lease, and thereafter maintain all fencing in efficient repair during the currency of the lease.

Special Lease 1951-52, Grafton. R. T. Smith.—The lease shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special condition:—An average of not less than five (5) matured or semi-matured trees of honey-producing value shall be left to each acre for shade, shelter and honey provision.

Special Lease 1951-35, Grafton. H. A. McLachlan.—The lease shall be subject to subsections 1, 2, 4 to 17, 19, 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The lessee shall when fencing the land (if not already fenced) erect and subsequently maintain gates of access on northern and southern boundaries and on the boundary adjoining the north-east corner of R. 44,430 (R. 47,135 from license and lease generally) for public recreation, and such gates shall be kept unlocked. (b) The public shall have at all times free right of entry upon the subject land for recreation or access. (c) The lessee shall not destroy or damage any of the native flora upon the subject land except any plants or weeds as may from time to time be declared noxious. (d) This lease shall be held in conjunction with adjoining Crown lease 1922-21, Grafton, and forfeiture or other determination of that lease will involve forfeiture of this lease also. (e) No timber suitable for mining purposes shall be interfered with by ring-barking or otherwise.

Special Lease 1951-29, Grafton. W. R. B. Winn.—The lease shall be subject to subsections 1, 2, 4 to 17, 19 to 22, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The right is reserved to the public of free access along the bank of the watercourse adjoining the land leased. (b) No timber suitable for mining purposes shall be interfered with by the lessee either by ringbarking or otherwise.

Special Leases 1947-10 and 1948-5, Gundagai. S. A. Dominick and C. A. Taber, respectively.—The leases shall be subject to subsections 1, 2, 4 to 16, 19 to 22, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The lessee shall carefully preserve all timber on the land leased. (b) The lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (i) within strips of land at least 1½ chains wide along each bank of all creeks and watercourses; (ii) within strips of land at least 1½ chains wide on each side of the centre line of all depressions whose sides have slopes in excess of one (vertically) in four (horizontally), i.e., approximately 14 degrees; and (iii) within strips 1½ chains wide on each side of the centre line of the courses of all creeks and gullies within the land leased. (c) The lessee shall not destroy any timber, scrub, vegetative cover nor any regeneration thereof on those parts of the land leased where

the slopes are steeper than one (vertically) in three (horizontally), i.e., approximately 18 degrees. (d) The lessee shall preserve all timber, scrub, vegetative cover and any regeneration thereof within strips not less than 3 chains wide along the tops of all ranges and main ridges. (e) In addition to the foregoing conditions, the lessee shall preserve, preferably in well-distributed clumps or strips, not less than an average of ten (10) trees per acre of the land leased together with any other timber, scrub, vegetative cover or any regeneration thereof which may from time to time be determined by the Minister for Lands to be useful or necessary for soil conservation or erosion mitigation purposes. (f) No burning-off on the land leased shall be carried out apart from the consent of the Minister for Lands in writing first obtained. Any permission granted in accordance with this clause shall be subject to such conditions as the Minister may impose. (g) The lessee shall not overstock the land leased either wholly or in part, the decision as to overstocking to rest with the Minister for Lands. During the currency of the lease the lessee shall furnish such returns relative to the stocking of the land leased as the Minister may require.

Special Lease 1952-9, Gunnedah. S. A. Burns.—The lease shall be subject to subsections 1, 3 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) Gates shall be erected on roads within the land leased when and where directed by the District Surveyor for public use and together with approaches thereto shall be maintained in good order to the satisfaction of the District Surveyor. (b) No structure shall be erected or works undertaken on roads within the land leased. Such roads shall not be used for any purpose not compatible with the use of the road by the public. (c) The lessee shall not permit the accumulation on the land leased of sawdust or waste timber, which shall be removed or otherwise disposed of. If destroyed by fire such destruction shall be carried out so as to avoid any nuisance. (d) No further buildings shall be erected on the land leased except in accordance with plans and specifications approved by Namoi Shire Council. (e) Lessee shall use the Council's sanitary service, if available.

Special Lease 1951-6, Gunnedah. A. C. Mapperson.—The lease shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940).

Special Lease 1949-1, Hay. A. S. Simpkin.—The lease shall be subject to subsections 1, 2, 4 to 16, 18 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) No trees or saplings on the land leased shall be interfered with by ringbarking or otherwise. (b) The right is reserved to the public of free and unrestricted access to, and use of a strip 2 chains wide along the bank of the Murrumbidgee River for the purpose of recreation.

Special Lease 1951-15, Hillston. W. A. Neill.—The lease shall be subject to subsections 1, 2, 4 to 16, 18 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special condition:—No trees or saplings shall be interfered with by ringbarking or otherwise.

Special Leases 1946-11, 1949-16, 1944-12 and 1946-4, Lithgow. C. V. Gardiner, J. Wilson, A. H. F. Rowe, P. E. Allsopp, respectively.—The leases shall be subject to subsections 1, 2, 4 to 16, 18 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) No timber shall be interfered with by ringbarking or

NOTIFICATION OF GRANTING OF SPECIAL LEASES—*continued.*

SPECIAL CONDITIONS, PROVISIONS, EXCEPTIONS, COVENANTS, AND RESERVATIONS—*continued.*

otherwise. (b) The lessee shall do all things required by condition 19 to be done notwithstanding anything contained in any other condition requiring the preservation of vegetative cover.

(c) Burning-off scrub, undergrowth or any vegetation or material is prohibited. (d) No structure of a substantial or permanent nature other than fencing required under the conditions of the lease shall be erected on the land leased. (e) The lessee shall not overstock the land at any time during the currency of the lease. The determination of what stocking and method used in depasturing constitutes overstocking shall rest solely with the Minister.

Special Lease 1948-134, Newcastle. G. H. Jenkins.—The lease shall be subject to subsections 1 to 20 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The lease shall be for the specific purpose of developing the land leased in the interests of, and generally catering for the requirements of campers, picnickers and others. (b) The right is reserved to the public generally of free and unrestricted access over the land leased to the satisfaction of the Minister, subject to the exercise by the lessee of rights conferred upon him under the conditions of this lease. (c) All buildings to be erected on the land leased shall be of designs to be approved by the Port Stephens Shire Council and no buildings shall be erected on the land leased before a building permit has been issued by the said council. (d) All buildings and structures erected on the land leased shall be maintained in good, efficient and sanitary condition and in a thorough state of repair during the currency of the lease to the satisfaction of the Minister. (e) Any buildings erected on the land leased shall be painted with two (2) coats of paint within twelve (12) months after the date of notification in the Government Gazette of the granting of the lease or after the date of erection whichever is the later. (f) The lessee shall provide separate sanitary conveniences for each cabin or holiday cottage erected on the land leased. (g) The lessee shall provide community bathing and laundry facilities in the ratio of at least one (1) for each three (3) cabins or holiday cottages. (h) The lessee shall provide, for any part of the land leased which may be used for camping or caravan park, separate sanitary conveniences and bathing facilities for each sex together with adequate water supply and garbage receptacles. (i) The lessee shall make adequate arrangements for the disposal of all garbage, night soil and refuse to the satisfaction of the Port Stephens Shire Council. (j) The lessee shall make arrangements for the supply of firewood or fuel for the occupiers of cabins or holiday cottages and the users of the camping site and caravan park, but shall prevent the felling of trees on the land leased or adjoining Crown lands. (k) The lessee shall display a list of charges for camps and caravans in each respective ground and such charges shall be subject to revision by the Minister should such be considered necessary by the Minister. (l) The lessee shall have the sole right of sale at reasonable prices of provisions and goods required by campers, etc., but shall not restrict the entry of tradesmen who supply commodities required by campers and others and not supplied by him. (m) A caretaker, employee of the lessee, or the proprietor may reside upon the land leased but other than such residence no part of the land leased shall be used for residence purposes other than of a holiday nature. (n) The lessee shall enter into a bond for an amount of £100 indemnifying the Minister against any losses, damages, costs, charges and expenses occasioned by the lessee's failure to observe the terms, conditions and provisions of the lease. (o) A breach of, or non-compliance with, any of the conditions of the lease or a conviction under the Public Health Act or the occurrence of any

disorderly conduct on the land leased, as the case may be, will render the lease liable to forfeiture.

Special Leases 1952-9, 1952-24, Nyngan. V. H. Andrews.—The leases shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to allotment of 1 chain frontage and 2½ chains depth fronting the Doyles River—Wingham-road trees of honey-producing value shall be left to each acre for shade, shelter and honey provision.

Special Lease 1950-7, Parkes. C. E. Davis.—The lease shall be subject to subsections 1 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) No works shall be carried on or stores, plant or refuse, deposited, stored or placed upon the land leased which, in the opinion of the Minister, constitutes a nuisance and, upon objection by the Minister, the lessee shall immediately abate such nuisance. (b) If at any time during the currency of the lease the Crown shall pay a contribution towards the cost of kerbing and/or guttering and/or paving along the frontage of the land leased the lessee shall from the date of such payment and thereafter during the currency of the lease pay interest at the rate of four per centum (4%) per annum on the cost of such contribution or pay for the full cost. (c) The lessee shall, upon expiration of the lease by effluxion of time or upon other determination thereof, remove all or any structures erected by him on the land leased and shall leave the land clear of all extraneous materials to the satisfaction of the Minister, if requested to do so in writing by the Minister. To ensure compliance with this condition, the lessee shall provide a guarantee in the sum of £50 in a form acceptable to the Minister. Such guarantee will be discharged upon termination of the lease as aforesaid in every case where the land leased shall have been left in a condition satisfactory to the Minister; the lodgment of such guarantee will not exonerate the lessee or his representatives from liability in respect of any demolition, removal or reconditioning, as the case may be, where the cost thereof exceeds the amount provided by guarantee, and, in default of payment of any excess cost, such amount of excess cost may be recovered in any court of competent jurisdiction.

Special Lease 1952-2, Port Macquarie. E. M. Dick.—The lease shall be subject to subsections 1, 2, 4, 6 to 14, 17, 19, 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) All timber and scrub growing within 30 feet of high water mark, Limeburner's Creek, shall be strictly preserved in its natural state. (b) The right is reserved to professional fishermen and oystermen working in the vicinity to use that part of the area within 30 feet above high water mark without interference or annoyance by the lessee. (c) No buildings or structural improvements shall be erected on the land leased.

Special Lease 1951-16, Port Macquarie. G. H. Barnett.—The lease shall be subject to subsections 1, 4 to 20 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) Substantial buildings erected shall be confined to a rectangular allotment of 1 chain frontage and 2½ chains depth fronting the Doyles River—Wingham-road or 2 chains frontage and 2½ chains depth fronting a subsidiary road. (b) The area leased is exclusive of reserved road within its boundaries but includes other roads, streets and lane. (c) Gates shall be erected on roads, streets and lane within the land leased when and where directed by the District Surveyor for public use and together with approaches thereto shall be maintained in good order to the satisfaction of the District Surveyor. (d) No

NOTIFICATION OF GRANTING OF SPECIAL LEASES—*continued.*

SPECIAL CONDITIONS, PROVISIONS, EXCEPTIONS, COVENANTS, AND RESERVATIONS—*continued.*

structure shall be erected or works undertaken on roads, streets or lane within the land leased. Such roads, streets and lane shall not be used for any purpose not compatible with the use of the streets and lane by the public. (c) A breach of any of the conditions or a conviction under the Dairies Supervision Act, as the case may be, will render the lease liable to forfeiture.

Special Lease 1953-1, Rylstone. C. S. Rose.—The lease shall be subject to subsections 1, 2, 4 to 16, 19, 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special condition:—The lessee shall not destroy or interfere in any way with the timber or any regeneration thereof on the land leased.

Special Lease 1953-2, Tamworth. Tamworth Pastures Protection Board.—The lease shall be subject to subsections 1 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) No buildings shall be erected on the land leased except in accordance with plans and specifications approved by Tamworth City Council. (b) Lessee shall use the Council's sanitary service, if available. (c) For the purpose of appraisal of rent the term of the lease shall be divided into four (4) periods, the first of about six (6) years and the second, third and fourth of seven (7) years each. The rent for the second, third and fourth periods may be reappraised either upon reference by the Minister or at the request of the lessee made during the first six (6) months of the affected period. (d) In the event of revocation of adjoining or adjacent part of Travelling Stock and Camping Reserve No. 70,000 from sale, notified 10th April, 1941, conditions (6) and (7) are modified to the extent that the right is reserved to the Minister to terminate the lease upon giving the lessee not less than three (3) months' notice in writing to that effect. If the lease is terminated by the exercise of the foregoing reserved right, no compensation will be allowed, but the lessee may remove any movable improvements effected by or at the expense of the lessee provided it does so within twelve (12) months after the termination of the lease.

Special Lease 1952-3, Temora. E. H. Camp.—The lease shall be subject to subsections 1, 2, 4 to 16, 18 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special condition:—No timber on the land shall be interfered with by ringbarking or otherwise.

Special Lease 1947-9, Tumbarumba. K. Toppin.—The lease shall be subject to subsections 1, 4 to 17, 19 to 22, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) All timber suitable for mining purposes shall be protected. (b) Gates shall be erected on roads within the land leased when and where directed by the District Surveyor for public use and together with the approaches thereto shall be maintained in good order to the satisfaction of the District Surveyor. (c) The right of the public to free access along the bank of Tumbarumba Creek is reserved, as is also access for the purpose of watering stock. (d) No structure shall be erected or works undertaken on roads within the land leased. Such roads shall not be used for any purpose not compatible with the use of the roads by the public.

Special Lease 1952-7, Wellington. F. A. Shepherd.—The lease shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) No buildings shall be erected on the land leased except in accordance with plans and specifications approved by Wellington Shire Council. (b) Lessee shall enter into residence on the land leased within a period of twelve (12) months from the date of notification in the Government Gazette of granting of the lease. "Residence," for the purpose of this condition, shall be taken to mean continuous and bona fide living on the land leased as the holder's usual home without any other habitual residence. (c) Lessee shall use the Council's sanitary service, if available.

Special Lease 1950-13, Yass. G. Wilson.—The lease shall be subject to subsections 1, 2, 4 to 20, and 23 of Regulation No. 106 (notified 2nd August, 1940), and to following special conditions:—(a) The right is reserved to the Crown and any authorised person to enter upon the land leased and to have access along strips of land 50 feet wide each side of the electricity transmission line from Bogalara to Canberra for the purpose of constructing and maintaining electricity transmission lines. (b) The right is reserved to employees of the Postmaster-General's Department or any authorised person to enter upon the land leased and to have access along strips of land 50 feet wide each side of the telegraph line traversing the land for the purpose of constructing or maintaining telephone lines. (c) The lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (i) within strips of land at least $1\frac{1}{2}$ chains wide along each bank of all creeks and watercourses; (ii) within strips of land at least $1\frac{1}{2}$ chains wide on each side of the centre line of all depressions whose sides have slopes in excess of one (vertically) in four (horizontally), i.e., approximately 14 degrees; and (iii) within strips $1\frac{1}{2}$ chains wide on each side of the centre line of the courses of all creeks and gullies within the land leased. (d) The lessee shall not destroy any timber, scrub, vegetative cover nor any regeneration thereof on those parts of the land leased where the slopes are steeper than one (vertically) in three (horizontally), i.e., approximately 18 degrees. (e) The lessee shall preserve all timber, scrub, vegetative cover and any regeneration thereof within strips not less than 3 chains wide along the tops of all ranges and main ridges. (f) In addition to the foregoing conditions, the lessee shall preserve, preferably in well-distributed clumps or strips, not less than an average of ten (10) trees per acre of the land leased together with any other timber, scrub, vegetative cover or any regeneration thereof which may from time to time be determined by the Catchment Areas Protection Board to be useful or necessary for soil conservation or erosion mitigation purposes. (g) No burning-off on the land leased shall be carried out apart from the consent of the Catchment Areas Protection Board in writing first obtained. Any permission granted in accordance with this clause shall be subject to such conditions as the Catchment Areas Protection Board may impose. (h) The lessee shall not overstock the land leased either wholly or in part, the decision as to overstocking to rest with the Catchment Areas Protection Board. During the currency of the lease the lessee shall furnish such returns relative to the stocking of the land leased as the Catchment Areas Protection Board may require. (i) The lessee shall effect such pasture improvement on the land leased as may be required from time to time by the Catchment Areas Protection Board in the interests of soil conservation.

(8319)

Sydney, 16th October, 1953.

REVOCATION OF RESERVES FROM SALE, LEASE, ETC.

IT is hereby notified that under the provisions of section 30 of the Crown Lands Consolidation Act, 1913, the reserves from sale, lease etc., hereunder described, are hereby revoked.

F. H. HAWKINS, Minister for Lands.

Land District	Reserve No.	Purpose.	Date of Notification.	Parish.	County.	Shire, etc.	Area.	Part Revoked.	Papers No.
Blayney	28,880	From sale for mining purposes.	28 Jan., 1899	Calvert	Bathurst	Lyndhurst...	a. r. p. 19 1 20	Portion 44. B. 5,030-2,009.	T. 52-11,339
Deniliquin	58,119	From sale or lease, other than Special Lease.	26 June, 1925	Dahwilly	Townsend	Windouran	38 2 0	Within portion Sp. L. Ms. 1,762 Hy.	T. 53-3,920
Goulburn	.....	From sale or lease, other than Annual Lease, section 228.	.....	Towrang	Argyle	Mulwaree	96 2 0	The whole; portion 289. A. 4,330-2,121.	T. 53-7,736
Do	.....	do do	.....	Wayo	do	do	24 2 0	The whole; portion 193. A. 4,467-2,121.	T. 53-7,740
Do	.....	do do	.....	Strathaird	do	do	(ex roads). 57 0 0	The whole; portion 176. A. 3,319-2,121R.	T. 53-7,737
Grafton	33,168	From lease generally for refuge in time of flood.	14 Aug., 1901	Clifden	Clarence	Copmanhurst.	1,000 0 0	The whole	T. 51-13,156
Gunning	.....	From sale or lease, other than Annual Lease, section 228.	.....	Garway	King	Gunning	8 0 0	Portion 122. K. 7,257-1,995.	T. 53-7,735
Hillston	.....	do do	.....	Weenya	Nicholson	Carrathool...	25 0 0	Between portion 1 and end of road and Lachlan River.	T. 53-7,538
Hillston North	6,627	From sale for travelling stock.	23 June, 1888	Moolbong	Franklin	Western Division.	34 0 16	Within portion 11. Plan F. 464-1,949.	W.L.O. 51-7,012.
Kempsey	45,978	From after auction sale	21 Sept., 1910	Kalateenee	Dudley	Municipality Kempsey.	0 1 1½	Within allotment 8, section 22; Kempsey 72.	T. 53-8,282
Do	45,978	do do	21 ,, 1910	do	do	do	0 0 39½	Within allotment 1, section 22; Kempsey 70.	T. 53-8,276
Metropolitan	13,344	From sale pending survey	24 Jan., 1891	South Colah	Cumberland	Hornsby	0 1 33½	Part within portion 553. C. 3,726-2,030.	T. 53-6,145
Do	.....	From sale or lease, other than Annual Lease, section 228.	.....	do	do	do	0 1 33½	do do	do
Do	.....	From sale or lease, section 206.	24 Oct., 1952	do	do	do	0 0 33½	The whole; portion 729. C. 6,503-2,030.	do
Moss Vale	67,574	From sale for commonage	6 May, 1938	Berrima	Camden	Wingecarribee.	75 0 0	The whole	P. 53-4,098
Do	67,575	From lease generally	6 ,, 1938	do	do	do	75 0 0	do	do
Murwillumbah	.....	From sale or lease, section 206.	7 Sept., 1951	Cudgen	Rous	Tweed	0 0 33½	The whole; allotment 7, section 4. Kingscliff 8, roll.	T. 53-7,870.
Temora Central	12,453	From sale for travelling stock.	6 ,, 1890	Warri	Bourke	Coolamon	6 0 0	Bounded by portion 42, Mirrool Creek; portion 105. Classification Reserve and T.S.R. 21,615.	P. 53-7,409
Urana	.....	From sale and lease, section 197.	.....	Urana	Urana	Urana	3 3 18	The whole; portion Ms. 2,931 Wga.	S. 50-11,974
Wagga Wagga	.....	From sale or lease, other than Annual Lease, section 228.	.....	Tootool	Mitchell	Lockhart	4 1 19	Allotments 9 to 16, section 2 and lane on north, Tootool 2.	T. 53-6,059
Coonamble	43,044	From sale for temporary common.	16 Sept., 1908	Eringanerin (Suburban)	Gowen	Gilgandra	14 2 0	A strip 4 chains 50 links along the north-eastern boundaries of portions 83 and 84 and the prolongation of those boundaries to the Castlereagh River.	P. 52-8,632
Do	43,045	From license and Annual Lease.	16 ,, 1908	do	do	do	14 2 0	do do	do
Deniliquin	56,146	From sale or lease generally.	11 May, 1923	North Deniliquin. (Suburban)	Townsend	Municipality Deniliquin.	29 0 0	Within the old bed of the Edwards River, adjoining Deniliquin State Forest No. 397, portion 194 and B. 62,304 for public recreation.	P. 53-3,436
Inverell	58,559	From sale and lease for travelling stock and camping.	29 Jan., 1926	Gum Flat	Murchison	Macintyre	24 0 0	The part within portion 184, north-west of a strip 3 chains wide fronting the Staggy Creek-Inverell road. M. 2,801-1,789.	T. 52-5,258

(8355)

Sydney, 16th October, 1953.

NOTIFICATION OF DEDICATION OF LAND FOR PUBLIC PURPOSES UNDER THE CROWN LANDS CONSOLIDATION ACT, 1913.

AN abstract of the intended dedication of the areas of Crown land described in the Schedule hereto for the public purposes therein mentioned having been duly laid before both Houses of Parliament of the State of New South Wales, in accordance with the provisions of section 24 of the Crown Lands Consolidation Act, 1913, it is hereby notified that the areas of Crown land hereinbefore mentioned and as more particularly described in the Schedule hereto are hereby dedicated for the public purposes specified in connection therewith.

F. H. HAWKINS, Minister for Lands.

Place.	County.	Portion.	Allotment	Section	Locality	Area	Purpose of Intended Dedication	No. of Papers	Cat. No. of Plan
Preston.	King.	129	—	—	Bevendale	a. r. p. 2 0 0	Public School	P. 53-633	K. 7,977-1,995.

Our ref: BCE 181132

11 May 2018

Paul Hensley
Managing Director
Walker Quarries Pty Ltd
PO Box 307
LITHGOW NSW 2790



By email: pfhensley@gmail.com

Dear Paul

Wallerawang Quarry - Native Title Issues

I refer to your emails of 28 April and 8 May 2018.

I note as follows:

1. Native title Clearance

- 1.1. I have now read the material you have sent me including the Native Title Clearance Report dated 28 April 2018 prepared by Hetherington Exploration & Mining Title Services (**Hetherington**).
- 1.2. I think the native title position is well summarised and accurately dealt with in Hetherington's report. I have also spoken with the author of the report, Sam Carman, and together we have reviewed each of the steps which led to Hetherington's conclusion that native title had been extinguished over all relevant areas.
- 1.3. Sam has sent me some further material which I still need to review in detail but mainly only to check and confirm his references.
- 1.4. I have also separately reviewed the native title position, which I think can be described as follows:
 - The existing and earlier crown leases (Annual Lease No. 1 of 1940, Reserve 69540 of 1940 and Special Leases Nos 4 and 11 of 1946) affecting Lot 7322/DP1149335 have not extinguished native title (assuming it ever existed) for the reason that those leases only permit grazing and are therefore not "Scheduled Interests" under Schedule 1 of the *Native Title Act* 1993 (Cth) (the **NTA**).
 - The dedication of the Lidsdale State Forest No. 707 over Lot 7071/DP1201227 also did not extinguish native title (again assuming it ever



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existed). The dedication of a State Forest is also not a “Scheduled Interest” under Schedule 1 of the NTA.

- Mining Lease 1366 (ML1366) overlies and affects both Lot 7322/DP1149335 and Lot 7071/DP1201227 as well as Lot 6 DP 872230, which is freehold land owned by Sitegoal Pty Ltd. To that extent that part of ML1366 could not be and was not at any relevant time subject to native title.
- I also note that to the extent a mining lease may be subject to native title the “non-extinguishment principle” applies, which means that after the expiration of the mining lease native title rights are effectively revived.
- Exploration Licence 4473 (EL4473) overlies Lot 7322 (a crown lease – see above), Lot 7071 (a dedicated State Forest – see above) and several other parcels of land including Lots 2 and 3, DP 872230 (freehold land), Lot 7323, DP149335 (also a crown lease) and Lot 154 DP751851 (freehold land). To the extent these parcels comprise freehold land (although relatively small) native title would have been extinguished.
- Hetherington has in my view correctly identified Travelling Stock Reserve 70 as the key instrument which has the effect of extinguishing native title over all areas affected by ML1366 and EL4473.

1.5. Hetherington’s and our reasoning is as follows:

- Under section 23A(2) of the NTA “previous exclusive possession acts”, which can include the establishment of public works, completely extinguish native title.
- Under section 23B(7) of the NTA a “previous exclusive possession act” is defined to include a validated past act (essentially any act occurring before 23 December 1996) “if it consists of the construction or establishment of any public work that commenced to be constructed or established on and before 23 December 1996”.
- Under section 253 of the NTA the term “public work” is defined to include in paragraph (ii)(a) “where the expression is used for the purposes of Division 2 or 2A of Part 2 – a stock-route”.
- Under the *Crown Lands Alienation Act 1861 NSW* (legislation which has long since been repealed) the Governor was given power to declare portions of Crown Land “to be dedicated ... for “public purposes”. Travelling Stock Route 70 (which then occupied a much larger area) was dedicated under this Act by Government Gazette on 24 February 1887. Although it was obviously not known at the time that act was effective as a “past act” to extinguish native title. I am satisfied both ML1633 and EL4473 fall wholly within Travelling Stock Route 70 both as it was originally dedicated and as it presently exists (see **attached** map – Map 1).
- Given it is not proposed to conduct mining or exploration activities outside the external boundaries of both ML1633 and EL4473, I think Walker Quarries can be confident native title rights do not exist over any area likely to become subject to mining or exploration activities.

1.6. As I understand, you will need to provide the Department of Industry (Resources and Energy) with evidence of Walker Quarries' view that native title has been extinguished over the whole area subject to the renewal of the existing mining lease. That information will need to be provided in accordance with the "Protocol for Evidencing Proof of Extinguishing Native Title" published by the Department. Hetherington has now prepared most of the material you will require but we are happy to assist in reviewing and organising that material as well as submitting it on your behalf if you think it needs the support of a legal opinion and is usefully provided under our letterhead.

2. **Is there a need for any form of clearance from the National Native Title Tribunal (NNTT)?**

Having reviewed Hetherington's report and having satisfied myself as regards the provisions of the NTA, I do not think any useful purpose would be served in making a "non-claimant" application to the NNTT and ultimately to the Federal Court.

3. **Existing Royalty Agreements**

3.1. I have searched the National Native Title Register to see if there is a case now either to have the Deed of Agreement between Walker Quarries, Elsie Stockwell and Gundungurra Tribal Council Aboriginal Corporation (**GTCAC**) set aside or at least to argue there is no further amount due under that deed. (It may be a little optimistic but it is also possible there could be a case for clawback as regards any payments already made).

3.2. By way of background, I note that the original application lodged by GTCAC included an area to the west of Lithgow extending towards Bathurst and Orange. In fact several applications were lodged including NSD6060/98. These applications were discontinued in 2014 and in their place certain parties entered into an Indigenous Land Use Agreement (**ILUA**). This ILUA refers to an "Agreement Area" which for the most part sits to the east and to the south of the quarry and does not in fact include the area of the quarry. You will find **attached** a map of the area covered by the Gundungurra ILUA (Map 2).

3.3. I also note that entry into ILUAs is a common enough approach to settle native title claims and to deal with "future acts" including applications for mining leases. There may be an argument advanced by GTCAC that the Deed of Agreement was a quite separate arrangement which remains enforceable whatever the underlying or background facts. Against that, we now know with a high level of certainty that native title never existed in the affected area and further the area sits outside the area now subject to the Gundungurra ILUA.

3.4. As a practical matter, we need to consider the next steps Walker Quarries should take. It seems to me that you could adopt one of two courses, namely to cease to pay the royalties and provide an explanation as to why you have chosen to take that course of action in a letter I would draft on your behalf or instruct me to write directly to the solicitors acting for the GTCAC. We would submit no further payment is due based on the arguments above but also indicate we are willing to discuss the matter and possibly also suggest that if they dispute that position then they should rely on the dispute resolution mechanism set out in the Deed of Agreement.

4. Existing Native Title Claim

- 4.1. I have searched the National Native Title Register to determine the status of this matter, which relates to a claim by the Warrabinga Wiradjuri tribal aboriginal group (NSD857/2017) and which does include the site of the quarry (see Map 3). I now know that the application was accepted for registration which means it will now be dealt with by the Federal Court. It is clear from the terms of the application that it does not extend to claiming native title over areas which comprise freehold land or public works (including for our purposes Travelling Stock Route 70). The application does not, however, specifically recognise ML1633 or EL4473 nor does it make any specific reference to Travelling Stock Route 70.
- 4.2. There is also a procedural difficult in that any applications to join the matter as a party expired on 7 May 2018. Can you please check your records to see whether Walker Quarries or Sitegoal did or did not receive notice of this native title claim. I have not yet considered whether it is necessary for Walker Quarries to be joined as a party which is a matter I may need to discuss with solicitors acting for the native title applicant but, if the decision is made to join the proceeding as a party, we may need to pursue that by way of a separate application to the Federal Court.

5. The Open Camp Site

This is a matter which does not relate to native title but needs to be separately considered as a condition under the Development Consent and under applicable aboriginal heritage legislation. I will discuss the matter with Robert Wilcher, our planning and development specialist.

Paul, I trust that information is helpful. It seems to me Walker Quarries is in a strong position to resist any claim native title exists over any areas in which Walker Quarries currently or proposes to conduct mining and exploration activities. I also believe there is a strong case that Walker Quarries can cease to pay royalties to GTCAC but that is clearly a matter we will need to consider carefully before taking any further action.

I am happy to discuss.

Yours faithfully
HICKSONS



Bernard Evans

Partner

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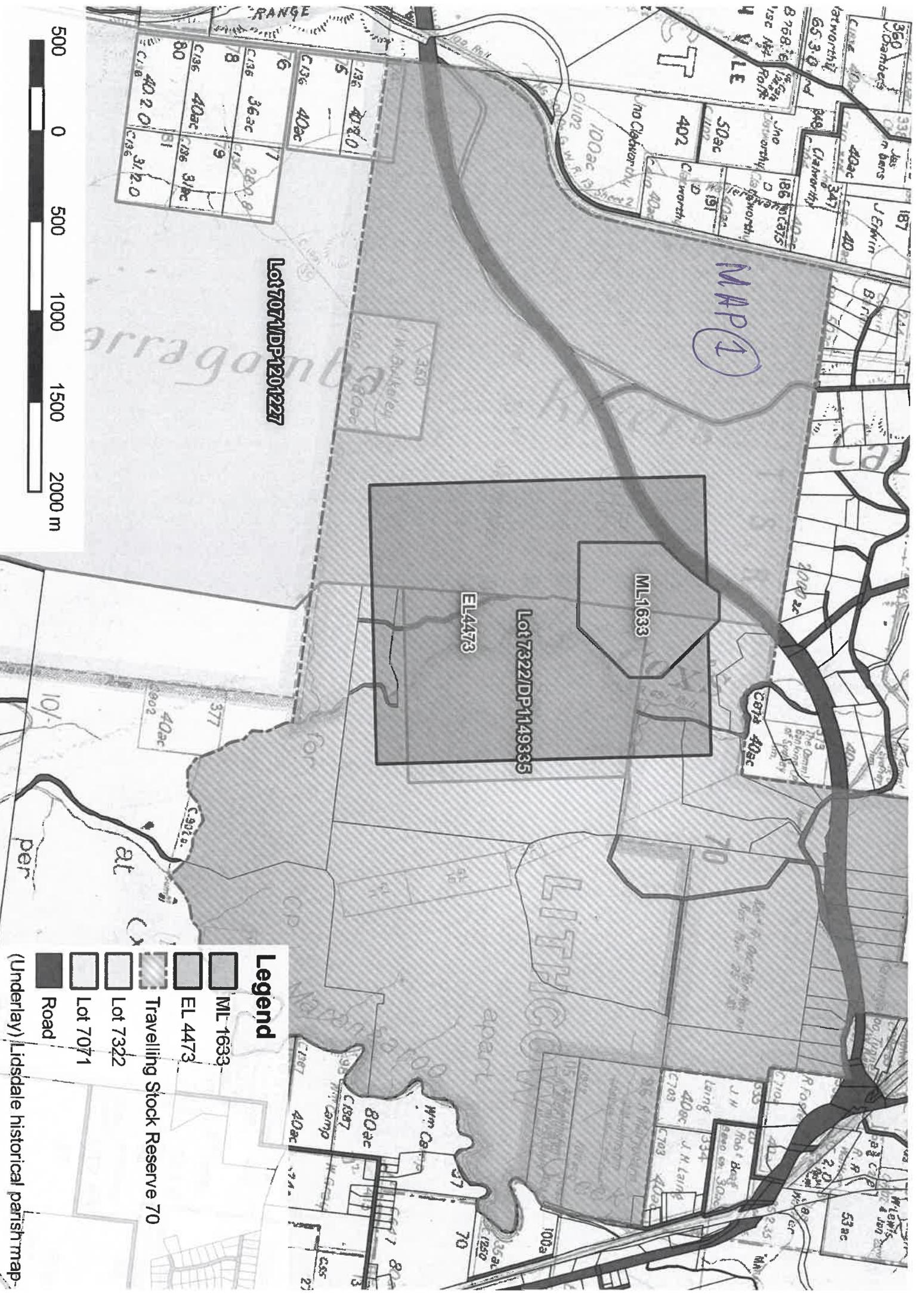
e: bernard.evans@hicksons.com.au

Encl



Lot 707/MDP1201227

MAP 1



Legend

- ML 1633
- EL 4473
- Travelling Stock Reserve 70
- Lot 7322
- Lot 7071
- Road

(Underlay) Lidsdale historical parish map

Schedule A to the Gundungurra Indigenous Land Use Agreement: Agreement Area



NORTH



Latitude and Longitude based on Geocentric Datum of Australia 1994
Non Projection

© Commonwealth of Australia 2013

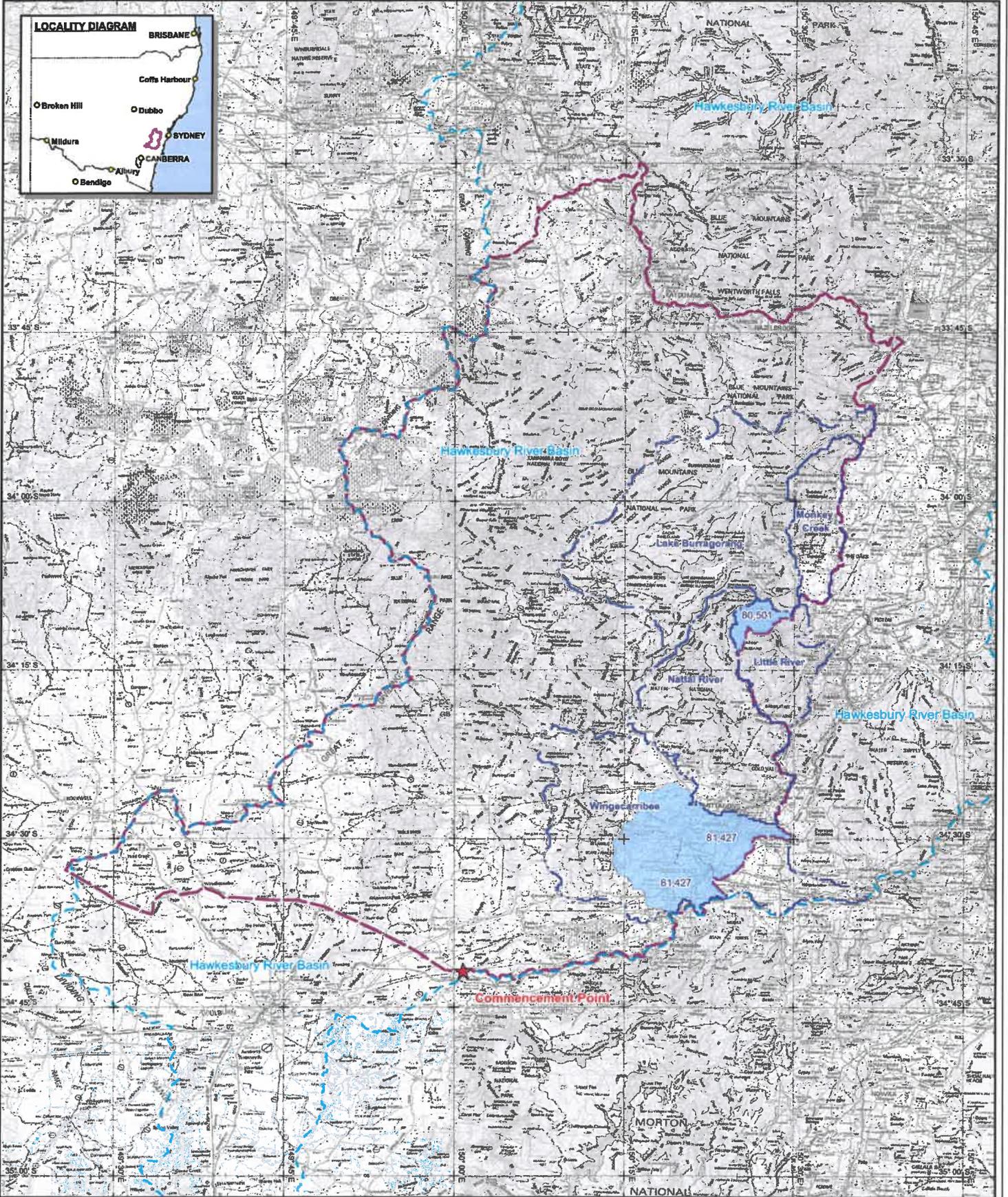
- Gundungurra ILUA
- Hawkesbury River Basin
- Hawkesbury River Sub-Catchment Area
- Hawkesbury River Sub-Sub-Catchment Area

Agreement boundary data compiled by the NNTT from data sourced from DOL (NSW).
Nested Catchments dataset with a minimum area threshold of 50 square kilometres created by the Centre for Resource and Environmental Studies Australia's River Basins 1997 data © Commonwealth of Australia (Geoscience Australia) 1997.

Topographic image data is © Commonwealth of Australia and is used under licence from Geoscience Australia, 2008.
NOTE: Topographic images should be used as a guide only

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Map created by: Geospatial Services, National Native Title Tribunal (14/05/2013)



MAP 3



National
Native Title
Tribunal

Native Title Determination Application

Warrabinga Wiradjuri
Core Country Claim

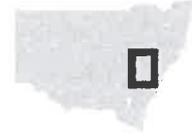
0 10 20
Kilometers

Geocentric Datum of Australia 1994

Prepared by:
Geospatial Services, National Native Title Tribunal
19/12/2015

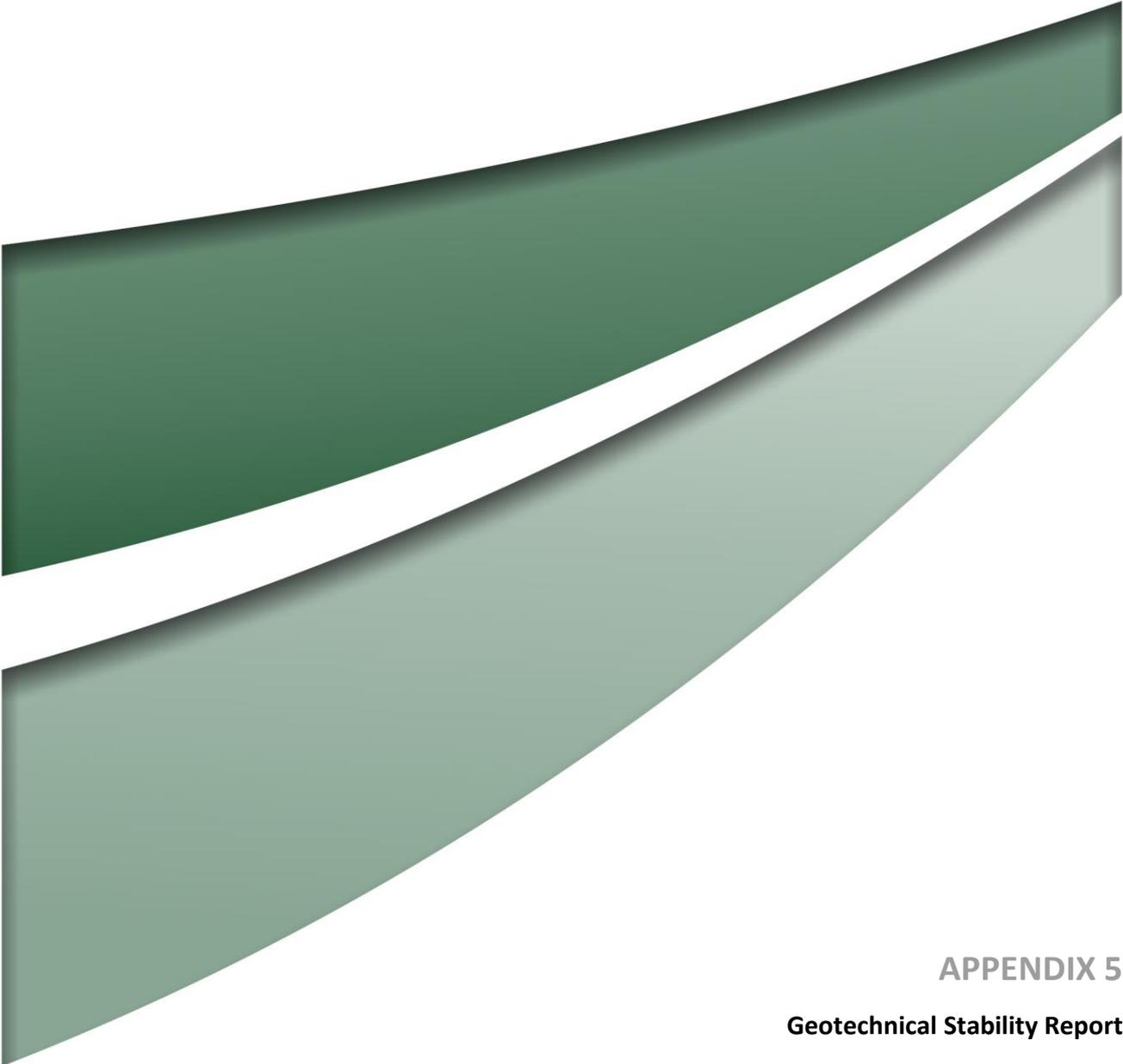
Data Sources:
Proposed boundary compiled by National Native Title Tribunal based on information or instructions provided by the applicants.
Determination boundary data compiled by the National Native Title Tribunal normally from data sourced from the LPM Authority, Land and Property Information Division, NSW.

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Legend

- Proposed Warrabinga Wiradjuri Core Country Claim
- NSD818/2011, Mudgee Local Aboriginal Land



APPENDIX 5

Geotechnical Stability Report

6 October 2000

Mr W. Perry
Managing Director
Pacrim Environmental Pty Ltd
PO Box 103
The Junction N.S.W. 2291

COPY

Dear Mr Perry

Re: Stability of Proposed Quarry at Wallerawang

We have undertaken a review of the geological and mining reports provided by Colmine Consulting, Sitegoal Pty Ltd and Etheridge Henry Williams covering the proposed quarry within EL 4473 at Wallerawang with a view to assessing the likely stability of the proposed quarry faces and the surrounding hillsides. Particular emphasis has been placed on measures to protect the Coxs River.

The mining proposal is essentially hill top removal, followed by excavation inside the hill. The First stage is a trench cut 50m wide into the hill from the north to south for 345m. This excavation will be entirely contained inside the hill, and consequently have no impact on the external slopes. The outer faces remain in place to act as screening. A safety bund would be required at the southern end of this cut, and such a bund would also prevent loose material being pushed down the outer slope.

When the Stage I level is widened in preparation for Stage II operations, a small face will be left to isolate internal quarrying activities from the untouched outer slopes of the hill. Cross Section "Pacrim 06 shown in the Mine Design report by Colmine Consulting indicates that the widening of the Stage I trench will be to the west, away from the Coxs River.

Once the hill top is removed the quarry operation will follow the quartzite material down dip inside the hill. Maximum bench height planned for the quarry is 18 m.

Since the quarry will follow the quartzite rock down dip the footwall rock, which separates the quartzite from the Coxs River, will remain intact. Dip of all strata is to the west. The geological report indicates dips between 35 and 60 degrees. There is no chance that the eastern wall could develop instability that

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would impact the Coxs River, since all strata dip west. Worst case failure on such dipping rocks would be along bedding planes that dip away from the river, and into the quarry.

Consideration was given to developing a slope stability model of the proposed eastern face of the quarry. The strength of the metamorphosed strata, coupled with the bedding dip into the proposed pit rendered such a model unnecessary, such is the inherent stability of the proposed quarry.

With the quarry developed inside the hill, any benches and faces developed at the southern end, as the quarry deepens, will be within the excavation. Consequently there is no threat to the stability of the surrounding strata, should any of the internal benches slough away as a result of instability developing on a bedding plane.

Blasting will be at least 140m from the river. With metamorphosed rock strata forming a barrier it is considered there will be no impact on the river drainage system. The floor of the quarry after Stage III would be approximately 50 m above the Coxs River and will consequently never affect the drainage system associated with the river.

In summary it is considered that the proposed quarry, to be contained entirely within a hill, will have no long term stability consequences for the hill after cessation of operations. Any instability that might be associated with benches in dipping strata will be contained within the quarry, and be very localised to bedding plane slippage of rock fragments. The proposed final quarry floor will be approximately 50m above the Coxs River. The river is located at least 140m from the quarry. The intervening metamorphosed strata will form a tight barrier between the quarry and the river. Blasting vibrations will not affect the integrity of the rock barrier between the quarry and the river for more than a few metres from the low wall.

Yours faithfully
G E Holt & Associates Pty Ltd



Graham Holt
MIEAust CPEng, FAusIMM CPGeo
Principal Geotechnical Engineer



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