

Kristen Bigland
5/20 Berry Street
North Sydney New South Wales 2060
Attention: Kristen Bigland
Email: kristen.bigland@smec.com

Date: 14 May 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -28.6464, 153.6076 - Lat, Long To : -28.6419, 153.6148 with a Buffer of 50 meters, conducted by Kristen Bigland on 14 May 2019.

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



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

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

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

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

Important information about your AHIMS search

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



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD6020/2001
NNTT number: NC2001/008

Application name: Byron Bay Bundjalung People v. NSW Minister for Land & Water Conservation

Registration History: Registered from 4/04/2003

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

Application filed with: Federal Court of Australia

Date application filed: 05/12/2001

Date claim entered on Register: 04/04/2003

Applicants: Dulcie Nicholls, Yvonne Stewart, Stanley Kay, Norman Graham, Brian Kelly, Lorraine Harding, Judith Davies

Address for service: NTSCORP Limited
Unit 1a Suite 2.02
44 - 70 Rosehill Street
REDFERN NSW 2016
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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

See "Attachment B".

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The native title claim group consists of those persons who meet the following criteria:

(a) they are descended* from the following persons:

Bobby of Bumberbin (born between 1817 and 1837, and died 23 March 1907) and Alice (unknown);

Harry Bray (born 1850 and died 17 October 1992) and Clara (Bray) (born 1864 and died 7 May 1922); and

Linda Jane Bray (born between 1903 and 1905, and died 14 January 1953) and Jim Kay (born 1879 or 1901, and died 1977 at Ballina).

(b) they are personally known to the acknowledged elders of the native title claim group, or (in the case of children) are personally known to senior members of subsidiary families who are themselves members of the native title claim group; and

(c) either:

(i) they are resident with the claimant community in the traditional country of the native title claim group; or

(ii) they have maintained their primary identification with the native title claim group through regular visits with the claimant community in the traditional country of the native title claim group; and

(d) they are accepted by the acknowledged elders of the native title claim group as recognising and observing the laws and customs of the native title claim group.

* A person may be said to be "descended" from the named ancestors for the purpose of criterion (a) if they:

(i) are direct biological descendants of one of those ancestors;

(ii) have been adopted and brought up by, and take their primary identification from, a direct biological descendant of one of those ancestors; or

(iii) are direct biological descendants of a person who had been adopted and brought up by, and had taken their primary identification from, a direct biological descendant of one of those ancestors.

The process by which it can be ascertained whether any particular person is a member of the native title claim group involves the following steps:

(1) Identifying the ancestry of the person through undertaking genealogical research including obtaining oral history of the native title claim group and (in particular) the acknowledged elders of the native title claim group;

(2) Establishing whether the person is known to other members of the native title claim group and (in particular) whether the person is known to the acknowledged elders of the native title claim group;

(3) Investigating the personal history of the person to establish their places of residence at birth, in childhood and in adulthood and (where relevant) the frequency and nature of their visits to the claimant community; and

(4) Making appropriate enquiries to establish whether the acknowledged elders of the native title claim group accept the person as acknowledging and observing the laws and customs of the native title claim group. This would include making enquiries to establish whether the person is accepted as recognising the importance of meeting kinship obligations, showing respect for elders and of caring and protecting the traditional country of the native title claim group.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 04/04/2003

A. In respect of areas covered by the claim over which a claim to exclusive possession can be sustained:

1. a) Not established

b) the right to possess the determination area;

c) the right to occupy the determination area;

d) the right to use and enjoy the determination area;

e) the right to make decisions about the use and enjoyment of the determination area*

f) the right to control the access of others to the determination area;

g) the right to use and enjoy resources of the determination area including, but not limited to:

- i. the right to hunt and fish on or from the land, and to collect food from the land and waters;
- ii. the right to take items from the land and waters such as timber, stones, resin and shells and to make such things as shelter, tools and hunting implements;
- iii. Not established;
- h) Not established;
- i) the right to trade in resources of the determination area;
- j) Not established
- k) the right to maintain and protect places of importance under traditional laws, customs, and practices in the determination area;
- l) Not established
- m) the right to speak for the determination area;
- n) the right to conduct ceremonies on the land and waters; and
- o) the right of free access to the determination area for the purpose of satisfying the rights identified in the preceding sub-paragraphs.

(* The applicants understand this right to be non-exclusive in nature.)

2. The right to possession, occupation, use and enjoyment of the land and waters covered by the application to the exclusion of all others.

B. In respect of the balance of the claim area where a claim to exclusive possession cannot be sustained, I am satisfied that the following native title rights and interests are prima facie established:

- 1. a) Not established
- b) Not established;
- c) the right to occupy the determination area;
- d) the right to use and enjoy the determination area;
- e) the right to make decisions about the use and enjoyment of the determination area*
- f) Not established;
- g) the right to use and enjoy resources of the determination area including, but not limited to:
 - i. the right to hunt and fish on or from the land, and to collect food from the land and waters;
 - ii. the right to take items from the land and waters such as timber, stones, resin and shells and to make such things as shelter, tools and hunting implements;
 - iii. Not established;
 - h) Not established;
 - i) Not established;
 - j) Not established
 - k) the right to maintain and protect places of importance under traditional laws, customs, and practices in the determination area;
 - l) Not established
 - m) the right to speak for the determination area;

n) the right to conduct ceremonies on the land and waters; and

o) the right of free access to the determination area for the purpose of satisfying the rights identified in the preceding sub-paragraphs.

(* The applicants understand this right to be non-exclusive in nature.)

2. Not established

3. The rights and interests claimed in paragraphs 1 and 2 above (the native title rights and interests) are:

a. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created and vested in them by the State of New South Wales; and

b. Subject to the rights and interests of those lawfully exercising rights and interests which have been validly created or vested in them by the Commonwealth of Australia.

4. Further and in the alternative to paragraph 3 and subject to paragraph 6 below:

a. If

i) The area covered by the application or part of the area covered by the application is or was the subject of a "Previous Non-Exclusive Possession Act" as defined in the Native Title Act (1993) (C'th); and

ii) The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraph 1 and/or above; then

The native title rights and interests claimed under paragraphs 1 and/or 2 are claimed subject to the rights and interests granted under the Previous Non-Exclusive Possession Act (as provided by section 23G(1)(a) of the Native Title Act (1993) (C'th);

b. If:

i) The area covered by the application or a part of the area covered by the application is or was the subject of a Previous Non-Exclusive Possession Act as defined by section 23F of the Native Title Act (1993) (C'th); and

ii) The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above but did not extinguish them; then

the rights and interests claimed under paragraphs 1 and/or 2 are claimed subject to any suspension of them during the currency of the Previous Non-Exclusive Possession Act as provided by section 23G(1)(b)(ii) of the Native Title Act (1993) (C'th);

c. If:

i) The area covered by the application or a part of the area covered by the application is or was the subject of a "Category B Past Act" as defined by section 230 of the Native Title Act (1993) (C'th) or "Category B Intermediate Period Act" as defined by section 232C of the Native Title Act (1993) (C'th); and

ii) The Category B Past Act or the Category B Intermediate Period Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in paragraphs 1 and/or 2 above; and

iii) The Category B Past Act or the Category B Intermediate Period Act was not a Previous Non-Exclusive Possession Act; then

Those rights and interests referred to in paragraphs 1 and/or 2 which are not inconsistent with the rights and interests granted under the Category B Past Act or the Category B Intermediate Period Act are claimed;

d. If:

i) The area covered by the application or a part of the area covered by the application is or was the subject of:

(1) a "Category C Past Act" as defined by section 231 of the Native Title Act (1993) (C'th); or

(2) a "Category C Intermediate Period Act" as defined by section 232D of the Native Title Act (1993) (C'th); or

(3) a "Category D Past Act" as defined by section 232 of the Native Title Act (1993) (C'th); or

(4) a "Category D Intermediate Period Act" as defined by section 232E of the Native Title Act (1993) (C'th); and

ii) The Category C Past Act, Category C Intermediate Period Act, Category D Past Act and/or Category D Intermediate Period Act referred to in the preceding sub-paragraph was not a Previous Non-Exclusive Possession Act; then

Subject to the operation of the "Non-extinguishment Principle" as defined by section 238 of the Native Title Act (1993) (C'th), those rights and interests claimed under paragraph 1 and/or 2 are claimed.

5. If the area covered by the application is for an offshore place then the rights and interests claimed are not claimed to the exclusion of all other rights and interests.

6. Native title rights and interests are not claimed in respect of:

a. Any land excluded from the application area within the boundaries of the area covered by the application by Schedule B;

b. Any minerals, petroleum or gas which are wholly owned by the Crown.

The applicants do not make any claim to ownership of minerals, petroleum or gas wholly owned by the Crown.

The applicants do not claim exclusive possession of all or part of an offshore place.

REGISTER ATTACHMENTS:

1. 2. Map of claim area, Attachment C of the Application, 1 page - A4, 14/10/2010

2. 1. External Boundary Description, Attachment B of the Application, 9 pages - A4, 14/03/2011

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