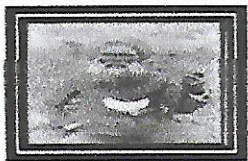


**GUMBAINGARR TRADITIONAL OWNERS
ABORIGINAL CORPORATION
ABN 42605081569 INC 9738**



3rd July 2026

THE STATE GOVERNMENT OF NEW SOUTH WALES (NSW)

Cameron Ashe
NSW Department of Planning, Housing and Infrastructure (DPHI)

Alison Lamond
Heritage NSW

**RE: CRITICAL RAP SUBMISSION & OBJECTION: GUMBAINGARR TRADITIONAL
OWNERS ABORIGINAL CORPORATION
Total Rejection of Ebor BESS EIS Scoping Report SEARs
Section 6.9.2 Aboriginal Cultural Heritage (SSD-85362210)**

Dear Cameron DPHI and Alison Heritage NSW

Please accept this letter as the formal submission from Gumbaingarr Traditional Owners Aboriginal Corporation (GTOAC), regarding the EIS Scoping Report and SEARs formulation for the Ebor BESS Project (SSD-85362210). We are lodging this via letter due to technical issues with the NSW Planning Portal Website.

We wish to formally alert NSW Department of Planning, Housing and Infrastructure and Heritage NSW that Section 6.9.2 of the developer's Scoping Report is fundamentally deficient, factually incorrect and in active breach of the mandatory Aboriginal Cultural Heritage Consultation Requirements for Proponents.

In section 6.9.6 Aboriginal Cultural Heritage; developer explicitly commits that an ACHA will be provided to support the EIS. *"This will involve a site survey to inform the Cultural sensitivity of the area in consultation with registered aboriginal parties (RAPs)"*

The developer and their consulting archaeologist **Latisha Ryall**, have already directly violated this commitment. They have advanced a draft report based on fieldwork conducted exclusively with an out-of-area group and Dorrigo LALC, while completely freezing out and disrespecting Gumbaingarr Traditional Owners Aboriginal Corporation-the registered Rap group for this project on our own recognized Gumbayngirr Country. Furthermore they knowing ignored our formal warning email (letter) sent on 10 March 2026 stating that their draft report was culturally inappropriate and must be removed.

We formally contest the specific database and landscape claims made in section 6.9.2 on the following grounds:

1. **Failure to Disclose Active Native Title Claim:** The developer states that a review of the National Native Title Tribunal register identified no determinations of ILUAs. This is a highly deceptive omission. Apical Ancestor **"King" Bobby Oban** is a listed on the active **Gumbayngirr Nation Native Title Claim**. NTSCORP Limited is explicitly required to travel up to the New England Tablelands to formally map **"King" Bobby's Country**-which directly encompasses this Ebor BESS footprint. Bypassing an active claimant group violates mandatory consultations laws.
2. **Contradiction of Water Source Sensitivity:** Section 6.9.2 Aboriginal Cultural Heritage states that Heritage sensitivity increases within 200m of permanent water sources, but only names Guy Fawkes River (1.8km away) to claim a 'low likelihood of occupation. "The report completely hides the fact that **Dirty Creek sits just 580 meters to the south of the BESS infrastructure**, with local catchment streams running directly through the project area.
3. **Erasure of Proven Living History:** Because the developer refused to conduct Cultural Interviews with Gumbaingarr Traditional Owners Aboriginal Corporation, their desktop review completely missed that exact land sits on sacred ceremonial walking trails of apical Ancestor **"King" Bobby** travelling from Oban to Nymboida and down to the Murraby Tree at Nambucca for Ceremonies and back to Oban. The Links between Gumbayngirr Families and Land is connection to particular places.
 - **Linking Trails (Songlines):** is an important part of Gumbayngirr Heritage, it's the movement on long term arrangements; **North to the East to the South and to the West**. On that **long Journey** on knowing how the **LORE & CUSTOM** works.
 - **Walking Trails:** Coming to know Country which connects vast areas of Gumbayngirr Country.
 - ***These Travels from the Mountains, New England Tablelands 'Falls Country' (Freshwater) meets the Sea (Saltwater).'***
 - It also erases the true Gumbayngirr name of the landscape – **'Martim' (Ebor Falls)**, meaning **"Great Fall"** – which is a highly restricted **'Sacred Women's Business'** ceremony site directly connected to the Dirty Creek water catchment.

Our Direct Statutory Demands for the Final SEARs:

Their scoping documents and draft ACHAR are completely disproven by our Apical Ancestors, living Language, and oral History and Traditional diplomatic pathways:

1. **Apical Ancestor "King" Bobby Ceremonial Pathway:** Because they did no Cultural Interviews, they completely missed the footprint sits on a major historical diplomatic and ceremonial corridor. Following initial business at Wards Mistake **"King" Bobby** of Oban and his people, following the walking trails straight through Ebor plateau to Nymbodia for

ceremony. Continuing across this Country to Dorrigo (Dangar Falls) for deeply important religious purposes, before travelling all the way back to his country Oban.

- **“King” Jack Dunn and his Family group of Oban camped at Ebor** it’s the Boundary of Gumbaingarr/Banbai Country.
- **Linking Trails** is our Song-lines tell the story of our Creation & Dreaming as Gumbaynggirr people’s made their Journey across Gumbaynggirr Country ‘From the Mountains, ‘Great Falls’ Freshwater meets the Sea, Saltwater.
- 2. **Linguistic Proof of Sovereignty (“Martim”)**: The Ebor Waterfall is formally named “Martim” in the Gumbaynggirr Language, meaning **‘Great Falls.’** The archaeologist Latisha Ryall and Developer’s desktop report completely erases the true Gumbaynggirr name of the central landscape feature.
- 3. **Interconnected Waterway Threats**: The BESS footprint sits just 580m north of Dirty Creek and 1.8km from the Guy Fawkes River development footprint. These catchments feed directly into **‘Martim’ (Ebor Falls)**, which is highly restricted sacred site traditionally used strictly for ceremony by Gumbaynggirr/Banbai **Women and Young Girls, (Women Business)**. Heavy chemical battery infrastructure here poses an unmitigated threat to this sacred water landscape.
- 4. **Active Native Title Framework**: Apical Ancestor “King” Bobby Oban is registered on the **Gumbaynggirr Nation Native Title Claim list**. **NTSCORP Limited** is explicitly required to travel up to the New England Tablelands to formally map “King” Bobby’s Country, which directly encompasses this project area.

Our Direct Statutory Demands for the Final SEARs:

- **Immediate Project Freeze**: NSW Department of Planning, Housing and Infrastructure and Heritage NSW must immediately “Stop the Clock” and freeze the SEARs formulation process. A Project cannot advance when the developer misrepresented Native Title frameworks and lockout the registered RAP Group from physical fieldwork.
- **Mandate Face-to-Face Meeting on Country**: The final SEARs must explicitly state that the developer cannot submit an EIS until travel to Armidale and meet Gumbaingarr Traditional Owners Aboriginal Corporation Board of Directors and Senior Elders face-to-face to address these Breaches and established formal cultural protocols.
- **Total Rejection of Section 6.9.2 Baseline**: The current fieldwork and desktop conclusions must be thrown out as legally non-compliant. The official SEARs must mandate a total restart of the ACHAR process with full Gumbaingarr Traditional Owners Aboriginal Corporation – led fieldwork, deep cultural interviews, and separate gender-appropriate mapping for ‘Women’s knowledge holders.

Please confirm immediately via return email that the serious Breach has been logged against the case file for the state significant Development SSD-85362210.

Sincerely

T. Kelly

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On Behalf Gumbaingarr Traditional Owners Aboriginal Corporation, Board of Directors and our Respected Senior Elders

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*We Acknowledge Gumbaingarr People are the Traditional Owners of the LAND
On which we live, work and thrive on
We pay Respect to our Elders, Past, Present & Future*