



Third Affidavit of Sean Nelson Costello

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

Affidavit of: **Sean Costello**

Address: c/ Fortescue Metals Group, Level 2, 87 Adelaide Terrace, East Perth WA
6004

Occupation: Geospatial Analyst

Date: 30 October 2023

Filed on behalf of (name & role of party)	FMG Pilbara Pty Ltd, Pilbara Energy (Generation) Pty Ltd, Pilbara Energy Company Pty Ltd, Pilbara Gas Pipeline Pty Ltd and The Pilbara Infrastructure Pty Ltd		
Prepared by (name of person/lawyer)	Mark van Brakel		
Law firm (if applicable)	Allen & Overy		
Tel	(08) 6315 5900	Fax	(08) 6315 5999
Email	mark.vanbrakel@allenoverly.com		
Address for service (include state and postcode)	Level 12, Exchange Tower, 2 The Esplanade PERTH, Western Australia, 6000		

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Sean Nelson Costello sworn on 30 October 2023	1 – 18	2 - 9
2	Annexure “SNC-13” – Excel spreadsheet entitled “20230830 Table of M + L” (First Spreadsheet)	4	10 - 11
3	Annexure “SNC-14” – Excel spreadsheet entitled “SYO1-#2003213532-v1 20230907 Tenement Overlap Data Table.xlsx” (Template Spreadsheet)	9	12 - 15
4	Annexure “SNC-15” – Excel spreadsheet “Copy of SYO1-#2003213532-v1 20230907 Tenement Overlap Data Table.xlsx” (Second Spreadsheet)	16	16 - 19
5	Annexure “SNC-16” – Excel spreadsheet entitled “SYO1-#2003213532-v2 20230915 Tenement Overlap Data Table.xlsx” (Final Spreadsheet)	17	20 - 23

I, Sean Nelson Costello, c/- Fortescue Metals Group, Level 2, 87 Adelaide Terrace, East Perth WA 6004, geospatial analyst, make oath and say as follows:

1. I am currently employed by FMG Personnel Services Pty Ltd, a subsidiary of Fortescue Metals Group Ltd (**FMGL**) as Lead Geospatial Analyst. FMGL is the holding company of a number of related companies including the 2nd to 6th respondents (**FMG Respondents**) in this case (together **FMG**).
2. I am authorised to make this affidavit on behalf of the FMG Respondents.
3. Unless otherwise stated, the facts contained in this affidavit are within my own knowledge and are true.




First Spreadsheet

4. On 30 August 2023, I produced a spreadsheet entitled “20230830 Table of M + L” (the **First Spreadsheet**). A copy of the First Spreadsheet is attached and marked “SNC-13”.
5. The purpose of the First Spreadsheet was to set out the size of the geographic areas covered by FMG’s mining leases and miscellaneous licences which form the basis of the Applicant’s claim for compensation, including the extent to which those tenements overlap, and to set out how the size of those geographic areas changed over time as mining leases and miscellaneous licences were granted, extended, or surrendered.
6. On or around 28 August 2023, I was requested by Tanika Matic, a lawyer at FMG, to provide further information as specified in a template table (the **Original Table**) which:
 - (a) included a list of events (being the grant, surrender and extension of tenements), corresponding dates for those events and the corresponding date on which data was recorded in FMG’s systems; and
 - (b) identified columns that would need to be populated with data relating to:
 - (i) the total sum of the area of mining leases and miscellaneous licences;
 - (ii) the total area of mining leases;
 - (iii) the total area of miscellaneous licences; and
 - (iv) the total overlap area between the mining leases and the miscellaneous licences.
7. To prepare the First Spreadsheet, I first conducted a review of FMG’s databases to confirm that the Original Table included:
 - (a) all events which had caused, or may have caused, changes to the geographic area covered by a relevant mining lease, miscellaneous licence, or both. These events were the grant, extension (of area) or surrender of those categories of tenements. I listed those events in column C of the First Spreadsheet;



- (b) the correct date on which the events in subparagraph (a) occurred and I listed those dates in column A of the First Spreadsheet (in chronological order); and
- (c) the correct date on which the relevant data had been recorded in FMG's systems and I listed those dates in column B of the First Spreadsheet. I also verified, by reference to the Mineral Titles Online service maintained by the Department of Mines, Industry Regulation and Safety, that the data remained the same between the date on which the event occurred and the date on which the relevant data was recorded in FMG's systems.

8. Then I conducted the following process.

- (a) I created a spatial data file of Miscellaneous Licence L47/302 as it was the first event in Column C of the First Spreadsheet, based on data that FMG had previously recorded in relation to each tenement.
- (b) For each subsequent event in Column C of the First Spreadsheet:
 - (i) I created two spatial data files:
 - (A) one spatial data file of all the miscellaneous licences merged into a single feature; and
 - (B) one spatial data file of all the mining leases merged into a single feature.

I created these files by copying the previous spatial data file, updating the date of the file, and adding or removing the data for the relevant tenement (depending on the type of event):

- (C) where there was a grant or extension of a tenement, I would add the relevant data for that tenement to the relevant spatial data file; and
- (D) where there was a surrender of a tenement, I would remove the area of that surrendered tenement that did not overlap with any other tenement in the relevant spatial data file; and



- (ii) I then created spatial data files of the overlap area between the mining leases and miscellaneous licences for each event in column C of the First Spreadsheet.
- (c) I overlaid each spatial data file with the area the subject of the Applicant's application for compensation (**compensation application area**) and clipped the spatial data files so that the calculations did not include the areas of the tenements that fell outside the compensation application area.
- (d) I then calculated the area in hectares for all the spatial data files referred to in subparagraphs (a) to (c) above.
- (e) Based on these calculations, I then recorded, in the First Spreadsheet:
 - (i) in column E, the total geographic area within the compensation application area which was covered by one or more mining leases, at the time of the relevant event;
 - (ii) in column F, the total geographic area within the compensation application area which was covered by one or more of the miscellaneous licences, at the time of the relevant event; and
 - (iii) in column G, the total geographic area within the compensation application area which was covered by an overlap of one or more mining leases and one or more miscellaneous licences, at the time of the relevant event.
- (f) I then entered a formula into column D so that the figures in that column recorded the sum of the adjacent cells in rows E and F.
- (g) Finally, I included explanatory comments in column H where the change in the figures was less than expected because either:
 - (i) a majority of the area of the surrendered licenses was covered by an existing licence such that the surrender of those licences did not significantly decrease the overall footprint of the miscellaneous licences;



- (ii) a new granted miscellaneous licence fell completely within the existing footprint of other miscellaneous licences such that the grant of that licence did not increase the overall footprint of the miscellaneous licences; or
- (iii) a majority of the area of the granted mining lease was already covered by an existing mining lease such that the grant of that new mining lease did not significantly increase the overall footprint of the mining leases.

Second Spreadsheet

9. On 8 September 2023, I was requested by Simon Bourke, a lawyer at Allen & Overy, to provide further information as specified in a template spreadsheet which:
- (a) incorporated the data set out in the First Spreadsheet (at columns E [total area of mining leases], H [total area of miscellaneous licences] and I [overlap area of mining leases and miscellaneous licences] of the template spreadsheet), and data concerning the size of miscellaneous licence L 1SA which had been obtained from FMG's database (at column D of the template spreadsheet);
 - (b) identified in orange shading the cells which would need to be populated with data that was not contained in the First Spreadsheet (at columns F, K, and O of the template spreadsheet);
 - (c) proposed formulae to calculate areas of overlap with greater levels of specificity (at columns G, J, K, L, M, N, P and Q of the template spreadsheet);
 - (d) identified in column C (in green shading) further events which potentially would have impacted the size of the exploration licences; and
 - (e) in row 1, included notes explaining the nature of the data which would need to be included in the relevant column.

A copy of the template spreadsheet provided to me is attached and marked "SNC-14".

10. Between 11 September 2023 and 12 September 2023, I produced a spreadsheet (the **Second Spreadsheet**) by populating the information sought in the template spreadsheet




provided to me by Mr Bourke. The Second Spreadsheet expanded on the information contained in the First Spreadsheet by:

- (a) providing further breakdown of the overlaps between FMG's mining leases and miscellaneous licences, including by distinguishing between miscellaneous licence L 1SA and the other miscellaneous licences;
 - (b) including data concerning FMG's exploration licences and prospecting licences; and
 - (c) providing data on the extent to which the tenements, and their areas of overlap, fall within the "Exclusive Area".
11. The Second Spreadsheet is divided into three worksheets, each of which is structured in the same way but contains different data. I further explain below at paragraph 15(c) the difference in data between each worksheet.
 12. As with the First Spreadsheet, each row of the Second Spreadsheet represents an event which had caused, or may have caused, changes to the area which was covered by a tenement held by the FMG Respondents within the compensation application area.
 13. To prepare the Second Spreadsheet, I reviewed the further events identified in the template spreadsheet and was able to confirm that each of those events had impacted the size of the exploration licences and prospecting licences. I also conducted my own review and identified two further events (contained at rows 32 and 33) which had affected area covered by the exploration licences within the compensation application area.
 14. I also confirmed that the data contained at rows F, H, and I were consistent with the data in the First Spreadsheet, and that the proposed formulae at columns G, J, K, L, M, N, P and Q were correct and would result in accurate data. In the course of that review, I identified that the formulae at columns K and P would not result in accurate results because the formulae assumed that any area of a miscellaneous licence was also covered by a mining lease or exploration licence, but that assumption was incorrect. Accordingly, for these columns, I entered in manual data based on the results from the mapping software (see 15(b)(ii) and 15(b)(iv)).



15. For each event listed in column C, I conducted a similar process to that which I had undertaken in preparing the First Spreadsheet, save that:
- (a) for each event, I also identified the exploration licences that existed at the time the event occurred, then created spatial data files based on FMG's data using the same methodology described in paragraphs 8(a) to 8(d) above.
 - (b) I then entered into the Second Spreadsheet the following data:
 - (i) in column F, the total geographic area within the compensation application area which was covered by both a mining lease and miscellaneous licence L 1SA;
 - (ii) in column K, the total geographic area within the compensation application area which was covered by both a miscellaneous licence L 1SA and one or more other miscellaneous licences;
 - (iii) in column O, the total geographic area within the compensation application area which was covered by an exploration licence; and
 - (iv) in column P, the total geographic area within the compensation application area which was covered by both an exploration licence and one or more miscellaneous licences.
 - (c) In order to prepare the data contained in the worksheets titled "Exclusive Area" and "Non-Exclusive Area", I overlaid the data over the geographical boundary of the Exclusive Area of the compensation application area and then repeated the process above.
16. A copy of the Second Spreadsheet is attached and marked "SNC-15".

Final Spreadsheet

17. I have been shown a copy of an amended version of the Second Spreadsheet titled "*SYO1-#2003213532-v2 20230915 Tenement Overlap Data Table.xlsx*" (the **Final Spreadsheet**). I am informed by Mr Bourke that Allen & Overy produced the Final Spreadsheet by amending the formatting of the Second Spreadsheet without




altering any of the data contained therein. A copy of the Final Spreadsheet is attached and marked "SNC-16".

18. I have reviewed a copy of the Final Spreadsheet and note that they are identical, save that, in the Final Spreadsheet:

- (a) Column C of the Second Spreadsheet, titled "Date data in our system", has been removed;
- (b) those cells which previously had orange shading and black borders, or green shading, have had their formatting cleared;
- (c) Column M of the Second Spreadsheet, which was previously titled "L Area LESS Column L", has been relabelled "L Area LESS Column K";
- (d) row 1 and columns A and B of the Final Spreadsheet have been "frozen", such that they remain in place when a user scrolls through the spreadsheet; and
- (e) the figures in the Final Spreadsheet are rounded to two decimal places.


Sworn by Sean Nelson Costello
 At East Perth
 in the State of Western Australia
 on 30 October 2023

)
)
)
)
)

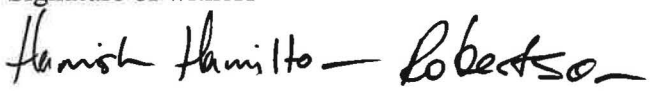


 Signature of deponent

Before me:



 Signature of witness



a legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate.

“SNC-13”

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This is the annexure marked **SNC-13** referred to in the affidavit of Sean Nelson Costello sworn on 30 October 2023.



Signature of witness



a legal practitioner who has held
a practice certificate for at least
2 years and who holds a current
practice certificate.

Date	Date date in our system	Event	Total M+L Area	M area	L area	Overlap area (between M and L)	Notes/Comments
5/5/2009	23/05/2010	Grant of L477302	248.91	0	248.91	0.00	
25/11/2010	5/06/2011, 21/08/2011	Grant of M471409, M471411, M471413	6538.34	6291.43	246.91	6.70	
24/05/2011	5/12/2011 and 9/11/2011	Grant of L 477352, L 477363	10517.42	6291.43	4225.99	1047.50	
30/7/2011	21/08/2011	Grant of M 471431-4	13476.64	9250.66	4225.99	3178.66	
10/06/2011	21/08/2011	Extension of L 15A into compensation acquisition area	14746.66	9250.66	5496	3416.08	
11/10/2011	6/02/2012	Grant of L 477351	17768.31	9250.65	8518.66	3993.03	
20/3/2012	9/04/2012	Grant of L 477357	18882.63	9250.65	9632.18	3690.58	
23/05/2012	4/05/2012	Grant of L 477368	19096.04	9260.66	9848.19	3686.69	
7/6/10/13		Surrender of L477302, L477366	16882.63	9260.66	9632.18	3689.69	Majority of L477302 covered by L477362
17/6/12/13	28/01/2013	Grant of M 471454-54	18608.31	9977.13	9632.18	4726.07	
2/12/2013	9/12/2013	Grant of L 477827	19109.31	9977.13	9632.18	4726.07	L477827 completely within existing footprint.
15/07/2014	21/07/2014	Grant of L 477475	19771	9977.13	9795.87	4726.07	
28/08/2014	9/09/2014	Grant of M 471475, M 471475	20781.52	10987.66	9793.87	4912.80	
6/04/2016	11/04/2016	Grant of L 477813, L 477814	21348.23	10987.65	10384.58	5477.54	
3/12/2016	5/12/2016	Grant of M 471513-1	22046.28	11687.71	10356.58	6177.41	
9/02/2019	9/02/2019	Grant of L 477859	22046.28	11687.71	10356.58	6177.41	L477859 completely within existing footprint.
24/03/2019	28/03/2019	Grant of L 477801	22518.58	11687.71	10928.88	6347.81	
25/05/2019	10/07/2019	Grant of L 478051	22841.42	11687.71	10963.71	6357.27	L477901 completely within existing footprint.
3/06/2019		Extension of L15A for Elyensis Rail Spur	22841.42	11687.71	10963.71	6357.27	
15/11/2019	20/11/2019	Grant of L 477814	22841.42	11687.71	10963.71	6357.27	L477914 completely within existing footprint.
10/01/2020	15/01/2020	Grant of L 478018	22841.42	11687.71	10963.71	6357.27	L477918 completely within existing footprint.
31/03/2020	1/04/2020	Grant of M 471570	22873.78	13020.05	10963.71	6688.61	Large part of M471570 shared by M471511, which was surrendered at the time of grant

“SNC-14”

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

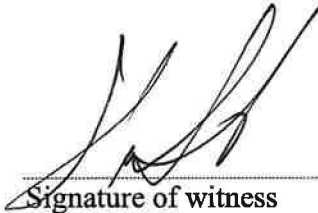
YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This is the annexure marked **SNC-14** referred to in the affidavit of Sean Nelson Costello sworn on 30 October 2023.



Signature of witness

Hamish Hamilton - Robertson

a legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate.

Item	Unit	Quantity	Unit Price	Total Price	Remarks
1.000	kg	100	1.000	100,00	
1.001	kg	100	1.000	100,00	
1.002	kg	100	1.000	100,00	
1.003	kg	100	1.000	100,00	
1.004	kg	100	1.000	100,00	
1.005	kg	100	1.000	100,00	
1.006	kg	100	1.000	100,00	
1.007	kg	100	1.000	100,00	
1.008	kg	100	1.000	100,00	
1.009	kg	100	1.000	100,00	
1.010	kg	100	1.000	100,00	
1.011	kg	100	1.000	100,00	
1.012	kg	100	1.000	100,00	
1.013	kg	100	1.000	100,00	
1.014	kg	100	1.000	100,00	
1.015	kg	100	1.000	100,00	
1.016	kg	100	1.000	100,00	
1.017	kg	100	1.000	100,00	
1.018	kg	100	1.000	100,00	
1.019	kg	100	1.000	100,00	
1.020	kg	100	1.000	100,00	
1.021	kg	100	1.000	100,00	
1.022	kg	100	1.000	100,00	
1.023	kg	100	1.000	100,00	
1.024	kg	100	1.000	100,00	
1.025	kg	100	1.000	100,00	
1.026	kg	100	1.000	100,00	
1.027	kg	100	1.000	100,00	
1.028	kg	100	1.000	100,00	
1.029	kg	100	1.000	100,00	
1.030	kg	100	1.000	100,00	
1.031	kg	100	1.000	100,00	
1.032	kg	100	1.000	100,00	
1.033	kg	100	1.000	100,00	
1.034	kg	100	1.000	100,00	
1.035	kg	100	1.000	100,00	
1.036	kg	100	1.000	100,00	
1.037	kg	100	1.000	100,00	
1.038	kg	100	1.000	100,00	
1.039	kg	100	1.000	100,00	
1.040	kg	100	1.000	100,00	
1.041	kg	100	1.000	100,00	
1.042	kg	100	1.000	100,00	
1.043	kg	100	1.000	100,00	
1.044	kg	100	1.000	100,00	
1.045	kg	100	1.000	100,00	
1.046	kg	100	1.000	100,00	
1.047	kg	100	1.000	100,00	
1.048	kg	100	1.000	100,00	
1.049	kg	100	1.000	100,00	
1.050	kg	100	1.000	100,00	
1.051	kg	100	1.000	100,00	
1.052	kg	100	1.000	100,00	
1.053	kg	100	1.000	100,00	
1.054	kg	100	1.000	100,00	
1.055	kg	100	1.000	100,00	
1.056	kg	100	1.000	100,00	
1.057	kg	100	1.000	100,00	
1.058	kg	100	1.000	100,00	
1.059	kg	100	1.000	100,00	
1.060	kg	100	1.000	100,00	
1.061	kg	100	1.000	100,00	
1.062	kg	100	1.000	100,00	
1.063	kg	100	1.000	100,00	
1.064	kg	100	1.000	100,00	
1.065	kg	100	1.000	100,00	
1.066	kg	100	1.000	100,00	
1.067	kg	100	1.000	100,00	
1.068	kg	100	1.000	100,00	
1.069	kg	100	1.000	100,00	
1.070	kg	100	1.000	100,00	
1.071	kg	100	1.000	100,00	
1.072	kg	100	1.000	100,00	
1.073	kg	100	1.000	100,00	
1.074	kg	100	1.000	100,00	
1.075	kg	100	1.000	100,00	
1.076	kg	100	1.000	100,00	
1.077	kg	100	1.000	100,00	
1.078	kg	100	1.000	100,00	
1.079	kg	100	1.000	100,00	
1.080	kg	100	1.000	100,00	
1.081	kg	100	1.000	100,00	
1.082	kg	100	1.000	100,00	
1.083	kg	100	1.000	100,00	
1.084	kg	100	1.000	100,00	
1.085	kg	100	1.000	100,00	
1.086	kg	100	1.000	100,00	
1.087	kg	100	1.000	100,00	
1.088	kg	100	1.000	100,00	
1.089	kg	100	1.000	100,00	
1.090	kg	100	1.000	100,00	
1.091	kg	100	1.000	100,00	
1.092	kg	100	1.000	100,00	
1.093	kg	100	1.000	100,00	
1.094	kg	100	1.000	100,00	
1.095	kg	100	1.000	100,00	
1.096	kg	100	1.000	100,00	
1.097	kg	100	1.000	100,00	
1.098	kg	100	1.000	100,00	
1.099	kg	100	1.000	100,00	
1.100	kg	100	1.000	100,00	

“SNC-15”

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This is the annexure marked **SNC-15** referred to in the affidavit of Sean Nelson Costello sworn on 30 October 2023.



Signature of witness



a legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate.

Year	State	Agency	Agency Type	Agency Code	Agency Name	Agency Address	Agency City	Agency State	Agency Zip	Agency Phone	Agency Fax	Agency Email	Agency Website
2000	AL	Alabama	State	00000000	Alabama	Montgomery	AL	36102	205-353-3000	205-353-3000	alabama@al.gov	al.gov	
2000	AK	Alaska	State	00000000	Alaska	Juneau	AK	99801	907-586-3000	907-586-3000	alaska@alaska.gov	alaska.gov	
2000	AZ	Arizona	State	00000000	Arizona	Phoenix	AZ	85004	602-254-3000	602-254-3000	arizona@az.gov	az.gov	
2000	CA	California	State	00000000	California	Sacramento	CA	95833	916-227-3000	916-227-3000	california@ca.gov	ca.gov	
2000	CO	Colorado	State	00000000	Colorado	Denver	CO	80202	303-733-3000	303-733-3000	colorado@co.gov	co.gov	
2000	CT	Connecticut	State	00000000	Connecticut	Hartford	CT	06103	860-424-3000	860-424-3000	connecticut@ct.gov	ct.gov	
2000	DC	District of Columbia	Federal	00000000	District of Columbia	Washington	DC	20540	202-452-3000	202-452-3000	dc@dc.gov	dc.gov	
2000	DE	Delaware	State	00000000	Delaware	Dover	DE	19901	302-471-3000	302-471-3000	delaware@de.gov	de.gov	
2000	FL	Florida	State	00000000	Florida	Tallahassee	FL	32301	904-487-3000	904-487-3000	florida@fl.gov	fl.gov	
2000	GA	Georgia	State	00000000	Georgia	Atlanta	GA	30334	404-455-3000	404-455-3000	georgia@ga.gov	ga.gov	
2000	HI	Hawaii	State	00000000	Hawaii	Honolulu	HI	96813	808-541-3000	808-541-3000	hawaii@hi.gov	hi.gov	
2000	IA	Iowa	State	00000000	Iowa	Des Moines	IA	50319	515-281-3000	515-281-3000	iowa@ia.gov	ia.gov	
2000	IL	Illinois	State	00000000	Illinois	Springfield	IL	62762	217-785-3000	217-785-3000	illinois@il.gov	il.gov	
2000	IN	Indiana	State	00000000	Indiana	Indianapolis	IN	46204	317-435-3000	317-435-3000	indiana@in.gov	in.gov	
2000	KS	Kansas	State	00000000	Kansas	Topeka	KS	66601	785-466-3000	785-466-3000	kansas@ks.gov	ks.gov	
2000	KY	Kentucky	State	00000000	Kentucky	Frankfort	KY	40601	502-625-3000	502-625-3000	kentucky@ky.gov	ky.gov	
2000	LA	Louisiana	State	00000000	Louisiana	Baton Rouge	LA	70801	504-383-3000	504-383-3000	louisiana@la.gov	la.gov	
2000	MA	Massachusetts	State	00000000	Massachusetts	Boston	MA	02133	617-725-3000	617-725-3000	massachusetts@ma.gov	ma.gov	
2000	MD	Maryland	State	00000000	Maryland	Annapolis	MD	21401	410-326-3000	410-326-3000	maryland@md.gov	md.gov	
2000	ME	Maine	State	00000000	Maine	Oxford	ME	04455	207-873-3000	207-873-3000	maine@me.gov	me.gov	
2000	MI	Michigan	State	00000000	Michigan	Lansing	MI	48201	313-324-3000	313-324-3000	michigan@mi.gov	mi.gov	
2000	MN	Minnesota	State	00000000	Minnesota	St. Paul	MN	55101	612-296-3000	612-296-3000	minnesota@mn.gov	mn.gov	
2000	MO	Missouri	State	00000000	Missouri	Jefferson City	MO	64501	816-427-3000	816-427-3000	missouri@mo.gov	mo.gov	
2000	MS	Mississippi	State	00000000	Mississippi	Jackson	MS	39201	601-359-3000	601-359-3000	mississippi@ms.gov	ms.gov	
2000	MT	Montana	State	00000000	Montana	Helena	MT	59601	406-442-3000	406-442-3000	montana@mt.gov	mt.gov	
2000	NC	North Carolina	State	00000000	North Carolina	Raleigh	NC	27601	919-437-3000	919-437-3000	nc@nc.gov	nc.gov	
2000	ND	North Dakota	State	00000000	North Dakota	Bismarck	ND	58501	701-780-3000	701-780-3000	nd@nd.gov	nd.gov	
2000	OH	Ohio	State	00000000	Ohio	Columbus	OH	43201	614-464-3000	614-464-3000	ohio@oh.gov	oh.gov	
2000	OK	Oklahoma	State	00000000	Oklahoma	Oklahoma City	OK	73101	405-505-3000	405-505-3000	oklahoma@ok.gov	ok.gov	
2000	OR	Oregon	State	00000000	Oregon	Salem	OR	97301	503-325-3000	503-325-3000	oregon@or.gov	or.gov	
2000	PA	Pennsylvania	State	00000000	Pennsylvania	Harrisburg	PA	17101	717-782-3000	717-782-3000	pa@pa.gov	pa.gov	
2000	RI	Rhode Island	State	00000000	Rhode Island	Providence	RI	02901	401-863-3000	401-863-3000	rhodeisland@ri.gov	ri.gov	
2000	SC	South Carolina	State	00000000	South Carolina	Columbia	SC	29201	803-732-3000	803-732-3000	southcarolina@sc.gov	sc.gov	
2000	SD	South Dakota	State	00000000	South Dakota	Pierre	SD	57501	605-771-3000	605-771-3000	southdakota@sd.gov	sd.gov	
2000	TN	Tennessee	State	00000000	Tennessee	Nashville	TN	37201	615-251-3000	615-251-3000	tennessee@tn.gov	tn.gov	
2000	TX	Texas	State	00000000	Texas	Austin	TX	78701	512-463-3000	512-463-3000	texas@tx.gov	tx.gov	
2000	UT	Utah	State	00000000	Utah	Salt Lake City	UT	84101	801-462-3000	801-462-3000	utah@ut.gov	ut.gov	
2000	VA	Virginia	State	00000000	Virginia	Richmond	VA	23201	804-646-3000	804-646-3000	virginia@va.gov	va.gov	
2000	VT	Vermont	State	00000000	Vermont	Montpelier	VT	05601	802-244-3000	802-244-3000	vermont@vt.gov	vt.gov	
2000	WA	Washington	State	00000000	Washington	Olympia	WA	98501	360-357-3000	360-357-3000	washington@wa.gov	wa.gov	
2000	WI	Wisconsin	State	00000000	Wisconsin	Madison	WI	53701	608-261-3000	608-261-3000	wisconsin@wi.gov	wi.gov	
2000	WV	West Virginia	State	00000000	West Virginia	Charleston	WV	25301	304-540-3000	304-540-3000	westvirginia@wv.gov	wv.gov	
2000	WY	Wyoming	State	00000000	Wyoming	Cheyenne	WY	82001	307-438-3000	307-438-3000	wyoming@wy.gov	wy.gov	

“SNC-16”

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This is the annexure marked **SNC-16** referred to in the affidavit of Sean Nelson Costello sworn on 30 October 2023.



Signature of witness



a legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate.

Date	Event	Area of LISA	Total of area	Overlap(M Area LISA)	M Area LISA (Overlap(M Area LISA))	Total L area	Overlap(M Area LISA)	Area LISA Overlap (M Area LISA)	Overlap/Total L and LISA	Overlap/Total L and LISA	Area LISA Overlap (M Area LISA)	Overlap/Total L and LISA	Area LISA Overlap (M Area LISA)	Overlap/Total L and LISA	Total M/L Area less overlap	F Area	Overlap(F Area M/L Area)	F Area LISA Overlap (M Area LISA)	Overlap/Total F Area M/L Area
2/06/2007	Grant of E 47/1334, E 47/1447	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14863.89	0.00	0.00	14863.89
24/07/2007	Grant of E 47/1333	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15530.79	0.00	0.00	15530.79	
5/06/2009	Grant of L47/361	0.00	0.00	0.00	0.00	246.91	0.00	246.91	0.00	246.91	0.00	246.91	0.00	246.91	15530.79	246.91	0.00	15787.70	
26/11/2010	Grant of M47/1409, M47/1411, M47/1413	0.00	5307.87	0.00	5307.87	246.91	8.70	238.22	0.00	8.70	238.22	0.00	0.00	5546.09	10222.91	238.22	0.00	9984.70	
3/05/2011	Grant of L 47/362, L 47/363	0.00	5307.87	0.00	5307.87	4225.99	1047.50	3178.40	0.00	1047.50	3178.40	0.00	0.00	8486.36	10222.91	3178.40	0.00	7078.31	
8/07/2011	Grant of M 47/1431-4; Grant of E 47/1336, E 47/1339	0.00	7469.95	0.00	7469.95	4325.99	3179.65	1046.34	0.00	3179.65	1046.34	0.00	0.00	8516.30	10389.63	1046.34	0.00	3943.29	
10/08/2011	Extension of LISA into compensation application area	78.46	7469.95	0.00	7469.95	4324.45	3179.65	1124.81	0.00	3179.65	1124.81	0.00	0.00	8594.76	10389.63	1124.81	0.00	2264.83	
11/10/2011	Grant of L 47/361	78.46	7469.95	0.00	7469.95	4554.66	3195.94	1358.72	78.46	3174.40	1204.26	78.46	0.00	8829.07	10389.63	1358.40	0.00	9033.15	
2/03/2012	Grant of L 47/367	78.46	7469.95	0.00	7469.95	4808.68	3196.42	1612.26	78.46	3274.88	1533.90	78.46	0.00	9084.22	10389.63	1610.03	0.00	8779.61	
16/03/2012	Grant of E 47/1331	78.46	7469.95	0.00	7469.95	4808.68	3196.42	1612.26	78.46	3274.88	1533.90	78.46	0.00	9084.22	15930.25	1610.03	0.00	14320.22	
23/05/2012	Grant of L 47/396	78.46	7469.95	0.00	7469.95	5034.69	3196.42	1828.27	78.46	3274.88	1749.81	78.46	0.00	9298.23	15930.25	1816.03	0.00	14104.21	
22/11/2012	Partial Expiry of E 47/1334	78.46	7469.95	0.00	7469.95	5034.69	3196.42	1828.27	78.46	3274.88	1749.81	78.46	0.00	9298.23	15930.25	1826.03	0.00	14104.21	
7/02/2013	Surrender of L47/302, L47/396	78.46	7469.95	0.00	7469.95	4808.68	3196.42	1612.26	78.46	3274.88	1533.90	78.46	0.00	9084.22	15930.25	1610.03	0.00	14320.22	
17/01/2013	Grant of M 47/1431	78.46	8196.44	0.00	8196.44	4808.68	3922.90	885.78	78.46	4001.36	807.32	78.46	0.00	9084.22	15203.76	883.54	0.00	14320.22	
21/12/2013	Grant of L 47/697	78.46	8196.44	0.00	8196.44	4808.68	3922.90	885.78	78.46	4001.36	807.32	78.46	0.00	9084.22	15203.76	883.54	0.00	14320.22	
18/07/2014	Grant of L 47/472	78.46	8196.44	0.00	8196.44	4808.68	3922.90	885.78	78.46	4001.36	807.32	78.46	0.00	9084.22	15203.76	883.54	0.00	14320.22	
29/08/2014	Grant of M 47/1473, M 47/1475	78.46	8206.95	0.00	8206.95	4808.68	4109.63	899.05	78.46	4188.09	820.59	78.46	0.00	9906.00	14199.25	899.05	0.00	13496.44	
21/09/2016	Grant of E47/3205	78.46	8206.95	0.00	8206.95	4808.68	4109.63	899.05	78.46	4188.09	820.59	78.46	0.00	9906.00	16148.91	899.05	0.00	15453.09	
24/02/2017	Grant of E 47/3464	78.46	8206.95	0.00	8206.95	4808.68	4109.63	899.05	78.46	4188.09	820.59	78.46	0.00	9906.00	16686.75	899.05	0.00	15987.70	
8/04/2018	Grant of L 47/811, L 47/814	78.46	8206.95	0.00	8206.95	5228.10	4528.89	699.22	78.46	4507.85	620.76	78.46	0.00	9906.17	16686.75	699.22	0.00	15987.53	
3/02/2018	Grant of M 47/1513-1; Partial Expiry of E 47/1334	78.46	8460.67	0.00	8460.67	5228.10	4782.61	445.49	78.46	4861.07	367.03	78.46	0.00	9906.17	16433.03	445.40	0.00	15987.53	
6/02/2019	Grant of L 47/859	78.46	8460.67	0.00	8460.67	5228.10	4782.61	445.49	78.46	4861.07	367.03	78.46	0.00	9906.17	16433.03	445.40	0.00	15987.53	
24/05/2019	Grant of L 47/801	78.46	8460.67	0.00	8460.67	5240.05	4793.83	446.23	78.46	4872.29	367.77	78.46	0.00	9906.90	16433.03	446.23	0.00	15986.80	
26/06/2019	Grant of L 47/901	78.46	8460.67	0.00	8460.67	5240.05	4793.83	446.23	78.46	4872.29	367.77	78.46	0.00	9906.90	16433.03	446.23	0.00	15986.80	
15/08/2019	Partial Expiry of E 47/1399	78.46	8460.67	0.00	8460.67	5240.05	4793.83	446.23	78.46	4872.29	367.77	78.46	0.00	9906.90	16433.03	446.23	0.00	15986.80	
3/09/2019	Extension of LISA for Elwana Hill Spur	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	16433.03	448.15	0.00	15984.87	
15/11/2019	Grant of L 47/814	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	16433.03	448.15	0.00	15984.87	
10/01/2020	Grant of L 47/919	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	16433.03	448.15	0.00	15984.87	
31/03/2020	Grant of M 47/1570	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	16433.03	448.15	0.00	15984.87	
11/09/2020	Voluntary Partial Surrender of E 47/1305	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	14515.84	448.15	0.00	14067.69	
11/08/2021	Grant of Prospecting Licences	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	14515.84	448.15	0.00	14067.69	
16/03/2022	Surrender and Amalgamation of P's into E's	379.57	9460.67	258.10	9202.58	5242.27	4794.11	448.15	377.35	4913.37	328.90	377.35	0.00	9908.83	14515.84	448.15	0.00	14067.69	

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 30/10/2023 4:11:56 PM AWST
Date Accepted for Filing: 30/10/2023 4:12:03 PM AWST
File Number: WAD37/2022
File Title: YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC ICN
8721 AND STATE OF WESTERN AUSTRALIA & ORS
Registry: WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.