

Discussion paper

The New South Wales Aboriginal Land Claim Process

Client:

Darkinjung Local Aboriginal Land Council



Local Aboriginal Land Council

DARKINJUNG

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Executive Summary

This discussion paper has been prepared by ADW Johnson in consultation with Darkinjung Local Aboriginal Land Council (DLALC) to determine opportunities to improve the land claim process in New South Wales.

An application to claim certain Crown Land is made under sections 36 and 37 of the Aboriginal Land Rights Act and applies to Crown Lands, owned by the State of New South Wales. Land Claims are the primary source of asset growth and income for the Aboriginal community within New South Wales.

As of May 2009, the Office of the Registrar estimates there to be more than 17600 land claims lodged. Of this, 2,325 were granted in part or full with the remainder refused, yet to be finalised or yet to be determined by the Minister. There are now estimated to be in excess of 20,000 land claims awaiting determination or survey.

There are three main categories of future land use for Land Councils. These include cultural, environmental and economic. Cultural applications typically include traditional activities of the Aboriginal people and may apply to areas where aboriginal artefacts are found, or where an area is recognised as having significant cultural meaning to the local aboriginal community.

Economic value will be subservient to the cultural value and is generally determined by its potential future development or the value of the existing resources contained within or under the land. Environmental value may be considered a form of economic value (based on conservation offsets, emissions trading or other offset uses), however it is dependent on the land remaining undisturbed and may occur in harmony with cultural applications.

A Land claim may be determined by the granting of Claim in full, in part or refused.

In the case of a successful land claim there are 5 key steps:

- Identify Claimable Land;
- Lodge application to the Office of the Registrar (ALRA);
- O.R. reviews claim and submits to Dept of Primary Industries, (Native Title Division);
- Minister determines the claim;
- Claim granted, subject to survey requirements.

From a review of the existing process, several opportunities have been identified where improvements to the system may be achieved including:

1. Rigorous assessment by LALC of proposed land claims:
2. Accepting Limited Title:
3. Development Partnering:

The key benefits of these improvements to the stakeholders are:

LALC:

- ✓ Minimise exposure to low value land assets;
- ✓ Obtain highest value assets in a shorter timeframe;
- ✓ Realise economic benefits sooner;
- ✓ Focus limited resources on high yield outcomes.

DPI, Crown Lands Division:

- ✓ Clear a backlog of claims where Limited Title may be adequate;
- ✓ Develop a proactive relationship with LALC's;
- ✓ Achieve efficiency through the elimination of unnecessary land claims.

To achieve these benefits, we recommend the implementation of a pilot program between Darkinjung Local Aboriginal Land Council and the Department of Primary Industries, Crown Lands Division.

Matters to be considered include:

1. Making land information more readily available to LALC's such as titles and survey plans, proposed government land use options, lease, reservation and other current land use information;
2. Implement a more rigorous pre-claim assessment process in consultation with Crown Lands to eradicate erroneous land claims and provide comprehensive information to Crown Lands;
3. Establish a priority list for Crown Lands of undetermined and granted land claims which will provide short term cultural, economic and environmental outcomes;
4. Develop a process flowchart with hold points at which the LALC will be consulted including land development priorities, survey and titling requirements;

Should the pilot program prove successful, these improvements may be adopted state wide and would result in significant financial benefits to the Crown Lands office. There will also be substantial benefits to the Aboriginal Community by developing financial independence and broadening cultural opportunities.

1.0 Introduction

ADW Johnson, in consultation with Darkinjung Local Aboriginal Land Council (DLALC), has recognised that significant improvements may be made to the Aboriginal Land Claim process. We have undertaken to prepare an evidence based discussion paper in order to:

- ✓ Identify who we see at this stage as the key stakeholders in the process including:
- ✓ Identify possible chokepoints;
- ✓ Identify possible measures which may help to streamline the process;
- ✓ Provide a short-list of undetermined DLALC Land Claims (in current investigation areas) as cases for pilot program.
- ✓ Provide recommendations for further training, consultation and reforms to improve the Land Claim process.

2.0 Background

The Aboriginal Land Rights Act (1983) was assented to on the 10th June 1983 establishing a three tiered NSW Aboriginal Land Council structure.

The preamble to the Act specifically recognises that:

- (1) Land in the State of New South Wales was traditionally owned and occupied by Aborigines:*
- (2) Land is of spiritual, social, cultural and economic importance to Aborigines:*
- (3) It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land:*
- (4) It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation:*

Land Claims are now the primary source of asset growth and income for the Aboriginal community within New South Wales.

As of May 2009, the Office of the Registrar estimates there to be more than 17600 land claims lodged. Of this, 2,325 were granted in part or full with the remainder refused, yet to be finalised or yet to be determined by the Minister. Further enquiries suggest there are now in excess of 20,000 claims yet to be determined whilst claims continue to be lodged.

An application to claim Crown Land is made under sections 36 and 37 of the Act. The parties entitled to make claim to land are identified in section 36 as:

- 36 (2) The New South Wales Aboriginal Land Council may make a claim for land on its own behalf or on behalf of one or more Local Aboriginal Land Councils.*
- 36 (3) One or more Local Aboriginal Land Councils may make a claim for land within its or their area or, with the approval of the Registrar, outside its or their area.*

Claimable Crown Land is also defined in section 36 of the Act as:

- (1) In this section, except in so far as the context or subject-matter otherwise indicates or requires:*

claimable Crown lands means lands vested in Her Majesty that, when a claim is made for the lands under this Division:

- (a) are able to be lawfully sold or leased, or are reserved or dedicated for any purpose, under the Crown Lands Consolidation Act 1913 or the Western Lands Act 1901,*
- (b) are not lawfully used or occupied,*
- (b1) do not comprise lands which, in the opinion of a Crown Lands Minister, are needed or are likely to be needed as residential lands,*

- (c) are not needed, nor likely to be needed, for an essential public purpose, and*
- (d) do not comprise lands that are the subject of an application for a determination of native title (other than a non-claimant application that is an unopposed application) that has been registered in accordance with the Commonwealth Native Title Act, and*
- (e) do not comprise lands that are the subject of an approved determination of native title (within the meaning of the Commonwealth Native Title Act) (other than an approved determination that no native title exists in the lands).*

Section 36A of the Act allows for the claiming of land required for the purpose of Nature Conservation, provided the ALC agrees to lease the land as a National Park under Part 4A of the National Parks and Wildlife Act 1974.

A current copy of the Aboriginal Land Rights Act (1983) may be found at:

<http://www.legislation.nsw.gov.au/fullhtml/inforce/>

2.1 CURRENT LAND USE PRACTICES

There are three main categories of future land use for DLALC. These include cultural, environmental and economic.

Cultural applications typically include traditional activities of the Aboriginal people. Sites where this may apply may be areas where aboriginal artefacts are found, or where an area is recognised as having significant cultural meaning to the local aboriginal community. Generally these sites will remain undisturbed other than for the use of the L.A.L.C. members.

All land has some economic value; however this will be subservient to the cultural value. Economic value is generally determined by its potential future development or the value of the existing resources contained within or under the land. Often this may be referred to as potential value and is subject to development approval, other government consents or further studies.

Environmental value refers to the ecological status of the land and particularly its Flora and Fauna attributes.

3.0 Existing Land Claim Process

In the case of a successful land claim there are 5 key steps:

1. Identify Claimable Land;
2. Lodge application to the Office of the Registrar (ALRA);
3. O.R. reviews claim and submits to Dept of Primary Industries, (Native Title Division);
4. Minister determines the claim;
5. Claim granted, subject to survey requirements.

3.1 CLAIMABLE LAND

As identified in Section 2.0, claimable Crown Land is defined in Section 36 of the ALRA.

The NSW ALC publication "Land Claims Manual for Local Aboriginal Land Councils", published in January 2009 identifies the 7 primary methods of identifying claimable crown land including:

- Local Knowledge;
- Street Directory;
- Parish Maps;
- Title Searches;
- Local Newspapers;
- Government Gazette;
- Crown Land Assessments.

The implementation of a regular review process by LALC's incorporating these seven methods will assist in the identification of claimable crown land.

Comment:

3.2 APPLICATION TO THE REGISTRAR, ABORIGINAL LAND RIGHTS ACT 1983

Application is made to the Registrar using their claim form "Land Claim for Land Pursuant to Aboriginal Land Rights Act 1983 (NSW) section 36, 37" published December 2007. This form should be accompanied by as much information as possible to clearly identify the land being claimed.

Once the Registrar is satisfied the claim is in accordance with the ALRA, the claim is forwarded to the local office of the Crown Lands Division of the Dept of Primary Industries.

Currently there is minimal investigation as to the status of the land, current and future land use, or the cultural, economic or environmental value prior to a claim being lodged. Some claims have been shown to be of limited value to the L.A.L.C. and may in fact be a future liability for land maintenance with no Cultural, Economic or Environmental value. A more rigorous assessment of the land status may determine its best use, value and significance to the LALC. This is discussed in more detail in section 5.0

3.3 OFFICE OF THE REGISTRAR

The office of the Registrar will review the application and ensure adequate information has been provided. The O.R. will also maintain a register of all land claims. Once the relevant information has been provided, the application is forwarded to the NSW Minister for Crown Lands.

3.4 DETERMINATION BY THE MINISTER FOR CROWN LANDS

Once an application is lodged with the Crown Lands Division of the Dept of Primary Industries, the Department will determine the claim in accordance with section 36 and 37 of the Aboriginal Land Rights Act 1983.

Due consideration is given to matters such as the status of the land, it's residential worth, current and future use requirements (such as nature conservation or Roads and Maritime Service), existing leases and reserves. A claim may be denied, part granted or wholly granted upon completion of the assessment.

The Minister for Crown Lands will make a determination based on the advice provided by the Department. The L.A.L.C. and O.R. are notified of the outcome of the determination.

The time required to determine claims by Crown Lands is usually substantial. It is common that a claim will take three to five years to be determined, however in some cases this has taken more than 15 years. For example, two claims by D.L.A.L.C. at Norah Head were lodged in June 1985 but were not determined and partially granted until 1999 and 2002. In another case, a claim lodged at Reeves Road, Somersby in July 1987 was not determined until April 2006.

These delays seem to be due to a lack of resources within the Crown Lands office. Anecdotal evidence suggests that claims are assessed as workloads and priorities permit within each local Lands office without engagement with the L.A.L.C. as regards priority of claims.

3.5 GRANT THE LAND WITH TORRENS TITLE

Once the land is granted, title needs to be issued in the name of the L.A.L.C. Depending on the age of the underlying survey, there are currently three alternatives as to how the claim may proceed including:

1. Granting of clear title.
2. Wait for a survey to be undertaken by Crown Lands division and then grant clear title;
3. Grant title with a limitation pursuant to Section 28T(4) of the Real Property Act;

3.5.1 Clear Title

Some land may have a modern survey available. This survey would typically have been undertaken by field survey and include accurate dimensions and an area. The survey would be connected to abutments such that the site of the land may be readily re-established by a Registered Land Surveyor.

Where a modern survey exists, the Crown Lands division are able to grant title with the folio identifier determined by the title plan description. ie: Lot 1 DP 123456 having folio reference 1/123456.

The land can then be transferred to the L.A.L.C. having notations relevant to other interests in the land (such as statutory easements) and restrictions on dealings.

3.5.2 Crown Lands Survey

Where there is no modern survey, the grant will be placed on hold until internal resources of the Crown Lands Division are available to undertake a thorough boundary definition for First Title Issue.

The Crown Lands office has limited survey resources and budget. Where resourcing and funds are available they have been engaging other government surveyors (such as from the Dept of Public Works) or private surveyors through competitive tendering.

This lack of resources has resulted in significant delays to A.L.C.'s ability to manage the land that has been recognised as their property by the Ministerial determination. Records of DLALC show that many claims which have been granted, are still waiting for survey from as far back as 1998.

An example of this is shown in Appendix C being lots 655 in DP 1149938. This land was claimed on the 6th June 1985. The determination to grant the land was made on 26th September 1999. However, funds were not available to engage a private surveyor to undertake a survey for First Title Creation until August 2007, with title issued a further three and a half years later on 18th January 2011.

3.5.3 Limited Title

An alternative to waiting for a Crown Survey is to grant title with a limitation. The limitation is placed on title due to the lack of survey information and resultant doubt as to the extent of the boundaries of the granted land other than by description or abuttal.

In this case, Crown Lands may create a departmental plan for folio creation. This plan will have no dimensions and will typically only identify the folio description (lot and deposited plan number) together with the abuttal's (adjoining land).

The Limitation is created in accordance with Section 28T(4) of the Real Property Act which states:

Section 28T(4) When creating a folio of the Register under subsection (1A), (1), (2) or (3), the Registrar-General shall make in that folio a recording to the effect that the description of the land comprised therein has not been investigated by the Registrar-General and may therein or in any plan deposited in the Registrar-General's office illustrating the land so comprised record such other particulars as the Registrar-General considers appropriate.

Examples of two properties transferred to D.L.A.L.C. with limited title are shown in appendix 'D' and 'E' and include:

Appendix 'D' Kirkness Ave, North Gosford, Lot 7307 DP 1163978

Appendix 'E' Fairymede Road, Mangrove Mountain, Lot 174 DP 755253

Refer to section 4.4.1 and 4.4.2 for case studies of limited title for these parcels.

There has been a reluctance to accept limited title and in August 2010 the N.S.W. A.L.C. drafted a pro-forma letter for L.A.L.C.'s to be used to garner support to stop the State Government issuing title with the limitation. The primary concern is that the survey costs are to be borne by the L.A.L.C. rather than the State Government. This transfer of survey costs can in some cases run into tens of thousands of dollars.

Limited title will impede the type of notations which may occur on title. However, common dealings such as a conveyance, mortgage, lease or caveat may be noted on title without a delimitation survey required. Where an interest is to be created on a parcel relevant to a particular boundary, a delimitation survey may be required. This may occur in the case of an easement or restriction being granted over part of a lot (such as an Asset Protection Zone).

3.6 LAND CLAIM PROCESSING TIMEFRAME

The Land Claim process as described typically takes in the order of **20 – 30 years to complete for each claim**. There are several factors which contribute to this which include:

- The spike in the volume of claims lodged in the first decade after the ALRA commenced;
- A lack of government resources;
- The number of vested interests to be consulted as part of processing the claim;
- A lack of government funding to complete surveys for Torrens Title creation.

These delays contribute to a significant increase in government costs. The long time delays result in staff having to reacquaint themselves with each claim as it progresses through the various stages of assessment. Further, as staff change or are reallocated, new staff will have to 'learn' what has happened on each claim before it can proceed. This results in significant time loss and increased administrative costs to the Crown Lands office.

The amount of land available to claim under the ALRA is finite. The number of claims lodged each year is and will continue to decline. It may be appropriate for the government to look at temporary resourcing or outsourcing options to overcome the short term need for the determination of land claims. This would limit the government's exposure to long term employment and resourcing costs.

A substantial amount of government departments have vested interest in Crown Land. This ranges from the Roads and Maritime Service to the Department of Education together with other government corporations such as water and electricity service providers as well as local government and community groups. Many of these organisations are consulted during the claims process. This results in significant delays to the claim being determined.

After determination, many of the claims require a survey to be completed before Torrens Title can be issued. The cost to government of either using internal resources or third party surveyors is significant. The Crown Lands office does undertake resource sharing (such as using Surveyors from the Public Works office) however with limited resources and budgetary constraints, the time delays to issuing clear title are substantial.

Diagram 1 (overleaf) shows an example of timelines of four claims lodged by DLALC. These claims are located in Somersby (Gosford Local Government Area) and Norah Head (Wyong Local Government Area) and were lodged between October 1984 and July 1987.

The time taken to determine the claims ranges from 13 years, 7 month (Claim No 988, Somersby), up to 18 years, 9 months (Claim No 2965, Somersby). **The average time for the Crown Lands office to make a determination on these 4 claims was 15 years and 10 months.**

The additional time taken to complete a survey for first title creation and issue clear title to DLALC ranges from 4 years, 5 months up to 11 years, 4 months. The average time for the Crown Lands office to undertake a survey and issue title on 3 of these 4 claims was 8 years, 2 months. **Claim No 988 at Somersby is still waiting for the title to be issued 27 years and 3 months after the claim was first lodged on the 25th October 1984.**

This also highlights the lack of order in processing of claims. Claim 988 was one of the first lodged by DLALC; however there are dozens of other claims which have been determined, surveyed and title issued well before this one. It is not essential that claims be determined in the order that they are lodged. Indeed it would improve the outcomes for the Aboriginal community if the LALC's

had the opportunity to prioritise claims although this does not currently occur. However it does highlight that to date there is no systemic approach to the processing of claims.

Even after title has been issued, the LALC is required to comply with the current land development approvals process. This process is well documented as cumbersome, expensive and time consuming and typically requires approvals from a multitude of federal, state and local authorities. The resultant time frame to achieve a financial outcome to assist the LALC may typically be in the order of 30 plus years.

Table 1 below shows the time frame for the various stages of approvals in these four examples, combined with an estimated time for actual land development. *(This is an estimate based on ADW Johnsons significant experience in land development and the assumption that DLALC will be the developer, rather than selling the asset englobo.)*

Claim No	Description	Time to determine Claim	Time to complete survey and issue title	Total time to achieve clear title	Projected development timeframe	Estimated time to achieve a financial outcome
988	Reeves St, Somersby	13 years, 7 months	13 years, 8 mths to date <i>*Title not yet issued</i>	27 years, 3 months & counting	5 years	33 years
2965	Reeves St, Somersby	18 years, 9 months	4 years, 5 months	23 years, 2 months	8 years	31 years
2220	Victoria St, Norah Head	14 years, 3 months	11 years, 4 months	25 years, 7 months	4 years	30 years
2221	Soldiers Pt Dr, Norah Head	16 years, 10 months	8 years, 9 months	25 years, 7 months	10 years	36 years
	Average	15 years, 10 months	8 years, 2 months (exc Claim No 988)	25 years, 5 months		

Table One

The two key elements of the process which need better time management are the time taken to determine the claim then the time to complete the survey. As discussed in other sections of this report, the opportunity to accept limited title may significantly reduce the burden to the Crown Lands office for survey work. This would greatly improve the time from determination to granting title in some cases.

Without the issuing of title, the LALC's have no certainty of tenure and are not able to effectively implement community outcomes, whether they be environmental, cultural or economic. Self determination requires financial independence. Financial independence can only be achieved through deriving income from the primary asset; land. The 20 – 30 year delays in obtaining clear title do not promote this outcome.

DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL LAND CLAIM TIMELINE EXAMPLES

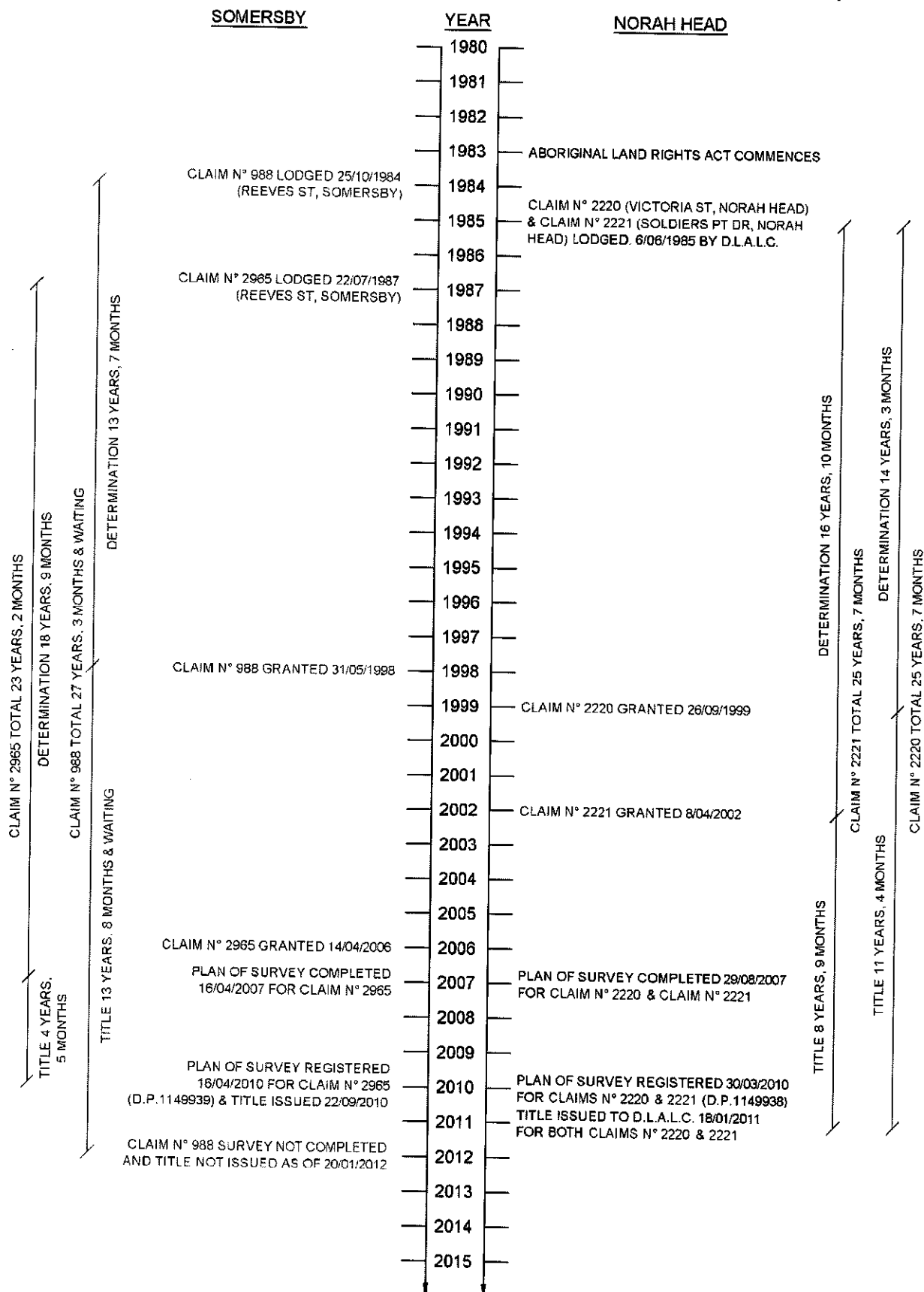


Diagram One

4.0 Case Studies

4.1 DEVELOPMENT PARTNERING: TOOHEYS ROAD, WALLARAH

In June 1995 and March 1996, D.L.A.L.C. laid claim to land at Wallarah on the Central Coast. This included land as shown in Diagram 2.

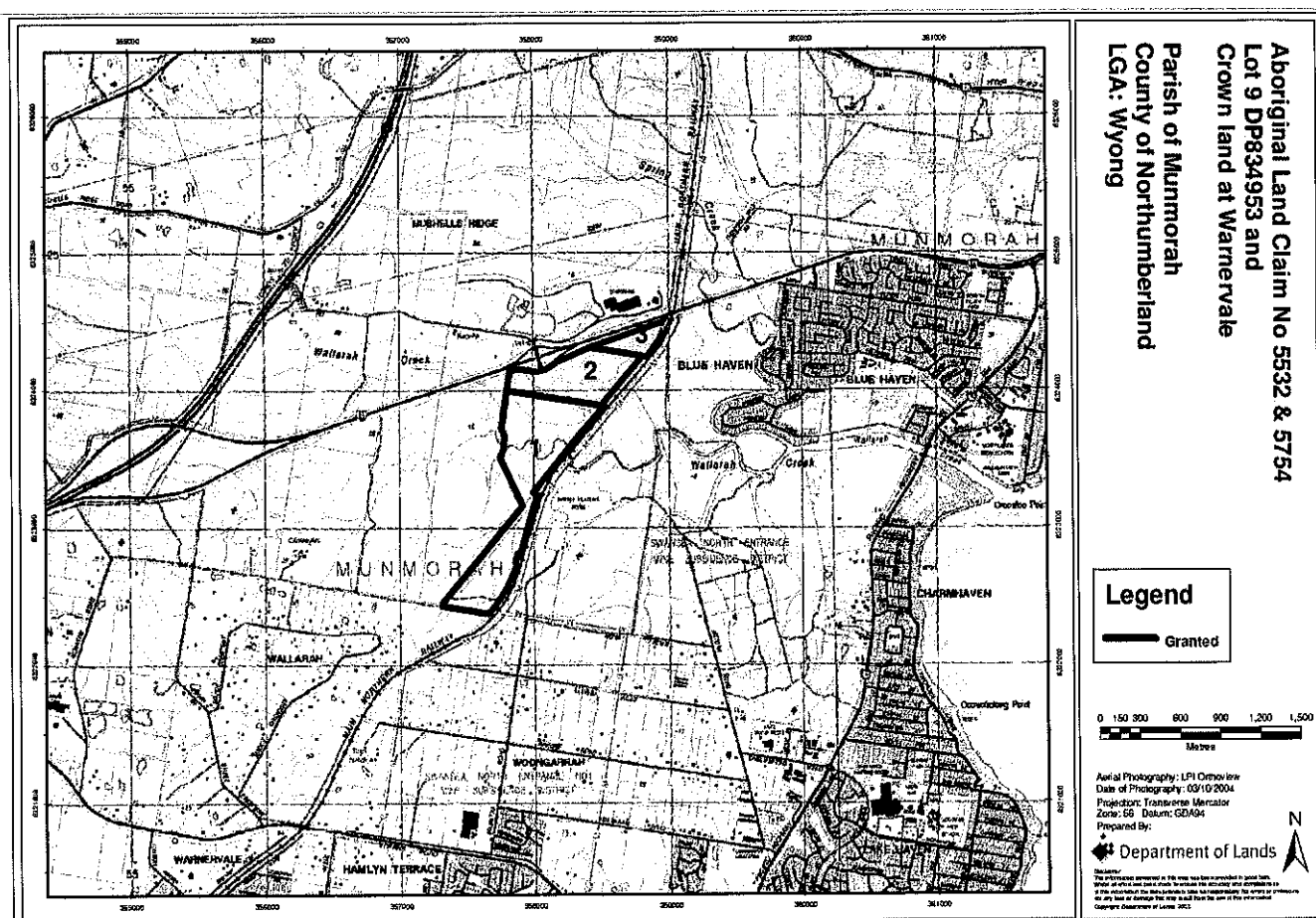


Diagram Two

Lot 1 was granted to D.L.A.L.C. in August 2005, whilst lots 2 and 3 were granted in October 2000. The claim was held in limbo whilst awaiting resources and funding to be available for a plan of survey to be undertaken prior to title issue.

Hunter Land Pty Limited owns land to the north of this claim adjacent to the Link Road. This land required servicing to permit development to proceed including sewer, water and electrical services. ADW Johnson, acting on behalf of Hunter Land developed a servicing strategy which required easements to be granted through the land claim running parallel to the Link Road, as well as through the land claim site to the existing waste water treatment plant to the east of the railway line.

ADW Johnson approached D.L.A.L.C. on behalf of Hunter Land to discuss the possibility of obtaining easements through their granted land to further develop their industrial site. Ultimately, a deed of agreement was established between the parties to grant the easement in conjunction with a plan for first title creation which was required to complete the land claim.

This partnership provides benefits to all parties including:

Crown Lands: Have the survey for first title undertaken for no cost and complete the land claim;

Hunter Land: Obtain easements to allow their industrial development to proceed;

D.L.A.L.C: Clear title granted to the land at no cost.

Recommendation: Review the approved and pending land claims of DLALC to determine sites which may have partnering opportunities based on economic value to adjoining owners or developers.

4.2 BUSHILLS RIDGE EMPLOYMENT ESTATE

The D.L.A.L.C. controls a large area of land at Bushells Ridge, North West of the town of Wyong. In successive Council and Department of Planning (DoP) strategies and planning documents, the land has been consistently identified for future industrial use. The Bushells Ridge site is currently zoned under the Wyong Local Environmental Plan 1991 as Zone 4(e) Regional Industrial and Employment Development Zone. DLALC proposes to develop the site for an employment estate, consistent with this zoning to meet its objectives with regard to managing its land holdings to establish and create meaningful outcomes that add value to its growing Aboriginal community through sustainable development and employment generation.

D.L.A.L.C. are progressing plans to realize the site with a view to commence development of the land in the medium term. In December 2010, D.L.A.L.C. lodged an application under Part 3A of the Environmental Protection and Assessment Act to the Department of Planning. Plans of the current land ownership and proposed land use are shown in appendix B.

In accordance with the Director General of the Department of Plannings advice, D.L.A.L.C. are now preparing to submit a concept plan for the site including approximately 150 lots for future employment purposes. Whilst the majority of the site is held under clear title by D.L.A.L.C., there are three parcels of land still to be determined being lots 192 and 193, DP 1032847 and Lot 107, DP 755245 as shown on the ownership plan in Appendix B.

The expectation, based on the results of surrounding land claims of a similar nature, is that the claims will be granted to DLALC. However, without tenure the DLALC cannot proceed with certainty to obtain the necessary approvals for the development of this strategic employment land. This impacts not only DLALC, but also Wyong Shire Council's and the New South Wales Government's Strategic Plan for the Central Coast.

To proceed with the development approval process, without the land claims determined would result in a less than ideal outcome. Impacts may include:

- ⊗ Limited access to adjoining Crown Land;
- ⊗ Changes to the lot layout to accommodate separate ownership;
- ⊗ Inappropriate sighting of internal access road intersection with Bushells Ridge Road;
- ⊗ Isolated 'pocket' development due to a lack of interconnectivity;
- ⊗ Inability to develop integrated rail access;
- ⊗ A compromised lot layout reducing yield, value and employment opportunities.

Of the several hundred claims pending for DLALC, this claim has a high economic and social value. Ideally, DLALC would prefer to have these claims prioritised so that the development may proceed with certainty. There is currently no mechanism or protocol established with Crown Lands to prioritise claims.

Recommendation: Engage with Crown Lands office to investigate opportunities to prioritise land claims.

4.3 LOW VALUE LAND CLAIMS

It is common practice within the ALC to lay claim to any land that may be claimable under the Act, regardless of location, size or shape. In some cases, the land claimed may be granted but has limited value in a cultural, economic or environmental sense.

The ownership of these lands may become a burden on the LALC, as with ownership comes ongoing land management responsibilities such as maintenance and public liability.

Several examples of this are shown in Appendix C.

In these cases, the cultural value of these lots is minimal as the land has been disturbed by decades of surrounding residential use. The environmental value would be minimal, if any, as the land is residential developed land, is not contiguous with any substantial undisturbed land and is of such a small size to be unlikely to support protected species of flora and fauna.

The economic value is considered to be minimal as the land is of an inadequate size or shape to support a dwelling under the current zoning. The value to Council as operational land would be minimal.

Further, there are maintenance costs associated with ownership such as public liability insurance, clearing and grass cutting.

Another cause to these small parcels of land being granted is because they are a partial grant of a claim. In the case of land claim No 5772, DLALC claimed an area in the order of 110ha fronting Jilliby Road at Jilliby. However the resultant grant was for a small area of approximately 2400 square metres. The shape of the land leaves few development options and it is on a water

course. If the LALC had the opportunity to consider the result of the claim review prior to title being granted, the LALC may have chosen not to accept it

Recommendation: Undertake further investigation of land status at the land claim stage. This may disclose claims which may actually be a burden on the LALC rather than an asset, prior to lodging the claim.

Change the land claim assessment process to consult with LALC prior to issuing title for very small allotments.

4.4 LIMITED TITLE

As discussed in section 3.5, limited title means that the extent of the land being granted is unknown, other than by adjoining descriptions. In particular, the boundary dimensions and land area are unknown and there have been no marks placed on the site for visual reference.

The granting of title to D.L.A.L.C. allows applications for development to proceed. Without title, entry to the land is not permitted without the permission of the Crown Lands office and the ability to negotiate with authorities is based on assumptions as to the extent of the grant and other unknown impediments on title. Further, development applications or third party agreements cannot proceed without secure tenure.

These case studies look at two sites where development opportunities have progressed due to the issuing of title with limitation:

4.4.1 Kirkness Avenue, North Gosford

The land is shown within Appendix 'E' and formed part of a larger claim lodged in March 1993. The land was granted in September 2009 with limited title issued in June 2011. The adjoining lot 196, DP 755227 was also granted with limited title. No survey of the land has been undertaken since the original portion survey of May 1939. Appendix 'E' includes a copy of the departmental deposited plan required as part of the title creation process. This plan has no dimensions or area.

In August 2011, ADW Johnson was engaged to undertake a detailed survey of the site. As part of this process, ADW Johnson also undertook a thorough investigation of the surrounding boundaries. The result disclosed the extent of the land available within the two parcels and the available area.

Combined with the limited title, this has allowed ADW Johnson, on behalf of DLALC to proceed with preliminary discussions with Gosford Council to determine land constraints and future development potential.

Some of the options available include single or multi dwelling housing, subdivision or public open space. Should housing be the preferred option then the survey already completed will be sufficient for dwelling set out and construction. Alternatively, should a subdivision form part of the future land use then the delimitation survey costs would largely be covered by the necessary survey work for subdivision, eliminating this as an additional cost to D.L.A.L.C.

It is unknown when a Crown survey would have been undertaken for this site. However the issuing of limited title has allowed D.L.A.L.C. to progress to the site analysis phase of the development process.

4.4.2 Fairymede Road, Mangrove Mountain

This land formed part of a larger claim lodged in August 1987. The land was granted in April 1999 with limited title granted in March 2010. No survey of the land has been undertaken since the original portion survey of May 1922. Appendix 'F' shows a copy of this portion survey and the title. This plan shows dimensions and areas determined in 1922.

The lots which formed part of the overall claim include:

- | | |
|-----------------------|-----------------|
| • Lot 171, DP 755253 | -Limited Title; |
| • Lot 174, DP 755253 | -Limited Title; |
| • Lot 176, DP 755253 | -Limited Title; |
| • Lot 239, DP 1134912 | -Clear Title; |
| • Lot 240, DP 1144847 | -Clear Title; |
| • Lot 241, DP 1144849 | -Clear Title. |

Lots 239, 240 and 241 were surveyed for the Crown Lands office after engaging a private surveyor via government tender. These titles were issued in December 2010.

Whilst limited title has been issued, the previous survey of the site included a full definition of the parcel and marking. Some of the original marks have been found in the recent adjoining survey of Lot 240 DP 1144847.

Some of the potential future land use options currently under consideration include:

Cultural: For the future use of DLALCmembers for traditional and cultural activities.

Environmental: For environmental conservation and ecological offsets. There may also be an opportunity for bio-banking and carbon credits in conjunction with Cultural applications.

Mining: The surrounding region is used for resource extraction including sand, gravel and basalt mining. Subject to further investigation, the site may be of value to the resources industry.

Should the land be used for Cultural and/or Environmental purposes a delimitation survey is unlikely to be required. The underlying plan shows an area in excess of 517 acres determined by survey. This information would be suitable to be used to calculate environmental value in conjunction with ecological reports.

Similarly, should a mining company acquire or lease the land then a delimitation survey, if required may form part of the development costs.

In either situation, the granting of limited title allows land use planning and negotiations with interested parties to proceed uninhibited. If title were not obtained, then negotiations could not proceed with certainty.

Recommendation: The acceptance of limited title allows development opportunities to be pursued earlier than may otherwise occur. It also reduces ongoing costs to the Crown Lands office. The implementation of a hold point by the Crown Lands office after the land claim has been granted to determine the LALC's preferred title structure, would allow these benefits to be realised.

5.0 Summary

An application to claim certain Crown Land is made under sections 36 and 37 of the Aboriginal Land Rights Act and applies to Crown Lands, owned by the State of New South Wales. Land Claims are the primary source of asset growth and income for the Aboriginal community within New South Wales.

As of May 2009, the Office of the Registrar estimates there to be more than 17600 land claims lodged. Of this, 2,325 were granted in part or full with the remainder refused, yet to be finalised or yet to be determined by the Minister. There are now estimated to be in excess of 20,000 land claims awaiting determination or survey.

There are three main categories of future land use for Land Councils. These include cultural, environmental and economic. Cultural applications typically include traditional activities of the Aboriginal people and may apply to areas where aboriginal artefacts are found, or where an area is recognised as having significant cultural meaning to the local aboriginal community.

Economic value will be subservient to the cultural value and is generally determined by its potential future development or the value of the existing resources contained within or under the land. Environmental value may be considered a form of economic value (based on conservation offsets, emissions trading or other offset uses), however it is dependent on the land remaining undisturbed and may occur in harmony with cultural applications.

A Land claim may be determined by the granting of Claim in full, in part or refused.

In the case of a successful land claim there are 5 key steps:

- Identify Claimable Land;
- Lodge application to the Office of the Registrar (ALRA);
- O.R. reviews claim and submits to Dept of Primary Industries, (Native Title Division);
- Minister determines the claim;
- Claim granted, subject to survey requirements.

From a review of the existing process, several opportunities have been identified where improvements to the system may be achieved including:

6. **Rigorous assessment by LALC of proposed land claims:** Currently there is minimal investigation as to the status of the land, current and future land use, or the cultural, economic and environmental value prior to a claim being lodged. Some claims have been shown to be of limited value to the L.A.L.C. and may in fact be a future liability for land maintenance. A more rigorous assessment of the land status may determine its best use, value and significance to the LALC. This would require the sharing of more information by the Crown Lands office.
7. **Accepting Limited Title:** An alternative to waiting for a Crown Survey is to grant title with a limitation. The limitation is created in accordance with Section 28T(4) of the Real Property

Act and is placed on title due to the lack of survey information and doubt as to the extent of the boundaries of the granted land. Should the land be used for cultural and/or environmental purposes a delimitation survey may not be required.

In the situation where a claim is proposed to be further developed, the survey costs associated with the delimitation survey may be absorbed as part of the development costs. As well as saving the Crown Lands office significant survey fees, this also allows DLALC the opportunity to proceed with a development application sooner since title is issued in their name.

8. **Development Partnering:** In some cases, particularly where land claimed is located within growth corridors, there may be opportunities to partner with surrounding developers to achieve a more economical outcome. An example of this is shown in section 4.1 where DLALC entered into a deed of agreement to permit easements over a successful land claim in exchange for funding the survey costs for title creation. This resulted in title being issued to DLALC sooner, the Crown Lands office saving on survey costs and the adjoining developer being able to satisfy development conditions.

The key benefits of these improvements to the stakeholders are:

LALC:

- ✓ Minimise exposure to low value land assets;
- ✓ Obtain highest value assets in a shorter timeframe;
- ✓ Realise economic benefits sooner;
- ✓ Focus limited resources on high yield outcomes.

DPI, Crown Lands Division:

- ✓ Clear a backlog of claims where Limited Title may be adequate;
- ✓ Develop a proactive relationship with LALC's;
- ✓ Achieve efficiency through the elimination of unnecessary land claims.

6.0 Pilot Program

In summary, the key opportunities to improve the Land Claim process include:

1. Implement a more rigorous assessment process of crown land prior to making the claim to determine:
 - a. Whether the land is of a suitable shape, size and location to be a benefit to the LALC;
 - b. The potential land use options including, economic, cultural and environmental;
2. The opportunity for the LALC to prioritise their land claims;
3. The opportunity for the LALC to determine the title structure;
4. Explore development and economic partnering opportunities once the claim has been successfully granted and prior to title being issued;

The examples shown herein have identified benefits which would be forthcoming to the relevant parties including:

LALC:

- ✓ Minimise exposure to low value land assets;
- ✓ Obtain highest value assets in a shorter timeframe;
- ✓ Realise economic benefits sooner.
- ✓ Focus limited resources on high yield outcomes.

DPI, Crown Lands Division:

- ✓ Clear a backlog of claims where Limited Title may be adequate;
- ✓ Develop a proactive relationship with LALC's;
- ✓ Reduce survey fee liabilities;
- ✓ Achieve efficiency through the elimination of erroneous land claims.

To achieve these benefits, we recommend the implementation of a pilot program between Darkinjung Local Aboriginal Land Council and the Department of Primary Industries, Crown Lands Division. Matters to be considered include:

1. Making land information more readily available to LALC's such as:
 - a. Titles and survey plans;
 - b. proposed government land use options;
 - c. lease, reservation and other current land use information;
2. Implement a more rigorous pre-claim assessment process in consultation with Crown Lands to eradicate erroneous land claims and provide comprehensive information to Crown Lands;
3. Establish a priority list for Crown Lands of undetermined and granted land claims which will provide short term cultural, economic and environmental outcomes;
4. Develop a process flowchart with hold points at which the LALC will be consulted such as:
 - a. determine the priority of claims;
 - b. review part granted claims prior to issue to see if the reduced claim is worthwhile
 - c. Establish LALC survey requirements;
 - d. Determine the most appropriate title structure;

Recommendation:

1. Prepare a short list of sites where undetermined land claims are delaying land development. This would include sites such as the Bushells Ridge Employment Lands (shown in Appendix B) together with the Canton Beach claims which should be considered as part of the broader Norah Head land management plan.
2. Prepare a short list of sites where limited title is considered appropriate based on future land use options. This may include undetermined land claims around the Tall Timbers Drive, Lake Munmorah area as well as the Reeves Street, Somersby site (north of Reeves Street).
3. Using the Waratah Street, Bateau Bay land claim (as shown in Appendix C) undertake an in-house review to determine the cost-benefit outcome of this land being in DLALC ownership.
4. Prepare a detailed flowchart with potential hold points in consultation with Crown Lands. Refer to Appendix F for a summary of the existing process.
5. Liaise with representatives of the Crown Lands division to discuss the pilot program and the proposed benefits

Appendix A

Tooheys Road, BushellsRidge

Site Plan
DP 1156997, Page 1
Title to Lot 1, DP 1156997

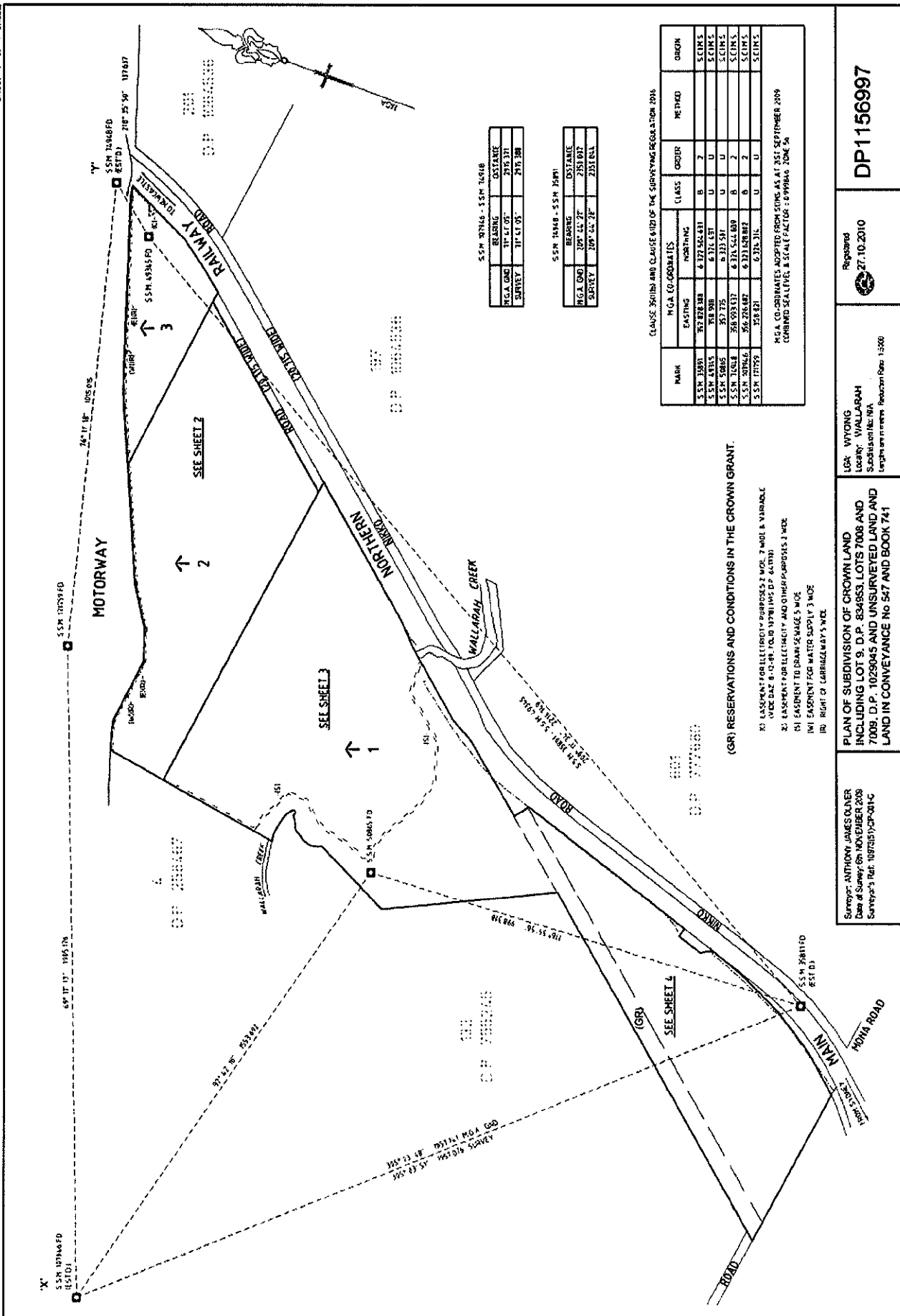


Sheet: 1 of 4 sheets

DP1156997

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 42 (A2)



SSM 10346	SSM 10347
Bearing	Distance
208° 41' 27"	235.017
Survey	208° 41' 27"

SSM 10348	SSM 10349
Bearing	Distance
208° 41' 27"	235.017
Survey	208° 41' 27"

CLASSIFICATION AND CLAUSE 6(2) OF THE SURVEYING REGULATION 2016

MARK	MGA CO-ORDINATES		CLASS	ORDER	METHOD	ORIGIN
	EASTING	NORTHING				
SSM 10346	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10347	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10348	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10349	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10350	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10351	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10352	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10353	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10354	632 828.388	6 322 562.431	B	2		SEIMS
SSM 10355	632 828.388	6 322 562.431	B	2		SEIMS

MGA CO-ORDINATES ADOPTED FROM SEIMS AS AT 25 SEPTEMBER 2009
COMBINED SCALE: 1:50000

(GR) RESERVATIONS AND CONDITIONS IN THE CROWN GRANT.

- 1) EASEMENT FOR PUBLIC PURPOSES 2 MTR. 7 MTR. A VARIABLE (VARIABLE 8 MTR. TO 10 MTR. BY 4 MTR.)
- 2) EASEMENT FOR UTILITY AND OTHER PURPOSES 2 MTR.
- 3) EASEMENT TO GRAVE SERVICE 5 MTR.
- 4) EASEMENT FOR WATER SUPPLY 3 MTR.
- 5) RIGHT OF CARRIAGEWAYS 5 MTR.

DP1156997

Registered
27.10.2010

LPK WYONG
Locality WALLARAH
Subdivision WA
Length of Survey Boundary 1500

PLAN OF SUBDIVISION OF CROWN LAND
INCLUDING LOT 9, D.P. 834853, LOTS 7008 AND
7009, D.P. 1025045 AND UNSERVED LAND AND
LAND IN CONVEYANCE No 547 AND BOOK 741

Surveyor: ANTHONY JAMES OLIVER
Date of Survey: 09 NOVEMBER 2009
Surveyor's Ref: 107251/DP-2010

RAILCORPS CONSENT WITH PPS MPR RETAINED

Information Provided Through
Rudov & Associates P/L
Ph. 0403 36 39 36 Fax.

Title Search

LEAP Searching
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1156997

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
16/11/2011	2:38 PM	1	4/1/2011

LAND

LOT 1 IN DEPOSITED PLAN 1156997
AT WALLARAH
LOCAL GOVERNMENT AREA WYONG
PARISH OF MUNMORAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1156997

FIRST SCHEDULE

DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL (R AF952538)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 AF952538 SUBJECT TO CONDITIONS IN MEMORANDUM AF395175.
RESTRICTIONS ON DEALINGS AND PLANS - SEE PART 2,
DIVISION 4 AND SECTION 42 ABORIGINAL LAND RIGHTS ACT
1983. APPROVED DETERMINATION OF NATIVE TITLE IS
REQUIRED. ANY DEALING OR PLAN MUST ALSO BE ACCOMPANIED
BY A REGISTRATION APPROVAL CERTIFICATE OR A STATEMENT
OF NON REQUIREMENT.
- 2 DP1156997 EASEMENT TO DRAIN SEWAGE 5 METRE(S) WIDE AFFECTING THE
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

REFER ALL DEALINGS AND PLANS TO SD31 AND THE LEGAL DIVISION
UNREGISTERED DEALINGS: NIL

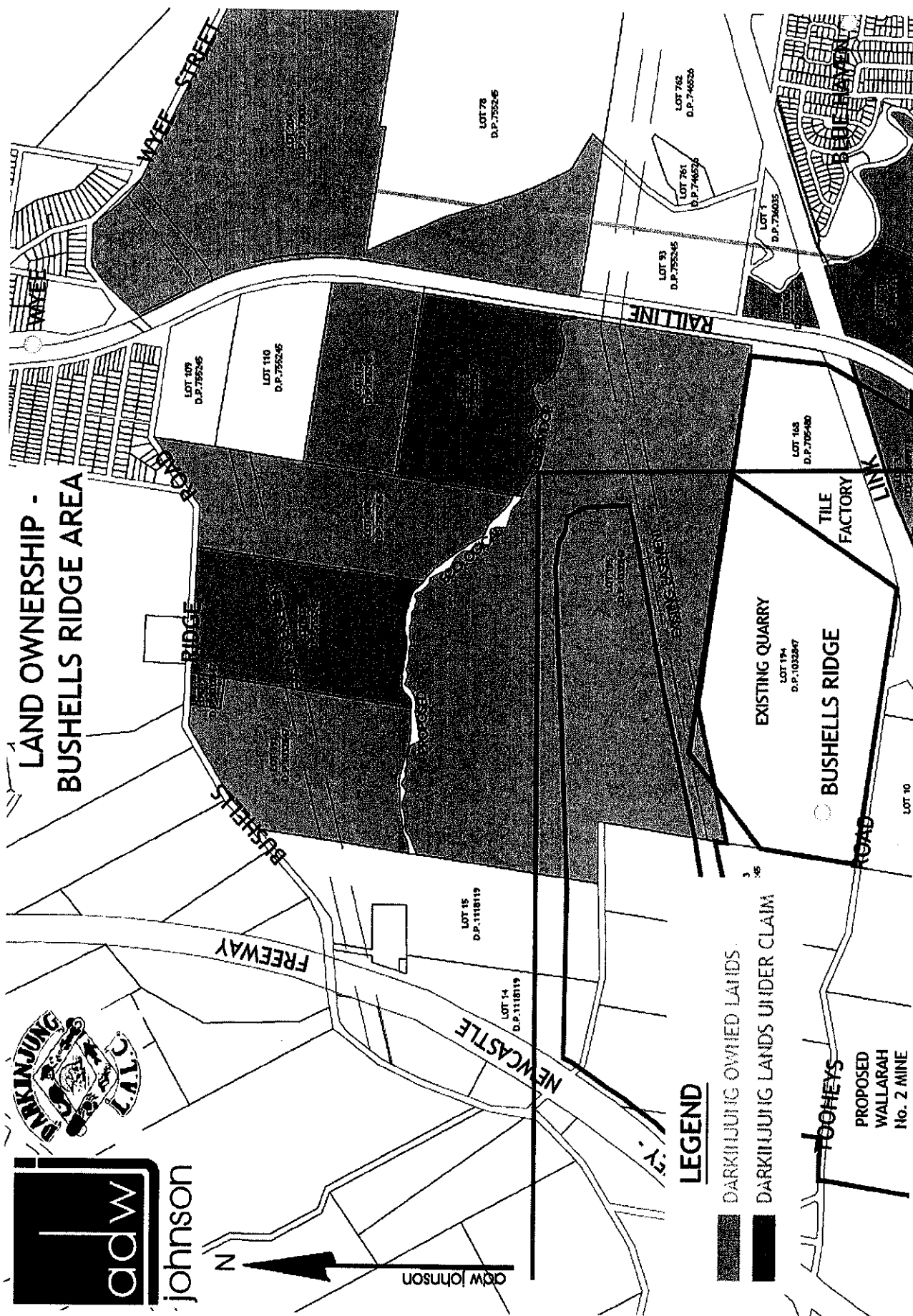
*** END OF SEARCH ***

Appendix B

Bushells Ridge Employment Lands

Land Ownership Plan

Employment Lands Plan



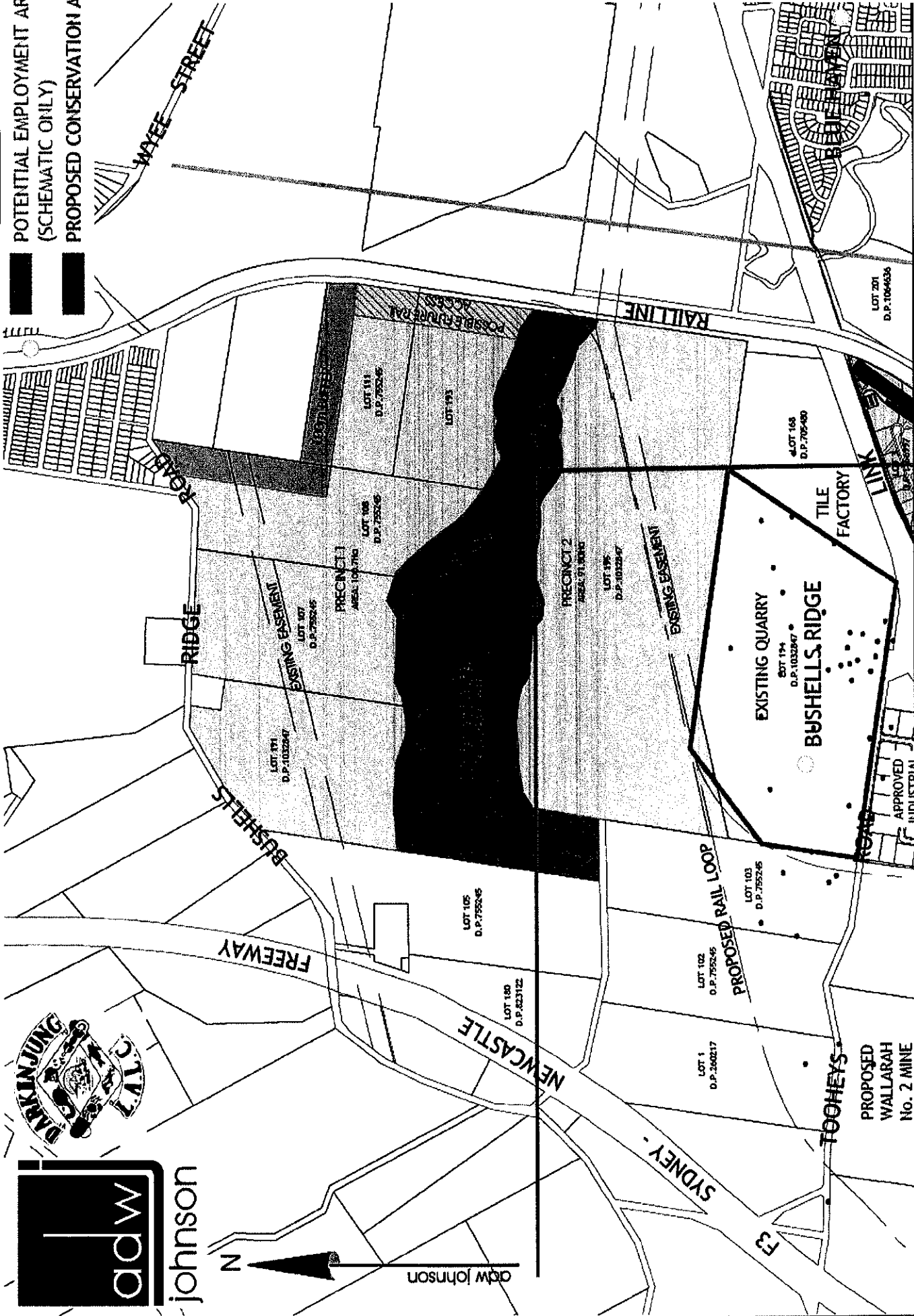


johnson



mod Johnson

POTENTIAL EMPLOYMENT AREA
(SCHEMATIC ONLY)
PROPOSED CONSERVATION AREA

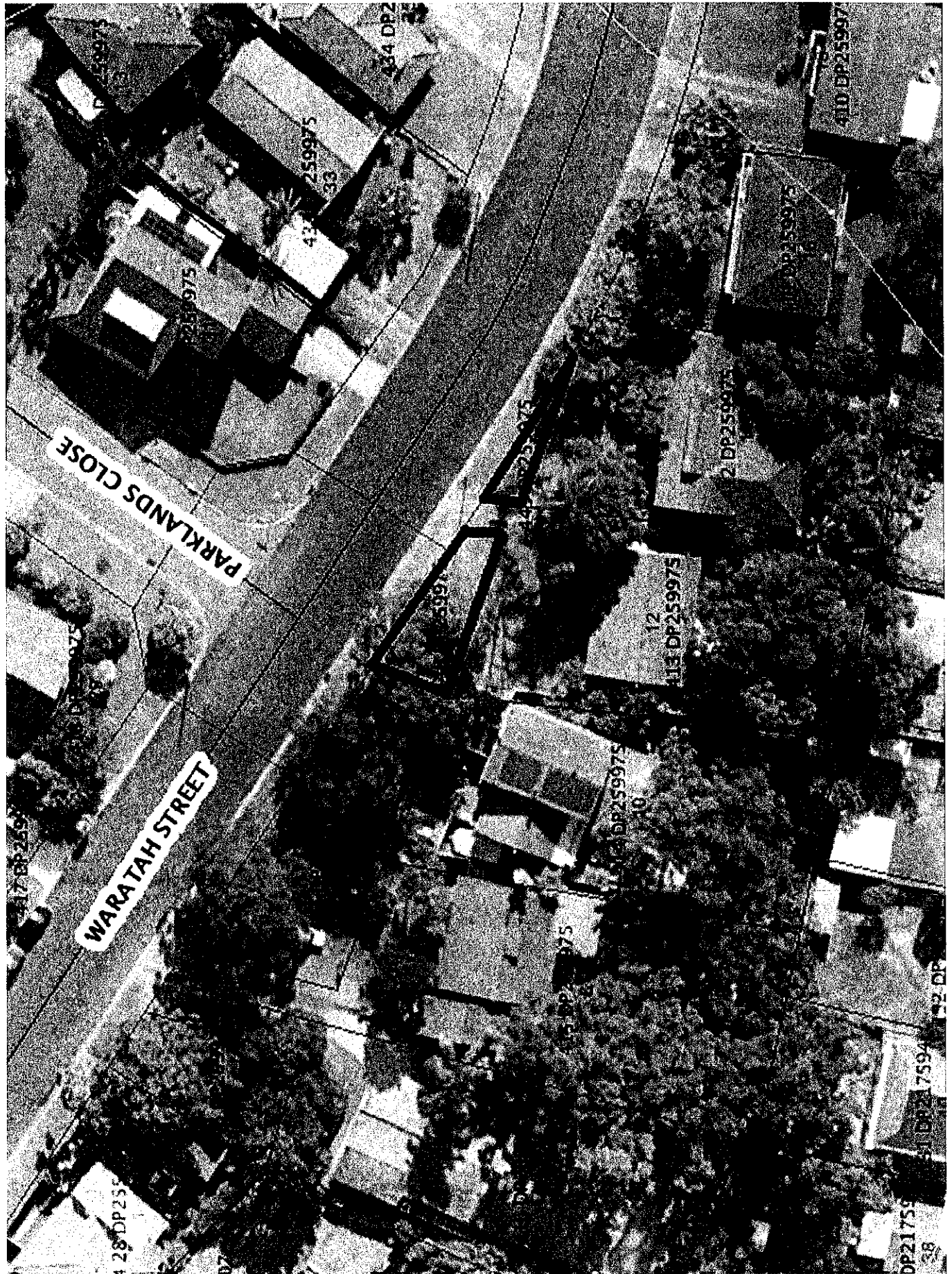


Appendix C

Limited Value Land Claims

Waratah Street, Bateau Bay: Lot 448 and 449, DP 259975

Denison Street, Norah Head: Lot 13, Section 30A, DP 758779





Information Provided Through
Rudov & Associates P/L
Ph. 0403 36 39 36 Fax.

Title Search

LEAP Searching
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 449/259975

SEARCH DATE	TIME	EDITION NO	DATE
7/11/2011	11:08 AM		

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 449 IN DEPOSITED PLAN 259975
AT BATEAU BAY
LOCAL GOVERNMENT AREA WYONG
PARISH OF TUGGERAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP259975

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA144860)

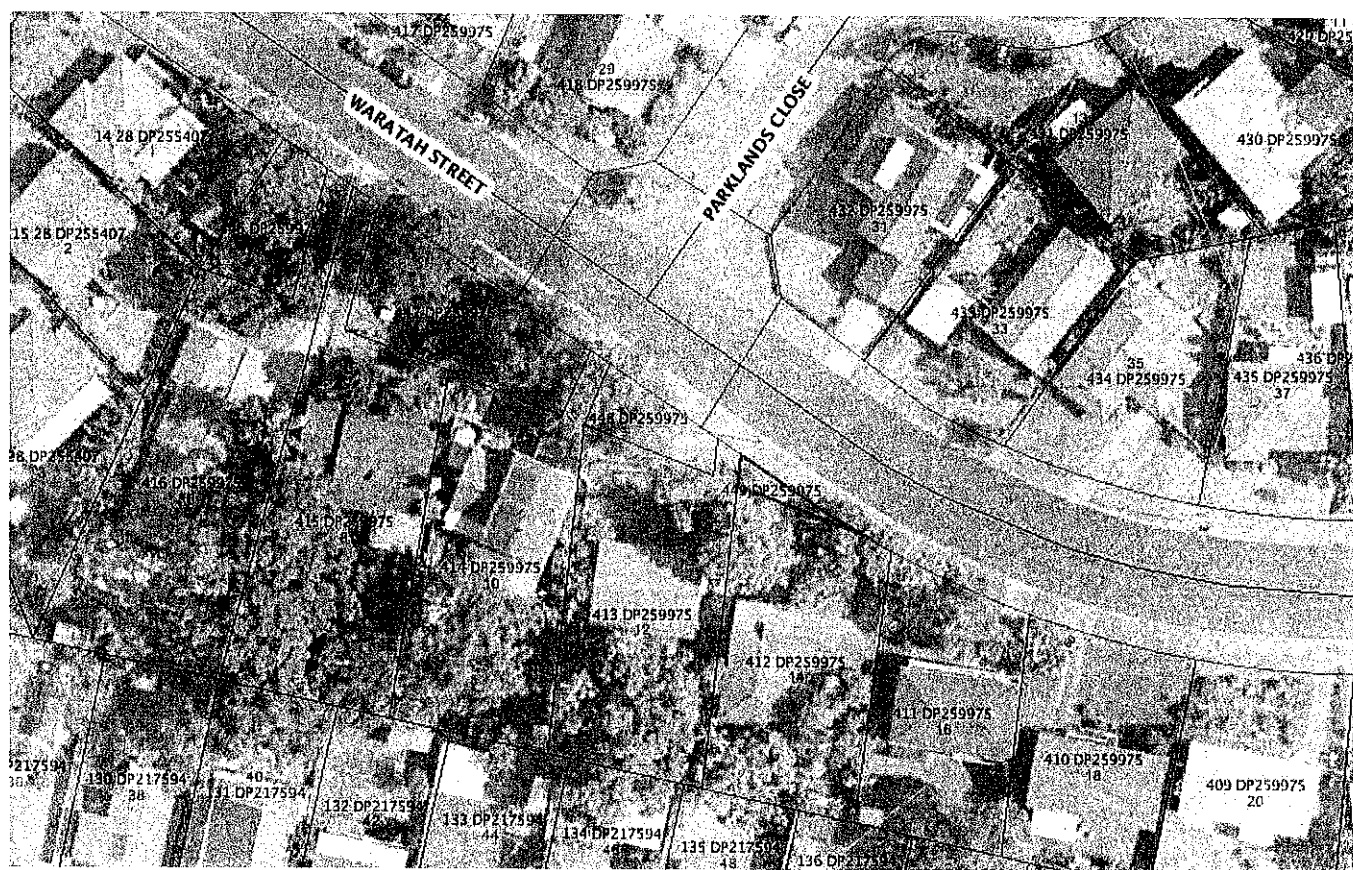
SECOND SCHEDULE (2 NOTIFICATIONS)

- * 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.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



Lot 449 DP 259975
 (Image: Land & Property Information SIX viewer)

Appendix D

Kirkness Avenue, North Gosford

Lot 7307 DP 1163978
Limited Title, Deposited Plan and Detail Survey

Information Provided Through
Rudov & Associates P/L
Ph. 0403 36 39 36 Fax.

Title Search

LEAP Searching
An Approved LPMA NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 7307/1163978

SEARCH DATE	TIME	EDITION NO	DATE
5/7/2011	12:28 PM	1	28/6/2011

LAND

LOT 7307 IN DEPOSITED PLAN 1163978
AT NORTH GOSFORD
LOCAL GOVERNMENT AREA GOSFORD
PARISH OF GOSFORD COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1163978

FIRST SCHEDULE

DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL (R AG331443)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 AG331443 SUBJECT TO CONDITIONS IN MEMORANDUM AF395175.
RESTRICTIONS ON DEALINGS AND PLANS - SEE PART 2,
DIVISION 4 ABORIGINAL LAND RIGHTS ACT 1983 (THIS IS NOT
AFFECTED BY SECTION 42). ANY DEALING OR PLAN MUST BE
ACCOMPANIED BY A REGISTRATION APPROVAL CERTIFICATE OR A
STATEMENT OF NON REQUIREMENT.
- 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.

NOTATIONS

REFER ALL DEALINGS AND PLANS TO SD31 AND THE LEGAL DIVISION
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

DP 1163978

Registered : 14-04-2011



Title System : CROWN LAND

Purpose : CROWN LAND CONVERSION

Reference Map: U2797-54

Last Plan: _____

DP755227 UP123828

PLAN OF CROWN LAND BEING
RESERVE

Lengths are in metres. Reduction Ratio - NTS

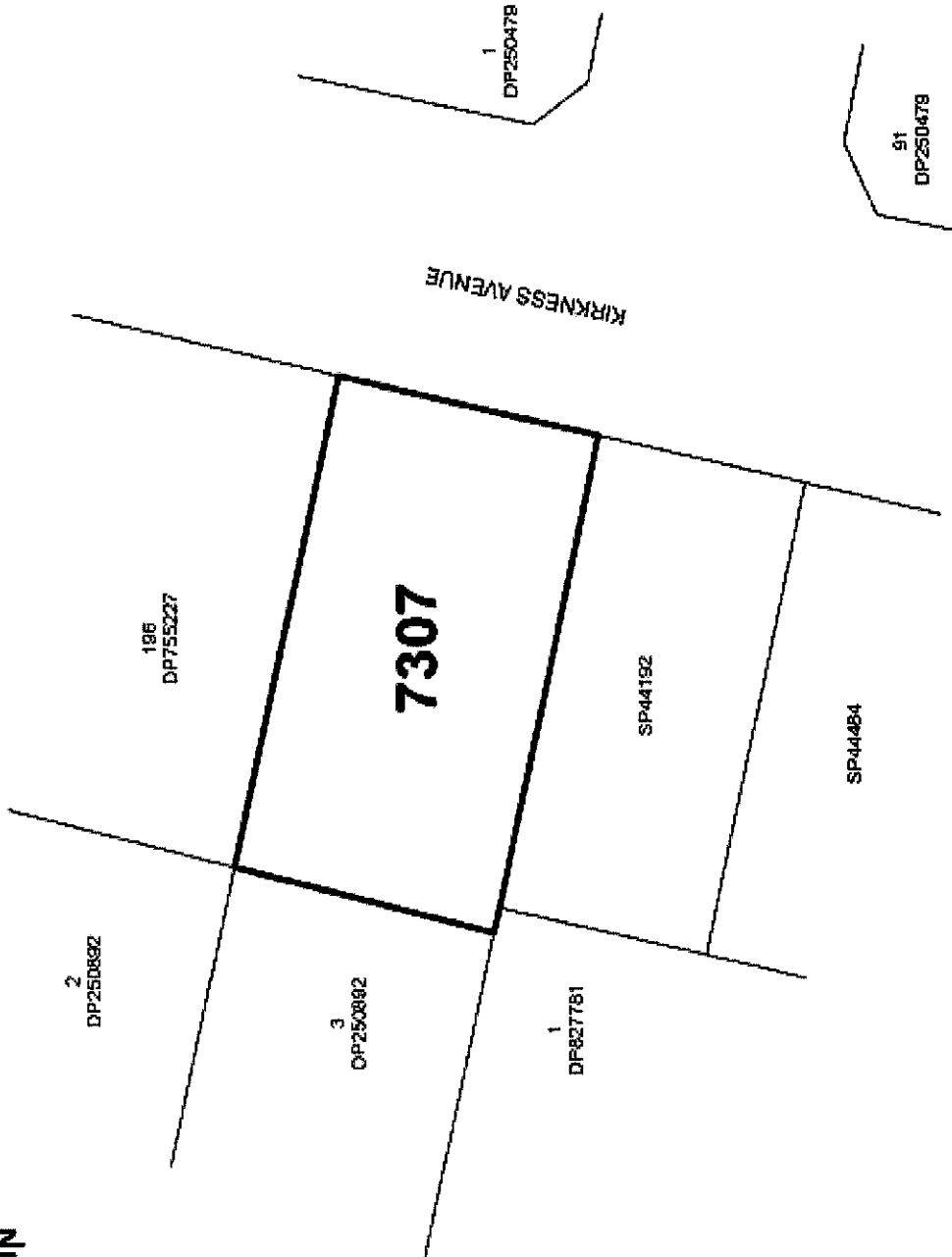
Sheet 1 of 1 sheets

LGA: GOSFORD
LOCALITY: NORTH GOSFORD
PARISH: GOSFORD
COUNTY: NORTHUMBERLAND

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: RW
Signed Off: RW
Office: Head Office, Crown Lands Division, Newcastle



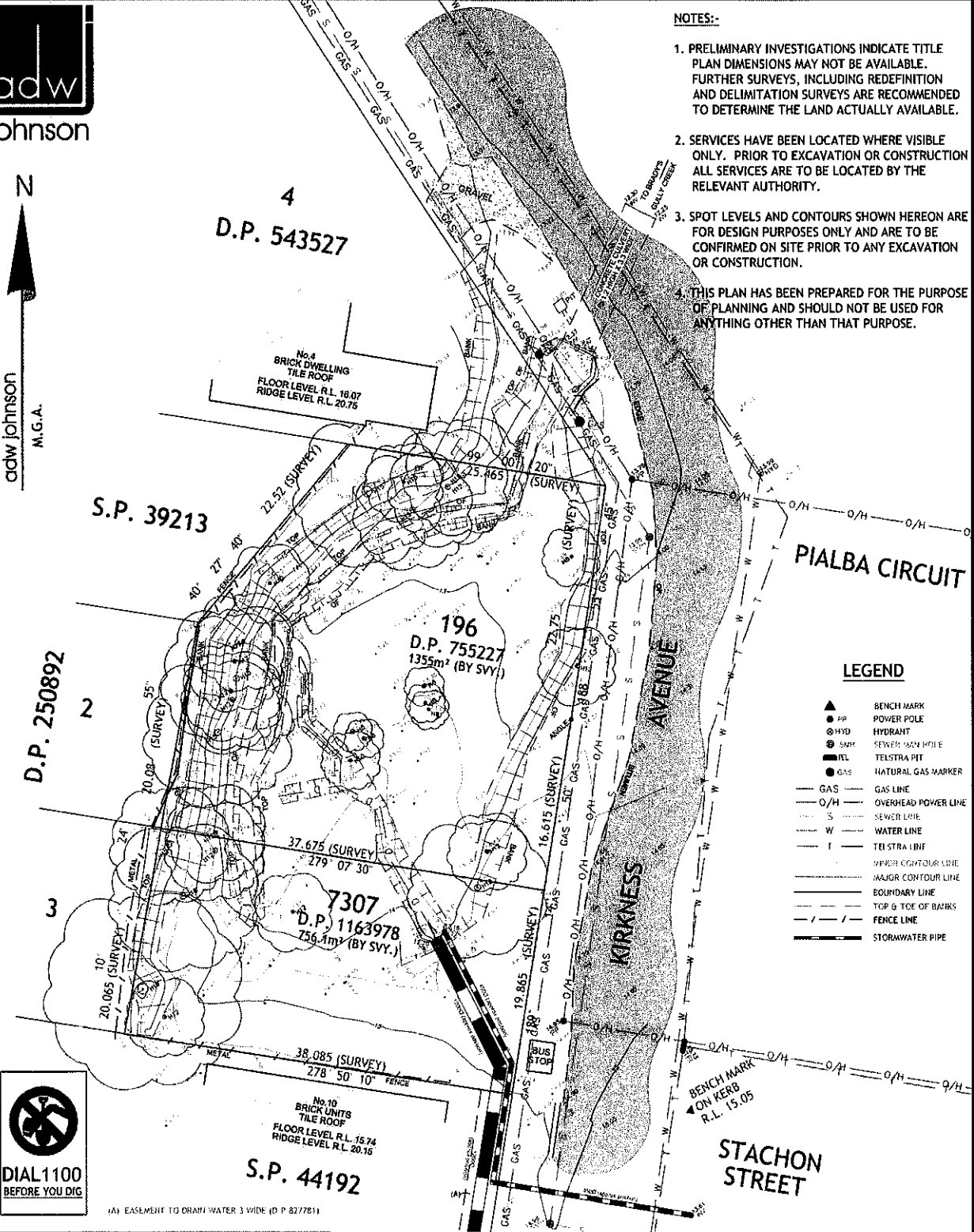
Plan of Contour and Detail Location: Kirkness Avenue North Gosford
 Survey overlot No. 161 North Gosford
 D.P. 755227 and
 R.O. 7597/1
 D.P. 1163978
 Council: Gosford City
 Date: 6/10/2011
 Client: adw johnson
 Plan No: 120238532(10)
 AutoCAD: S:\238532(10)\D11-001-A.dwg
 Plan Purpose: Planning
 Ref: 238532(10)



adw johnson
M.G.A.

NOTES:-

1. PRELIMINARY INVESTIGATIONS INDICATE TITLE PLAN DIMENSIONS MAY NOT BE AVAILABLE. FURTHER SURVEYS, INCLUDING REDEFINITION AND DELIMITATION SURVEYS ARE RECOMMENDED TO DETERMINE THE LAND ACTUALLY AVAILABLE.
2. SERVICES HAVE BEEN LOCATED WHERE VISIBLE ONLY. PRIOR TO EXCAVATION OR CONSTRUCTION ALL SERVICES ARE TO BE LOCATED BY THE RELEVANT AUTHORITY.
3. SPOT LEVELS AND CONTOURS SHOWN HEREON ARE FOR DESIGN PURPOSES ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
4. THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF PLANNING AND SHOULD NOT BE USED FOR ANYTHING OTHER THAN THAT PURPOSE.



LEGEND

- ▲ BENCH MARK
- PP POWER POLE
- ⊙ HYD HYDRANT
- ⊙ S/M SEWER MAN HOLE
- ⊙ TEL TELSTRAL PIT
- GAS NATURAL GAS MARKER
- GAS GAS LINE
- O/H OVERHEAD POWER LINE
- S SEWER LINE
- W WATER LINE
- T TELSTRAL LINE
- SP/PPR CONTOUR LINE
- MAJOR CONTOUR LINE
- BOUNDARY LINE
- TOP & TIDE OF BAINS
- FENCE LINE
- STORMWATER PIPE



(A) EASEMENT TO DRAIN WATER 3 WIDE (D.P. 827781)

Ver.	Date	Comment
A	5/10/2011	Detail Survey

Bar Scale 1: 250 (A2), 1: 500 (A4)

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Appendix E

Fairymede Road, Mangrove Mountain

Lot 7307 DP 1163978
Limited Title and Deposited Plan

BOX 546B
(AF349030)



TODAY'S TITLE REFERENCE	
174/755253	
EDITION	DATE OF ISSUE
1	17/3/2010
CERTIFICATE AUTHENTICATION CODE	
QH9N-CQ-YMPT	



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

[Signature]
REGISTRAR GENERAL



LAND

LOT 174 IN DEPOSITED PLAN 755253
AT MANGROVE MOUNTAIN.
LOCAL GOVERNMENT AREA: GOSFORD.
PARISH OF POPRAN COUNTY OF NORTHUMBERLAND
(FORMERLY KNOWN AS PORTION 174)
TITLE DIAGRAM: CROWN PLAN 5937.2111

FIRST SCHEDULE

DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

(R AF349030)

SECOND SCHEDULE

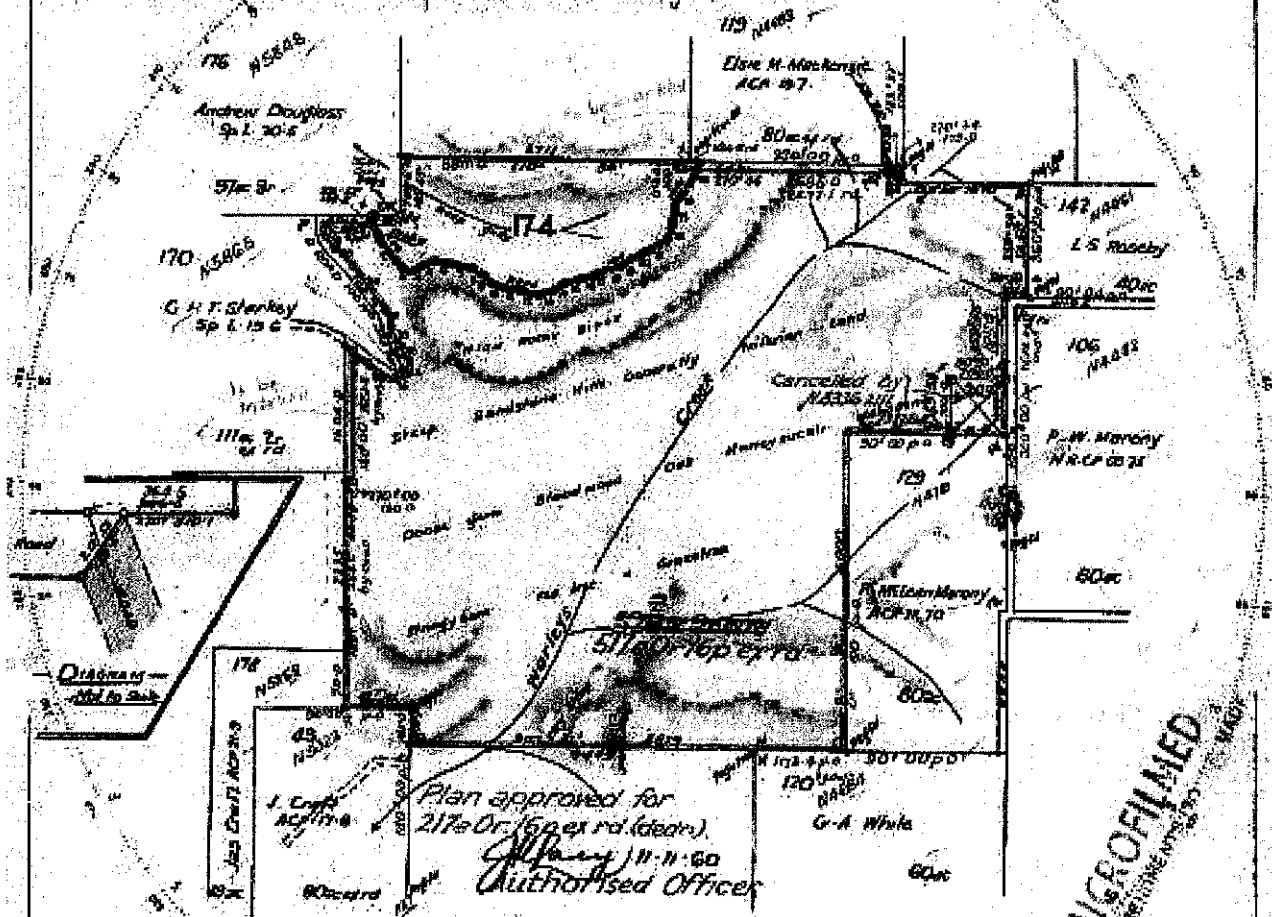
1. AF349030 SUBJECT TO CONDITIONS IN MEMORANDUM Y757000.
RESTRICTIONS ON DEALINGS - SEE SECTION 40 ABORIGINAL LAND
RIGHTS ACT 1983 (THIS IS NOT AFFECTED BY SECTION 40AA).
2. LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE
REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND
COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE
REGISTRAR GENERAL.
3. LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM

**** END OF CERTIFICATE ****

894

County of Northumberland Parish of Popran
LAND DISTRICT OF Gosford LAND BOARD DISTRICT OF Maitland

Pastoral Holding, Eastern Division.

[illegible]

Agnewth taken from 170
Field Book Vol 1922 of 1-5

Reference to Corners

Owner	Starting	Place	Index	P. on Fin.
A	175° 58'	Oak	250	174
B	270° 0'	Rock	156	142.174
C	237° 06'	Gum	289	129.174
D	37° 10'	Gum	69	174
E	112° 39'	Styck	755	209
F	7° 53'	B/d'wd	331	203
G	347° 13'	B/d'wd	187	203

Value of Investments: Nil/

Checked on Head Office Files

214100-50 June 1977

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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1	157	45	341	0	2	134	01	301-6
2	156	31	423	1	3	164	20	663-6
3	119	46	148	6	4	183	10	230-2
4	47	37	173	3	5	138	36	217-1
5	65	38	167	3	6	168	17	223-1
6	97	38	230	1	7	189	03	143-7
7	50	50	780	4	8	235	42	344-5
8	118	50	179	0	9	301	32	266-5
9	134	40	171	8	10	306	30	247-9
10	100	49	201	8	11	3		247-9
11	85	45	240	8	12			
12	178	46	237	4				

Reference to Traverse

Line	Summit	Distance		
1	721	19	204	4
2	68	5	159	4
3	51	52	37	9
4	61	44	1	1
5	41	26	30	0
6	71	39	3	5
7	55	42	1	7
8	43	54	1	4
9	63	38	1	2
10	44	38	1	2
11	19	40	1	5
12	35	35	2	5
13	34	45	2	9
14	39	41	2	5
15	188	40	1	8
16	183	41	1	8
17	164	37	1	8

on the 5th Feb'y 1872
on which we certify the above
and I declare that the same
regulations published for the
of the Department of Lands

John

Responsible to the British Survey

Teacher of 721 Traverse
Calculation Book of 1872
1872 to other survey of
Traverse and Charted
Examination and

Dis-
1872

I hereby certify that I in person made and
on the 26th Feb'y 1922 completed the foregoing statement on the place
on which we reside the "harmful and dangerous of the same" caused by us
and I declare that the same has been corrected in accordance with the
regulations published by the governor of Leonard, Burgess and the pleasure
of the Department of Lands

DeLoe
 Transmitted to the District Attorney with my letter of 10/24/47. 1947

Boat # 22.1 Passed by 31-7-1 [unclear]
Calculation Boat # 22.1 to 79. [unclear] 16th March 1922
[unclear] to [unclear] [unclear]
Chained and Charted [unclear] 27th March 1922

Plan approved 18th March 1922

Scale 20 Chains to an Inch

N5987211



Appendix F

Current Land Claim Process Flow Chart

