



Mr Troy Holbrook
City of Parramatta Council
PO Box 32
Parramatta NSW 2124

Our Ref: 22.108

15 November 2021

via email : THolbrook@cityofparramatta.nsw.gov.au

Dear Mr Holbrook

Native Title Advice - Parramatta City Council Crown Land Plan of Management

Lands Advisory Services (Landsas) has reviewed Parramatta City Council's (Council) draft Plan of Management which was provided to me on 25 October 2021.

Please find my draft advice attached. This advice can be finalised following exhibition when Council is ready to adopt the Plan of Management.

The draft advice is subject to the incorporation of the items described in Section B and Tag 65 of my report.

Please review this draft report and feel free to give me a call should you wish to discuss.

Landsas has investigated the status of the 64 (+2)¹ reserves listed below. The reserves can be found in tables, annexures and tags as set out below:

- | | |
|---|--|
| 1. Eric Mobbs Memorial Park (R.68581) | 16. Mays Hill Reserve (South) (R.88680) |
| 2. North Rocks Park (R.83210) | 17. Mays Hill Reserve (NW) (D.500247) |
| 3. North Rocks Senior Citizens Centre (R.91691) | 18. Mays Hill Reserve (NE) (D.500640), (D.500641) and (D.1039733). |
| 4. Arrunga Gardens (R.51125) | 19. Sorrell Street Reserve (R.44314) |
| 5. Sommerville Park (R.84091) | 20. Thomas William Reserve (R.54336) |
| 6. Beecroft Road Bushland (R.63568) | 21. Lake Parramatta Reserve (No 1) (R.59927) |
| 7. Vimiera Reserve (R.85576) | 22. All Saints Cemetery (R.60998) |
| 8. Boronia Reserve (R.88719) | 23. Maria Lock Park (R.77594) |
| 9. Forest Park (P.500478) | 24. Lake Parramatta Reserve (No 2) (R.77695) |
| 10. George Kendall Riverside Park (R.76841) | 25. North Rocks Road Reserve (R.84680) |
| 11. FS Garside Park (R.65863) | 26. Dan Mahoney Reserve (R.87166) |
| 12. FS Garside Park (R.67077) | 27. Walter Lawry Methodist Memorial Park (R.98112) |
| 13. FS Garside Park (R.68011) | 28. Belmore Park (D.500331) |
| 14. FS Garside Park (R.81053) | |
| 15. Prince Street Reserve (R.70654) | |

¹ The additional reserves are dedications D.500641 & D.1039733 being land within May Hill Reserve (NE).

- | | |
|--|--|
| 29. Speers Road Reserve (R.1001070) | 48. Robin Thomas Reserve (D.500244) |
| 30. Lake Parramatta Reserve (No 3) (R.65638) | 49. Prince Alfred Square (D.500333) |
| 31. Otto Losco Reserve (North) (R.51109) | 50. St Johns Park (D.1000494) |
| 32. Hammers Road Reserve (R.55439) | 51. Pitt Row Headmasters Cottage Reserve (R.1014228) |
| 33. Otto Losco Reserve (R.55441) | 52. Old Kings Parade Ground (R.1031748) |
| 34. Bell Bird Bend (R.55445) | 53. Eric Primrose Reserve (R.100060) |
| 35. Burlington Memorial Park (R.78509) | 54. Reynolds Park (R.55453) |
| 36. Moxham Park (R.83745) | 55. Silverwater Park (R.56754) |
| 37. Vineyard Creek Reserve (R.89641) | 56. Newington Reserve (R.80360) |
| 38. New Settlers Park (R.100258) | 57. Holker Street Reserve (R.100027) |
| 39. Barton Park (R.78232) | 58. Sue Savage Park (R.55451) |
| 40. Oaks Reserve / Backhousia Reserve (R.55447) | 59. Milson Park (R.51119) |
| 41. Ollie Webb Reserve (R.52368) | 60. Milson Park / Parabianga Reserve (R.55443) |
| 42. CBD Foreshore Reserve (R.60247) | 61. Bundilla Forest (R.43291) |
| 43. Collett Park (R.61002) | 62. Model Farms Reserve (R.51107) |
| 44. Jones Park (R.66388) | 63. Third Settlement Reserve / Palestine Park (R.55449) |
| 45. Burra Reserve (R.87413) | 64. Model Farms Siding Reserve (R.64888) |
| 46. Queens Wharf Reserve (R.89369) | |
| 47. Jubilee Park (D.500236) | |

A. Future Acts

To undertake a future act (including the adoption of a Plan of Management) on Crown land Council must comply with the future act provisions of the *Native Title Act 1993* and meet the requirements of Section 8.7 the *Crown Land Management Act 2016*. Generally, Section 24JA of the *Native Title Act 1993* allows most actions that a council would be wanting to undertake. To utilise Section 24JA the reservation must have been validly created prior to 23 December 1996.

Our investigations have found that Section 24JA is available for all the Reserves in this report excepting:

- Speers Road Reserve (R.1001070).
- Moxham Park (R.83745).
- Pitt Row Headmasters Cottage Reserve (R.1014228).
- Old Kings Parade Ground (R.1031748).

The creation of a biodiversity conservation or stewardship agreement, or the assignment of land as a wildlife protection area can be problematic in its impact on gathering of flora for food or medicines and for hunting. I have placed a requirement for these lands to be *excluded land* under the *Crown Land Management Act 2016* prior to entering into these arrangements. If Council has legal advice contrary to this interpretation, I would be pleased to review this requirement.

B. Likely Extinguishment of Native Title

Parts or the whole of the following Reserves have been subject to acts that in my opinion may have extinguished Native Title² being:

- North Rocks Park (R.83210) in full with the Crown Grant to Richard Owen.
- North Rocks Senior Citizen Centre (R.91691) in full with the Crown Grant to Richard Owen.
- Speers Road Reserve (R.1001070) in full with the Crown Grant to William Charles Wentworth.

C. Other issues

Our investigations have found other actions which Council may seek to correct.

1. Request the Department of Planning, Industry and Environment – Crown Lands (DPIE - Lands) to undertake an update to the first schedule of Lot 1 DP 119247 being title for Mays Hill Reserve (NE) D.500640 from Trustees of the Congregational Union of NSW as is currently shown to The State of New South Wales and appoint Parramatta City Council as Crown Land Manager.

Please feel free to contact me further if you have any questions about this report.

Yours Faithfully,



Craig Barnes
Managing Director
Lands Advisory Services Pty Ltd

² Only the Federal Court of Australia or higher court may make a determination of Native Title.