



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

Our Ref: 22.108.v3

27 September 2023

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

Dear Mr Holbrook

### **Native Title Advice - Parramatta City Council - Community and Crown Land Plan of Management**

Lands Advisory Services (Landsas) has reviewed Parramatta City Council's (Council) final draft Community and Crown Land Plan of Management which was provided to me on 26 September 2023.

Please find my final advice attached.

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

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|--|--|
| 1. Eric Mobbs Memorial Park (R.68581)                              | 21. Lake Parramatta Reserve (No 1) (R.59927)       |
| 2. North Rocks Park (R.83210)                                      | 22. All Saints Cemetery (R.60998)                  |
| 3. North Rocks Senior Citizens Centre (R.91691)                    | 23. Maria Lock Park (R.77594)                      |
| 4. Arrunga Gardens (R.51125)                                       | 24. Lake Parramatta Reserve (No 2) (R.77695)       |
| 5. Sommerville Park (R.84091)                                      | 25. North Rocks Road Reserve (R.84680)             |
| 6. Beecroft Road Bushland (R.63568)                                | 26. Dan Mahoney Reserve (R.87166)                  |
| 7. Vimiera Reserve (R.85576)                                       | 27. Walter Lawry Methodist Memorial Park (R.98112) |
| 8. Boronia Reserve (R.88719)                                       | 28. Belmore Park (D.500331)                        |
| 9. Forest Park (P.500478)  | 29. Speers Road Reserve (R.1001070)                |
| 10. George Kendall Riverside Park (R.76841)                        | 30. Lake Parramatta Reserve (No 3) (R.65638)       |
| 11. FS Garside Park (R.65863)                                      | 31. Otto Losco Reserve (North) (R.51109)           |
| 12. FS Garside Park (R.67077)                                      | 32. Hammers Road Reserve (R.55439)                 |
| 13. FS Garside Park (R.68011)                                      | 33. Otto Losco Reserve (R.55441)                   |
| 14. FS Garside Park (R.81053)                                      | 34. Bell Bird Bend (R.55445)                       |
| 15. Prince Street Reserve (R.70654)                                | 35. Burlington Memorial Park (R.78509)             |
| 16. Mays Hill Reserve (South) (R.88680)                            | 36. Moxham Park (R.83745)                          |
| 17. Mays Hill Reserve (NW) (D.500247)                              | 37. Vineyard Creek Reserve (R.89641)               |
| 18. Mays Hill Reserve (NE) (D.500640), (D.500641) and (D.1039733). | 38. New Settlers Park (R.100258)                   |
| 19. Sorrell Street Reserve (R.44314)                               | 39. Barton Park (R.78232)                          |
| 20. Thomas William Reserve (R.54336)                               |  |

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

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|--|---|
| 40. Oaks Reserve / Backhousia Reserve (R.55447)      | 53. Eric Primrose Reserve (R.100060)                    |
| 41. Ollie Webb Reserve (R.52368)                     | 54. Reynolds Park (R.55453)                             |
| 42. CBD Foreshore Reserve (R.60247)                  | 55. Silverwater Park (R.56754)                          |
| 43. Collett Park (R.61002)                           | 56. Newington Reserve (R.80360)                         |
| 44. Jones Park (R.66388)                             | 57. Holker Street Reserve (R.100027)                    |
| 45. Burra Reserve (R.87413)                          | 58. Sue Savage Park (R.55451)                           |
| 46. Queens Wharf Reserve (R.89369)                   | 59. Milson Park (R.51119)                               |
| 47. Jubilee Park (D.500236)                          | 60. Milson Park / Parabianga Reserve (R.55443)          |
| 48. Robin Thomas Reserve (D.500244)                  | 61. Bundilla Forest (R.43291)                           |
| 49. Prince Alfred Square (D.500333)                  | 62. Model Farms Reserve (R.51107)                       |
| 50. St Johns Park (D.1000494)                        | 63. Third Settlement Reserve / Palestine Park (R.55449) |
| 51. Pitt Row Headmasters Cottage Reserve (R.1014228) | 64. Model Farms Siding Reserve (R.64888)                |
| 52. Old Kings Parade Ground (R.1031748)              | 65. Marri Badoo Reserve (R.1040094)                     |

### 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).
- Marri Badoo Reserve (R.1040094).

### 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 Title<sup>2</sup> 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.

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

- Speers Road Reserve (R.1001070) in full with the Crown Grant to William Charles Wentworth.
- Marri Badoo Reserve (R.1040094) in full with the Crown Grant to James Elder.

**C. Other issues**

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

1. Request the Department of Planning and Environment – Crown 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

## Native Title Managers Report

### A. Proposed Act

This report considers the following relevant act:

- Adoption of the Parramatta City Council's Community and Crown Land Plan of Management (CCLPoM) provided by email on 26 September 2023, as it relates to Crown land managed by Council as Crown Land Manager under the *Crown Land Management Act 2016*.

### B. Summary

The adoption of CCLPoM authorises further acts which will or may impact Native Title.

#### Future acts requiring further advice

However, the CCLPoM requires that prior to final individual approval some of those acts require further Native Title manager advice, being:

- the issuing of leases, licences and permits other than those listed in Section D(6) of this report.
- the construction of public work.

The CCLPoM also requires that prior to any public work or easement being approved the requirements of the *Native Title Act 1993*, and in particular to the notification and opportunity to comment requirements under Section 24JB or Section 24KA, are addressed.

#### Future acts not requiring further advice

Licences and other estates listed in Section D(6) of this report are valid future acts under Section 24JA of the *Native Title Act 1993*.

Other uses set out in the CCLPoM, are valid future acts under Section 24JA or Section 24LA of the *Native Title Act 1993* or do not impact Native Title.

In my opinion **Parramatta City Council's Community and Crown Land Plan of Management** provided to me 26 September 2023 **complies with the applicable provisions of the Native Title legislation.**

Should Native Title not prove to be extinguished by a prior act, any Native Title holders may be entitled to compensation for the act, in the event of a determination that Native Title exists in the land, and Council may be liable to indemnify the State in the payment of any compensation.

## C. Basis of Advice

The subject land is Crown land under the *Crown Land Management Act 2016* (CLMA). This Crown land is listed in Table 1 showing the purpose the land is reserved for, the date of reservation, the legislation employed in the reservation process and Council's appointment information.

1. Following various legislative changes in the management of Crown land, and changes in the areas and names of local government authorities, Parramatta City Council is now Crown land manager of the Crown land listed in Table 1 for the purposes of the CLMA.
2. A search of the National Native Title Tribunal Registers on 27 September 2023 indicates:
  - no current Native Title claims in the Parramatta City Council local government area;
  - no Indigenous Land Use Agreements in the Parramatta City Council local government area; and
  - no Native Title determinations within the Parramatta City Council local government area.
3. We are not aware of any compulsory acquisitions of native title or future act protection determinations which would impact the land in Table 1.
4. We are not aware of the any Native Title certificates under the CLMA having been issued impacting Table 1.
5. For the purposes of Section 8.7(1) of the CLMA:
  - The land in Table 1 is *relevant land*,
  - none of the land in Table 1 is *excluded land*, and
  - Parramatta City Council is the *responsible person*.

Table 1 – Affected Crown Land

(A) No	(B) Name	(c) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
1	Eric Mobbs Memorial Park	3 & 6 / 8332 1-2 / 1144975	Minister for Lands (see <b>Tag 1A</b> ) <sup>3</sup>	R.68581 – Public Recreation – 18 Aug 1939 (see <b>Tag 1B</b> ) (see <b>Tag 1C</b> for reserve diagram). <sup>4</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 1E</b> ). <sup>5</sup>
2	North Rocks Park	7010 / 93824	State of NSW (see <b>Tag 2A</b> )	R.83210 – Public Recreation – 2 Jun 1961 (see <b>Tag 2B</b> ) (see <b>Tag 2C</b> for reserve diagram). <sup>6</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 24 Feb 1967 (see <b>Tag 2F</b> ). <sup>7</sup>
				Additional purpose of “Community Purposes” – 29 Sep 2017 (see <b>Tag 2E</b> ). <sup>8</sup>	Section 121A <i>Crown Lands Act 1989</i> .	
3	North Rocks Senior Citizens Centre	7011 / 93824	State of NSW (see <b>Tag 3A</b> )	R.91691 – Senior Citizens’ Centre – 11 Jan 1980 (see <b>Tag 3B</b> ) (see <b>Tag 2D</b> for reserve diagram). <sup>9</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 37P <i>Crown Lands Consolidation Act 1913</i> – 11 Jan 1980 (see <b>Tag 3C</b> ). <sup>10</sup>
				Additional purpose of “Community Purposes” – 29 Sep 2017 (see <b>Tag 2E</b> ). <sup>11</sup>	Section 121A <i>Crown Lands Act 1989</i> .	

<sup>3</sup> **Tag 1A** is the title extract for Lot 3 in DP 8332 & Lots 1 & 2 in DP 1144975. Remaining titles can be purchased if required. Eric Mobbs Memorial Park also includes Lot 1 in DP 122181 and is Council owned land.

<sup>4</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 22 May 1936 (prior Lots 4 & 5 in DP 8332) and 18 August 1939 (Lot 3 & 6 in DP 8332) (see **Tag 1D**). Schedule 7 Part 2 Division 2(6)(2) of the *Crown Land Management Act 2016* provides that *Any land that was subject to a declaration under Section 25A of the Crown Lands Consolidation Act 1913 does not become Crown land by virtue of this Act. However, the land can continue to be dealt with under this Act as if it were Crown land.* Section 25A of the *Crown Lands Consolidation Act 1913* enabled the Minister to declare certain land to be land that could be dealt with under that Act as if it were Crown land.

<sup>5</sup> Eric Mobbs Memorial Park (R.68581) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 1E**).

<sup>6</sup> Part of R.83210 revoked 28 December 1979 (see **Tag 2D** for revocation notice).

<sup>7</sup> The Council of the Shire of Baulkham Hills appointed Trustees under the *Public Trusts Act 1897*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.83210 for the purposes of the CLMA. North Rocks Park (R.83210) Reserve Trust assigned under the provisions of Paragraph 4(3) Schedule 8 *Crown Lands Act 1989* on 2 December 1994 (see **Tag 2G**).

<sup>8</sup> I consider Native Title likely to have been extinguished in full. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 2**. Please note I have related the annexure numbers to the reserve numbers. This means there will be gaps in the annexures (i.e., / there is no annexure 1).

<sup>9</sup> **Tag 2D** is the part of R.83210 that was revoked 28 December 1979 for placement under R.91691 and shows the area of the land now under R.93424 in hatched diagram.

<sup>10</sup> The Council of the Shire of Baulkham Hills were appointed Trustees under Section 37P *Crown Lands Consolidation Act 1913*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.91691 for the purposes of the CLMA. Senior Citizen’s (R.91691) Reserve Trust assigned under the provisions of Paragraph 4(3) Schedule 8 *Crown Lands Act 1989* on 2 December 1994 (see **Tag 2G**).

<sup>11</sup> I consider Native Title likely to have been extinguished in full. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 3**.

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
4	Arrunga Gardens	7024 / 1028205	State of NSW (see <b>Tag 4A</b> )	R.51125 – Access – 17 Nov 1915 (see <b>Tag 4B</b> ) (see <b>Tag 4C</b> for reserve diagram). <sup>12</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 4D</b> ). <sup>13</sup>
				Additional purpose of Public Recreation – 12 Oct 2012 (see <b>Tag 4D</b> ). <sup>14</sup>	Section 121A <i>Crown Lands Act 1989</i> .	
5	Somerville Park	1-3 & 7 / 19943, Pt 102 / 1058396 <sup>15</sup>	State of NSW (see <b>Tag 5A</b> ) <sup>16</sup>	R.84091 – Public Recreation – 30 Nov 1962 – (see <b>Tag 5B</b> ) (see <b>Tag 5C</b> for reserve diagram). <sup>17</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 22 Feb 1963 (see <b>Tag 5F</b> ). <sup>18</sup>
		30 / 19943	Minister for Lands of the State of New South Wales (see <b>Tag 5A</b> )			
6	Beecroft Road Bushland	17 / 1245129	State of NSW (see <b>Tag 6A</b> )	R.63568 – Public Recreation – 14 Oct 1932 (see <b>Tag 6B</b> ).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 19 Sep 1997 (see <b>Tag 6G</b> ). <sup>19</sup>
				R.63568 – Addition – 5 Mar 1965 (see <b>Tag 6C</b> ) (see <b>Tag 6D</b> for reserve diagrams). <sup>20</sup>		

<sup>12</sup> **Tag 4C** includes Crown Plan 750-690 as noted as the plan diagram in the gazette notification for the creation of R.51125 (see Page 2 of Crown Plan 750-690) & DP 1028205.

<sup>13</sup> Arrunga Gardens (R.51125) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 4D**).

<sup>14</sup> I consider Native Title unlikely to have been extinguished. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 4**.

<sup>15</sup> See **Tag 5A1** for DP 1058396.

<sup>16</sup> The certificate of title for Lot 102 DP 1058396 shows the land being held by The State of New South Wales of the part formerly in 2/1043145 and by The Council of the Shire of Hornsby of the parts formerly in Lots 8-10 DP 19943. This is an unusual title about which Council may choose to obtain a legal opinion. Regardless, Council may consider having the part held by The Council of the Shire of Hornsby to its name as part of the appropriate proclamation of Council boundaries. Only that part held by the State of New South Wales is comprised within R.84091.

<sup>17</sup> Part of R.84091 (shown as prior Portion 4 on Crown Plan 11923-3000) was later subdivided into Lots 1 & 2 DP 1058396 with Lot 1 acquired by Hornsby Shire Council under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* on 21 March 2003 (see **Tag 5D** for plan of acquisition DP 1043145 and **Tag 5E** for acquisition notice).

<sup>18</sup> The Council of the Shire of Hornsby were appointed Trustees under the *Public Trusts Act 1897*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.84091 for the purposes of the CLMA. Somerville Park (R.84091) Reserve Trust was established pursuant to Paragraph 4(3) Schedule 8 *Crown Lands Act 1989* 20 December 1996 (see **Tag 5G**).

<sup>19</sup> The Council of the Shire of Hornsby were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.63568 for the purposes of the CLMA. Beecroft Road (R.63568) Reserve Trust established pursuant to Paragraph 4(3) Section 8 *Crown Lands Act 1989* on same date (see **Tag 6F**).

<sup>20</sup> **Tag 6D** includes Crown Plan 1735-2030, Crown Plan 2480-2030 & Crown Plan 8769-3000. Parts of R.63568 were acquired and proclaimed for road purposes on 8 February 1935, 2 January 1959, 30 November 2007, 31 October 2008 and 18 October 2019 (see **Tag 6E** for acquisition gazette notifications and **Tag 6F** for various acquisition Deposited Plans).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
7	Vimiera Reserve	7304 / 1145642	State of NSW (see <b>Tag 7A</b> )	R.85576 – Public Recreation – 10 Dec 1965 (see <b>Tag 7B</b> ) <sup>21</sup> (see <b>Tag 7C</b> for reserve diagram). <sup>22</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 29 Apr 1966 (see <b>Tag 7D</b> ). <sup>23</sup>
8	Boronia Park	3332 / 914534, 341 / 914533	Minister for Lands (see <b>Tag 8A</b> )	R.88719 – Public Recreation – 15 Sep 1972 (see <b>Tag 8B</b> ) (see <b>Tag 8C</b> for reserve diagrams). <sup>24</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Sep 2011 (see <b>Tag 8E</b> ). <sup>25</sup>
9	Forest Park	365-366 / 752028	Minister for Lands (see <b>Tag 9A</b> )	P.500478 – Public Park – 5 Feb 1913 (see <b>Tag 9B</b> ) (see <b>Tag 9C</b> for reserve diagram). <sup>26</sup>	<i>Public Parks Act 1912</i> .	<i>Public Parks Act 1912</i> – 16 Apr 1926 (see <b>Tag 9E</b> ). <sup>27</sup>
10	George Kendall Riverside Park	7313 / 1157169	State of NSW (see <b>Tag 10A</b> )	R.76841 – Public Recreation – 18 Jun 1954 (see <b>Tag 10B</b> ) (see <b>Tag 10C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 8 May 1959 (see <b>Tag 10H</b> ).
				R.76841 – Addition – 28 Oct 1966 (see <b>Tag 10D</b> ) (see <b>Tag 10E</b> for reserve addition diagram).		
				R.76841 – Addition – 15 Sep 1972 (see <b>Tag 10F</b> ) (see <b>Tag 10G</b> for reserve addition diagram).		
		928 / 752028				

<sup>21</sup> **Tag 7B** also includes Erratum notice of 18 February 1966 for the correction of error in Portion number placed under R.85576 in original notice.

<sup>22</sup> **Tag 7C** is Crown Plan 1709-2030 for Portion 255, please note that only the part of Portion 255 to the west of Terry's Creek was placed under R.85576.

<sup>23</sup> The Council of the Shire of Hornsby were appointed Trustees under the *Public Trusts Act 1897*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.85576 for the purposes of the CLMA.

<sup>24</sup> **Tag 8C** includes Crown Plan 13296-3000 for parts of prior Lots 32 & 32 (now Lot 3332 in DP 914534) and Crown Plan 6289-3000 for prior Lot 34 (now Lot 341 in DP 914533). Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 15 May 1925 (prior Lot 34) and 10 March 1950 (prior part Lots 32 & 33)) (see **Tag 8D**).

<sup>25</sup> Boronia Park (R.88719) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 8E**).

<sup>26</sup> Part of prior Portion 366 (now Lot 366 DP 752028) was acquired under the provisions of the *Public Roads Act 1902* on 19 August 1932 (see **Tag 9D**).

<sup>27</sup> The Council of the Shire of Hornsby were appointed Trustees under the *Public Parks Act 1912*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of P.500478 for the purposes of the CLMA. Forest Park (R.500478) Reserve Trust established pursuant to Paragraph 4(3) Schedule 8 *Crown Lands Act 1989* 20 December 1996 (see **Tag 9F**).



(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
11	FS Garside Park	8, 15, 17 & 19 / 3 / 1250 1 / 128571 B / 305546 1 / 953837	Minister for Lands (see <b>Tag 11A</b> ) <sup>28</sup>	R.65863 – Public Recreation – 6 Mar 1936 (see <b>Tag 11B</b> ) <sup>29</sup> (see <b>Tag 11C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 12 Dec 1980 (see <b>Tag 11D</b> ). <sup>30</sup>
12	FS Garside Park	21, 23 & 25 / 3 / 1250	Minister for Lands (see <b>Tag 12A</b> )	R.67077 – Public Recreation – 22 Oct 1937 (see <b>Tag 12B</b> ) <sup>31</sup> (see <b>Tag 11C</b> for reserve diagram). <sup>32</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 12 Dec 1980 (see <b>Tag 11D</b> ). <sup>33</sup>
13	FS Garside Park	7058-7059 / 93889 7038 / 93891	State of NSW (see <b>Tag 13A</b> ) <sup>34</sup>	R.68011 – Public Recreation – 25 Nov 1938 (see <b>Tag 13B</b> ) (see <b>Tag 11C</b> for reserve diagram). <sup>35</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 12 Dec 1980 (see <b>Tag 11D</b> ). <sup>36</sup>
14	FS Garside Park	359 / 752058	State of NSW (see <b>Tag 14A</b> )	R.81053 – Public Recreation – 19 Sep 1958 (see <b>Tag 14B</b> ) (see <b>Tag 14C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 8 May 1959 (see <b>Tag 14D</b> ). <sup>37</sup>
15	Prince Street Reserve	7033 / 93890	State of NSW (see <b>Tag 15A</b> )	R.70654 – Public Recreation – 24 Jul 1942 (see <b>Tag 15B</b> ) (see <b>Tag 15C</b> for reserve diagram). <sup>38</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 15F</b> ).

<sup>28</sup> **Tag 11A** includes title extracts for Lot 8 Section 3 DP 1250, Lot 1 DP 128571, Lot B DP 305546 & Lot 1 DP 953837. Remaining titles can be purchased if required.

<sup>29</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on the same date (also see **Tag 11B**).

<sup>30</sup> Reserve trust name altered to F. S. Garside Reserve Trust established pursuant to Section 92(3) *Crown Lands Act 1989* on 12 April 2013 (see **Tag 11E**).

<sup>31</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 17 September 1937 (see **Tag 12C**).

<sup>32</sup> Lots 21, 23, 25 Section 3 under R.67077 are edged in green on Crown Plan 8966-3000.

<sup>33</sup> Reserve trust name altered to F. S. Garside Reserve Trust established pursuant to Section 92(3) *Crown Lands Act 1989* on 12 April 2013 (see **Tag 11E**).

<sup>34</sup> **Tag 13A** includes title extracts for Lot 7038 DP 93889. Remaining titles can be purchased if required.

<sup>35</sup> Lot 7058-7059 DP 93889 & Lot 7038 DP 93891 now under R.68011 are shown in blue hatching on Crown Plan 8966-3000 and were closed unnecessary laneways/roads closed under Section 20 *Public Roads Act 1902* on 2 September 1938 (see **Tag 13C**).

<sup>36</sup> Reserve trust name altered to F. S. Garside Reserve Trust established pursuant to Section 92(3) *Crown Lands Act 1989* on 12 April 2013 (see **Tag 11E**).

<sup>37</sup> Reserve trust name altered to F. S. Garside Reserve Trust established pursuant to Section 92(3) *Crown Lands Act 1989* on 12 April 2013 (see **Tag 11E**).

<sup>38</sup> Parts of land placed under R.70654 were acquired under two separate notifications with part acquired under the provisions of the *Metropolitan Water, Sewerage & Drainage Act 1924* on 20 November 1970 (shown as note 1 on Crown Plan 11058-3000) (see **Tag 15D**) & part acquired under the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993* on 17 August 2001 (being the red hatched area to the north of stormwater channel on Crown Plan 11058-3000) formerly known as Lots 11 & 19 DP 1018526) (see **Tag 15E**). The acquisition notice of 17 August 2001 states that the part acquired is "shown as Lots 11 & 19 in DP 1018526, being also the whole of Reserve 70654.....", however it is my opinion that only Lots 11 & 19 were intended to be acquired. The Department of Planning, Industry and Environment – Crown Lands (DPIE -Lands) have been advised of this inconsistency for investigation as to whether an Erratum notice is required. Council may seek to follow this up with DPIE-Lands prior to undertaking any works on this land subject to Subdivision J of the *Native Title Act 1993*.

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
16	Mays Hill Reserve	370 / 752058	State of NSW (see <b>Tag 16A</b> )	R.88680 – Public Recreation – 28 Jul 1972 (see <b>Tag 16B</b> ) (see <b>Tag 16C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 20 Dec 1996 (see <b>Tag 16D</b> ). <sup>39</sup>
17	Mays Hill Reserve (NW)	7051 / 1028194	State of NSW (see <b>Tag 17A</b> )	D.500247 – Public Recreation – 29 Apr 1884 (see <b>Tag 17B</b> ) (see <b>Tag 17C</b> for reserve diagram).	Section 5 <i>Crown Lands Alienation Act 1876</i> .	Vested in Prospect & Sherwood Council - 27 Jun 1884 (see <b>Tag 17D</b> ). <sup>40</sup>
18	Mays Hill Reserve (NE)	1 / 119247	Trustees of the Congregational Union of NSW (see <b>Tag 18A</b> ) <sup>41</sup>	D.500640 – Site for Burial Ground for Independents - 5 May 1876 (see <b>Tag 18B</b> ) (see <b>Tag 18C</b> for reserve diagram). <sup>42</sup>	Section 5 <i>Crown Lands Alienation Act 1861</i> .	Section 95 <i>Crown Lands Act 1989</i> – 20 Aug 1993 (see <b>Tag 18D</b> ). <sup>43</sup>

<sup>39</sup> Holroyd Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.88680 for the purposes of the CLMA. Napier Street (R.88680) Reserve Trust established pursuant to Paragraph 4(3) Section 8 *Crown Lands Act 1989* on same date (see **Tag 16D**).

<sup>40</sup> Dedication was vested in Municipal Council of Prospect & Sherwood by the Governor of NSW on 27 July 1884. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of D.500247 for the purposes of the CLMA.

<sup>41</sup> **Tag 18A** also includes the cancelled title Vol 465 Fol 45 granting the land to Samuel Goold, James Daubeny Brown and Moses Gazzard on Trust as a Burial Ground for Congregationalists on 20 August 1879.

<sup>42</sup> **Tag 18C** includes Crown Plan 500-1984 & DP 119247.

<sup>43</sup> The Council of the City of Holroyd were appointed Trustees of the May's Hill Cemetery Trust under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of D.500640, D.500641 and an unnumbered dedication for the purposes of the CLMA. May's Hill Cemetery Trust was appointed to manage the May's Hill Cemetery including the Congregational, Baptist and Presbyterian sections on same date (see **Tag 18D**).

There is a level of doubt regarding whether lands granted to various religious denominations continue to be Crown land dedicated for a particular purpose. The inclusion of the waiver of conditions etc from the Grants (as validation of grants) in the *Church of England Trust Property (Amendment) Act (No.2) 1923*, *Roman Catholic Church Trust Property Act, 1936*, *The Presbyterian Church (New South Wales) Property Trust (Amendment) Act, 1956* and the *Baptist Union Incorporation (Amendment) Act 1958* might be considered to have voided the dedications or reserves. Lot 1 in DP 795277 (see next page) and possibly lot 7056 DP 1028195 (next page) fall into this category. Regardless, The Department of Planning, Industry and Environment continues to treat all land within the May's Hill Cemetery as being defined as a public cemetery under the *Local Government (Control of Cemeteries) Amendment Act 1966*. This includes cemetery land under a particular religious denomination. This Act provided for care control and management by Council and the subsequent 20 Aug 1993 gazette notice (see **Tag 16D**) paved the way for Council's current Crown land manager appointment.

Lot 1 DP 119247 was granted to Samuel Goold, James Daubeny Brown and Moses Gazzard on Trust as a Burial Ground for Congregationalists. With the commencement of the *Congregational Union Incorporation Act 1882* the land transferred to the Trustees of the Congregational Union of New South Wales. Our investigations have not found evidence that grants to the Congregational or the Baptist Church had a subsequent waiver of conditions etc before the *Local Government (Control of Cemeteries) Amendment Act 1966*. In our opinion this land transferred to Council with the *Local Government (Control of Cemeteries) Amendment Act 1966*. On this basis Council would be able to lodge an application to Land Registry Services to have the title changed to list Council in the First Schedule. To our knowledge this has not been tested in a court of law.

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
		1 / 795277	The Uniting Church of Australia Property Trust (see <b>Tag 18E</b> )	D.500641 – Site for the Interment of the Dead according to the use of the Church of Scotland – 11 Dec 1848 (see <b>Tag 18F</b> ) (see <b>Tags 17C</b> and <b>18G</b> for reserve diagrams).	By Crown Grant (see <b>Tag 18F</b> ).	
		7056 / 1028195	State of NSW (see <b>Tag 18H</b> )	D.1039733 – 17 Mar 1849 (see <b>Tag 18I</b> ) (see <b>Tags 17C</b> and <b>18I</b> for diagrams).	By Appropriation. <sup>44</sup>	
19	Sorrell Street Reserve	701 / 93838	State of NSW (see <b>Tag 19A</b> )	R.44314 – Plantation – 8 Sep 1909 (see <b>Tag 19B</b> ) (see <b>Tag 19C</b> for reserve diagram).	Section 101 <i>Crown Lands Act 1884</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 13 Nov 2020 (see <b>Tag 19D</b> ). <sup>45</sup>
20	Thomas William Reserve	12 / 62 / 758788	State of NSW (see <b>Tag 20A</b> )	R.54336 – Public Recreation – 24 Dec 1920 (see <b>Tag 20B</b> ) (see <b>Tag 20D</b> for reserve diagram). R.54336 – Addition – 21 Aug 1970 (see <b>Tag 20C</b> ) (see <b>Tag 20D</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 20E</b> ).
21	Lake Parramatta Reserve (No 1) <sup>46</sup>	7022-7023 / 1124101	State of NSW (see <b>Tag 21A</b> ) <sup>47</sup>	R.59927 – Public Recreation – 19 Aug 1927 (see <b>Tag 21B</b> ) (see <b>Tag 21C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 24 Nov 1995 (see <b>Tag 21I</b> ). <sup>48</sup>
		7019-7021 / 93888	State of NSW (see <b>Tag 21A</b> )	R.59927 – Addition – 24 Oct 1986 (see <b>Tag 21D</b> ) (see <b>Tag 21E</b> for reserve addition diagram). <sup>49</sup>		
		4-5 / 249668, 1-4 / 998941, 1 / 998942 <sup>50</sup>	Parramatta City Council (see <b>Tag 21A</b> )			

<sup>44</sup> Land appropriated for religious purposes prior to 1861 as treated as dedications for the purposes of subsequent Acts for the management of Crown land.

<sup>45</sup> See **Tag 19E** where the Council of the Municipality of Parramatta was originally appointed trustee under the *Public Trusts Act 1897*.

<sup>46</sup> Lake Parramatta Reserve proclaimed as within Lake Parramatta Wildlife Refuge pursuant to Section 68 *National Parks & Wildlife Act 1974* on 21 December 2012 (see **Tag 21L**).

<sup>47</sup> **Tag 21A** contains title extract for parcels in the name of the State of NSW for Lot 7019 DP 93888, Lot 1 DP 210580 & Lot 7022 DP 1124101. Remaining titles can be purchased if required.

<sup>48</sup> The name of the reserve trust that was established on 24 November 1995 was altered to Lake Parramatta Reserve Trust pursuant to Section 92(3) *Crown Lands Act 1989* on 12 April 2013 (see **Tag 21J**).

<sup>49</sup> Lots 7019-7021 DP 93888 that form part of the area of land added to R.59927 on 24 October 1986 were previously public roads closed under the provisions of the *Public Roads Act 1902* on 20 December 1985 (see **Tag 21F**).

<sup>50</sup> Lots 4 - 5 in DP 249668, Lots 1 - 4 in DP 998941 and Lot 1 in DP 998942 were subject to a declaration under Section 25A of the *Crown Lands Consolidation Act 1913* on 24 October 1986 and may be dealt with as if they were Crown land within the meaning of the *Crown Lands Consolidation Act 1913* (see **Tag 21E1**).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
		1 / 999429 <sup>51</sup>	Roads & Traffic Authority of NSW (see <b>Tag 21A</b> )			
		1 / 210580	State of NSW (see <b>Tag 21A</b> )	R.59927 – Addition – 21 Aug 1987 (see <b>Tag 21G</b> ) <sup>52</sup> (see <b>Tag 21H</b> for reserve addition diagram).		
		All		Additional purpose – Sanctuary – 7 Oct 1960 (see <b>Tag 21K</b> ).	<i>Fauna Protection Act 1948.</i>	
22	All Saints Cemetery	7042 / 93837	State of NSW (See <b>Tag 22A</b> )	R.60998 – Cemetery – 1 Mar 1929 (see <b>Tag 22B</b> ) (see <b>Tag 22C</b> for reserve diagram). <sup>53</sup>	Section 28 <i>Crown Lands Consolidation Act 1913.</i>	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 22D</b> ). <sup>54</sup>
23	Maria Lock Park	701 / 93840	State of NSW (see <b>Tag 23A</b> ) <sup>55</sup>	R.77594 – Public Recreation – 6 May 1955 (see <b>Tag 23B</b> ) (see <b>Tag 23C</b> for reserve diagram). <sup>56</sup>	Section 28 <i>Crown Lands Consolidation Act 1913.</i>	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 23F</b> ).
		7038 / 1123939		R.77594 – Addition – 22 Nov 1974 (see <b>Tag 23D</b> ) (also see reserve addition diagram in <b>Tag 23D</b> ). <sup>57</sup>		
24	Lake Parramatta Reserve (No 2) <sup>58</sup>	7304 / 1148769	State of NSW (see <b>Tag 24A</b> )	R.77695 – Public Recreation – 17 Jun 1955 (see <b>Tag 24B</b> ) (see <b>Tag 24C</b> for reserve diagram). <sup>59</sup>	Section 28 <i>Crown Lands Consolidation Act 1913.</i>	Section 95 <i>Crown Lands Act 1989</i> – 24 Nov 1995 (see <b>Tag 21I</b> ). <sup>60</sup>
				Additional purpose – Sanctuary – 7 Oct 1960 (see <b>Tag 21K</b> ).	<i>Fauna Protection Act 1948.</i>	

<sup>51</sup> Lot 1 in DP 999429 was subject to a declaration under Section 25A of the *Crown Lands Consolidation Act 1913* on 31 March 1983 and may be dealt with as if it were Crown land within the meaning of the *Crown Lands Consolidation Act 1913* (see **Tag 21E2**).

<sup>52</sup> **Tag 21G** includes Erratum notice of 25 September 1987 for correction to total area of land added to R.59927.

<sup>53</sup> Reserve diagram is an extract of the historical parish map for the town of Parramatta, Status Branch edition sheet 2.

<sup>54</sup> All Saints Cemetery (R.60998) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on the same date. Also see **Tag 22E** where the Council of the City of Parramatta was originally appointed trustee under Section 37P *Crown Lands Consolidation Act 1913* on 28 July 1978.

<sup>55</sup> **Tag 23A** is title extract for Lot 701 DP 93840. Remaining titles can be purchased if required.

<sup>56</sup> **Tag 23C** is Crown Plan 6497-3000 and extract of the historical parish map for the town of Parramatta, Status Branch edition sheet 1.

<sup>57</sup> Lot 7038 DP 1123939 was previously part of Gilbert Street closed under the provisions of the *Public Roads Act 1902* on 22 November 1974 (see **Tag 23E**).

<sup>58</sup> Lake Parramatta Reserve proclaimed as within Lake Parramatta Wildlife Refuge pursuant to Section 68 *National Parks & Wildlife Act 1974* (see **Tag 21L**).

<sup>59</sup> **Tag 24C** includes Crown Plan 11632-3000 and DP 1148769.

<sup>60</sup> The name of the reserve trust that was established on 24 November 1995 was altered to Lake Parramatta Reserve Trust pursuant to Section 92(3) *Crown Lands Act 1989* on 12 April 2013 (see **Tag 21J**).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
25	North Rocks Road Reserve	867 / 752028	State of NSW (see <b>Tag 25A</b> )	R.84680 – Public Recreation – 20 Dec 1963 (see <b>Tag 25B</b> ) (see <b>Tag 25C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 19 Mar 1965 (see <b>Tag 25D</b> ).
26	Dan Mahoney Reserve	1 / 56 / 758829	State of NSW (see <b>Tag 26A</b> ) <sup>61</sup>	R.87166 – Public Recreation – 9 May 1969 (see <b>Tag 26B</b> ) (see <b>Tag 26C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 5 Sep 1969 (see <b>Tag 26G</b> ).
		7052 / 1050528		R.87166 – Addition – 25 Oct 1974 (see <b>Tag 26D</b> ) (see <b>Tag 26E</b> for reserve addition diagram). <sup>62</sup>		
27	Walter Lawry Methodist Memorial Park	983 / 823996	State of NSW (see <b>Tag 27A</b> )	R.98112 – Rest Park – 14 Mar 1986 (see <b>Tag 27B</b> ) (see <b>Tag 27C</b> for reserve diagram). <sup>63</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 37P <i>Crown Lands Consolidation Act 1913</i> – 14 Mar 1986 (see <b>Tag 27E</b> ).
28	Belmore Park	1 / 724342	Municipal Council of Parramatta (see <b>Tag 28A</b> )	D.500331 – Public Recreation – 18 Nov 1870 (see <b>Tag 28B</b> ) (see <b>Tag 28D</b> for reserve diagram).	Section 5 <i>Crown Lands Alienation Act 1861</i> .	Section 5 <i>Crown Lands Alienation Act 1861</i> – 18 Nov 1875 (see <b>Tag 28E</b> ). <sup>64</sup>
		7067 / 1105464	State of NSW (see <b>Tag 28A</b> )	D.500331- Addition – 17 Nov 1972 (see <b>Tag 28C</b> ) (see <b>Tag 28D</b> for reserve diagram).	Section 24 <i>Crown Lands Consolidation Act 1913</i> .	
29	Speers Road Reserve	142 & 172 / 23173, 10 / 1148832	State of NSW (see <b>Tag 29A</b> ) <sup>65</sup>	R.1001070 – Public Recreation – 17 Apr 1998 (see <b>Tag 29B</b> ) <sup>66</sup> (see <b>Tag 29C</b> for reserve diagrams). <sup>67</sup>	Section 87 <i>Crown Lands Act 1989</i> .	Section 95 <i>Crown Lands Act 1989</i> – 17 Apr 1998 (see <b>Tag 29B</b> ). <sup>68</sup>

<sup>61</sup> **Tag 26A** is title extract for Lot 1 Section 56 DP 758829. Remaining titles can be purchased if required.

<sup>62</sup> Lot 7052 DP 1050528 was previously part of McArthur Street closed under the *Public Roads Act 1902* on 25 October 1974 (see **Tag 26F**).

<sup>63</sup> Part of land placed under R.98112 (being Lot 982 DP 823996) revoked on 8 December 1995 (see **Tag 27D**).

<sup>64</sup> Lot 1 in DP 724342 was a grant of land in trustee as a public recreation site under the provisions of the *Crown Lands Alienation Act 1861* to the Municipal Council of Parramatta vide Vol 241 Fol 112.

<sup>65</sup> **Tag 29A** is title extract for Lot 142 DP 23173. Remaining titles can be purchased if required.

<sup>66</sup> The land was declared Crown land pursuant to Section 87 *Crown Lands Act 1989* on 17 Apr 1998 (see **Tag 29D**).

I consider Native Title likely to have been extinguished in full. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 29**.

<sup>67</sup> **Tag 29C** includes DP 23173 for Lots 142 & 172 DP 23173, DP 438487 for prior Lot H DP 438487 which was later subdivided into Lots 10-11 DP 1148832. Lot 11 acquired for addition to public road under Section 10 of the *Roads Act 1993* on 20 August 2010 (see **Tag 29E**).

<sup>68</sup> Baulkham Hills Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.1001070 for the purposes of the CLMA. Speers Road (R.1001070) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on 17 Apr 1998 (see **Tag 29D**).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
30	Lake Parramatta Reserve (No 3) <sup>69</sup>	7034 / 93839, <sup>70</sup> 7028 / 1124167	State of NSW (see <b>Tag 30A</b> )	R.65638 – Public Recreation – 22 Nov 1935 (see <b>Tag 30B</b> ) (see <b>Tag 30E</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 92(1) <i>Crown Lands Act 1989</i> – 15 Jul 2011 (see <b>Tag 30F</b> ). <sup>71</sup>
		1-2 / 540643		R.65638 – Addition – 2 Apr 1971 (see <b>Tag 30C</b> ) (see <b>Tag 30E1</b> for reserve diagram).		
		2 / 581960		R.65638 – Addition – 18 Jun 1976 (see <b>Tag 30D</b> ) (see <b>Tag 30E2</b> for reserve diagram).		
		All lots		Additional purpose – Sanctuary – 7 Oct 1960 (see <b>Tag 21K</b> )	<i>Fauna Protection Act 1948</i> .	
31	Otto Losco Reserve (North)	7013 / 1028225	State of NSW (see <b>Tag 31A</b> )	R.51109 – Access – 17 Nov 1915 (see <b>Tag 31B</b> ) (see <b>Tag 31C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 13 Nov 2020 (see <b>Tag 31D</b> ).
32	Hammers Road Reserve	1 / 997802	Parramatta City Council (see <b>Tag 32A</b> )	R.55439 – Public Recreation – 26 May 1922 (see <b>Tag 32B</b> ) (see <b>Tag 32C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 32D</b> ). <sup>72</sup>
				Additional Purpose – Nature Conservation – 12 Oct 2012 (see <b>Tag 32D</b> ). <sup>73</sup>	Section 121A <i>Crown Lands Act 1989</i> .	
33	Otto Losco Reserve	7011 / 1028212	State of NSW (see <b>Tag 33A</b> )	R.55441 – Public Recreation – 26 May 1922 (see <b>Tag 33B</b> ) (see <b>Tag 33C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i>	<i>Public Trusts Act 1897</i> – 11 Aug 1967 (see <b>Tag 33D</b> ).

<sup>69</sup> Lake Parramatta Reserve proclaimed as within Lake Parramatta Wildlife Refuge pursuant to Section 68 *National Parks & Wildlife Act 1974* (see **Tag 21L**).

<sup>70</sup> Lot 7034 DP 93839 is part of R.65638 but is not included in the CCCLPoM.

<sup>71</sup> Part Lake Parramatta Park (R.59927 & R.77695) Reserve Trust was appointed as trustee of R.65638 on 15 July 2011. Parramatta City Council were appointed as Corporate Managers of the Part Lake Parramatta Park (R.59927 & R.77695) Reserve Trust pursuant to Section 95 *Crown Lands Act 1989* on 24 November 1995 (see **Tag 21I**). The Reserve Trust name was altered under the provisions of Section 92(3) *Crown Lands Act 1989* 12 April 2013 (see **Tag 21J**).

<sup>72</sup> Hammers Road (R.55439) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on 12 Oct 2012 (see **Tag 32D**).

<sup>73</sup> I consider Native Title unlikely to have been extinguished. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 32**.

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
34	Bell Bird Bend	7023 / 1028205	State of NSW (see <b>Tag 34A</b> )	R.55445 – Public Recreation – 26 May 1922 (see <b>Tag 34B</b> ) (see <b>Tag 34C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 34D</b> ). <sup>74</sup>
				Additional Purpose – Nature Conservation – 12 Oct 2012 (see <b>Tag 34D</b> ). <sup>75</sup>	Section 121A <i>Crown Lands Act 1989</i> .	
35	Burlington Memorial Park	7001 / 1028209	State of NSW (see <b>Tag 35A</b> )	R.78509 – Public Recreation – 20 Apr 1956 (see <b>Tag 35B</b> ) (see <b>Tag 35C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 37P <i>Crown Lands Consolidation Act 1913</i> – 30 May 1980 (see <b>Tag 35D</b> ).
36	Moxham Park	7300 / 1145172, 939 / 1176567	State of NSW (see <b>Tag 36A</b> ) <sup>76</sup>	R.83745 – Future Public Requirements – 2 Mar 1962 (see <b>Tag 36B</b> ) <sup>77</sup> (see <b>Tag 36B</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i>	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 36C</b> ). <sup>78</sup>
				Additional Purpose – Nature Conservation – 12 Oct 2012 (see <b>Tag 36C</b> ).	Section 121A <i>Crown Lands Act 1989</i> .	
37	Vineyard Creek Reserve	1 / 250269	State of NSW (see <b>Tag 37A</b> )	R.89641 – Public Recreation – 7 Nov 1975 (see <b>Tag 37B</b> ) (see <b>Tag 37C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 – (see <b>Tag 37D</b> ).
38	New Settlers Park	1 / 709431	State of NSW (see <b>Tag 38A</b> )	R.100258 – Public Recreation – 25 Aug 1995 (see <b>Tag 38B</b> ) <sup>79</sup> (see <b>Tag 38C</b> for reserve diagram).	Section 87 <i>Crown Lands Act 1989</i> .	Section 95 <i>Crown Lands Act 1989</i> – 25 Aug 1995 (see <b>Tag 38B</b> ). <sup>80</sup>

<sup>74</sup> Bell Bird Bend (R.55445) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on 12 Oct 2012 (see **Tag 34D**).

<sup>75</sup> I consider Native Title unlikely to have been extinguished. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 34**.

<sup>76</sup> **Tag 36A** is title extract for Lot 7300 DP 1145172. Remaining titles can be purchased if required.

<sup>77</sup> I consider Native Title unlikely to have been extinguished. Given the reservation is not for a specific purpose and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 36**.

<sup>78</sup> Moxham Park (R.83745) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on 12 October 2012 (see **Tag 36C**).

<sup>79</sup> The land was declared Crown land pursuant to Section 138 *Crown Lands Act 1989* on 25 August 1995 (see **Tag 38B**).

<sup>80</sup> New Settlers Park (R.100258) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on 25 August 1995 (see **Tag 38B**).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
39	Barton Park	1 / 72A / 758829, 7039 / 1101619, 2-3 / 1143061, 42 / 1260621	State of NSW (see <b>Tag 39A</b> ) <sup>81</sup>	R.78232 – Public Recreation – 30 Dec 1955 (see <b>Tag 39B</b> ) (see <b>Tag 39C</b> for reserve diagrams). <sup>82</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 30 Apr 2010 (see <b>Tag 39J</b> ). <sup>83</sup>
		7040 / 1101617		R.78232 – Addition – 5 Jul 1968 (see <b>Tag 39D</b> ) (see <b>Tag 39C</b> for reserve addition diagram). <sup>84</sup>		
		860, 915-917, 930 / 752028		R.78232 – Addition – 16 Oct 1981 (see <b>Tag 39E</b> ) (see <b>Tag 39F</b> for reserve addition diagrams). <sup>85</sup>		
		859 / 752028		R.78282 – Addition – 22 Mar 1985 (see <b>Tag 39G</b> ) (see <b>Tag 39F</b> for reserve addition diagram). <sup>86</sup>		
		861 / 752028		R.78232 – Addition – 13 Jun 1986 (see <b>Tag 39H</b> ) (see <b>Tag 39F</b> for reserve addition diagram). <sup>87</sup>		
		All lots		Additional purpose – Communication Facilities – 22 May 2009 (see <b>Tag 39I</b> )	Section 34A(2)(b) <i>Crown Lands Act 1989</i> .	
40	Oaks Reserve / Backhousia Reserve	7018 / 1031217	State of NSW (see <b>Tag 40A</b> )	R.55447 – Public Recreation – 26 May 1922 (see <b>Tag 40B</b> ) (see <b>Tag 40C</b> for reserve diagram). <sup>88</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 40D</b> ).

<sup>81</sup> **Tag 39A** is title extract for Lot 1 Section 72A DP 758829, Lot 861 DP 752028 and Lot 7040 DP 1101617. Title extracts for other lots may be purchased should they be required.

<sup>82</sup> **Tag 39C** includes an extract of the historical parish map for town of Parramatta, Status Branch Ed and Crown Plan 166-750. Lot 7039 DP 1101619 previously part of Galston Street East (as shown by red hatching on Crown Plan 166-750) closed pursuant to Section 20 *Public Roads Act 1902* on 18 November 1955 (see **Tag 39K** for road closure notification). Part of the land placed under R.78232 on 30 December 1955 was acquired under the provisions of the *Main Roads Act 1924* on 24 August 1979 (see **Tag 39M**) and *State Roads Act 1986* on 29 July 1988 (see **Tag 39N**).

<sup>83</sup> Barton Park (R.78232) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on 30 April 2010 (see **Tag 39J**).

<sup>84</sup> Lot 7040 DP 1101617 was previously part of Gladstone & Barton Streets (as shown by red hatching on Crown Plan 166-750) closed pursuant to Section 20 *Public Roads Act 1902* on 25 September 1964 (see **Tag 39L** for road closure notification).

<sup>85</sup> **Tag 39F** includes Crown Plan 5471-2030 (for Lot 860), Crown Plan 5472-2030 (for Lot 915), Crown Plan 5473-2030 (for Lots 916-917) & Crown Plan 8529-2030 (for Lot 930).

<sup>86</sup> Refer to Crown Plan 5471-2030 in **Tag 39F** for Lot 859 (added on 22 March 1985).

<sup>87</sup> Refer to Crown Plan 5472-2030 in **Tag 39F** for Lot 861 (added on 13 June 1986).

<sup>88</sup> Part of R.55447 revoked on 9 October 1970 (see **Tag 40E** for revocation notice and **Tag 40F** for Crown Plan 31783-1603).



(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
41	Ollie Webb Reserve	7004 / 1028947	State of NSW (see <b>Tag 41A</b> )	R.52368 – Public Recreation – 17 Aug 1917 (see <b>Tag 41B</b> ) (see <b>Tag 41C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 41D</b> ).
42	CBD Foreshore Reserve	5 / 26 / 758829	State of NSW (see <b>Tag 42A</b> )	R.60247 – Public Recreation – 6 Jan 1928 (see <b>Tag 42B</b> ) (see <b>Tag 42C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 42D</b> ).
43	Collett Park	7041 / 93826	State of NSW (see <b>Tag 43A</b> )	R.61002 – Public Recreation – 1 Mar 1929 – (see <b>Tag 43B</b> ) (see <b>Tag 43C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 43D</b> ).
44	Jones Park	7002 / 1052486	State of NSW (see <b>Tag 44A</b> )	R.66388 – Public Recreation – 6 Nov 1936 (see <b>Tag 44B</b> ) (see <b>Tag 44C</b> for reserve diagrams). <sup>89</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 20 Dec 1996 (see <b>Tag 44E</b> ). <sup>90</sup>
		7003 / 1052487		R.66388 – Addition – 10 Dec 1971 (see <b>Tag 44D</b> ) (see <b>Tag 44C</b> for reserve diagrams).		
45	Burra Reserve	Part 3 & 12 / 39 / 758829	State of NSW (see <b>Tag 45A</b> )	R.87413 – Public Recreation – 3 Oct 1969 (also see <b>Tag 45B</b> ) (see <b>Tag 45B</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 28 Nov 1969 (see <b>Tag 45C</b> ). <sup>91</sup>
46	Queens Wharf Reserve	1 / 909045	State of NSW (see <b>Tag 46A</b> )	R.89369 – Public Recreation – 7 Feb 1975 (see <b>Tag 46B</b> ) (see <b>Tag 46B</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 46C</b> ).
47	Jubilee Park	7047 / 1060682	State of NSW (see <b>Tag 47A</b> )	D.500236 – Public Recreation – 21 Dec 1910 (see <b>Tag 47B</b> ) (see <b>Tag 47C</b> for reserve diagram). <sup>92</sup>	Section 104 <i>Crown Lands Act 1884</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Sep 2011 (see <b>Tag 47D</b> ). <sup>93</sup>

<sup>89</sup> **Tag 44C** includes Crown Plan 137-750 and Crown Plan 19904-1603.

<sup>90</sup> Holroyd Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.66388 for the purposes of the CLMA. Jones Park (R.66388) Reserve Trust established pursuant to Paragraph 4(3) Section 8 *Crown Lands Act 1989* on same date (see **Tag 44E**).

<sup>91</sup> The Council of the Municipality of Holroyd were appointed Trustees under the *Public Trusts Act 1897*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.87413 for the purposes of the CLMA. Railway Station (R.87413) Reserve Trust established pursuant to Paragraph 4(3) Schedule 8 *Crown Lands Act 1989* on 20 December 1996 by the Metropolitan Crown Lands Office in error (see **Tag 45D**).

<sup>92</sup> Part of D.500236 was revoked on 17 December 1965 as a result of an approved special purchase (see **Tag 47E** for special purchase notice and **Tag 47F** for Crown Plan 8742-2030).

<sup>93</sup> Jubilee Park (D.500236) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 47D**).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
48	Robin Thomas Reserve	7049 / 93899 2 / 1259010	State of NSW (see <b>Tag 48A</b> )	D.500244 – Public Recreation – 11 Jan 1952 (see <b>Tag 48B</b> ) (see <b>Tag 48C</b> for reserve diagrams). <sup>94</sup>	Section 24 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 4 Apr 1952 (see <b>Tag 48D</b> ).
				Additional purposes – Access and Rail Line as relevant interest – 26 Jun 2020 (see <b>Tag 48E</b> )	Section 2.18(2)(b) <i>Crown Land Management Act 2016</i>	
49	Prince Alfred Square	1 / 724837	The Municipal Council of Parramatta (see <b>Tag 49A</b> )	D.500333 – Public Recreation – 14 Jan 1905 (see <b>Tag 49B</b> ) (see <b>Tag 49C</b> for reserve diagram).	Section 105 <i>Crown Lands Act 1884</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Sep 2011 (see <b>Tag 49D</b> ). <sup>95</sup>
50	St Johns Park	7046 / 93896	State of NSW (see <b>Tag 50A</b> )	D.1000494 – Public Recreation – 12 Jan 1883 (see <b>Tag 50B</b> ) (see <b>Tag 50C</b> for reserve diagram).	Section 5 <i>Crown Lands Alienation Act 1861</i>	Section 95 <i>Crown Lands Act 1989</i> – 6 Jun 2008 (see <b>Tag 50D</b> ). <sup>96</sup>
51	Pitt Row Headmasters Cottage Reserve	1 / 1113697	State of NSW (see <b>Tag 51A</b> )	R.1014228 – Community Purposes – 30 Nov 2007 (see <b>Tag 51B</b> ) <sup>97</sup> (see <b>Tag 51C</b> for reserve diagram).	Section 87 <i>Crown Lands Act 1989</i> .	Section 95 <i>Crown Lands Act 1989</i> – 30 Nov 2007 (see <b>Tag 51B</b> ). <sup>98</sup>
52	Old Kings Parade Ground	4 / 1132683	State Property Authority (see <b>Tag 52A</b> ) <sup>99</sup>	R.1031748 – Access & Public Recreation – 24 Feb 2012 (see <b>Tag 52B</b> ) <sup>100</sup> (see <b>Tag 52C</b> for reserve diagram).	Section 87 <i>Crown Lands Act 1989</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 5 Nov 2021 (see <b>Tag 52E</b> ).
				Additional purpose – Pipeline – 12 Jan 2018 (see <b>Tag 52D</b> ).	Section 34A(2)(b) <i>Crown Lands Act 1989</i> .	

<sup>94</sup> **Tag 48C** includes Crown Plan 6770-3000, Crown Plan 7064-3000 & extract of the historical parish map for the town of Parramatta, Regional Charting Map Ed. Part of D.500244, being Lot 1 in DP 1259010 was acquired under the *Transport Administration Act 1988* on 5 February 2021 (see **Tag 48F**).

<sup>95</sup> Prince Alfred Square (D.500333) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 49D**).

<sup>96</sup> St Johns Park (D.1000494) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 50D**).

<sup>97</sup> I consider Native Title unlikely to have been extinguished. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 51**.

<sup>98</sup> Holroyd Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.1014228 for the purposes of the CLMA. Pitt Row Headmasters Cottage (R.1014228) Reserve Trust was established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 51B**).

<sup>99</sup> The land was declared Crown Land under the provisions of Section 138 *Crown Lands Act 1989* on 24 February 2012 (see **Tag 52B**).

<sup>100</sup> I consider Native Title unlikely to have been extinguished. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 52**.

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
53	Eric Primrose Reserve	968-970 / 752028	State of NSW (see <b>Tag 53A</b> ) <sup>101</sup>	R.100060 – Public Recreation – 20 Feb 1987 (see <b>Tag 53B</b> ) (see <b>Tag 53C</b> for reserve diagram). <sup>102</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 53D</b> ).
54	Reynolds Park	7022 / 1028267	State of NSW (see <b>Tag 54A</b> )	R.55453 – Public Recreation – 26 May 1922 (see <b>Tag 54B</b> ) (see <b>Tag 54C</b> for reserve diagram). <sup>103</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Dec 1994 (see <b>Tag 54D</b> ). <sup>104</sup>
55	Silverwater Park	92 / 1140110	Minister for Lands (see <b>Tag 55A</b> ) <sup>105</sup>	R.56754 – Public Recreation – 25 Jan 1924 (see <b>Tag 55B</b> ) (see <b>Tag 55C</b> for reserve diagram). <sup>106</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 10 Feb 1995 (see <b>Tag 55F</b> ). <sup>107</sup>
		396 / 752058	State of NSW (see <b>Tag 55A</b> ) <sup>108</sup>	Addition – 20 Feb 1987 (see <b>Tag 55D</b> ) (see <b>Tag 55E</b> for reserve addition diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	
56	Newington Reserve	399 / 45152	State of NSW (see <b>Tag 56A</b> )	R.80360 – Public Recreation – 7 Feb 1958 (see <b>Tag 56B</b> ) (see <b>Tag 56C</b> for reserve diagram). <sup>109</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	<i>Public Trusts Act 1897</i> – 20 Jan 1967 (see <b>Tag 56D</b> ). <sup>110</sup>

<sup>101</sup> **Tag 53A** is title extract for Lot 968 DP 752028. Title extracts for Lots 969-970 DP 752028 may be purchased should they be required.

<sup>102</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 20 February 1987 (see **Tag 53E**).

<sup>103</sup> **Tag 54C** is an extract of the historical parish map for the Parish of St John, County of Cumberland, Regional Charting Map edition. **Tag 54C** also includes Crown Plan 764-690 as the reserve plan diagram.

<sup>104</sup> Blacktown City Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.55453 for the purposes of the CLMA. Reynolds Park (R.55453) Reserve Trust established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on same date (see **Tag 54D**).

<sup>105</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 25 January 1924 (see **Tag 55I**).

<sup>106</sup> **Tag 55C** contains Crown Plan 694-3000 for Portion 92 and an extract of the historical parish map for the Parish of St John, County of Cumberland, Status Branch edition for reference to those parts of Portion 92 resumed from R.56754 on 16 April 1948, 24 September 1948 & 8 February 1957 (resumption notices not provided).

<sup>107</sup> Auburn Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.56754 for the purposes of the CLMA. Silverwater Park (R.56754) Reserve Trust was established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on 4 November 1994 (see **Tag 55G**). R.56754 had previously been vested in fee simple in Auburn Council as trustees under the provisions of Section 3 *Public Trusts Act 1897* on 6 March 1953 (see **Tag 55H**).

<sup>108</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 20 February 1987 (see **Tag 55I**).

<sup>109</sup> **Tag 56C** is Crown Plan 8182-3000 showing the original boundaries of R.80360 notified on 7 February 1958 & an extract of the historical parish map for the Parish of St John, County of Cumberland, Status Branch edition which shows the current boundaries of R.80360 following revocation of part on 12 December 1975 & 1 October 1982 (see **Tag 56G** for revocation notices).

<sup>110</sup> The Council of the Municipality of Auburn were appointed Trustees under the *Public Trusts Act 1897*, and were later vested as trustee pursuant to Section 3 *Public Trusts Act 1897* 21 April 1967 (see **Tag 56E**). Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.80360 for the purposes of the CLMA. Silverwater Public Recreation (R.80360) Reserve Trust established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on 8 December 2017 (see **Tag 56F**).

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
57	Holker Street Reserve	397 / 752058	State of NSW (see <b>Tag 57A</b> )	R.100027 – Public Recreation – 20 Feb 1987 (see <b>Tag 57B</b> ) (see <b>Tag 57C</b> for reserve diagram). <sup>111</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 4 Nov 1994 (see <b>Tag 57D</b> ). <sup>112</sup>
58	Sue Savage Park	7020 / 1028265	State of NSW (see <b>Tag 58A</b> )	R.55451 – Public Recreation – 26 May 1922 (see <b>Tag 58B</b> ) (see <b>Tag 58C</b> for reserve diagram). <sup>113</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Dec 1994 (see <b>Tag 58D</b> ). <sup>114</sup>
59	Milson Park	2 / 1081289	State of NSW (see <b>Tag 59A</b> )	R.51119 – Access – 17 Nov 1915 (see <b>Tag 59B</b> ) (see <b>Tag 59C</b> for reserve diagram). <sup>115</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 8 Jul 2005 (see <b>Tag 59D</b> ). <sup>116</sup>
60	Milson Park / Parabianga Reserve	7009 / 1028201	State of NSW (see <b>Tag 60A</b> )	R.55443 – Public Recreation – 26 May 1922 (see <b>Tag 60B</b> ) (see <b>Tag 60C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Dec 1994 (see <b>Tag 60D</b> ). <sup>117</sup>
61	Bundilla Forest	257 / 752058	State of NSW (see <b>Tag 61A</b> )	R.43291 – Public Recreation – 11 Nov 1908 (see <b>Tag 61B</b> ) (see <b>Tag 61C</b> for reserve diagram).	Section 101 <i>Crown Lands Act 1884</i> .	Section 95 <i>Crown Lands Act 1989</i> – 12 Oct 2012 (see <b>Tag 61D</b> ). <sup>118</sup>
				Additional Purpose – Nature Conservation – 12 Oct 2012 (see <b>Tag 61D</b> ). <sup>119</sup>	Section 121A <i>Crown Lands Act 1989</i> .	

<sup>111</sup> Note that the land was declared Crown Land under Section 25A *Crown Lands Consolidation Act 1913* on 20 February 1987 (see **Tag 57E**).

<sup>112</sup> Auburn Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.100027 for the purposes of the CLMA. Holker Street (R.100027) Reserve Trust established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on same date (see **Tag 57D**).

<sup>113</sup> **Tag 58C** is an extract of the historical parish map for the Parish of St John, County of Cumberland, Regional Charting Map edition. **Tag 58C** also includes Crown Plan 750-690 as the reserve plan diagram.

<sup>114</sup> Blacktown City Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.55451 for the purposes of the CLMA. Hurley Street (R.55451) Reserve Trust established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on same date (see **Tag 58D**).

<sup>115</sup> **Tag 59C** includes Crown Plan 2487-3000 as referenced in the gazette notification of 17 November 1915 and later Crown Plan 7838-2030. Part of R.51119 (being Lot 4 DP 1081289) was acquired for road purposes under the Land Acquisition (Just Terms Compensation) Act 1991 on 10 June 2005 (see **Tag 59E**).

<sup>116</sup> Mons Road (R.51119) Reserve Trust established pursuant to Section 92(1) *Crown Lands Act 1989* on same date (see **Tag 59D**).

<sup>117</sup> Blacktown City Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.55443 for the purposes of the CLMA. Bailey's Bridge (R.55443) Reserve Trust established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on same date (see **Tag 60D**).

<sup>118</sup> Bundilla Forest (R.43291) Reserve Trust was established pursuant to Section 92(1) *Crown Lands Act 1989* on 12 October 2012 (see **Tag 61D**).

<sup>119</sup> I consider Native Title unlikely to have been extinguished. Given this notification is post 23 November 1996 and is thus inconsistent with Section 24JA of the *Native Title Act 1993* I have considered whether Native Title is likely to have been extinguished by a previous exclusive possession act. Please see **Annexure 61**.

(A) No	(B) Name	(C) Lot / DPs	(D) Title	(E) No / Purpose / Gazette Date	(F) Legislative Base	(G) Council Appointment
62	Model Farms Reserve	1 / 865734, 2, 4 / 1003290, 7021 / 1031146	State of NSW (see <b>Tag 62A</b> ) <sup>120</sup>	R.51107 – Access – 17 Nov 1915 (see <b>Tag 62B</b> ) (see <b>Tag 62C</b> for reserve diagram). <sup>121</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3 Clause 3.3 <i>Crown Land Management Act 2016</i> – 13 Nov 2020 (see <b>Tag 62D</b> ).
63	Third Settlement Reserve / Palestine Park	7016 / 1031216	State of NSW (see <b>Tag 63A</b> )	R.55449 – Public Recreation – 26 May 1922 (see <b>Tag 63B</b> ) (see <b>Tag 63C</b> for reserve diagram). <sup>122</sup>	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Section 95 <i>Crown Lands Act 1989</i> – 9 Dec 1994 (see <b>Tag 63D</b> ). <sup>123</sup>
64	Model Farms Siding Reserve	7014-7015 / 1058971	State of NSW (see <b>Tag 64A</b> )	R.64888 – Public Recreation – 2 Nov 1934 (see <b>Tag 64B</b> ) (see <b>Tag 64C</b> for reserve diagram).	Section 28 <i>Crown Lands Consolidation Act 1913</i> .	Part 3, Clause 3.3 <i>Crown Land Management Act 2016</i> – 22 Nov 2019 (see <b>Tag 64D</b> ).
65	Marri Badoo Reserve	972 / 726684	State of NSW (see <b>Tag 65A</b> )	R.1040094 – Public Recreation & Community Purposes – 15 Jul 2022 (see <b>Tag 65B</b> ) (see <b>Tag 65C</b> for reserve diagram)	Section 2.8 <i>Crown Land Management Act 2016</i>	Part 3, Clause 3.3 <i>Crown Land management Act 2016</i> – 22 Jul 2022 (see <b>Tag 65D</b> ).

<sup>120</sup> **Tag 62A** is title extract for Lot 1 DP 865734. Remaining Titles can be purchased if required.

<sup>121</sup> Part R.51107 was compulsory acquired under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* on 15 August 1997 for dedication as a public road under Section 10 *Road Act 1993* (see **Tag 62E**).

<sup>122</sup> **Tag 63C** is an extract of the historical parish map for the Parish of St John, County of Cumberland, Regional Charting Map edition & DP 1031216. **Tag 54C** shows Crown Plan 764-690 as the reserve plan diagram.

<sup>123</sup> Blacktown City Council were appointed Trustees under the *Crown Lands Act 1989*. Following various legislative changes in the management of Crown land & changes in the areas & names of local government authorities Parramatta City Council is now Crown land manager of R.55449 for the purposes of the CLMA. Oakes Road (R.55449) Reserve Trust established pursuant to Paragraph 4(3) of Schedule 8 *Crown Lands Act 1989* on same date (see **Tag 63D**).

## D. Does the Proposed Act Affect Native Title?

The relevant act, the adoption of the CCLPoM, may occur at some further stage and authorises further acts which may affect Native Title.

1. The CCLPoM authorises use:
  - consistent with or ancillary to the public purpose/s of the Crown reserve or where it is in the 'public interest' and not likely to 'materially harm' its use for the existing purpose/s
  - consistent with the core objectives of the land category assigned to the site under the CCLPoM and in accordance with the *Local Government Act 1993*.
  - consistent with environmental planning instruments.
  - consistent with Council strategies, plans and policies
  - generally consistent with the CCLPoM, and any other relevant plans, policies or strategies of Council.
  - consistent with any Native Title manager advice that complies with any applicable provisions of the Native Title legislation in accordance with Section 8.7 of the *Crown Land Management Act 2016*.
  - following consideration of any Aboriginal Land Claim that may apply to the land where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* in order to not prevent the land from being transferred in the event the claim is granted.
2. The CCLPoM authorises the use set out in Table 2:
3. The CCLPoM authorises development:
  - consistent with the public purpose/s of the Crown reserve.
  - consistent with the land category assigned to the site under the CCLPoM and in accordance with the *Local Government Act 1993*.
  - generally consistent with Council's *Local Strategic Planning Statement* and the objectives of the applicable land use zone of the area under *Parramatta LEP 2023*.
  - generally consistent with the CCLPoM, and any other relevant plans, policies or strategies of Council.
  - consistent with *SEPP (Transport and Infrastructure) 2021* or Division 1, Part 2 of *SEPP (Exempt and Complying Development Codes) 2008*.
  - for the maintenance upgrade and replacement of sewer and water infrastructure.
  - set out in Table 3.
  - consistent with any Native Title manager advice that complies with any applicable provisions of the Native Title legislation in accordance with Section 8.7 of the *Crown Land Management Act 2016*.
  - following consideration of any Aboriginal Land Claim that may apply to the land where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* in order to not prevent the land from being transferred in the event the claim is granted.

Table 2 - Permitted Uses

Use	Category			
	Park	Sports - ground	GCU	Natural Area
Active casual and unorganised recreation (e.g. ball games)	✓	✓	✓	
Alcohol-free zones	✓	✓	✓	✓
Biodiversity stewardship agreements and carbon sequestration initiatives	✓			✓
BMX and mountain biking	✓	✓	✓	✓
Bush regeneration works (including bushcare)	✓		✓	✓
Ceremonies (e.g. weddings) and private celebrations (e.g. parties)	✓	✓	✓	✓
Children's play	✓	✓	✓	✓
Commercial filming and photography	✓	✓	✓	✓
Community based interest group gatherings (social, cultural, entertainment, recreational or educational purposes)	✓	✓	✓	
Community gardening	✓		✓	
Cycling and non-motorised recreational vehicles (e.g. skateboarding, rollerblading, scooters)	✓	✓	✓	✓
Dog off-leash areas	✓	✓		
Environmental education, scientific study, surveys and monitoring	✓	✓	✓	✓
Events, festivals, parades, concerts (all musical genres), performances (including film and stage), markets, fairs, fetes, exhibitions, busking and similar gatherings	✓	✓	✓	
Fire hazard reduction and ecological burns	✓			✓
Guided walks and tours	✓	✓	✓	✓
Helicopter and hot air balloon landings (including filming or emergency services)	✓	✓	✓	
Informal social gatherings including picnics and barbeques	✓	✓	✓	✓
Low-impact sporting and recreational activities and events (e.g. kayaking, orienteering)	✓	✓	✓	✓
Organised sport and recreation activities compatible with on-site facilities (e.g. pools, fields, courts)	✓	✓	✓	
Passive casual and unorganised recreation (e.g. walking, kites)	✓	✓	✓	✓
Public addresses (speeches)	✓	✓	✓	✓
Recreational equipment hire (e.g. bikes, boats, canoes, kayaks)	✓	✓	✓	✓
Small scale commercial activities ancillary to or compatible with the primary landuse or function (e.g. restaurants or café/kiosk areas including seating and tables, clubhouse kiosk, dance, personal trainers, fitness classes etc.)	✓	✓	✓	
Sporting or event clubhouse uses including kiosk, amenities, storage, meeting spaces	✓	✓	✓	
Swim classes, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports		✓	✓	
Temporary access (including utilities, emergency services, adjoining properties)	✓	✓	✓	✓
Wildlife protection areas				✓

Table 3 - Permitted Development

Developments	Category			
	Park	Sports - ground	GCU	Natural Area
Advertising related to approved uses / activities or temporary events (e.g. banners, A-frames)	✓	✓	✓	
Amphitheatres, performance stages, rotundas	✓	✓	✓	
Ancillary sporting facilities (e.g. grandstands, scoreboards, sight screens, ball screens, fencing)		✓	✓	
Cafés, kiosks or refreshment areas (including external seating), mobile cafes and coffee carts	✓	✓	✓	
Car parking and access roads (associated with site use/s)	✓	✓	✓	✓
Community facilities for a range of social, cultural, entertainment, recreational or educational purposes (e.g. childcare centres, scout and guide halls, community centres)		✓	✓	
Community gardens (including garden beds, sheds, greenhouses, pergolas, composting)	✓		✓	
Community meeting rooms		✓	✓	
Dog off-leash areas	✓	✓		
Energy saving initiatives e.g. solar lights and solar panels	✓	✓	✓	✓
Fencing, bollards, gates	✓	✓	✓	✓
Floodlighting (including fields and courts)		✓	✓	
Heritage and cultural interpretation, public art	✓	✓	✓	✓
Informal active recreation facilities (e.g. exercise equipment, skateboard/rollerblade, bike paths, bike racks, multi-use courts, croquet greens, tennis walls, cricket nets)	✓	✓	✓	
Jetties, wharves, boat launching ramps	✓		✓	✓
Leisure and aquatic facilities and indoor sports centres		✓	✓	
Licensed clubs associated with sporting or recreation organisations e.g. bowling		✓	✓	
Litter control devices (including litter booms, trash racks, gross pollutant traps)	✓	✓	✓	✓
Multi-use courts (half or full size)	✓	✓	✓	
Nurseries (including Council and community)	✓		✓	
Pathways, trails, boardwalks, bridges, steps, balustrades, observation / viewing platforms	✓	✓	✓	✓
Pavilions and sporting amenities buildings (including change rooms, shower/toilet facilities, meeting rooms, equipment storage areas)		✓	✓	
Picnic and barbeque facilities, seats, tables, shade structures, bins, drinking fountains	✓	✓	✓	✓
Play equipment	✓		✓	✓
Public security lighting (e.g. car parks, pathways)	✓	✓	✓	✓
Public toilets	✓	✓	✓	
Safety and security devices (e.g. CCTV cameras)	✓	✓	✓	✓
Sculptures, monuments, park entrance and water features	✓	✓	✓	✓



Developments	Category			
	Park	Sports - ground	GCU	Natural Area
Signage (interpretive, security, traffic, name, regulatory, sponsorship, temporary event)	✓	✓	✓	✓
Sportsfields (e.g. cricket, football, track and field athletics, baseball, softball) and courts (e.g. basketball, volleyball, badminton, tennis, hockey, netball)	✓	✓	✓	✓
Storage sheds or similar (including sport, community events, bush regeneration, maintenance purposes)	✓	✓	✓	✓
Temporary shipping containers (community and sporting group equipment storage) and site sheds or works compounds (equipment and plant storage)	✓	✓	✓	
Water quality and stormwater management structures	✓	✓	✓	✓
Water quality control ponds, silt traps, drainage structures, artificial wetlands	✓	✓	✓	✓
Water sensitive urban design initiatives (e.g. stormwater harvesting, rain gardens, swales, bioretention basins)	✓	✓	✓	✓

Table 4 - Permitted Lease Licences and other Estates

Authorised Lease, Licence and Other Estate Purposes (generally)	Category			
	Park	Sports - ground	GCU	Natural Area
<b>Leases</b>				
Ancillary commercial or retail uses associated with a facility e.g. sale of sporting goods		✓	✓	
Aquatic and indoor sporting facility management e.g. swimming pools, leisure centres, indoor courts		✓	✓	
Cafes, kiosks, restaurants (including seating and tables)	✓	✓	✓	
Children's services e.g. childcare, pre-school, playgroups, before and after school care, vacation care			✓	
Community clubs and services e.g. scouts and guide halls, mens sheds, youth and senior citizens centres, service clubs, volunteer organisations			✓	
Community gardens	✓		✓	
Emergency services operations e.g. SES	✓	✓	✓	
Licensed sporting and community recreation clubs (including bars and restaurants) e.g. bowling clubs		✓	✓	
Monitoring stations e.g. air quality	✓	✓	✓	✓
Outdoor sporting facility management e.g. fields, croquet greens, tennis courts		✓	✓	
Recreational equipment hire e.g. bicycles, boats, canoes	✓	✓	✓	✓
Telecommunication towers and public utility infrastructure	✓	✓	✓	
Water access facilities e.g. jetties, pontoons, wharves	✓	✓	✓	✓
<b>Licences</b>				
Cafes, kiosks, coffee carts and food trucks (including seating and tables)	✓	✓	✓	

Authorised Lease, Licence and Other Estate Purposes (generally)	Category			
	Park	Sports - ground	GCU	Natural Area
Childrens services e.g. childcare, pre-school, playgroups, before and after school care, vacation care			✓	
Community clubs and services e.g. scouts and guide halls, mens sheds, youth and senior citizens centres, service clubs, volunteer organisations			✓	
Community gardens	✓		✓	
Educational activities e.g. community classes, workshops	✓	✓	✓	✓
Markets	✓	✓	✓	
Organised recreational activities e.g. personal trainers, fitness and dance classes	✓	✓	✓	
Outdoor sporting facility management e.g. fields, croquet greens, tennis courts		✓	✓	
Recreational equipment hire e.g. bicycles, boats, canoes	✓	✓	✓	
Scientific research, surveys and monitoring	✓	✓	✓	✓
Sport training and competition (including clubhouses and canteens)		✓		
Water access facilities e.g. jetties, pontoons, wharves	✓	✓	✓	
<b>Other Estates</b>				
Biodiversity conservation or stewardship agreements				✓
Carbon farming or sequestration projects				✓
Easement for Public utilities infrastructure	✓	✓	✓	✓
Easement for Underground connections (including pipes, conduits or similar) to public utilities by adjoining properties	✓	✓	✓	✓
<b>Authorised Casual and Short Term Uses</b>				
Broadcasts and filming (including television and movies)	✓	✓	✓	✓
Ceremonies and private celebrations e.g. weddings, parties	✓	✓	✓	
Community events and gatherings (including festivals, displays, carnivals, exhibitions, fairs, markets, shows)	✓	✓	✓	
Concerts, demonstrations, public speeches and other performances (including singing or playing musical instruments)	✓	✓	✓	
Commercial photography	✓	✓	✓	✓
Environmental education activities and workshops	✓		✓	✓
Drones and other remotely piloted aircraft (filming or research only)	✓	✓	✓	✓
Fireworks (professional only)	✓	✓	✓	
Fitness training, classes and other commercial recreational activities e.g. dog obedience, personal trainers	✓	✓	✓	
Helicopter or hot-air balloon landings (filming or emergency services only)	✓	✓		
Inflatable amusement devices e.g. jumping castles	✓	✓		
Informal social gatherings e.g. picnics	✓	✓	✓	✓
Low-impact recreational activities and events e.g. guided walks, kayaking, orienteering	✓		✓	✓
Markets and other appropriate trading activities e.g. auctions	✓	✓	✓	

Authorised Lease, Licence and Other Estate Purposes (generally)	Category			
	Park	Sports - ground	GCU	Natural Area
Organised recreational events and activities e.g. parkruns	✓	✓		
Research and surveys e.g. market, scientific	✓	✓	✓	✓
Sport training, competition and events e.g. gala days, school carnivals		✓	✓	
Temporary access (including utilities, emergency services, adjoining properties)	✓	✓	✓	✓
Engaging in a trade or business	✓	✓	✓	✓
Playing of a lawful game or sport	✓	✓	✓	✓
Transport of waste, building materials and equipment for adjoining building works (existing road or fire trail only)	✓	✓	✓	✓

Table 5 - Permitted Lease Licences and other Estates

Authorised Lease, Licence and Other Estate Purposes	Category			
	Park	Sports - ground	GCU	Natural Area
<b>Licences</b>				
Cafes, kiosks, coffee carts and food trucks (including seating and tables) within existing infrastructure	✓	✓	✓	
Childcare, pre-school, playgroups, before and after school care, vacation care within existing infrastructure			✓	
Scouts and guide halls, mens sheds, youth and senior citizens centres, service clubs, volunteer organisations within existing infrastructure			✓	
Community gardens (existing)	✓		✓	
Community classes, workshops	✓	✓	✓	✓
Personal trainers, fitness and dance classes	✓	✓	✓	
Outdoor sporting facility management (e.g. fields, croquet greens, tennis courts) within existing infrastructure		✓	✓	
Recreational equipment hire e.g. bicycles, boats, canoes within existing infrastructure	✓	✓	✓	
Scientific research, surveys and monitoring within existing infrastructure	✓	✓	✓	✓
Sport training and competition (including clubhouses and canteens) within existing infrastructure		✓		
Water access facilities (e.g. jetties, pontoons, wharves) within existing infrastructure	✓	✓	✓	
<b>Authorised Casual and Short Term Uses</b>				
Broadcasts and filming (including television and movies) not including building construction	✓	✓	✓	✓
Ceremonies and private celebrations e.g. weddings, parties	✓	✓	✓	
Festivals, displays, carnivals, exhibitions, fairs, markets, shows	✓	✓	✓	
Concerts, demonstrations, public speeches and other performances (including singing or playing musical instruments)	✓	✓	✓	
Commercial photography	✓	✓	✓	✓

Authorised Lease, Licence and Other Estate Purposes	Category			
	Park	Sports - ground	GCU	Natural Area
Environmental education activities and workshops	✓		✓	✓
Drones and other remotely piloted aircraft (filming or research only)	✓	✓	✓	✓
Fireworks (professional only)	✓	✓	✓	
Fitness training, dog obedience classes, personal trainers	✓	✓	✓	
Helicopter or hot-air balloon landings (filming or emergency services only)	✓	✓		
Inflatable amusement devices	✓	✓		
Informal social gatherings e.g. picnics	✓	✓	✓	✓
Low-impact recreational activities and events e.g. guided walks, kayaking, orienteering	✓			✓
Organised recreational events and activities e.g. parkruns	✓	✓		
Research and surveys	✓	✓	✓	✓
Sport training, competition and events e.g. gala days, school carnivals		✓	✓	
Temporary access (including utilities, emergency services, adjoining properties)	✓	✓	✓	✓
Playing of a lawful game or sport	✓	✓	✓	✓
Transport of waste, building materials and equipment for existing roads or fire trails	✓	✓	✓	✓

4. The CCLPoM specifically authorises impacting acts for development set out in Table 3
5. The CCLPoM also authorises further impacting acts being leases, licences, permits or other estates where:
  - the purpose is consistent with, and the issue of the Lease, Licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
  - the purpose is consistent with the core objectives for the category of the land.
  - the Lease, Licence or other estate is for a permitted purpose listed in Section 46 of the *Local Government Act 1993* and/or Part 4 Division 3 of the *Local Government Regulations 2005*.
  - the issue of the Lease, Licence or other estate and the provisions of the Lease, Licence or other estate can be validated by the provisions of the *Native Title Act 1993*. For Crown land which is not excluded land this requires written advice from one of Council's Native Title managers that it complies with any applicable provisions of the Native Title legislation in accordance with Section 8.7 of the *Crown Land Management Act 2016*.
  - the land is subject to a claim under the *Aboriginal Land Rights Act 1983*, the issue of any Lease, Licence or other estate will not prevent the land from being transferred in the event the claim is granted.
  - set out in Table 4
6. The CCLPoM also specifically authorises further impacting acts being licences, permits or other estates set out in Table 5:

## **E. Land Status**

Table 1 shows the current reserve status of the land.

The relevant act is not a past act for the purposes of the *Native Title Act 1993*.

## **F. Future Act Regime**

1. Subdivisions B – E do not apply. There are no existing Indigenous Land Use Agreements in place over any of the affected land.
2. Subdivision F does not apply. No non-claimant application has been previously made.
3. Subdivision G does not apply. The relevant act is unrelated to primary production.
4. Subdivision H does not apply. The relevant act does not relate to the management or regulation of surface and subterranean water, living aquatic resources or airspace.
5. Subdivision I does not apply. We have found no evidence that the relevant act is part of a continuance of tenures issued consecutively from prior to 23 December 1996.
6. Subdivision JA does not apply. The relevant act does not relate to public housing.

7. Subdivision J applies. Table 6 shows the requirements to satisfy Subdivision J and how that requirement is satisfied.

Table 6 - Requirements to Satisfy Subdivision J

Requirement	Section	Comment
There is an earlier act that took place before the later act and on or before 23 December 1996.	24JA(1)(a)	<p><u>Requirement partially satisfied.</u></p> <p>The Gazette dates for the land in Table 1 took place on or before 23 December 1996 excepting:</p> <ul style="list-style-type: none"> <li>• Speers Road Reserve (R.1001070).</li> <li>• Pitt Row Headmasters Cottage Reserve (R.1014228).</li> <li>• Old Kings Parade Gound (R.1031748).</li> <li>• Marri Badoo Reserve (R.1040094).</li> </ul> <p>And excepting the additional purposes notified as follows:</p> <ul style="list-style-type: none"> <li>• Community Purposes – notified 29 September 2017 for: <ul style="list-style-type: none"> <li>○ North Rocks Park (R.83210) &amp;</li> <li>○ North Rocks Senior Citizens Centre (R.91691).</li> </ul> </li> <li>• Public Recreation – notified 12 October 2012 for Arrunga Gardens (R.51125).</li> <li>• Nature Reserve – Notified 12 October 2012 for: <ul style="list-style-type: none"> <li>○ Hammers Road Reserve (R.55439),</li> <li>○ Bell Bird Bend Reserve (R.55445) &amp;</li> <li>○ Moxham Park (R.83745),</li> </ul> </li> <li>• Communication Facilities – notified 22 May 2009 for Barton Park (R.78232).</li> <li>• Nature Conservation – notified 12 October 2012 for Bundilla Reserve (R.43291).</li> </ul> <p>These reserves and additional purposes are not further considered for Subdivision J.</p>
The earlier act was valid (including because of Div. 2 or 2A).	24JA(1)(b)	<p><u>Requirement satisfied.</u></p> <p>The reservations or dedications were valid. (See Table 1 notations for past act basis).</p> <p>A reservation or dedication under the various legislative provisions noted in column E of Table 1 were valid if the Governor or responsible Minister notified the reservation or dedication in the Gazette.</p>
The earlier act was done by the Crown in right of the Commonwealth, a State or Territory; or consisted of the making, amendment or repeal of legislation.	24JA(1)(c)	<p><u>Requirement satisfied.</u></p> <p>The earlier acts were undertaken by the Governor or responsible Minister.</p>

Requirement	Section	Comment
The earlier act contained, made or conferred a reservation, proclamation, dedication, condition, permission or authority (the reservation) under which the whole or part of any land or waters was to be used for a particular purpose.	24JA(1)(d)	<p><u>Requirement satisfied.</u></p> <p>The earlier acts were for a particular purpose being:</p> <ul style="list-style-type: none"> <li>• Access</li> <li>• Access &amp; Public Recreation</li> <li>• Cemetery</li> <li>• Community Facilities</li> <li>• Community Purposes</li> <li>• Nature Conservation</li> <li>• Pipeline</li> <li>• Plantation</li> <li>• Public Park</li> <li>• Public Recreation</li> <li>• Rest Park</li> <li>• Sanctuary</li> <li>• Senior Citizens' Centre</li> <li>• Site for Burial Ground for Independents</li> </ul> <p>excepting:</p> <ul style="list-style-type: none"> <li>• Moxham Park (R.83745) where the purpose was for future public requirement.</li> </ul>
The later act is done in good faith:	24JA(1)(e)	<p><u>Requirement satisfied.</u></p> <p>In my opinion each of the acts listed in sections D(1), D(2) and D(6) will be undertaken in accordance with the reservation purpose or will have an impact on Native Title no greater than the impact that any act that could have been done under or in accordance with the reservation would have had.</p> <p>Acts listed in D(3), D(4) and D(5) but not D(6) may be valid, however, that will be determined when the processed act is further assessed. See Part G.</p>

Section 24 JA (1) cannot be relied upon to undertake future acts on:

- Speers Road Reserve (R.1001070).
- Pitt Row Headmasters Cottage Reserve (R.1014228).
- Old Kings Parade Gound (R.1031748)
- Moxham Park (R.83745).
- Marri Badoo Reserve (R.1040094).

## Lands which do not satisfy Section 24JA(1) - Development

8. Subdivision K applies for some of the acts proposed within the CCLPoM. Table 7 describes why these lands and acts satisfy the requirements of Subdivision K.

*Table 7 - Requirements for an Act to be valid under Subdivision K*

<b>Requirement</b>	<b>Section</b>	<b>Comment</b>
The future act relates, to any extent, to an onshore place.	24KA(1)(a)	<u>Requirement satisfied.</u> The future act will take place in New South Wales.
The future act either: (i) permits or requires the construction, operation, use, maintenance or repair, by or on behalf of any person that is to be operated, or is operated, for the general public; or (ii) consists of the construction, operation, use, maintenance or repair, by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities that is to be operated, or is operated, for the general public.	24KA(1)(b)	<u>Requirement satisfied.</u> The future act is operated and to be operated for the general public.
The future act is for one of the following purposes: (a) a road, railway, bridge or other transport facility (other than an airport or port); (b) a jetty or wharf; (c) a navigation marker or other navigational facility; (d) an electricity transmission or distribution facility; (e) lighting of streets or other public places; (f) a gas transmission or distribution facility; (g) a well, or a bore, for obtaining water; (h) a pipeline or other water supply or reticulation facility; (i) a drainage facility, or a levee or other device for management of water flows; (j) an irrigation channel or other irrigation facility; (k) a sewerage facility, other than a treatment facility; (l) a cable, antenna, tower or other communication facility; (la) an automatic weather station; (m) any other thing that is similar to any one or more of the things mentioned in the paragraphs above.	24KA(1)(b) and (2)	<u>Requirement satisfied in part</u> In my opinion the infrastructure highlighted yellow in Table 3 satisfies the requirements of 24KA(1)(b) and (2)  The proposed uses, leases, licences and agreements proposed and other development in the CCLPoM do <u>not</u> satisfy this requirement. These future acts are not further considered in this Table.
The future act does not prevent Native Title holders in relation to land or waters on which the thing is located or to be located from having reasonable access to such land or waters in the vicinity of the thing, except: (i) while the thing is being constructed; or (ii) for reasons of health and safety.	24KA(1)(c)	<u>Requirement satisfied.</u> In my opinion the developments listed in the prior section will not prevent potential Native Title holders in relation to land from having reasonable access.
A law of the Commonwealth or State makes provision in relation to the preservation or protection of areas, or sites, that may be: (i) in the area in which the act is done; and (ii) of particular significance to Aboriginal peoples or Torres Strait Islanders in accordance with their traditions.	24KA(1)(d)	<u>Requirement satisfied.</u> The <i>National Parks and Wildlife Act 1974</i> provides for the preservation or protection of areas, or sites in NSW.



Requirement	Section	Comment
The future act is not the compulsory acquisition of the whole or part of any Native Title rights and interests.	24KA(1A)	<u>Requirement satisfied.</u> The future act is not the compulsory acquisition of the whole or part of any Native Title rights and interests.

Other developments on Lands which do not satisfy Section 24JA(1) are not permitted on unless they become excluded lands as defined in Section 8.1 of the *Crown lands Management Act 2016*.

#### Lands which do not satisfy Section 24JA(1) – Uses and Tenures

9. Subdivision L applies for some of the acts proposed within the CCLPoM as regards parts D(1) and D(2) and parts D(5) and D(6) to the extent tenures are issued for nonexclusive use. Table 8 describes why these lands and acts satisfy the requirements of Subdivision L.

*Table 4 - Requirements for an Act to be Valid under Subdivision L*

Requirement	Section	Comment
The act takes place before, and does not continue after, an approved determination of Native Title is made in relation to the land or waters, if the determination is that Native Title exists.	24LA(1)(a)	<u>Requirement satisfied.</u> No determination of Native Title has occurred. Section 1.8 of the CCLPoM provides that any act authorised by the CCLPoM on Lands which do not satisfy Section 24JA(1), (excepting those permitted under subdivision H,I & K) terminates following an approved determination of Native Title, if the determination is that Native Title exists.
The act does not consist of, authorise or otherwise involve: (i) the grant of a freehold estate in any of the land or waters; or (ii) the grant of a lease over any of the land or waters; or (iii) the conferral of a right of exclusive possession over any of the land or waters; or (iv) the excavation or clearing of any of the land or waters; or (v) mining (other than fossicking by using hand-held implements); or (vi) the construction or placing on the land, or in the waters, of any building, structure, or other thing (other than fencing or a gate), that is a fixture; or (vii) the disposal or storing, on the land or in the waters, of any garbage or any poisonous, toxic or hazardous substance.	24LA(1)(b)	<u>Requirement satisfied.</u> Section 1.8 requires There is no grant of freehold authorised.  The grant of leasehold is specifically prohibited.  The grant of exclusive possession user agreement is specifically prohibited.  The excavation or clearing is specifically prohibited except as excluded below. Mining is specifically prohibited.  Construction is specifically prohibited.  Disposal and storage of waste is specifically prohibited.

Requirement	Section	Comment
<p><u>Requirement Exclusion</u></p> <p>Subparagraph (1)(b)(iv) does not apply to:</p> <p>(a) excavation or clearing that is reasonably necessary for the protection of public health or public safety; or</p> <p>(b) tree lopping, clearing of noxious or introduced animal or plant species, foreshore reclamation, regeneration or environmental assessment or protection activities.</p>	24LA(2)	

### G. Further Native Title Manager Advice

Further Native Title manager advice will be required prior to issuing approval for future acts listed in D(3), D(4) and those in D(5) but not specified in D(6).

Any public works proposed will require that notification and opportunity to comment be given to NTSCORP Limited as the representative Aboriginal /Torres Strait Islander body and any registered Native Title claimant or holder.

### H. Consequences

- (1) The acts are valid.
- (2) Apart from that noted in Section (G) any uses, developments and tenures authorised by the CCLPoM and not requiring further Native Title manager advice will either have no impact on Native Title or be valid under Section 24JA of the *Native Title Act 1993*.

See Section D of this report for this list of uses etc.

- (3) Where the proposed act is the establishment or construction of a public work, Native Title will be extinguished over the footprint and curtilage of the works. A public work is defined as:
  - (a) *any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:*
    - (i) *a building, or other structure (including a memorial), that is a fixture; or*
    - (ii) *a road, railway or bridge; or*
    - (iia) *where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or*
    - (iii) *a well, or bore, for obtaining water; or*
    - (iv) *any major earthworks; or*
  - (b) *a building that is constructed with the authority of the Crown, other than on a lease.*

Major earthworks are defined as:

*earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.*

- (4) In the event of a future Native Title determination where Native Title is found to exist Native Title holders may be entitled to compensation. Compensation will be payable by the State. Council may be liable to indemnify the State for such compensation.
- (5) Under Subdivisions J and K of the future act provisions of the *Native Title Act 1993*, notification and the right to comment is required if the relevant act consists of the construction or establishment of a public work. The requirement will be satisfied when specific public works are proposed, and appropriate development plans are prepared. Notification is not required at this stage.

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## Annexure 2

### R.83210 North Rocks Park – Native Title

#### Crown Grant

The whole of R.83210 was previously part of a 30-Acre Crown Grant to Richard Owen on 12 March 1800 (see **Tag 2H** for Crown Grant & **Tag 2I** for extract of the historical parish map, Parish of Field of Mars, County of Cumberland, undated edition).

The Crown Grant to Richard Owen appears to be consistent with Section 23B(2)(c)(ii) of the *Native Title Act 1993* and it is my opinion that Native Title is likely to be extinguished over R.83210.

Our investigations have not found any other act likely to have extinguished Native Title over the remainder of R.83210. Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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## Annexure 3

### R.91691 North Rocks Senior Citizen Centre – Native Title

#### Crown Grant

The whole of R.91691 was previously part of a 30-Acre Crown Grant to Richard Owen on 12 March 1800 (see **Tag 2H** for Crown Grant & **Tag 2I** for extract of the historical parish map, Parish of Field of Mars, County of Cumberland, undated edition).

The Crown Grant to Richard Owen appears to be consistent with Section 23B(2)(c)(ii) of the *Native Title Act 1993* and it is my opinion that Native Title is likely to be extinguished over R.91691.

Our investigations have not found any other act likely to have extinguished Native Title over the remainder of R.91691. Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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**Annexure 4****R.51125 Arrunga Gardens – Native Title**

Our investigations have not found any prior act likely to have extinguished Native Title over R.51125.

Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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## Annexure 29

### R.1001070 Speers Road Reserve – Native Title

#### Crown Grant

The whole of R.1001070 was previously part of a 260-Acre Crown Grant to William Charles Wentworth on 29 October 1834 (**Tag 29F** for Crown Grant & **Tag 29G** for prior Volume-Folio 6225-165 to Alec Speers in fee simple title which included the land now within R.1001070 prior to subdivision creating Lots 142 & 172 DP 23173 and the land now within Lot 10 DP 1148832).

The Crown Grant to William Charles Wentworth appears to be consistent with Section 23B(2)(c)(ii) of the *Native Title Act 1993* and it is my opinion that Native Title is likely to be extinguished over R.1001070.

Our investigations have not found any other act likely to have extinguished Native Title over the remainder of R.1001070. Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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**Annexure 32****R.55439 Hammers Road Reserve – Native Title**

Our investigations have not found any prior act likely to have extinguished Native Title over R.55439.

Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.



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**Annexure 34****R.55445 Bell Bird Bend – Native Title**

Our investigations have not found any prior act likely to have extinguished Native Title over R.55445.

Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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## Annexure 36

### R.83745 Moxham Park – Native Title

R.83745 was previously known as Portion 37. Part of Portion 37 was subject to the granting of various special leases prior to being placed under reserve, however these special leases were for the purpose of Quarry (see **Tag 36D** for Crown Plan 620-2030 & Crown Plan 845-690). A special lease Quarry is not a scheduled interest in Part 1 Schedule 1 of the *Native Title Act 1993* lease purpose and does not extinguish Native Title.

Our investigations have not found any other prior act likely to have extinguished Native Title over R.83745. Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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**Annexure 51****R.1014228 Pitt Row Headmasters Cottage Reserve – Native Title**

Our investigations have not found any prior act likely to have extinguished Native Title over R.1014228.

Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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**Annexure 52****R.1031748 Old Kings Parade Ground – Native Title**

Our investigations have not found any prior act likely to have extinguished Native Title over R.1031748.

Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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**Annexure 61****R.43291 Bundilla Forest – Native Title**

Our investigations have not found any prior act likely to have extinguished Native Title over R.43291.

Please note, however, that no investigation has been undertaken into the extinguishment of Native Title via a public work under Section 23B(7) of the *Native Title Act 1993*.

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## Annexure 65

### R.1040094 Mari Badoo Reserve – Native Title

#### Crown Grant

The whole of R.1040094 was previously part of Portion 85 subject to a 100-Acre Crown Grant to James Elder on 31 August 1833 (see **Tag 65E** for Crown Grant & **Tag 65F** for Crown Plan 244-690 for prior Portion 85).

The Crown Grant to James Elder appears to be consistent with Section 23B(2)(c)(ii) of the *Native Title Act 1993* and it is my opinion that Native Title is likely to be extinguished over R.1040094.

#### Special Lease

The whole of R.1040094 was also previously subject to Special Lease 1962-78 Metropolitan for “Erection of Buildings (Pre School Centre)” under the provisions of the *Crown Lands Consolidation Act 1913* to the Trustees of the Rydalmere Pre School Centre on 1 February 1963 (see **Tag 65G** for gazette notification).

The grant of the Special Lease 1962-78 Metropolitan to the Trustees of the Rydalmere Pre School Centre may also be consistent with Section 23B(2)(c)(i) and Schedule 1 Part 1(3)(8) of the *Native Title Act 1993*. Schedule 1 Part 1 (3)(8) provides for “Erection of Buildings” as a valid purpose under the Act. It is my opinion that Native title is also likely to be extinguished by this Special Lease over R.1040094.