

NATIVE TITLE MANAGER ADVICE  
(pursuant to section 8.7 of the *Crown Land Management Act 2016*)

**Date of advice:**           **3 October 2019**

**Acronyms used in this advice:**

NTA - means Native Title Act 1993

LGA - means Local Government Act 1993

CLMA - means Crown Land Management Act 2016

ILUA – Indigenous Land Use Agreement

**BASIS OF ADVICE**

Relevant land	<b>Part 34 Castlereagh Highway, Capertee being land comprised in folio identifier 3/3/758222 (Reserve 79154)</b>
Proposed Act	<b>Proposed licence to Capertee &amp; District Progress Association Inc.</b>
Lithgow City Council's responsibility for the land	<b>Lithgow City Council is the Crown Land Manager</b>  <b>Blaxland Shire Council was appointed the Trustee under the Public Trusts Act, 1897 on 15 March 1957. Blaxland Shire Council was amalgamated with Lithgow City Council in 1977 and consequently Lithgow City Council assumed the position of Trustee.</b>
Is the relevant land subject to an ILUA?	<b>No</b>
Is the relevant land affected by a current native title claim?	<b>Yes, the relevant land is the subject of <u>active</u> native title application NC2018/002 filed in the Federal Court of Australia by Warrabinga-Wiradjuri #7</b>
Is the relevant land affected by a current Aboriginal land claim?	<b>No</b>
Is the land excluded land?	<b>No</b>
Is the Proposed Act a Past Act	<b>No</b>
Will or might the Proposed Act affect Native Title?	<b>Yes, the Proposed Act might affect Native Title pursuant to sections 226(2)(b) and 227 of the NTA</b>
Future Act Regime	<b>Section 24LA is relevant to the Proposed Act</b>
Council is required to comply with the following procedural rights before	<b>Nil</b>

NATIVE TITLE MANAGER ADVICE  
(pursuant to section 8.7 of the *Crown Land Management Act 2016*)

---

commencing the Proposed Act	
Documents attached in support of this advice	<ol style="list-style-type: none"><li>1. <b>Gazette 7 December 1956 reserving 79154 for public hall and public recreation</b></li><li>2. <b>Gazette 15 March 1957 appointing The Council of the Shire of Blaxland as trustee</b></li><li>3. <b>Lithgow Migration History timeline, recording amalgamation of Lithgow City Council and Blaxland Shire Council in 1977</b></li><li>4. <b>Six maps image identifying relevant lot and building</b></li><li>5. <b>Google maps images of site</b></li><li>6. <b>Section 24LA of the NTA</b></li></ol>

**ADVICE**

This advice is limited to the Proposed Act. If any further act is proposed on the land please request advice for that particular activity.

At the date of this advice, Reserve 79154 comprises a public hall and a Rural Fire Services Shed and water tanks. Due to the public works on the land it is likely that native title rights and interests have been extinguished. However, only the Federal Court can determine whether native title rights and interests are extinguished.

In my opinion the Proposed Act will not affect native title because it is a low impact future act and the non-extinguishment principle applies.

Compensation does not arise from the Proposed Act, and there are no procedural requirements under the NTA for low impact future acts.

**Sandra Politi**  
**Native Title Manager**  
**Lithgow City Council**