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Introduction

This tip sheet is designed to provide Local Aboriginal Land Councils (LALCs) with a step- by- step guide to identifying and assessing land for its potential to be claimed, right through to the completion of a land claim application. All the software required within this guide to complete these steps, can be accessed at no cost via the internet.

It is hoped that this guide will provide a cost effective way for LALCs to increase their capacity in identifying, researching and claiming land.

This document is intended to be a guide only, and should be read in conjunction with the New South Wales Aboriginal Land Council (NSWALC) *Land Claims Manual for Local Aboriginal Land Councils* – available at www.alc.org.au.

Please contact the NSWALC Land Rights Unit if you would like more information about Land Claims (contact details are on the back page).

This document is current as of March 2012.

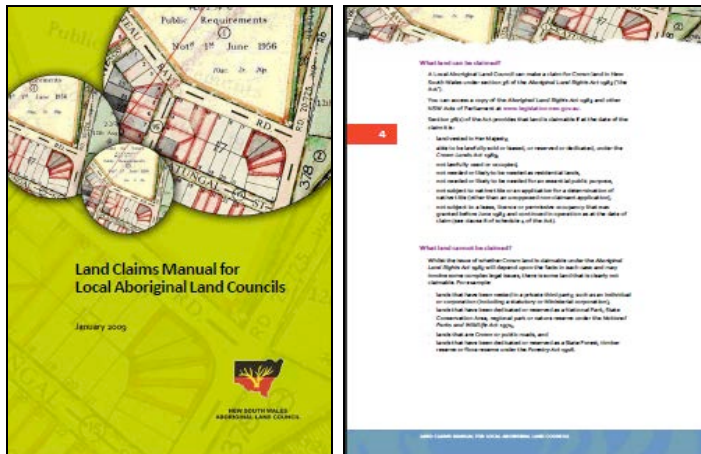
Is there already a Land Claim?

1. With a parcel for a potential Land Claim in mind, first check to see if the parcel is included in a current pending Land Claim (INCOMPLETE status) or a GRANTED land claim. The LALC's Land Claims register should be checked to ascertain this information. This is done to avoid duplicate land claims on the same parcel of land. The LALC's Property Register may also be checked to see that the property is not already in the possession of the LALC. If there is already a pending claim on the parcel in question the application for claim may still be pursued if there have been changes to the status of the land since the previous claim.(Contact the NSWALC Land Rights Unit [LRU] if you require assistance with accessing this information).

Assessing the land's appearance.

2. If the parcel has satisfied [1], start by checking the appearance of the parcel of land to determine the eligibility of the land claim consistent with section 36 of the *Aboriginal Land Rights Act 1983*(ALRA), using the following steps.

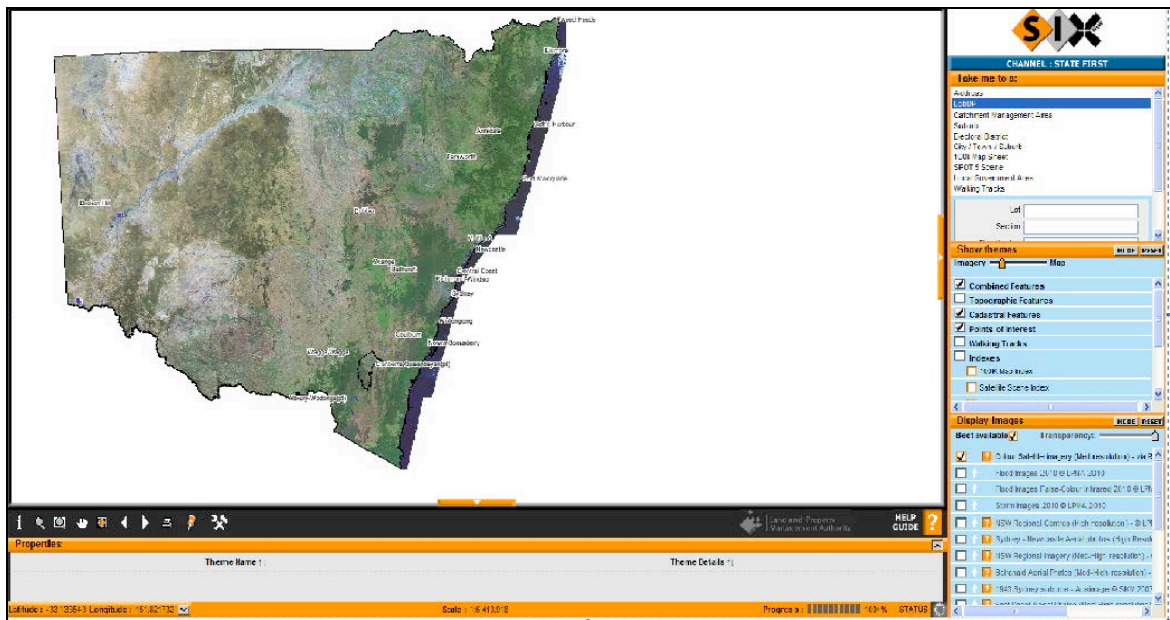
NOTE: the [NSWALC Land Claim Manual for Local Aboriginal Land Councils – January 2009](#) offers a summary of 'What land can be claimed?' and 'What land cannot be claimed?' This can be accessed by clicking on the link above or at the NSWALC website: www.alc.org.au.



3. Open the NSW Lands and Property Information / Spatial Information Exchange - SIX Viewer Program via: www.six.nsw.gov.au. Then click on 'SIX Viewer'.

Click here to access the SIX viewer.

Note: Use of this website is subject to the terms and conditions set out by the NSW Land and Property Information (LPI). Additionally, on the initial use of this software on your computer, you may need to download and install a 'plug-in' from this website in order to access this page. This may take a few minutes depending on your internet connection.



4.
 - a. **Search by Lot and DP:** When the property identifier consists of a Lot number and DP number only, enter Lot and DP reference into the data field in SIX Viewer, then click on "Get Results".

7011//1001074 ← Example of a Lot // DP land identifier format.

CHANNEL : STATE FIRST

Take me to a: [Dropdown]

Address
Lot/DP
 Catchment Management Area
 Suburb
 Electoral District
 City / Town / Suburb
 100k Map Sheet
 SPOT 5 Scene
 Local Government Area
 Walking Tracks

Lot: [Text Box]
 Section: [Text Box]
 Plan Number: [Text Box]

[Get results]

Lot ↑↓ Section ↑↓ Plan Number ↑↓

Insert Lot and DP reference here.
 Leave the 'Section' box blank

- b. **Search by Lot/Section/ DP:** When the property identifier consists of a Lot number, a section number and a DP number, enter Lot, section and DP reference into the data field in SIX Viewer, then click on "Get Results".

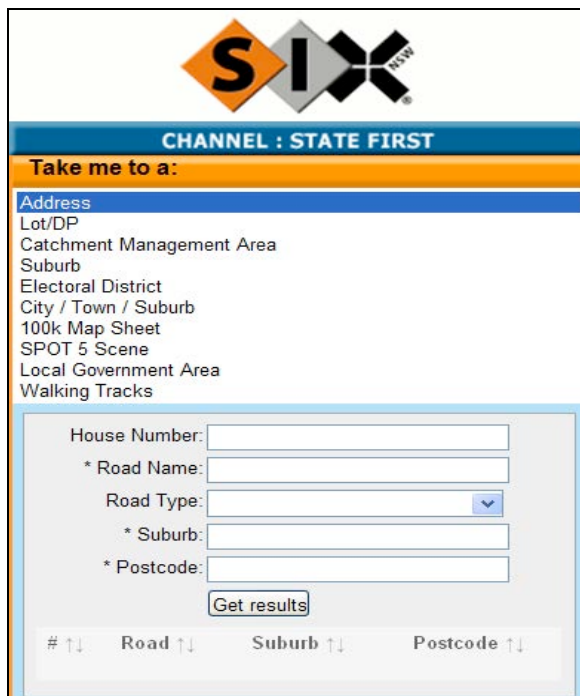
6/16//758887 ← Example of a Lot /Section / DP land identifier format.

5. This will display the Lot and DP in a light blue bar below the entry field. Click on the light blue bar to load the image of the land.

Searching by other identifiers

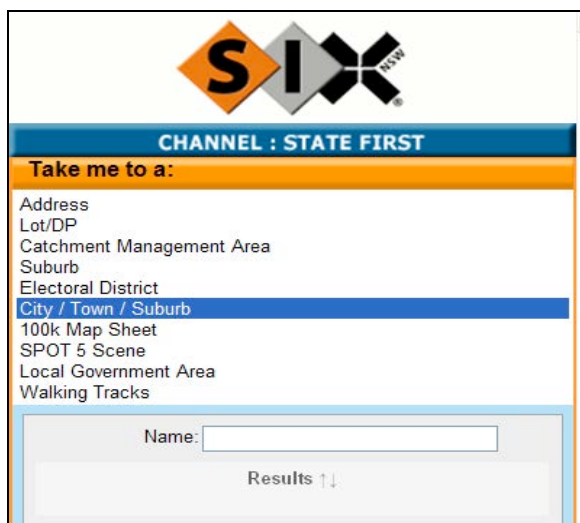
6. If you don't know the actual Lot and DP of the parcel in question, you can search by:

a. Address



The screenshot shows the S I X NSW logo at the top, followed by a blue bar with the text "CHANNEL : STATE FIRST". Below this is an orange bar with the text "Take me to a:". A list of search options is displayed, with "Address" highlighted in blue. Other options include Lot/DP, Catchment Management Area, Suburb, Electoral District, City / Town / Suburb, 100k Map Sheet, SPOT 5 Scene, Local Government Area, and Walking Tracks. Below the list is a search form with the following fields: "House Number:" (text input), "* Road Name:" (text input), "Road Type:" (dropdown menu), "* Suburb:" (text input), and "* Postcode:" (text input). A "Get results" button is located below the form. At the bottom, there are four sorting options: "# ↑↓", "Road ↑↓", "Suburb ↑↓", and "Postcode ↑↓".

b. City/Town/Suburb.



The screenshot shows the S I X NSW logo at the top, followed by a blue bar with the text "CHANNEL : STATE FIRST". Below this is an orange bar with the text "Take me to a:". A list of search options is displayed, with "City / Town / Suburb" highlighted in blue. Other options include Address, Lot/DP, Catchment Management Area, Suburb, Electoral District, 100k Map Sheet, SPOT 5 Scene, Local Government Area, and Walking Tracks. Below the list is a search form with a "Name:" text input field. Below the form is a "Results ↑↓" label.

- c. Alternatively, you can contact the NSWALC Land Rights Unit for assistance identifying the parcel of land. Our contact details are on page 19 of this tip sheet.

Assessing Claimable Land

7. Once the image is loaded, view the image to determine if the parcel of land appears to be bush/scrub land, parks/reserves or occupied.

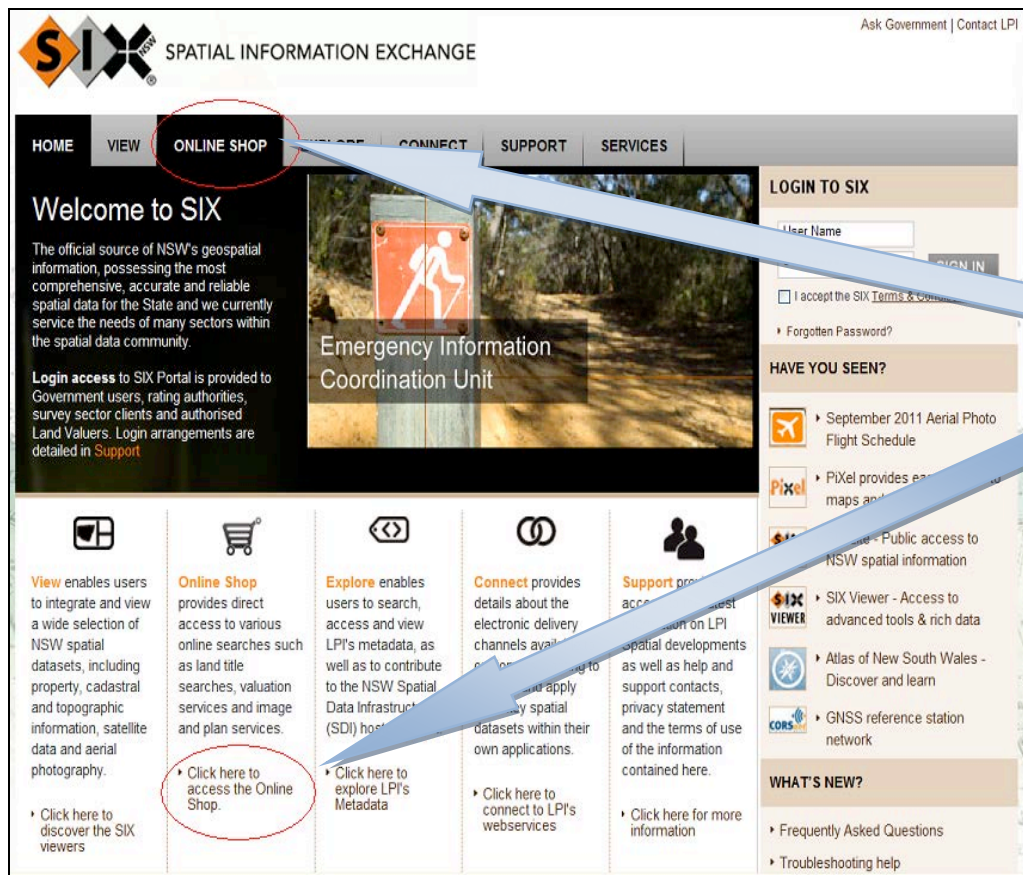


- a. If the parcel of land appears to be a **park, sporting grounds or any other form of public recreation area**, no claim is prepared, as it is not deemed to be claimable land as per section 36(1) of the ALRA. An additional check may be conducted by referencing a street directory or other map to confirm the reserve if required.
- b. If the parcel of land appears to have a **structure on it, or has the appearance of being occupied**, *initially* no claim is lodged. However this is an area that may require the local knowledge of the LALC network, to identify possible disused premises that may be claimable.
- c. If the parcel of land appears to be **bush/ scrubland, or otherwise undeveloped** (as per example at point 7) the parcel of land may be claimable.

8. Once you form the view that the parcel of land may be claimable, a claim should be lodged by following the remaining steps outlined in this guide.
9. **NOTE:** Title Searches may be purchased from the LPMA to inform whether the parcel of land in question is crown land, freehold land, or subject to a lease. This process incurs a fee of approximately \$12.00 and as such it is not a process that is always used by NSWALC to ascertain valid land claims lodgements. **It is not a requirement to undertake a title search for the Land Claim lodgement process**, however it may confirm additional details about the status of the land if you are unsure.

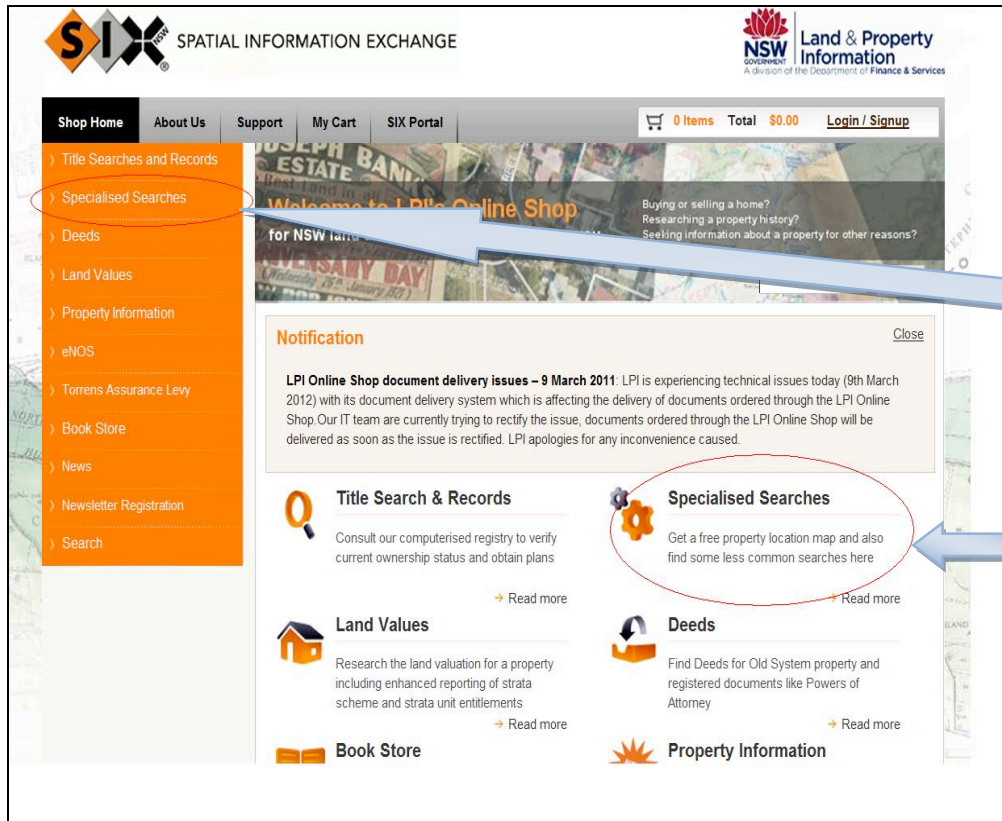
Preparing a Land Claim

10. As part of the land claim application, a map is required to be generated, which clearly plots the parcel of land. It is necessary for the map to include the Lot and DP reference on the parcel of land that is subject to claim.
11. **Map Creation – Cadastral Records Enquiry Report (CRE):** Go to www.six.nsw.gov.au.
12. Select the 'Online Shop' portal

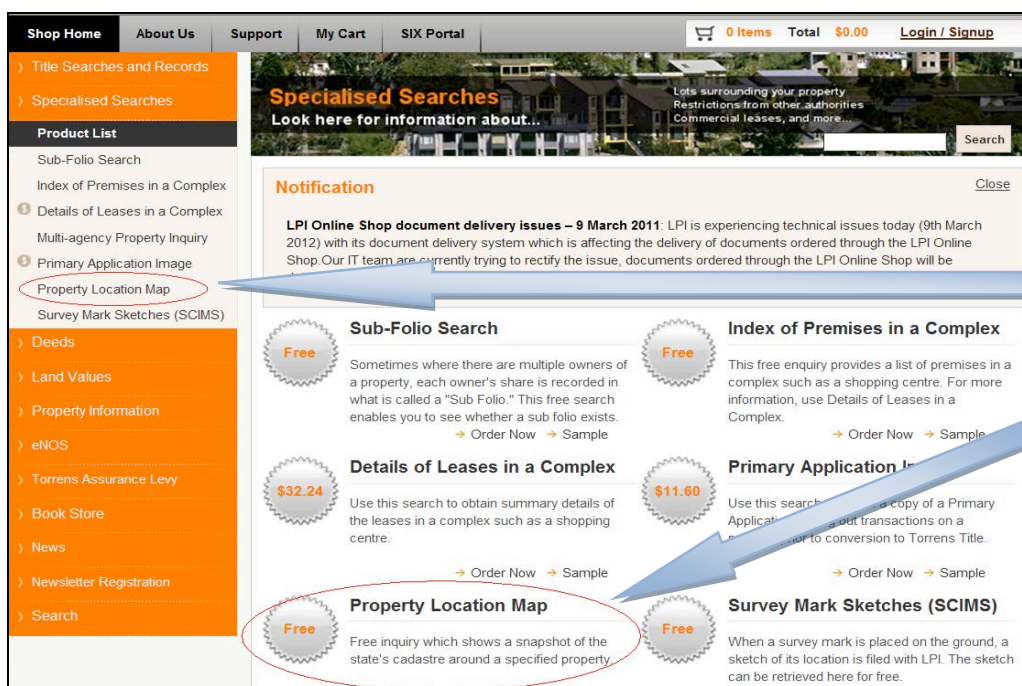


Click at either of the two places circled here in red to select the Online Shop portal

13. Then select the 'Specialised Searches' portal



14. Select 'Property Location Map'



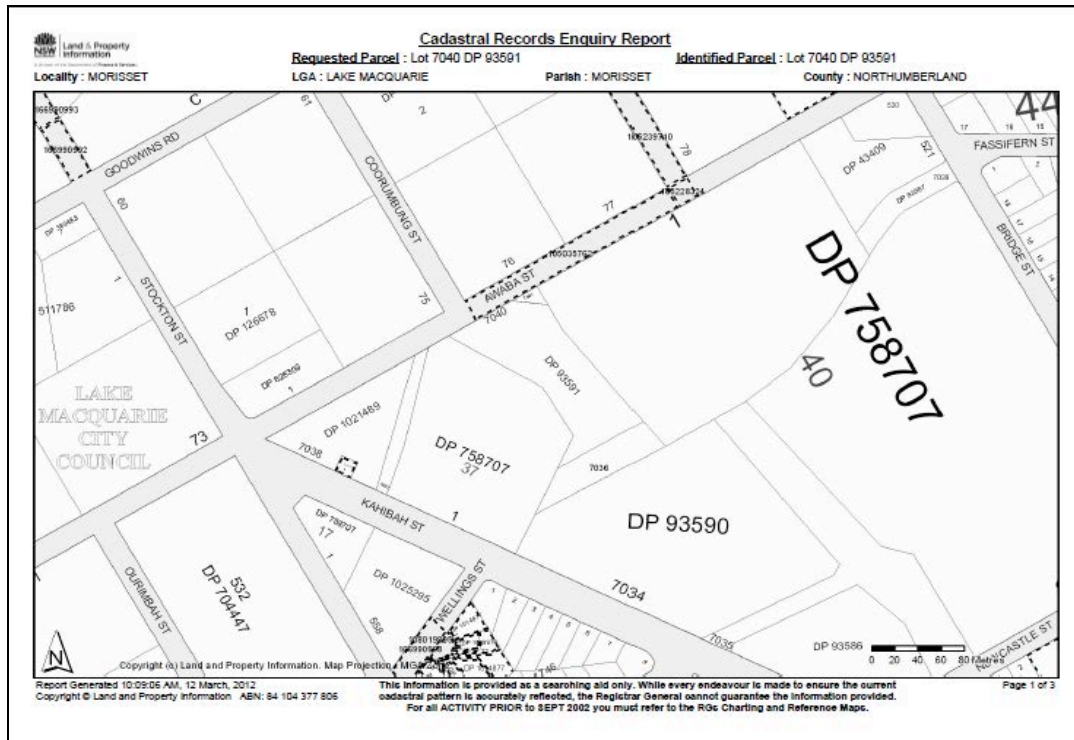
15. Next enter the property identifier details in the relevant fields to obtain a copy of the CRE.

The screenshot shows the 'Property Location Map' form, also known as 'Request CRE'. The left sidebar contains a navigation menu with categories like 'Title Searches and Records', 'Specialised Searches', 'Deeds', 'Land Values', 'Property Information', 'eNOS', 'Torrens Assurance Levy', 'Book Store', 'News', 'Newsletter Registration', and 'Search'. The main content area is titled 'Property Location Map' and includes a 'Free' badge, a description of the CRE, and a 'Related Products' section. The form is divided into two steps: 'Step 1: Cadastral Records Enquiry' and 'Step 2: CRE Results'. Step 1 includes fields for 'Plan Type' (with radio buttons for 'Deposited Plan' and 'Strata Plan'), 'Plan Number', 'Lot', 'Section', and 'Email'. There is also a checkbox for 'I accept the LPI Online Shop's Terms & Conditions' and a 'Security Question' section with a CAPTCHA image 'ep7e4'. Annotations with arrows point to the 'Plan Type' field (labeled 'Enter Plan Type (i.e. 'DP')'), the 'Plan Number' field (labeled 'Enter Plan Number (i.e. 'DP')'), the 'Lot' field (labeled 'Enter Lot Number'), the 'Section' field (labeled 'Enter section number if applicable, otherwise leave blank'), and the 'Email' field (labeled 'Nominate an email address').

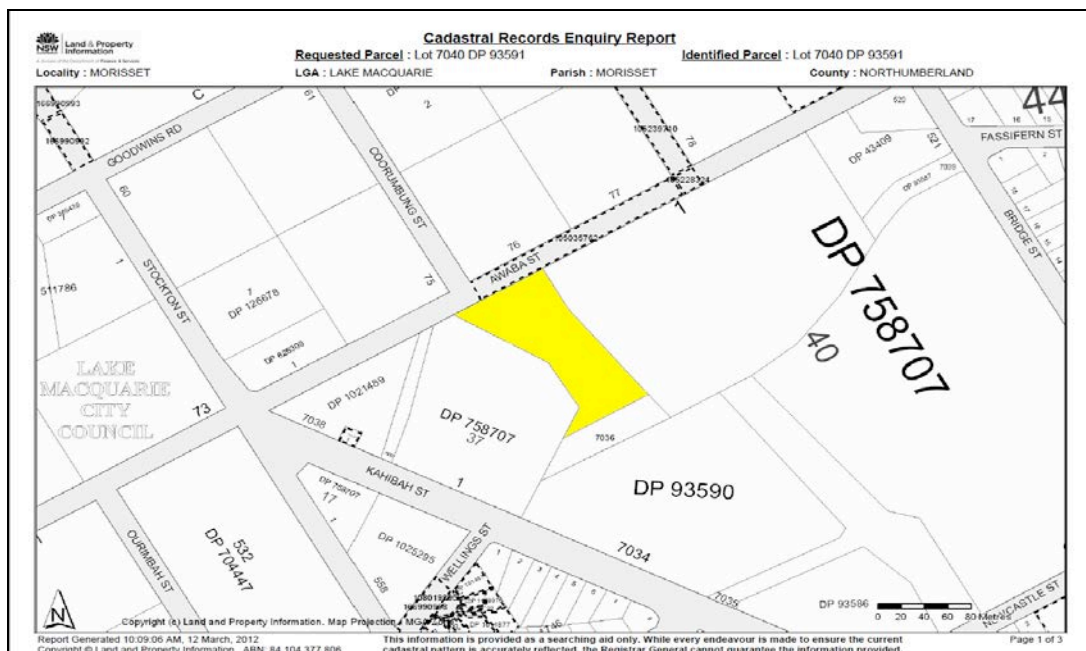
16. Next nominate a return email address, accept LPI terms and conditions (if you agree with them), answer the Security Question and select 'Perform Search'.

This screenshot focuses on the bottom part of the form, showing the 'Email' field, the 'Terms & Conditions' checkbox, the 'Security Question' section with the CAPTCHA 'ep7e4', and the 'Perform Search' button. Annotations with arrows point to the 'Email' field (labeled 'Nominate an email address'), the 'Terms & Conditions' checkbox (labeled 'It is a requirement to accept LPI's terms and conditions to perform the search'), the CAPTCHA image (labeled 'Answer the security question'), and the 'Perform Search' button (labeled 'Perform search').

17. You will be emailed a copy of the requested CRE to your nominated email address.

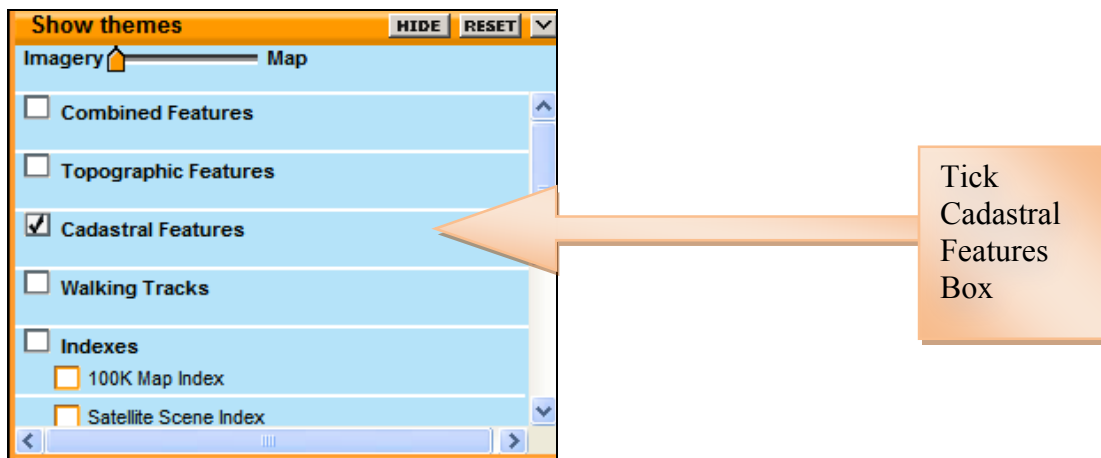


18. Print and highlight the parcel of land that you are lodging the Land Claim over. This is the map that will accompany the Aboriginal Land Claim Lodgement form that is to be sent to the Office of the Registrar of ALRA 1983.

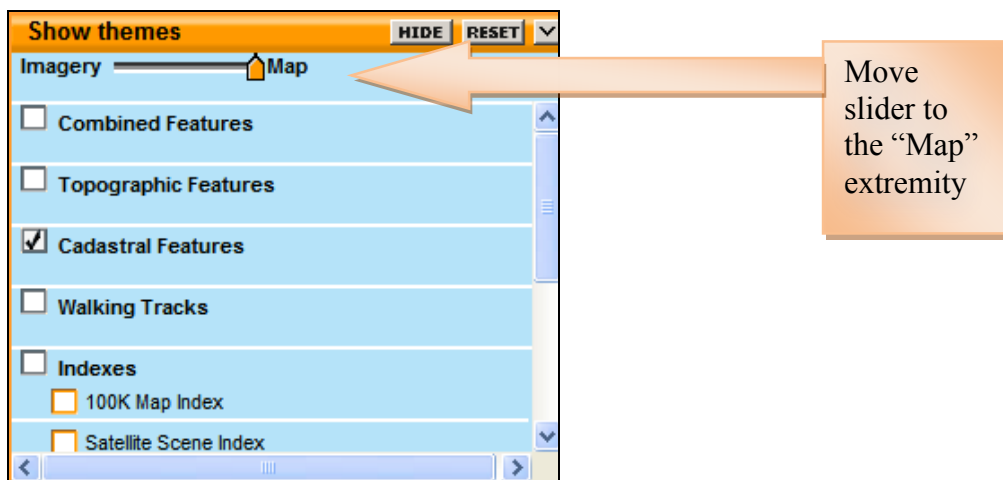


19. In some cases the property being claimed may appear to be small on the CRE and cannot be seen clearly. In these instances it is necessary to provide an additional map/plan of the property depicting the parcel as a larger image, to clearly identify the area being claimed. The additional map can be generated from the Six Viewer. This will be sent along with Land Claim application form **and the CRE map**.

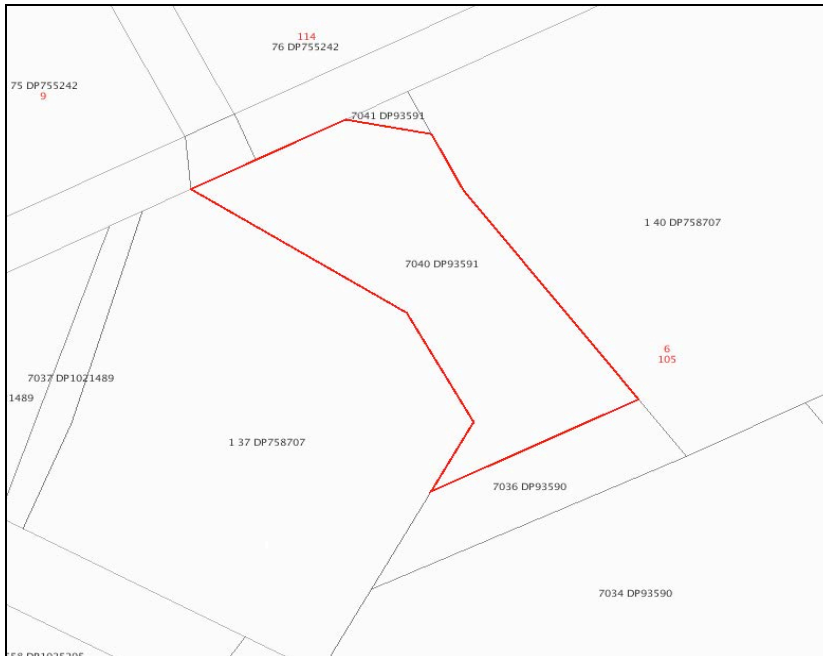
20. **Map Creation from the SIX Viewer:** While the image of the property is displayed from your initial assessment (see step 5), Under the 'Show themes' heading select the "Cadastral Features" box from the middle square on the Six Viewer.



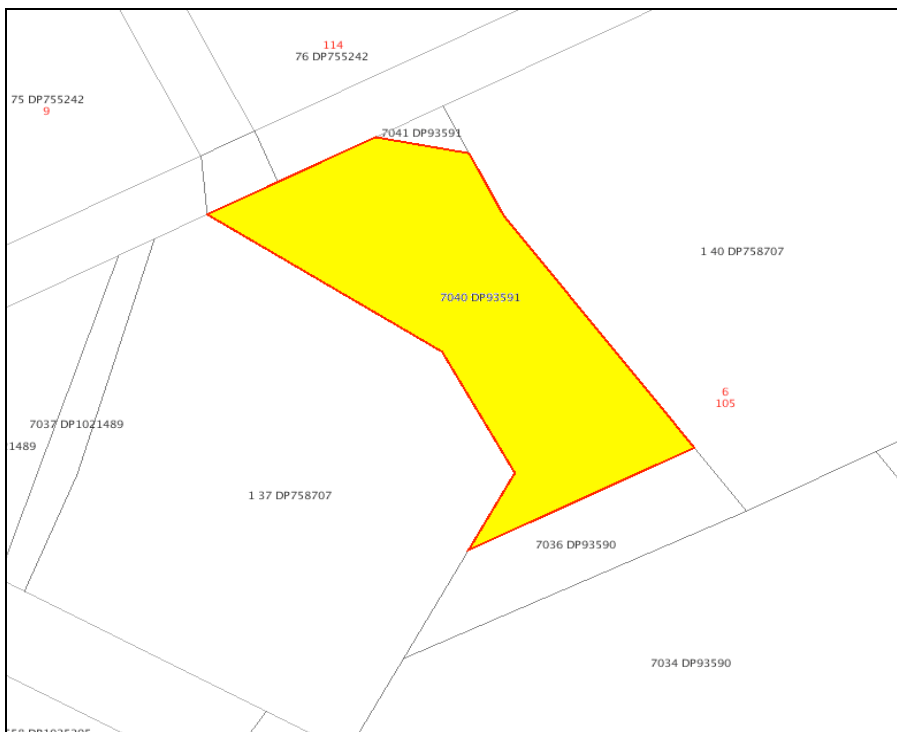
21. Move the "Imagery/Map" slider to the "Map" extremity.



22. Following steps 20 and 21, you will be presented with a map with the Cadastral information.



23. Print and highlight the parcel of land that you are lodging the Land Claim over. **This is the map that will also accompany the Aboriginal Land Claim Lodgement form and the CRE map that is to be sent to the Office of the Registrar of ALRA 1983, where necessary.**



Completing the Land Claim application form.

24. A "Land Claim for Land pursuant to *Aboriginal Land Rights Act 1983* (NSW), Sections 36, 37" form (Land Claim form) needs to be completed. It is important that all details are completed correctly. [This form can be found at page 13 on the "[NSWALC - Land Claims Manual for Local Aboriginal Land Councils – January 2009](#)"]

LAND CLAIM FOR LAND PURSUANT TO ABORIGINAL LAND RIGHTS ACT 1983 (NSW), SECTIONS 36, 37

OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

111 Macquarie Street
Sydney NSW 2000
Tel: (02) 9231 1111
Fax: (02) 9231 1112

Please print and state clearly using block letters.

Name of Council: Local Aboriginal Land Council

Address of Council: (Postal address registered with the Registrar's Office)

Telephone Number:

Name of Chairperson:

Does the Area of this land claim application extend outside the boundaries of the applicant's Land Council area? ☐ No / ☐ Yes

If it does, provide a detailed plan, sketch or map.
(Please attach detailed plan, sketch, map, etc.)

Lot/Portion Number or Reserve Number:

Deposited Plan, Parish Map or Other Plan Number:

Nearest Town or Village: Parish:

Shire of Municipality: County:

If this application is lodged by the NSW Aboriginal Land Council on behalf of one or more Local Aboriginal Land Councils (LALCs), please insert the name(s) of these LALC(s) here:

Map indicating the claim area is attached? ☐ Yes ☐ No

Area is coloured in or hatched? ☐ Yes ☐ No

Signature: (Chairperson)

Date:

Attachment - Form for making a land claim

25. The Land Claim form has a section that requires information to accurately identify the portion of land that is being claimed. You need to enter the Lot and DP number in the area provided, in addition to: Nearest town or Village; Shire of Municipality; Parish; and County.

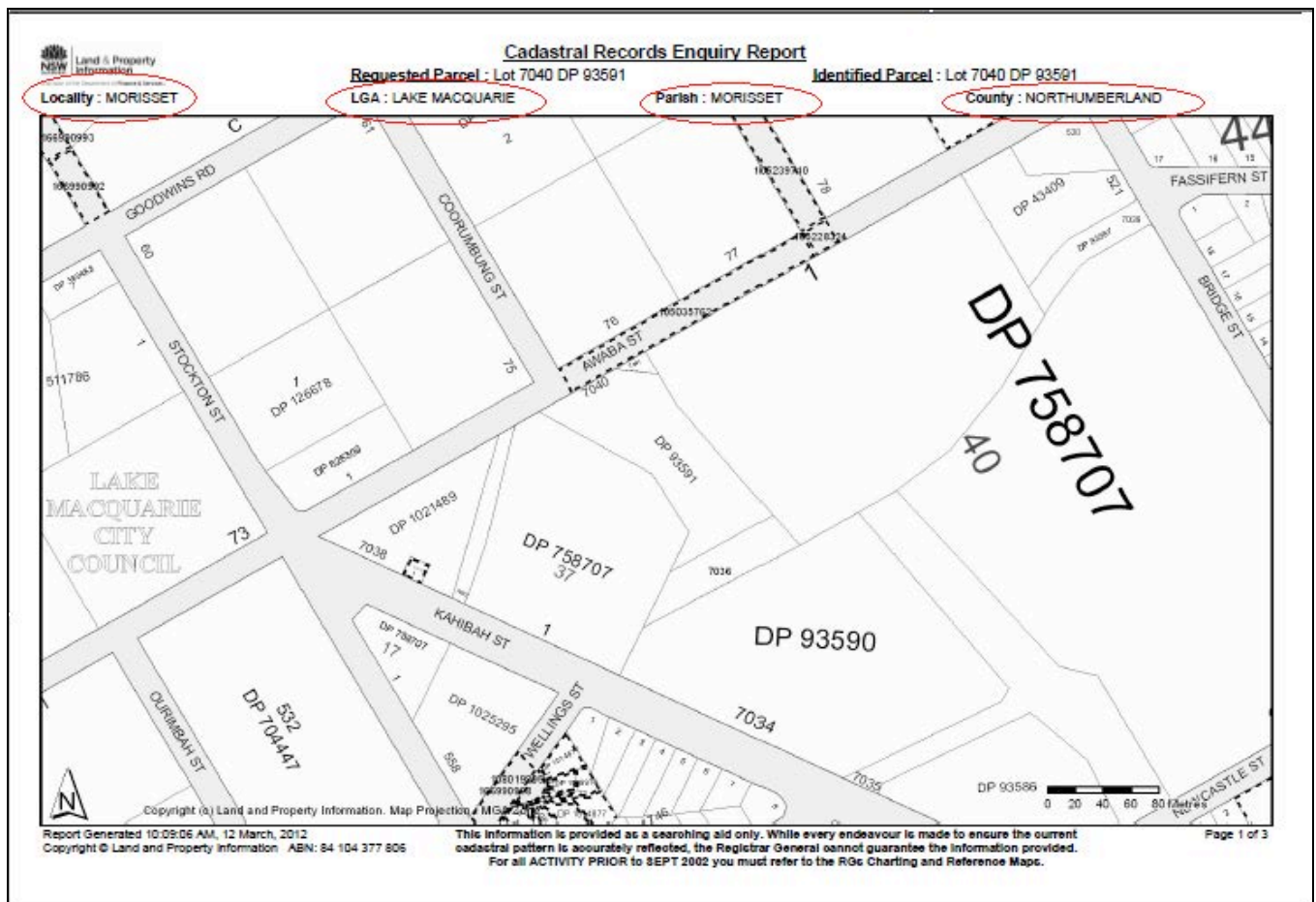
Lot/Portion Number or Reserve Number:

Deposited Plan, Parish Map or Other Plan Number:

Nearest Town or Village: Parish:

Shire of Municipality: County:

26. Information for the relevant - *Nearest town or Village* (Locality); *Shire of Municipality* (Local Government Area – LGA); *Parish* and *County* can be found at the top of the CRE. Also the *Lot* and *DP* can be found here as well.



27. Finally, make sure the Land Claim Application is signed and dated by the Land Council's chairperson.

Map identifying the claim area is attached?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Area is coloured in or hatched?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Signed:	<div style="border: 1px solid black; width: 100%; height: 40px; margin-bottom: 5px;"></div> <div style="text-align: center;">(Chairperson)</div>			
Date:				

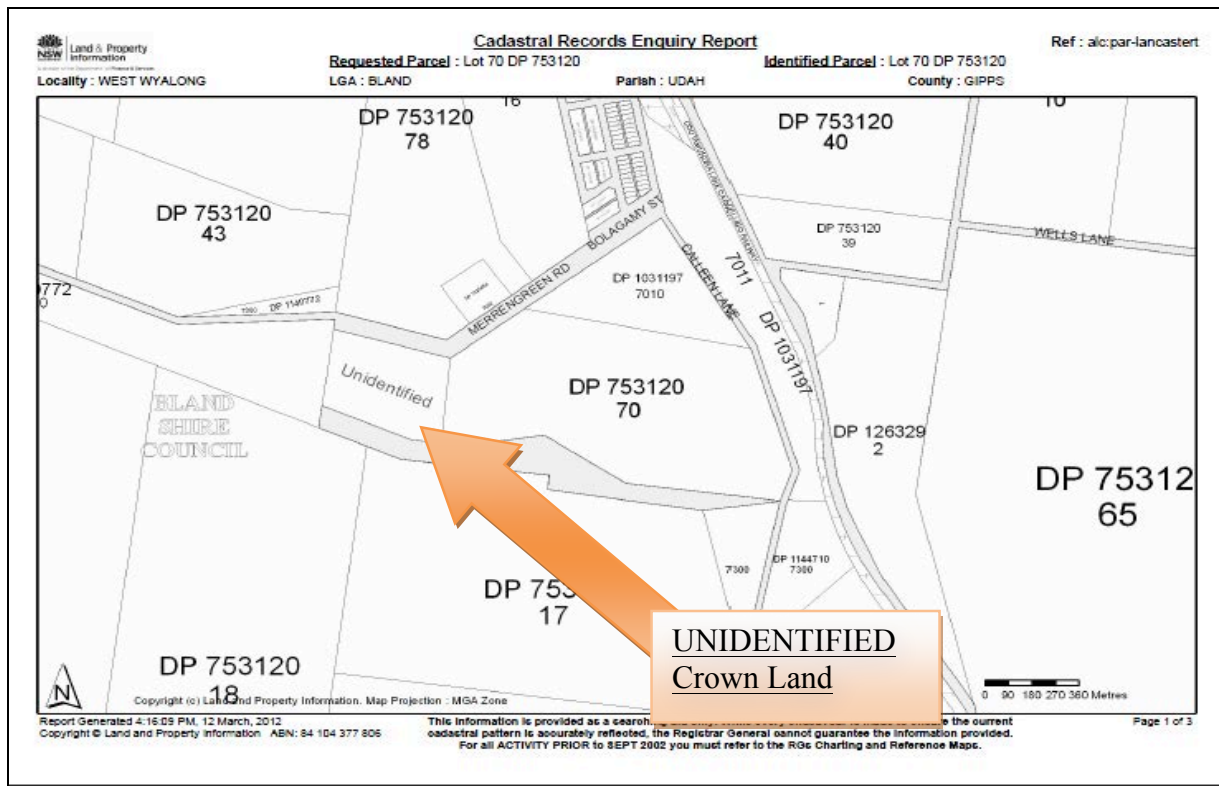
28. Once complete, send this form with the accompanying map/s (from point 15 and 23) to the Office of the Registrar *Aboriginal Land Rights Act 1983* (NSW). The claim can be posted, hand delivered, or faxed to the Registrar at:

Office of the Registrar
Aboriginal Land Rights Act 1983
11 – 13 Mansfield Street
GLEBE NSW 2037
PO Box 112, Glebe NSW 2037
Phone: 02 9562 6327 Fax: 02 9562 6350

29. The Registrar will then forward your Aboriginal land claim application to the relevant government bodies for determination. (See the NSWALC - Land Claims Manual for Local Aboriginal Land Councils, pages 10 to 12 for information about land claim determination).

Unidentified Crown Land

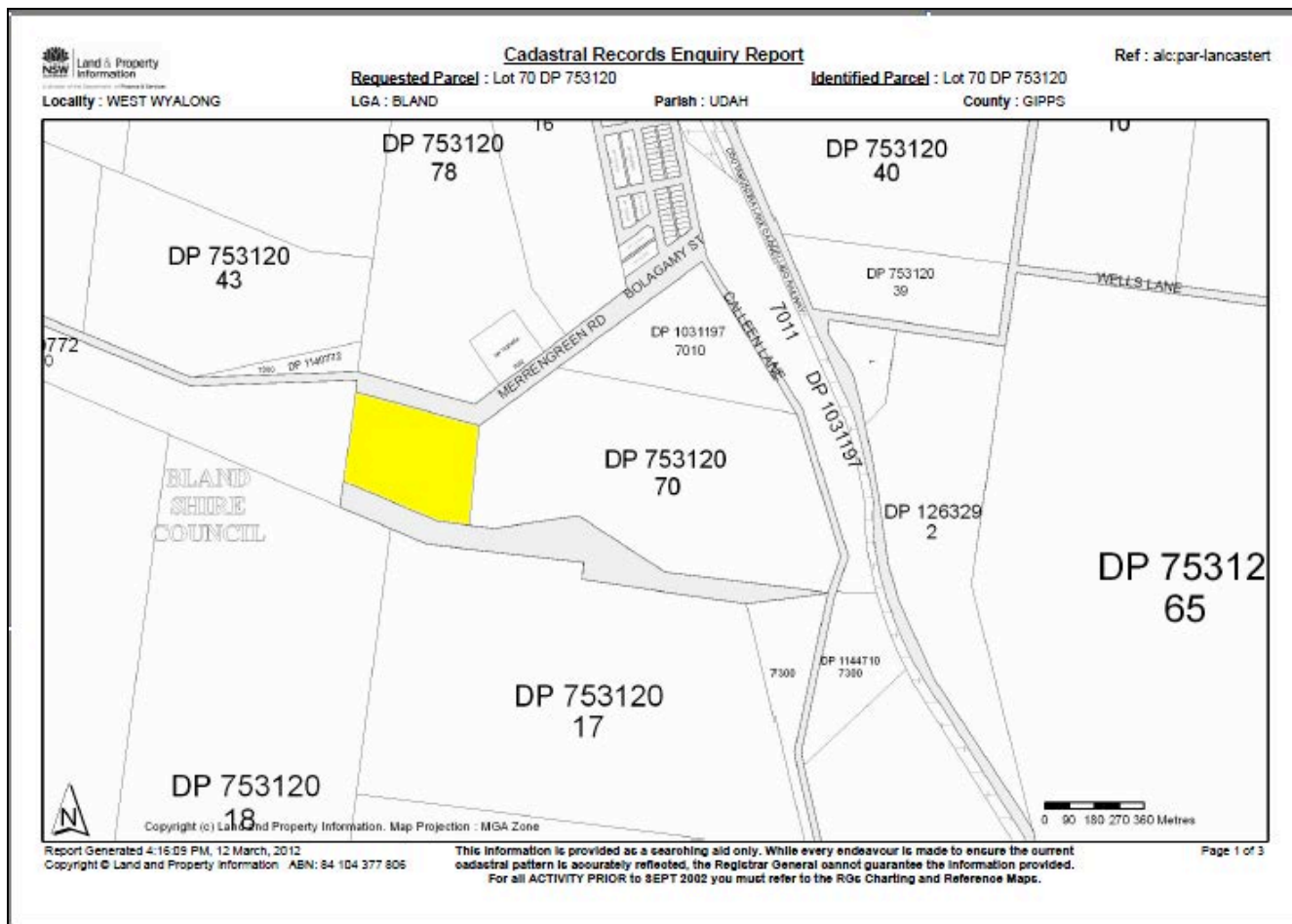
30. There may be some cases when you have printed your CRE you might notice certain parcels of land marked UNIDENTIFIED. In these cases these parcels of land are UNIDENTIFIED Crown Land and may also be claimable. Please contact the NSWALC Land Claims Unit should you require assistance in assessing Unidentified parcels of land.



31. If you are satisfied through your investigation that the land in question is claimable UNIDENTIFIED Crown Land, lodge an application for land claim consistent with points [24] to [28] in this guide.

To reference a parcel of UNIDENTIFIED Crown Land on the Land Claim lodgement form, you need to plot the parcel's position in relation to an identified parcel of land directly adjacent to the UNIDENTIFIED parcel in question.

This information is placed on the Land Claim form in the 'Lot/Portion Number or Reserve Number' field and the 'Deposited Plan, Parish Map or Other Plan Number' field respectively. The standard wording is "*UNIDENTIFIED Crown Land adjacent to Lot in DP as shown on attached plan.*" It is also necessary to include the relevant: 'Nearest Town or Village'; 'Shire or Municipality'; 'Parish'; and 'County' information in their respective fields on the Land Claim form.



32. In the case of the example UNIDENTIFIED Crown Land to be claimed in points [30] and [31], the descriptor would read:

LOT/PORTION NUMBER OR RESERVE NUMBER: UNIDENTIFIED Crown Land adjacent to Lot 70 DP 753120 as shown on the attached plan.

NEAREST TOWN OR VILLAGE: West Wyalong

PARISH: Udah

SHIRE OR MUNICIPALITY: Bland

COUNTY: Gipps

Further Information

NSWALC Land Claims Manual for Local Aboriginal Land Councils

For further information on Aboriginal Land Claims please refer to the [NSWALC - Land Claims Manual for Local Aboriginal Land Councils – January 2009](#).

Please give particular consideration to the topic of "What Land Claim records should you keep and maintain?" on page 11



NSWALC Land Rights Unit

Should you require assistance with any of these steps or any other related items please do not hesitate to contact the NSWALC Land Rights Unit.

- Terry Millott – Manager, Land Rights Unit: terry.millott@alc.org.au - 02 9689 4419; or
- Troy Lancaster – Senior Land Rights Officer: troy.lancaster@alc.org.au - 02 9689 4418.