

# Notice of a non-claimant application for determination of native title in New South Wales



# National Native Title Tribunal

**Notification day: 13 March 2024**

A 'non-claimant' application has been made to the Federal Court of Australia (Federal Court) seeking a determination that native title does not exist in the area described below. The Applicant has a non-native title interest in the area, which is set out in their application and summarised below.

Under the *Native Title Act 1993* (Cth), there can be only one determination of native title for an area. Unless there is a relevant native title claim, as defined in section 24FE, over the area described below on or before **12 June 2024**, the area may be subject to protection under section 24FA and **acts may be done which extinguish or otherwise affect native title**.

A person who claims to hold native title rights and interests in this area may wish to file a native title claimant application or become a party to this non-claimant application. These may be the only opportunities to have those rights and interests taken into account in the Federal Court's determination. Any other person may also wish to become a party.

If you want to become a party to this application, you must file a Form 5 (Notice of Intention to become a Party) with the Federal Court, **on or before 12 June 2024**. Further information regarding how to file a Form 5 is available from [www.fedcourt.gov.au](http://www.fedcourt.gov.au). After **12 June 2024**, you will need to seek leave from the Federal Court to become a party.

**Applicant's name:** Awabakal Local Aboriginal Land Council

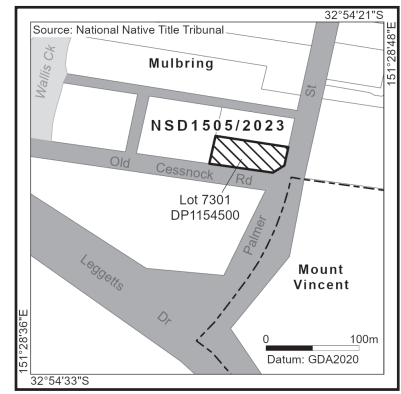
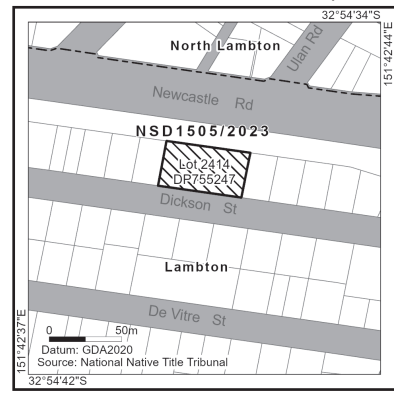
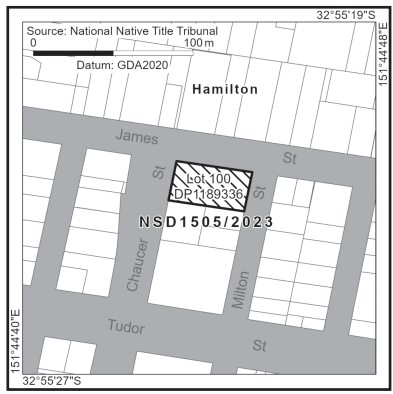
**Federal Court File No:** NSD1505/2023

**Non-native title interest:** The applicant holds an estate in fee simple in relation to the areas comprising the application area but, pursuant to section 36(9) of the *Aboriginal Land Rights Act 1983* (NSW), the applicant's interest is subject to any native title rights and interests which existed in relation to the land immediately prior to its transfer to the applicant

**Order sought by Applicant:** The applicant seeks a determination that native title does not exist

**Relevant LGAs:** Cessnock and Newcastle City Councils

**Description:** The application area covers a combined area of about 0.45 ha over Lots 100 on DP1189336, 2414 on DP755247 and 7301 on DP1154500 and is located in the Hunter Region about 3.5 km, 7 km and 29 km respectively, west of Newcastle



**For assistance and further information about this application, call Megan Harris on 07 3052 4921 or visit [www.nntt.gov.au](http://www.nntt.gov.au).**