



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NSD31/2024
NNTT number: NN2024/001

Application Name: Eden Local Aboriginal Land Council v Attorney-General of New South Wales (Eden LALC)

Application Type: Non-Claimant

Application filed with: Federal Court of Australia

Date application filed: 09/01/2024

Current status: Full Approved Determination - 26/06/2025

Applicants: Eden Local Aboriginal Land Council

Address(es) for Service: James Walkley
Chalk & Behrendt Lawyers & Consultants
Level 9, Currency House
23 Hunter Street
Sydney NSW 2000
Phone: (02) 9231 4544
Fax: (02) 9231 4244

Additional Information

On 26 June 2025, the Federal Court made a determination that native title does not exist in the application area - see [Eden Local Aboriginal Land Council v Attorney General of New South Wales \[2025\] FCA 688](#). That determination was registered on the National Native Title Register (NNTR) on 30 June 2025.

Order 2 of the determination provides that '... The application be discontinued to the extent that it covers any land or waters within:

- (a) the part of Lot 65 in Deposited Plan 1040135 which was previously Portion 58 in the County of Auckland, Parish of Kiah and the subject of Special Lease 1903-4 Eden for the purposes of wattle-growing, agriculture and grazing as depicted in Map 1 of Schedule 1 to the Determination;
- (b) the part of Lot 67 in Deposited Plan 1040135 which was previously Portion 50 in County of Auckland, Parish of Kiah as depicted in Map 1 of Schedule 1 to the Determination; and
- (c) the part of Lot 67 in Deposited Plan 1040135 which was previously subject to Special Lease 1899-2 Eden for the purpose of fishery, and later, saw-mill and erection of buildings as depicted in Map 1 of Schedule 1 to the Determination.'

Draft determination of native title sought:

1. Native title does not exist in relation to the areas of land and waters in the State of New South Wales comprised in and known as:

- (a) Lots 17 and 18 in Deposited Plan 750213;
- (b) Lot 68 in Deposited Plan 1040135;
- (c) Those parts of Lot 65 in Deposited Plan 1040135 which respectively were:
 - (i) Previously Portion 57 in the County of Auckland, Parish of Kiah, the subject of Special Lease 1902-15 Eden for Agriculture;
 - (ii) Previously Portion 58 in the County of Auckland, Parish of Kiah, the subject of Special Lease 1903-4 Eden for wattle-growing, agriculture and grazing; and
 - (iii) Subject to Special Lease 1909-5 Eden for residence and wattle-growing.
- (d) That part of Lot 67 in DP 1040135 which was previously Portion 50 in the County of Auckland, Parish of Kiah, the subject of Special Lease 1899-2 Eden for Fishery, and later, saw-mill and erection of buildings.

Application Area:

State/Territory: New South Wales

Brief Location: County of Auckland, Parish of Kiah, NSW

Primary RATSIB Area: New South Wales

Approximate size: 1.0095 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: No

Area covered by the claim (as detailed in the application):

The application is made in relation to the areas of land and waters in the State of New South Wales comprised in and known as:

- (1) Lots 17 and 18 in Deposited Plan 750213;
- (2) Lot 68 in Deposited Plan 1040135;
- (3) Those parts of Lot 65 in Deposited Plan 1040135 which respectively were:
 - a. Previously Portion 57 in the County of Auckland, Parish of Kiah, the subject of Special Lease 1902-15 Eden for Agriculture;
 - b. Previously Portion 58 in the County of Auckland, Parish of Kiah, the subject of Special Lease 1903-4 Eden for wattle-growing, agriculture and grazing; and
 - c. Subject to Special Lease 1909-5 Eden for residence and wattle-growing.
- (4) That part of Lot 67 in DP 1040135 which was previously Portion 50 in the County of Auckland, Parish of Kiah, the subject of Special Lease 1899-2 Eden for Fishery, and later, saw-mill and erection of buildings.

Attachments:

- 1. 20240115 - NN2024_001 Eden LALC - Attachment B, 2 pages - A4, 15/01/2024

End of Extract