

SCHEDULE FIVE

OTHER INTERESTS (PARAGRAPH 11)

The nature and extent of the Other Interests in relation to the Determination Area as at the date of this determination are:

1. Reserves

(a) The following reserves:

Tenure ID	Purpose
RES 00658	Common
RES 01917	Government Requirements
RES 08886	Cemetery
RES 11076	Recreation
RES 12715	Government Requirements Protection of Inscription Posts
RES 31730	Grave
RES 36160	Pedestrian Access Way
RES 42443	Conservation Park
RES 42471	National Park
RES 49809	Common
RES 50325	National Park
RES 50326	Use and Benefit of Aboriginal People
RES 50331	Use and Benefit of Aboriginal Inhabitants
RES 50332	Use and Benefit of Aboriginal Inhabitants
RES 50333	Use and Benefit of Aboriginal Inhabitants
RES 50334	Access

- (b) The rights and interests of persons who have the care, control and management of the reserves identified in subclause (a) above;
- (c) The rights and interests of persons entitled to access and use the reserves identified in subclause (a) above for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights; and
- (d) The rights and interests of persons holding leases over areas of the reserves identified in subclause (a) above.

9. Pastoral Leases

The following pastoral leases and the rights and interests of the holders from time to time of those pastoral leases:

New Pastoral Lease No	Station Name
PL N049576	Tamala
PL N049672	Carrarang
PL N049693	Gilroyd
PL N049704	Hamelin
PL N049741	Faure
PL N049939	Carey Downs
PL N049949	Talisker
PL N049969	Towrana
PL N050177	Wooramel
PL N050186	Yalardy
PL N050530	Carbla
PL N050531	Woodleigh
PL N050646	Meedo
PL N050662	Yaringa

10. Roads

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The following roads and the rights and interests of the persons having the care, control and management of those roads from time to time:

Tenure ID	Description
Road 05 and Road 004	The Byro-Woodleigh Road
Road 007	Road No. 5996 North West Coastal Highway old alignment crossing Wooramel River as shown on CPP S025SG5005
Road 010	Portion Freycinet Drive and Logue and Skinner Roads as shown on DP 29410
Road 012	Poland Road as shown on DP 32762
Road 013	Road No. 11333 Widening Shark Bay Road as shown on DPs 388362, 388362, 388362 and 388362
Road 014	North West Coastal Highway as shown on DPs 219216, 219218, 219219, 219220, 219221, 219223, 219224, 219225, 219226, 219227 and 219228
Road 025	Widening North West Coastal Highway adjacent to Shark Bay Road intersection as shown on DP 216923

11. Dampier to Bunbury Natural Gas Pipeline

- (a) The interests of the Dampier to Bunbury Natural Gas Pipeline Land Access Minister in the land of the Dampier to Bunbury Natural Gas Pipeline Corridor, including State corridor rights, under the *Dampier to Bunbury Pipeline Act 1997* (WA), and the interests of any other person in land in the Dampier to Bunbury Natural Gas Pipeline Corridor under ss 34, 36 and 41(2)(b) of the *Dampier to Bunbury Pipeline Act 1997* (WA), including the land and waters the subject of the following taking orders: H950513 H951164, H951189, H951198, H951207, H951217.
- (b) For the avoidance of doubt, those interests include: Easement 09 (E003933 [3134B/224]) Access and Easement 20 (E233725 [3134B/261]) Access.

12. Mining Tenements and Petroleum Interests

- (a) The following mining tenements under the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA) and the rights and interests of the holders from time to time of those mining tenements:

(i) **Mining Leases**

Tenure ID
M 0900068
M 0900151

(ii) **General Purpose Leases**

Tenure ID
G 0900001
G 0900002

(iii) **Exploration Licences**

Tenure ID
E 0900939
E 0900940
E 0902254

(iv) **Miscellaneous Licences**

Tenure ID
L 0900002
L 0900003
L 0900004
L 0900005
L 0900006

L 0900077

- (b) The agreement ratified by the *Shark Bay Solar Salt Industry Agreement Act 1983* (WA) as varied pursuant to that agreement and rights and interests comprised in, conferred under or in accordance with, or pursuant to that agreement, including the following mining tenement:

Tenement ID	Tenement Type
AM 7000260	Mineral Lease (State Agreement)

- (c) The following pipeline licences under the *Petroleum and Geothermal Resources Energy Act 1967* (WA) and the rights and interests of the holders from time to time of those pipeline licences:

Tenure ID
PL 40
PL 89

13. Access to Mining Tenements and Petroleum Interests

- (a) Without limiting the operation of any other clause in Schedule Five, but subject to subclause (b) below, the rights of the holders from time to time of a mining tenement or petroleum interest, including those listed in clause 5 of this Schedule Five to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Determination Area as necessary to have access to the area the subject of the mining tenement or petroleum interest for the purposes of exercising the rights granted by that tenement or interest.
- (b) Nothing in subclause (a) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain it in reasonable repair and in order to leave it in substantially the same condition as it was prior to its use pursuant to subclause (a).
- (c) Nothing in Schedule Five will limit the rights of the holders from time to time of mining tenements or petroleum interests, including those referred to in clause 5 of Schedule Five, including, without limitation, any right to exclude members

of the public from entering onto the land and waters the subject of any mining tenement or petroleum interest.

14. Telstra Corporation Limited

The rights and interests of Telstra Corporation Limited (ACN 051 775 556):

- (a) as the owner or operator of telecommunications facilities within the Determination Area;
- (b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:
 - (i) to inspect land;
 - (ii) to install, occupy and operate telecommunications facilities; and
 - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
- (c) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in the performance of their duties; and
- (d) under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities in the Determination Area.

15. Other

The following rights and interests:

- (a) Rights and interests, including licences and permits, granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power and any regulations made pursuant to such legislation;
- (b) Rights and interests held by reason of the force and operation of the laws of the State or of the Commonwealth, including but not limited to, the force and operation of the *Rights in Water and Irrigation Act 1914* (WA);
- (c) Rights and interests of members of the public arising under the common law, including but not limited to:

- (i) the public right to fish;
 - (ii) the public right to navigate; and
 - (iii) the right of any person to use and enjoy any roads in the Determination Area (subject to the laws of the State) over which, as at the date of this determination, members of the public have a right of access under the common law;
- (d) The right of members of the public to access beaches, coastal waters and any tracks existing as at the date of this Determination within the area described in Schedule Three (Magpie);
- (e) The right to access the Determination Area by;
 - (i) an employee, agent or instrumentality of the State;
 - (ii) an employee, agent or instrumentality of the Commonwealth;
 - (iii) an employee, agent or instrumentality of any local government authority,as required in the performance of his or her statutory or common law duty;
- (f) So far as confirmed pursuant to s 212(2) of the *Native Title Act* and s 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)* as at the date of this Determination, any existing public access to, and enjoyment of, the following places in the Determination Area:
 - (i) waterways;
 - (ii) beds and banks or foreshores of waterways;
 - (iii) coastal waters;
 - (iv) beaches;
 - (v) stock routes; and
 - (vi) areas that were public places at the end of 31 December 1993;
- (g) Any other:
 - (i) legal or equitable estate or interest in the land or waters; or
 - (ii) any other right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (A) the land or waters; or

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- (B) an estate or interest in the land or waters; or
- (h) restriction on the use of the land or waters, whether or not annexed to other land or waters.