

SCHEDULE FIVE – OTHER INTERESTS IN THE NATIVE TITLE AREA

The Other Interests in the Native Title Area, as they exist at the date of this Determination, are as follows:

A. **Aboriginal Land Council Interests**

The rights and interests of New South Wales Aboriginal Land Council; Jali Local Aboriginal Land Council; and Tweed Byron Local Aboriginal Land Council pursuant to undetermined Aboriginal land claims made under section 36 of the *Aboriginal Land Rights Act 1983* (NSW) in respect of certain lands within the Native Title Area, including the right to have each such claim determined according to law and, subject only to a determination that the land is claimable Crown land as defined in section 36(1) of that Act, the right to the transfer of an estate in fee simple pursuant to that Act.

B. **Reserves**

- (a) The rights of State, Local Government and other organisations or persons who have the care, control and management of any reserves within the Native Title Area subject to the laws of the State of New South Wales and of the Commonwealth; and
- (b) The rights of persons entitled to access and use reserves within the Native Title Area for the purposes for which they are reserved, subject to any statutory limitations upon those rights.

C. **Mining and petroleum interests**

- (a) The rights of the holders of any mining interests.
- (b) The rights of the holders of any petroleum interests.

D. **Water interests**

The rights of any holder of any licences or permissive occupancies granted under the *Water Act 1919* (NSW) and the *Water Management Act 2000* (NSW).

E. **Fishing interests**

- (a) The rights of the holders from time to time of leases, licences and permits granted or issued under the *Fisheries Management Act 1994* (NSW) and Regulations made under that Act.

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- (b) Other rights and interests under the care, management and control of the Department of Primary Industry - Fisheries subject to the laws of the State of New South Wales and of the Commonwealth.
- (c) The rights of the Department of Primary Industry - Fisheries, and employees or agents of the same under the *Fisheries Management Act 1994* (NSW) and Regulations made under that Act.

F. National Park interests

- (a) The rights of the holders from time to time of leases, licences and permits granted or issued under the *National Parks and Wildlife Act 1974* (NSW) and Regulations made under that Act.
- (b) The rights of the National Parks and Wildlife Service, and employees or agents of the same under the *National Parks and Wildlife Act 1974* (NSW) and Regulations made under that Act.
- (c) Other rights and interests under the care, management and control of the NSW Office of Environment and Heritage subject to the laws of the State of New South Wales and of the Commonwealth.

G. Crown Land interests

- (a) The rights of the holders of the following Permissive Occupancies and of any other Permissive Occupancies:
 - (i) Permissive occupancy PO 135775 over the land comprised in folio identifiers 385/728164 and 387/728164.
- (b) The rights of the holders from time to time of leases, licences and permits granted or issued under the *Crown Land Management Act 2016* (NSW) and Regulations made under that Act.
- (c) Other rights and interests under the care, management and control of the New South Wales Department of Industry - Lands subject to the laws of the State of New South Wales and of the Commonwealth.
- (d) The rights of the New South Wales Department of Industry - Lands, and employees or agents of the same under the *Crown Lands Act 1989* (NSW) and Regulations made under that Act.

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H. Electricity supply interests

- (a) The rights and interests of an electricity or energy supply authority within the meaning of the *Electricity (Consumer Safety) Act 2004* (NSW) and the *Energy Services Corporations Act 1995* (NSW) to exercise functions, powers or rights in accordance with the laws of the State of New South Wales or of the Commonwealth and as owner and operator of facilities for the transmission of electricity and other forms of energy and associated infrastructure situated on the Native Title Area including but not limited to the right to enter the Native Title Area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with existing facilities and infrastructure.
- (b) The rights and interests of:
 - (i) a network operator within the meaning of the *Electricity Supply Act 1995* (NSW); and
 - (ii) for the purposes of any privatisation transaction, any lessor or lessee of a transmission system or person who owns or is authorised to control or operate a transmission system, to exercise functions, powers or rights in accordance with the laws of the State of New South Wales or of the Commonwealth as operator of facilities for the transmission of electricity and other forms of energy and associated infrastructure situated on the Native Title Area including but not limited to the right to enter the Native Title Area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with existing facilities and infrastructure.

I. Local Government interests

The rights and interests of Byron Shire Council as a council constituted under the *Local Government Act 1993* (NSW).

J. Commonwealth interests

- (a) The rights and interests of the Australian Maritime Safety Authority (AMSA) as the lessee, operator and manager of the Cape Byron Lighthouse located on Lot 2 on DP 847753.

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- (b) The rights and interests of the Bureau of Meteorology as the lessee, operator and manager of the automatic weather station located on Lot 4 on DP 882038 at Cape Byron, which is located within Lot 3 on DP 847753.

K. Other interests generally

- (a) Rights and interests, including licences and permits, granted by the Crown in right of the State of New South Wales or of the Commonwealth pursuant to statute or under regulations made pursuant to such legislation.
- (b) Rights and interests held by reason of the force and operation of the laws of the State of New South Wales or of the Commonwealth.
- (c) Rights and interests of members of the public arising under common law or statute, including but not limited to:
 - (i) The public right to fish;
 - (ii) The public right to navigate.
- (d) So far as is confirmed pursuant to section 18 of the *Native Title (New South Wales) Act 1994* (NSW) as at the date of the Determination, any existing public access to and enjoyment of:
 - (i) waterways;
 - (ii) the bed and banks or foreshores of waterways;
 - (iii) travelling stock reserves; and
 - (iv) areas that were public places at the end of 31 December 1993.
- (e) The rights of:
 - (i) an employee, agent or instrumentality of the State of New South Wales;
 - (ii) an employee, agent or instrumentality of the Commonwealth;
 - (iii) an employee, agent or instrumentality of any Local Government Authority, to access the Native Title Area and carry out actions as required in the performance of his/her or its statutory or common law duty.