

## SCHEDULE 5 – OTHER INTERESTS

### [Other interests referred to in Order 10]

The nature and extent of other interests in relation to the Determination Area are the following as they exist as at the date of this Determination:

#### Reserves

- The interests of persons who have the care, control and management of the following reserves, and the interests of persons entitled to access and use these reserves for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights:

Number	Purpose	Held by
RES 04948	Cemetery	
RES 06918	Police	
RES 07850	Excepted from sale and occupation	
RES 08620	Church Site Salvation Army	
RES 09699	Peak Hill Stock Route	Minster for Mines
RES 09815	Water Act 57 Vic No 20	
RES 10087	Government Requirements	
RES 12827	Water	
RES 12828	Water	
RES 12829	Water	
RES 13096	Stock Route Addition to Peak Hill Leonora	
RES 19281	Watering Place for Travellers & Stock	
RES 19456	Common	
RES 20335	Stock Route	
RES 20662	Church Site Roman Catholic	
RES 20800	Church of England Church Site	
RES 21043	Excepted from Sale	

RES 21083	Public Utility	
RES 21109	Excepted From Sale	
RES 21442	Water	
RES 21508	Water Supply and Stock Camping	
RES 22037	Government Requirements	
RES 23985	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 25670	Use & Benefit of Aborigines	Windidda Aboriginal Corporation
RES 31830	Depot Site	
RES 32146	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 34096	Use & Benefit of Aborigines	Aboriginal Lands Trust
RES 41801	Use & Benefit of Aboriginal Inhabitants	Kukabubba Aboriginal Corporation
RES 42002	Use & Benefit of Aboriginal Inhabitants	Aboriginal Lands Trust
RES 42676	Depot Site	Commissioner of Main Roads
RES 45973	Arboretum	Shire of Wiluna
RES 49135	School Site	Minister for Education

### Leases

2. The rights and interests of the holders of the following leases:

Number	Purpose	Held by
L83335	Aboriginal Medical Facility and Staff Accommodation	Ngangganawili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation
I222873	Installation, Maintenance and Operation of Telecommunications Network Facility	TVNZ (Australia) Pty Ltd

### Pastoral Leases

3. The rights and interests of the holders of the following pastoral leases:

Number	Station	Held by
3114/472	Lake Violet	Newmont Yandal Operations Pty Ltd
3114/654	Granite Peak	James Peter Quadrio
3114/960	Millrose	Rex William Ward
3114/1049	Cunyu	Kenneth Arthur Shaw & Dawn Marie Martin
K601976 (formerly 3114/1065)	Windidda	Windidda Aboriginal Corporation
3114/1066	Prenti Downs	William Roy Linke
3114/1067	Yelma	Wiluna Stations Pty Ltd
3114/1068	Wongawol	Wongawol Pty Ltd
3114/1069	Niminga	Niminga Pty Ltd
3114/1070	Carnegie	Charla Downs Pty Ltd
3114/1131	Paroo	James Pengelly Ford & Thomas James Ford
3114/1164	Lake Way	Nova Energy Pty Ltd
3114/1253	Jundee	Newmont Yandal Operations Pty Ltd
3114/1260	Millbillillie	Nova Energy Pty Ltd

#### Easements

4. The rights and interests of the holders of the following easements:

Number	Purpose	Held by
I 222875	Access	TVNZ (Australia) Pty Ltd
L 132631	Sewerage	Water Corporation
L 132618	Sewerage	Water Corporation

#### Mining tenements

5. The rights and interests of the holders of the following mining leases:

Mining lease		
M 5300024	M 5300196	M 5300487

<b>Mining lease</b>		
M 5300025	M 5300197	M 5300492
M 5300026	M 5300198	M 5300501
M 5300027	M 5300199	M 5300502
M 5300030	M 5300200	M 5300503
M 5300032	M 5300205	M 5300504
M 5300034	M 5300220	M 5300535
M 5300035	M 5300221	M 5300536
M 5300036	M 5300224	M 5300537
M 5300040	M 5300226	M 5300538
M 5300041	M 5300228	M 5300539
M 5300043	M 5300229	M 5300540
M 5300044	M 5300230	M 5300541
M 5300045	M 5300235	M 5300552
M 5300049	M 5300236	M 5300555
M 5300050	M 5300237	M 5300588
M 5300052	M 5300245	M 5300589
M 5300053	M 5300246	M 5300611
M 5300054	M 5300247	M 5300707
M 5300055	M 5300248	M 5300708
M 5300064	M 5300249	M 5300711
M 5300069	M 5300250	M 5300712
M 5300071	M 5300253	M 5300796
M 5300092	M 5300326	M 5300797
M 5300095	M 5300336	M 5300798
M 5300096	M 5300347	M 5300836
M 5300100	M 5300371	M 5300874
M 5300113	M 5300372	M 5300895
M 5300121	M 5300384	M 5300908
M 5300122	M 5300411	M 5300910
M 5300123	M 5300412	M 5300911
M 5300129	M 5300413	M 5300929

<b>Mining lease</b>		
M 5300130	M 5300414	M 5300935
M 5300131	M 5300415	M 5300940
M 5300139	M 5300441	M 5300949
M 5300147	M 5300446	M 5300955
M 5300155	M 5300451	M 5300966
M 5300156	M 5300452	M 5300971
M 5300173	M 5300456	M 5300972
M 5300182	M 5300458	M 5301002
M 5300183	M 5300461	M 5301016
M 5300188	M 5300468	M 5301017
M 5300191	M 5300477	M 5301018
M 5300192	M 5300478	M 5301078
M 5300193	M 5300479	M 5301086
M 5300194	M 5300480	

6. The rights and interests of the holders of the following exploration licences:

<b>Exploration licence</b>			
E 3802166	E 5301254	E 5301528	E 6901907
E 3802167	E 5301287	E 5301546	E 6902062
E 3802168	E 5301288	E 5301547	E 6902063
E 3802212	E 5301290	E 5301548	E 6902064
E 3802213	E 5301296	E 5301549	E 6902126
E 3802238	E 5301297	E 5301552	E 6902256
E 3802239	E 5301299	E 5301555	E 6902257
E 3802240	E 5301300	E 5301560	E 6902266
E 3802764	E 5301304	E 5301561	E 6902358
E 3802765	E 5301305	E 5301580	E 6902375
E 5101234	E 5301317	E 5301581	E 6902376
E 5101238	E 5301318	E 5301586	E 6902377
E 5101357	E 5301319	E 5301589	E 6902492
E 5101499	E 5301341	E 5301593	E 6902502
E 5202183	E 5301374	E 5301600	E 6902503

<b>Exploration licence</b>			
E 5202444	E 5301391	E 5301601	E 6902533
E 5300644	E 5301392	E 5301602	E 6902607
E 5300695	E 5301402	E 5301603	E 6902733
E 5301042	E 5301403	E 5301604	E 6902736
E 5301044	E 5301433	E 5301619	E 6902737
E 5301089	E 5301437	E 5301620	E 6902750
E 5301101	E 5301449	E 5301630	E 6902763
E 5301116	E 5301460	E 5301635	E 6902765
E 5301132	E 5301461	E 5301637	E 6902809
E 5301136	E 5301466	E 5301666	E 6902820
E 5301169	E 5301471	E 5301675	E 6902872
E 5301181	E 5301475	E 5301687	E 6902934
E 5301209	E 5301491	E 5301688	E 6902940
E 5301219	E 5301493	E 5301696	E 6902957
E 5301221	E 5301516	E 6901729	E 6903022
E 5301223	E 5301517	E 6901771	E 6903026
E 5301232	E 5301518	E 6901772	E 6903037
E 5301243	E 5301521	E 6901869	E 6903039
E 5301247	E 5301522	E 6901870	E 6903055
E 5301253	E 5301523	E 6901871	

7. The rights and interests of the holder of the following general purpose lease:

<b>General purpose lease</b>
G 5300020

8. The rights and interests of the holders of the following prospecting licences:

<b>Prospecting lease</b>		
P 5301264	P 5301372	P 5301528
P 5301265	P 5301373	P 5301543
P 5301350	P 5301374	P 5301564
P 5301351	P 5301396	P 5301565
P 5301352	P 5301397	P 5301566
P 5301355	P 5301496	P 5301567

<b>Prospecting lease</b>		
P 5301356	P 5301497	P 5301568
P 5301357	P 5301508	P 5301569
P 5301358	P 5301509	P 5301570
P 5301359	P 5301510	P 5301571
P 5301360	P 5301524	P 5301572
P 5301366	P 5301525	P 5301575
P 5301369	P 5301526	P 6900045
P 5301370	P 5301527	

9. The rights and interests of the holder of the following retention licence:

<b>Retention lease</b>
R 5300001

10. The rights and interests of the holders of the following miscellaneous licences:

<b>Miscellaneous licence</b>			
L 5300020	L 5300044	L 5300082	L 5300127
L 5300021	L 5300045	L 5300083	L 5300136
L 5300022	L 5300048	L 5300089	L 5300137
L 5300023	L 5300050	L 5300090	L 5300138
L 5300024	L 5300051	L 5300094	L 5300140
L 5300030	L 5300052	L 5300097	L 5300142
L 5300032	L 5300053	L 5300098	L 5300143
L 5300033	L 5300060	L 5300099	L 5300144
L 5300034	L 5300062	L 5300100	L 5300149
L 5300035	L 5300066	L 5300102	L 5300150
L 5300036	L 5300068	L 5300103	L 5300153
L 5300037	L 5300069	L 5300106	L 5300163
L 5300038	L 5300070	L 5300107	L 5300164
L 5300039	L 5300071	L 5300108	L 5300169
L 5300040	L 5300072	L 5300112	L 5300174
L 5300041	L 5300073	L 5300113	
L 5300042	L 5300075	L 5300117	
L 5300043	L 5300077	L 5300125	

11. Subject to paragraph 12 below, any rights and interests that may exist as at the date of this Determination that are held by the holders from time to time of the mining tenements listed above, that permits the holder of those mining tenements to use or use and maintain in reasonable repair (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area:
- (a) as may be permitted in accordance with those rights and interests; and
  - (b) as are necessary to have access to the area the subject of the mining tenement for the purpose of exercising the rights granted by that mining tenement.
12. Nothing in paragraph 11 above allows any upgrade, extension, widening, re-alignment or other improvement to the road or track.

**Petroleum interests**

13. The rights and interests of the holders of the following petroleum pipeline licences:

<b>Petroleum pipeline licences</b>	
PL 24	PL 34
PL 33	PL 73

14. Subject to paragraph 15 below, any rights that may exist as at the date of this Determination that are held by the holders from time to time of the petroleum interests listed above, that permits the holder of those petroleum interests to use or use and maintain in reasonable repair (including by servants, agents and contractors) such portions of roads and tracks in the Determination Area:
- (a) as may be permitted in accordance with those rights and interests; and
  - (b) as are necessary to have access to the area the subject of the mining tenement for the purpose of exercising the rights granted by that mining tenement.
15. Nothing in paragraph 14 above allows any upgrade, extension, widening, re-alignment or other improvement to the road or track.

**Telstra**

16. The rights and interests of Telstra Corporation Limited:
- (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 and operate telecommunications facilities; and
  - (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunication facilities;
- (c) to occupy an area of land for the purposes of its Well 2A radio telecommunications facility located at Latitude: 25°59'1.48" South. Longitude: 120°19'21.91" East;
- (d) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties; and
- (e) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area.

### **Other**

17. The following rights and interests:

- (a) rights and interests held under grants from the Crown in right of the State or of the Commonwealth pursuant to statute or in the exercise of its executive power or otherwise conferred by statute;
- (b) rights and interests held by reason of the force and operation of the laws of the State or of the Commonwealth including the force and operation of the *Rights in Water and Irrigation Act 1914* (WA) and the *Aboriginal Communities Act 1979* (WA);
- (c) the right of a member of the public to use (subject to the laws of the State, in particular the *Aboriginal Affairs Planning Authority Act 1972* (WA) and Regulations where applicable):

- (i) the following roads (being roads which are maintained by the Shire of Wiluna as at the date of this Determination and marked generally on the maps in Schedule 7 with a broken red line):
    - (A) Carnegie-Glen Ayle Road;
    - (B) Carnegie-Prenti Downs Road;
    - (C) Carnegie Road;
    - (D) Wiluna-Granite Peak Road;
    - (E) Prenti Downs Road;
    - (F) Prenti Downs-Warren Bore Road;
    - (G) Sandstone-Wiluna Road;
    - (H) Sydney Heads Road;
    - (I) Wiluna North Road; and
    - (J) Yeelirrie Road;
  - (ii) the Canning Stock Route; and
  - (iii) any road in the determination area over which, as at the date of this Determination, the public has a right of way according to the common law;
- (d) the right to access the Determination Area by:
- (i) an employee or agent or instrumentality of the State;
  - (ii) an employee or agent or instrumentality of the Commonwealth;
  - (iii) an employee or agent or instrumentality of any local government authority,
- as required in the performance of his or her statutory or common law duty where such access would be permitted to private land; and
- (e) so far as confirmed pursuant to 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:
- (i) waterways;

- (ii) beds and banks or foreshores of waterways;
- (iii) stock routes; or
- (iv) areas that were public places at the end of 31 December 1993.