

Schedule Three
Extinguished Areas

1. The Extinguished Areas comprise:

- (a) any land or waters within the Claim Area on which there is or has been constructed or established valid or validated public works (including any adjacent land or waters as described in section 251D of the *Native Title Act* which were constructed or established prior to 23 December 1996 or were commenced to be constructed or established on or before that date);
- (b) without detracting from the generality of paragraph (a), any land or waters upon which a public road is or was commenced to be constructed or established, on or before 23 December 1996;
- (c) any roads established under statute or common law prior to 23 December 1996; and
- (d) the following land or waters:

Extinguished Parcels			
Area	ID	Description of Land	Other comments
A - Locality of Yamba	3	The land is the Gantry Wall which is shown on the Status Branch Town Map. This is below the Mean High Water Mark and therefore would have been part of the waterway at settlement. This structure is partly within Lot 1 in DP 804302 and Lot 1 in DP 814966.	Subject to a number of leases and sub-leases. Head lease 2214217 to Dolphin Cove Developments
A - Locality of Yamba	6	164/751395; Part of this ID is land and part of this ID is below the mean high water mark	Special Lease 1963-51
A - Locality of Yamba	25	1/616317	Registered proprietor of land is "The Maritime Services Board of NSW"
F - Locality of Harwood	1	Crown Land below MHW of the Clarence River adjoining part lot 93 in the Deposited Plan 751373 and lot 188 in Deposited Plan 751373. Land is known as Permissive Occupancy 147446	Special Lease 1907-18

2. Any land covered by past or present freehold title or by previous exclusive possession acts as defined by section 23B of the *Native Title Act* (1993) (Cth) as follows:
 - (a) a scheduled interest;
 - (b) a freehold estate;
 - (c) a commercial lease that is neither an agricultural nor a pastoral lease;
 - (d) an exclusive agricultural lease or an exclusive pastoral lease;
 - (e) a residential lease; and
 - (f) a community purpose lease.
3. The Extinguished Areas are also depicted on the plan in Schedule Two.
4. In the event of an inconsistency between the written description provided in this Schedule and the plan in Schedule Two, the written description shall prevail.