

SCHEDULE FIVE – OTHER INTERESTS IN THE NATIVE TITLE AREA

The Other Interests, as they exist at the date this Determination takes effect, are as follows:

1. Aboriginal Land Council interests

- (a) The rights and interests of Coffs Harbour and District Local Aboriginal Land Council to the transfer of an estate in fee simple of the following areas of land pursuant to the Aboriginal Land Agreement referred to in paragraph 2 of Schedule Four.

Lot and DP	State ID Area
Lot 7066 in DP 1107446	3
Lot 4 in DP 1193053 (but not that part which is part of the proposed Recreation reserve)	7 North (but not that part which is part of the proposed Recreation reserve)
Lot 7064 in DP 1107434	7 South
Part of Lot 1 in DP 609510 (excluding the waterways)	9
Lot 233 in DP 755552	11
Part of Lot 7012 in DP 1107438 (excluding the waterways)	12 and 20
Part of Lot 7012 in DP 1107438 and part of Lot 7035 in DP 1107441 (excluding the waterways)	13 (to the extent, if any, that it is not a waterway)
Part of Lot 7034 in DP 1107441 (excluding the waterways)	14

- (b) The rights and interests of Coffs Harbour and District Local Aboriginal Land Council pursuant to the Indigenous Land Use Agreement described in paragraph 3 of Schedule Four.

2. 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.
- (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.

3. National Parks 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 NSW Office of Environment and Heritage, and employees or agents of the same under the *National Parks and Wildlife Act 1974* (NSW) and Regulations made under that Act.
- (c) The rights of the NSW Office of Environment and Heritage, and employees or agents of the same, who have the care, control and management of any reserves, subject to the laws of the State of New South Wales and of the Commonwealth.

4. Crown Lands Interests

- (a) The rights of the holders from time to time of leases, licences and permits granted or issued under the *Crown Lands Act 1989* (NSW) and Regulations made under that Act.
- (b) 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.
- (c) 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.

5. Local Government Interests

The rights and interests of the Bellingen Shire Council as a council under its local government jurisdiction and as an entity exercising statutory powers in respect of the land and waters within its local government area.

6. Other interests generally

- (a) Any 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 otherwise in the exercise of its executive power or under regulations made pursuant to such legislation.
- (b) Any 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 the common law including but not limited to the public right to fish;
- (d) So far as confirmed pursuant to ss 16 and 18 of the *Native Title (New South Wales) Act 1994* (NSW), any other existing public access to and enjoyment of:
 - (i) waterways;
 - (ii) the 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.
- (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.