

SCHEDULE EIGHT
OTHER RIGHTS AND INTERESTS

(1) Pastoral Leases

Portion of Pastoral Lease N050174, Brooking Springs, falling within the Determination Area.
Portion of Pastoral Lease N049912, Kimberley Downs falling within the Determination Area.
Portion of Pastoral Lease N049850 Quanbun Downs falling within the Determination Area.
Portion of Pastoral Lease N049587 Blina falling within the Determination Area.
Portion of Pastoral Lease N050221 Fossil Downs falling within the Determination Area.
Portion of Pastoral Lease N049855 Napier Downs falling within the Determination Area.
Portion of Pastoral Lease N049720 Napier Downs falling within the Determination Area.
Portion of Pastoral Lease N050571 Jubilee Downs falling within the Determination Area.
Portion of Pastoral Lease N049997, Glenroy falling within the Determination Area.
Portion of Pastoral Lease N049810 Mt House falling within the Determination Area.
Pastoral Lease N049708 Millie Windie.
Portion of Pastoral Lease N049733 Mornington falling within the Determination Area.

(2) Leases

Lease AB H960986 from the Aboriginal Lands Trust to Western Power Corporation for a term of 30 years from 1 September 2001, with options to renew for 2 terms of 30 years, over Lot 314 on DP 220931, being portion of Reserve 35167.

(3) 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:

RES 01577	Ninety Seven Creek, Lennard River, Fitzroy	Reserve for the purpose of Watering Place
RES 01578	Mt Hardman Creek, Lennard River, Fitzroy	Reserve for the purpose of Watering Place
RES 01579	Lennard River, Fitzroy	Reserve for the purpose of Watering Place
RES 05096	Near Oscar Hill and Great Northern Highway, Fitzroy	Reserve for the purpose of Water

RES 10773	Lot 377 on DP 240025	Reserve for the purpose of Road through the Leopold Ranges
RES 11620	Lot 5 on DP 230176 and Lot 7 on DP 193771, 67 Mile Bore, Fitzroy	Reserve for the purpose of Water Travellers and Stock
RES 12474	Lot 351 on DP 34202 Lennard River (Gibb River Road)	Reserve for the purpose of Stock Route
RES 12475	Lennard River, Fitzroy (Russ Road)	Reserve for the purpose of Stock Route
RES 23226	Fitzroy	Reserve for the purpose of Stock-Route Fitzroy Crossing to Nobby's Well
RES 45609	Fitzroy Crossing	Reserve for the purpose of Foreshore Protection
RES 46235	King Leopold Ranges	Reserve for the purpose of Conservation Park
RES 09656	Fitzroy Locations 2, 10, 17, 100	Reserve for the purpose of Use and Benefit of Aboriginal Inhabitants vested in the Aboriginal Lands Trust
RES 32244	Lot 68 on DP 180065	Reserve for the purpose of Aboriginal Enterprises vested in the Aboriginal Lands Trust - Loanbun
RES 33542	Lot 73 on DP 180410	Reserve for the purpose of Use and Benefit of Aboriginal Inhabitants vested in the Aboriginal Lands Trust
RES 34690	Lot 108 on DP 213953	Reserve for the purpose of Use and Benefit of Aboriginal Inhabitants with management order to the Aboriginal Lands Trust
RES 38602	Lot 315 on DP 220931	Reserve for the purpose of Use and Benefit of Aborigines with management order to Marra Worra Worra Aboriginal Corporation
RES 45046	Lot 161 on DP 169899, Lot 46 on DP 170310, Lot 48 on DP 172142, Lot 215 on DP 169898, Lot 21 on DP 144216, Lot 24 on DP 161062, Lot 62 on DP 174044, Lot 277 on DP 240396 and Lot 505 on DP 66837	Reserve for the purpose of Use and Benefit of Aboriginal Inhabitants with management order to Darlŋgunaya Aboriginal Corporation
RES 45608	Lot 289 on DP 192944	Reserve for the purpose of Use and Benefit of Aboriginal Inhabitants with management order to Munmarul Aboriginal Corporation
Portion of RES 35167	Lot 313 on DP 220931 and Lot 314 on DP 220931	Reserve for the purpose of Use and Benefit of Aboriginal Inhabitants with

		management order to Bunuba Inc – those areas not subject to the sublease held by the Mindi Rardi Aboriginal Corporation
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Reserves vested under the Conservation and Land Management Act 1984 (WA)

RES 43099	Devonian Reef Conservation Park	Reserve for the purpose of Conservation Park
RES 43100	Geike Gorge Conservation Park	Reserve for the purpose of Conservation Park
RES 43101	Brooking Gorge Conservation Park	Reserve for the purpose of Conservation Park

- (4) The interests of persons holding leases over areas of the reserves identified in paragraph 3 above.
- (5) **UCL Areas included on Register of Heritage Places maintained by the Heritage Council under *Heritage of Western Australia Act 1990 (WA)***

UCL 22	Lot 300 on DP 49565 listed on register of heritage places subject to Memorial J659308 Air Beef Abattoir and Aerodrome
UCL 26	Lot 341 on DP 52596 Area of UCL south-east of Reserve 31107, north west of Reserve 10773 and north of Road 16 subject to Memorial J705729 Lillimilura Ruins and Grotto
UCL 27	Lot 341 on DP 52596 Area of UCL west of Reserve 31107 and east of Reserve 12474 subject to Memorial J705729 Lillimilura Ruins and Grotto
UCL 28	Lot 341 on DP 52596 Two UCL areas south of Road 16 subject to Memorial J705729 Lillimilura Ruins and Grotto
UCL 29	Lot 341 on DP 52596 East of Reserve 10773 and north of Road 16 subject to Memorial J705729 Lillimilura Ruins and Grotto

5A.A right of the general public who ordinarily access the following UCL and Reserve areas to continue to access those areas:

Portion of UCL 07	South of Reserve 20668 and north of Great Northern Highway, Fitzroy Crossing – portion not previously part of Great Northern Highway#
UCL 08	Area in Fitzroy Crossing south of Reserve 36669 and bounded by Sandford Road, Skuthorp Road and Great Northern Highway#
UCL 09	Area in Fitzroy Crossing north of Sandford Rd and UCL 08,

	east of Forrest Road, south of Reserve 9656, west of Reserve 36669#
Portion of UCL 10	Area in Fitzroy Crossing east of Fallon Rd, north of Great Northern Highway, west of Reserve 36958, portion not previously part of Great Northern Highway#
UCL 12	Area in Fitzroy Crossing west of Reserve 35090, south of Reserve 9656 and east of Reserve 20668#
UCL 13	Lot 71 on DP 190680 South of Fallon Road, west of Forrest Road, east of McLarty Road and north of Reserve 42291#
UCL 14	Lot 73 on DP 190680 East of McLarty Road, west of Forrest Road and south of Reserve 42291 and UCL 13#
UCL 15	Lot 316 on DP 192223 East of Fallon Road, south of Reserve 20668#

UCL 23	Lot 501 on DP 53728 South of Reserve 9656, north and east of Reserve 35090 and surrounding Reserve 39035#
UCL 24	Lot 502 on DP 53728 East of UCL 23#
RES 32244	Lot 68 on DP 180064 – Reserve for the purpose of Aboriginal Enterprises vested in the Aboriginal Lands Trust - Loanbun

5B. A right of those Aboriginal people who access and use the lawground on Reserve 35167 for cultural and ceremonial purposes, as authorised by the Native Title Holders under their traditional law and custom, to continue to access and use the lawground for those purposes.

(6) Roads to which non-extinguishment principle applies

22	Portion of Yurabi Road, Fitzroy Crossing as shown on Survey Plan 194802 approved 22 March 2000
23	Portion of Yurabi Road, Fitzroy Crossing as shown on Survey Plan 194802 approved 22 March 2000

24	Widening of Great Northern Highway through Blina Station Government Gazette 23 December 1997
25	Widening of Great Northern Highway through Blina Station Government Gazette 27 June 1997
26	Widening of Great Northern Highway through Blina and Liveringa Stations Government Gazette 27 June 1997
27	Widening of Great Northern Highway through Blina Station Government Gazette 27 June 1997
28	Widening of Great Northern Highway through Blina Station Government Gazette 27 June 1997
29	Widening of Great Northern Highway through Brooking Springs and Quanbun Downs Station Government Gazette 27 June 1997
30	Widening of Great Northern Highway through Blina Station Government Gazette 27 June 1997
31	Widening of Great Northern Highway through Brooking Springs and Quanbun Downs Station Government Gazette 27 June 1997
32	Widening of Great Northern Highway through Brooking Springs and Quanbun Downs Station Government Gazette 27 June 1997
33	Widening of Great Northern Highway through Brooking Springs and Quanbun Downs Station Government Gazette 27 June 1997
34	Widening of Great Northern Highway through Quanbun Downs Station Government Gazette 27 June 1997
35	Widening of Great Northern Highway through Jubilee Downs and Quanbun Downs Station Government Gazette 27 June 1997
36	Geike Gorge Road
37	Road through Reserve 9697 as shown on Map Enlargement 3AA

**(7) Existing petroleum interests under the Petroleum and Geothermal Energy
 Resources Act 1967 (WA) and the Petroleum Pipelines Act 1969 (WA)**

Tenement ID	Tenement type	Date of grant
EP 129 R5	Exploration Permit	22/01/2007
EP 371 R2	Exploration Permit	31/07/2014

EP 453 R1	Exploration Permit	31/05/2013
EP 464	Exploration Permit	15/01/2009
PL 7	Pipeline Licence	08/09/2009
L 6	Production Licence	19/05/2006

(8) Existing Interests under the *Mining Act 1978* (WA)

Tenement ID	Tenement type	Date of grant
E 04/1936	Exploration Licence	03/12/2010
E 04/1959	Exploration Licence	18/09/2012
E04/2275	Exploration Licence	29/08/2014
E04/2317	Exploration Licence	12/03/2014
E04/2328	Exploration Licence	29/07/2014
E04/2364	Exploration Licence	10/03/2015
E04/2367	Exploration Licence	10/03/2015
E04/2362	Exploration Licence	10/03/2015
G 04/16	General Purpose Lease	01/11/1988
M 04/48	Mining Lease	28/11/1984
M 04/59	Mining Lease	06/01/1985
M 04/117	Mining Lease	10/12/1985
M 04/372	Mining Lease	23/11/1999
M 04/445	Mining Lease	11/11/2010
L 04/26	Miscellaneous Licence	01/12/2004
L 04/48	Miscellaneous Licence	18/02/2005
L 04/55	Miscellaneous Licence	26/03/2010

(9) Other Rights and Interests

- (a) Rights and interests, including licences and permits, granted by the Crown in right of the Commonwealth or the State pursuant to statute or otherwise in the exercise of its executive power and under any regulations made pursuant to such legislation;
- (b) Rights or 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 of the Country Areas Water Supply Act 1947 (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;
 - (iii) the right of any person to use any road 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 common law;
- (d) The right to access land 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 duties where such access would be permitted to private land;
- (e) Rights of any person to access and enjoy (subject to the laws of the State) Stock Routes;
- (f) (i) Without limiting the operation of any other paragraph in the Eighth Schedule, but subject to paragraph 9(f)(ii), the rights of holders from time to time of existing petroleum interests under the *Petroleum and Geothermal Energy Resources Act 1967 (WA)*, petroleum pipelines under the *Petroleum Pipelines Act 1969 (WA)* and existing mining tenements under the *Mining Act 1978 (WA)* including those mentioned at paragraphs 7 and 8 above to use (including by servants, agents and contractors) roads and tracks as are existing at the time of this Determination in the Determination Area to the extent reasonably necessary to have access to the area subject of the petroleum, pipeline and mineral interests for the purposes of exercising the rights granted by those interests;

- (ii) Nothing in paragraph 9(f)(i) above allows any upgrade, extension, widening or other improvement to the road or track other than work done to maintain such road or track in reasonable repair;
- (g) 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) the beds and banks or foreshores of waterways;
 - (iii) stock routes; or
 - (iv) areas that were public places at the end of 31 December 1993;
- (h) 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
 - (B) an estate or interest in the land or waters; or
 - (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters;
- (i) 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 telecommunications facilities;

- (c) 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
- (d) under any lease, licence or easement relating to its telecommunications facilities in the Determination Area.