



SCHEDULE B IDENTIFICATION OF BOUNDARIES [see Act, s 62]

Note: This information must be included, as well as the map mentioned in SCHEDULE C

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

All Crown land and waters east of the North Coast Railway line, west of the mean high water mark of the Pacific ocean, with the northern boundary at the southern border of Lot 102 in the Parish of Newry, County of Raleigh and the southern boundary at Nambucca Shire.

The Applicant excludes from the application:

- a) Lot 1 DP 620967 (as defined by the title this Lot does not include the saltwater inlet which is geographically located within its external boundaries in the northern part of the Lot); and
- b) Lot 4 DP 219743.

Subject to paragraph 4 below the Applicant also excludes from the application those areas which were subject to:

- a) Reserve 37514 for public recreation;
- b) The part of Conditional purchase 1907/250 Bellingen which did not include DP 583777, Parish of Newry, County of Raleigh;
- c) That part of Additional Conditional Purchase 1910/171 Bellingen which did not include DP 219743, Parish of Newry, County of Raleigh;
- d) Part Additional Conditional purchase 1911/156 Bellingen; and
- e) Part Conditional purchase 1941/25 Bellingen.

And subject to paragraph 4 below;

1. a. If:
 - i. The area covered by the application or a part of the area covered by the application is or was subject of a "Previous Non-Exclusive Possession Act" as defined by Section 23F of the *Native Title Act*; and
 - ii. The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in Schedule E, then, The native title rights and interests claimed under Schedule E are claimed subject to the rights and interests granted under the Previous Non-Exclusive Possession Act (as provided by Section 23G(1)(a) of the *Native Title Act*).
- b. If:
 - i. The area covered by the application or a part of the area covered by the application is or was the subject of a "Previous Non-Exclusive Possession Act as defined by s 23F of the *Native Title Act*; and
 - ii. The Previous Non-Exclusive Possession Act involved the grant of rights and interests which were inconsistent with the rights and interests claimed in Schedule E but did not extinguish them; then,

The rights and interests claimed under Schedule E are claimed subject to any suspension of them during the currency of the Previous Non-Exclusive Act (as provided by Section 23G(1)(b)(ii) of the *Native Title Act*);



- c. If:
- i. The area covered by the application or a part of the area covered by the application or was the subject of a "Category B Past Act" as defined by Section 230 of the *Native Title Act* or a "Category B Intermediate Period Act" as defined by Section 232C of the *Native Title Act*; and,
 - ii. The Category B Past Act or Category B Intermediate Period Act involved the grant of rights and interests which were not inconsistent with the rights and interests claimed in Schedule E; and
 - iii. The Category B Past Act or Category B Intermediate Period Act was not a Previous Non-Exclusive Possession Act; then,
Those rights and interests referred to in Schedule E which are not inconsistent with the rights and interests granted under the Category B Past Act or the Category B Intermediate Period Act are claimed;
- d. If:
- i. The area covered by the application or part of the area covered by the application is or was the subject of:
 - (1) A "Category C Past Act" as defined by Section 231 of the *Native Title Act*; or
 - (2) A "Category C intermediate Period Act" as defined by 232D of the *Native Title Act*; or
 - (3) A "Category D Past Act" as defined by Section 232 of the *Native Title Act*; or,
 - (4) A "Category D Intermediate Period Act" as defined by Section 232E of the *Native Title Act*; and,
 - ii. The Category C Past Act, Category C Intermediate Period Act, Category D Past Act and/or Category D Intermediate Period Act referred to in the preceding subparagraph was not a Previous Non-Exclusive Possession Act; then,
Subject to the operation of the "non-extinguishment principle" as defined by Section 238 of the *Native Title Act*, those rights and interests claimed under Schedule E are claimed.
2. Subject to paragraph 4 below, native title rights and interests are not claimed in respect of any area to which Section 23B of the *Native Title Act* 1993 (Cth) applies.
3. Native title rights and interests are not claimed in respect of:
- a. Any land excluded from the area within the boundaries of the area covered by the application by Schedule B;
 - b. Any minerals, petroleum or gas which are wholly owned by the Crown.
Details of the activities in exercise of those rights and interests are provided in Schedule G.
4. Any areas within the external boundary of the Application in relation to which the extinguishment of native title is required by Section 47B of the Act to be disregarded are not excluded from the application. The native title rights and interests claimed in relation to such areas are subject to any interests which fall within subparagraph 47B(3)(a) of the Act.