

# SCHEDULE B ANNEXURE

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## WAD6090/98 Kuruma Marthudunera (combined) (WC99/12) (Amended)

- a) The application area covers all the land and waters within the external boundary described as:

Commencing at a point on the western boundary of Native Title Determination Application WAD127/97 Yaburara and Mardudhunera people (WC96/89) at Latitude 21.195256° South and extending generally south easterly along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East)	Latitude (South)
115.767624	21.197138
115.768852	21.201725
115.769971	21.206849
115.770782	21.208848
115.772560	21.214288
115.774707	21.220217
115.775499	21.223054
115.777095	21.228131
115.778054	21.231932
115.778685	21.233446
115.779854	21.236414
115.780684	21.237574
115.781042	21.238542
115.783194	21.244351
115.783829	21.245685
115.786855	21.250676
115.787948	21.252802
115.789138	21.254810
115.789983	21.255310
115.793738	21.257561
115.795142	21.258554
115.798311	21.261450
115.799503	21.263398
115.800484	21.266240
115.801981	21.271494
115.802895	21.273135
115.803248	21.274343
115.805610	21.279258
115.806047	21.280947
115.806603	21.281621
115.807506	21.283741
115.810536	21.288553
115.812137	21.289251
115.813640	21.290128
115.815496	21.292152
115.816921	21.296444
115.818695	21.302064
115.819237	21.303336
115.819408	21.304180

Longitude (East)	Latitude (South)
115.820499	21.306365
115.820854	21.307513
115.822229	21.309825
115.824327	21.313774
115.825163	21.314634
115.825982	21.316274
115.826728	21.316951
115.827371	21.317986
115.831440	21.323123
115.832094	21.323619
115.836398	21.326842
115.840401	21.330717
115.841980	21.332375
115.844801	21.338020
115.846688	21.342864
115.846852	21.344007
115.847671	21.345646
115.851271	21.350472
115.853600	21.352688
115.854810	21.353857
115.859372	21.358225
115.860027	21.358720
115.862074	21.360749
115.863102	21.361654
115.867301	21.365135
115.869714	21.367772
115.873226	21.372295
115.875564	21.378229
115.875914	21.383695
115.876429	21.386106
115.876387	21.387964
115.877578	21.394049
115.878929	21.397321
115.881955	21.402312
115.885920	21.407806
115.889162	21.411663
115.890817	21.414162
115.893477	21.418484
115.896152	21.422147
115.898017	21.423812
115.900064	21.425841
115.904801	21.430874
115.906296	21.432050
115.911064	21.435764
115.916583	21.439857
115.922416	21.442758
115.925334	21.444148
115.927681	21.445525
115.932946	21.448291
115.936497	21.451005
115.943777	21.453114

Longitude (East)	Latitude (South)
115.946219	21.454493
115.947071	21.454694
115.947911	21.455374
115.952679	21.459088
115.958119	21.462459
115.964434	21.465073
115.968394	21.466668
115.969623	21.466998
115.975839	21.469789
115.978179	21.471465
115.979404	21.471975
115.980431	21.472839
115.984623	21.476719
115.989120	21.479768
115.989956	21.480628
115.993963	21.484323
115.995752	21.485147
115.996870	21.486193
115.998916	21.488223
116.003478	21.492592
116.005354	21.493777
116.009661	21.496821
116.013808	21.498542
116.015764	21.500388
116.017331	21.502585
116.019786	21.507562
116.020993	21.508851
116.021635	21.509886
116.022286	21.510562
116.026366	21.515219
116.026913	21.516251
116.027758	21.516752
116.028873	21.517918
116.029622	21.518416
116.034902	21.520524
116.035751	21.520845
116.037820	21.521915
116.038673	21.522055
116.039516	21.522616
116.040560	21.522761
116.045591	21.523244
116.052343	21.523408
116.053659	21.524100
116.059023	21.526690
116.061276	21.528004
116.066062	21.530939
116.066991	21.531922
116.069882	21.534451
116.070913	21.535136
116.074364	21.538158
116.077211	21.542665

Longitude (East)	Latitude (South)
116.080335	21.547480
116.081153	21.549179
116.082081	21.550161
116.082991	21.551982
116.083737	21.552660
116.085206	21.554974
116.088448	21.558831
116.090583	21.561162
116.095529	21.565360
116.100109	21.568950
116.104896	21.571826
116.110043	21.575550
116.113387	21.579109
116.117478	21.583287
116.119148	21.585127
116.120537	21.586779
116.124700	21.591978
116.128132	21.595840
116.132881	21.600333
116.136046	21.603409
116.137081	21.603914
116.141392	21.606778
116.147033	21.609733
116.148072	21.610058
116.152126	21.611656
116.155059	21.612388
116.156103	21.612533
116.161131	21.613136
116.167008	21.614119
116.169934	21.615150
116.171996	21.616520

Then north easterly along boundaries of that native title determination to Longitude 116.741673° East; then generally south easterly passing through the following coordinate points.

Longitude (East)	Latitude (South)
116.749166	21.342019
116.757658	21.348826
116.764166	21.356027
116.770552	21.364682
116.777991	21.374984
116.783637	21.382644
116.788451	21.390529
116.794593	21.401523
116.801528	21.412202
116.807616	21.422636
116.814429	21.433405
116.822982	21.441220
116.824787	21.443197

Then south easterly to the western boundary of General Lease GE I123390 at Latitude 21.446870° South, also being a boundary of Native Title Determination WAD6017/96 Ngarluma/Yindjibarndi; then generally south westerly along boundaries of that general lease and that determination to Latitude 21.474046° South; then easterly to a northern boundary of Pastoral Lease 3114/1013 (Yaleen) at Longitude 116.819303° East; then generally south easterly, westerly and southerly along boundaries of that pastoral lease and that determination to the northernmost north eastern corner of Ashburton Location 148 (Reserve 38991); then south easterly along the boundary of that location and that determination to its easternmost north eastern corner, also being a boundary of Reserve 38991; then generally easterly and generally southerly along boundaries of that reserve and that determination to an eastern boundary of Unallocated Crown Land at approximately Longitude 117.411060° East; then southerly along boundaries of that determination and that unallocated crown land to a corner at approximately Latitude 21.951494° South; then southerly along boundaries of that native title determination to Latitude 21.955526° South, also being the intersection with Native Title Determination Application WAD6005/03 Yindjibarndi 1 (WC03/3); then generally south westerly along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East)	Latitude (South)
117.410463	21.955901
117.407732	21.958342
117.401339	21.964818
117.395449	21.970749
117.390863	21.976624
117.384187	21.983117
117.379687	21.987771
117.375238	21.990881
117.370065	21.993015
117.361397	21.996170
117.352372	21.998313
117.351616	21.998739
117.350586	21.999464
117.348046	22.001547

Then south westerly along boundaries of that native title determination application to Latitude 22.003438° South, being a point on the boundary of Native Title Determination WAD6208/98 Eastern Guruma; then generally south westerly and generally southerly along boundaries of that native title determination passing through the following coordinate points.

Longitude (East)	Latitude (South)
117.345337	22.004443
117.343064	22.009426
117.339913	22.015178
117.333139	22.023323
117.329889	22.028705
117.325380	22.031913
117.320558	22.032139
117.311913	22.032779
117.303681	22.034773
117.295748	22.037543
117.286431	22.039728
117.283998	22.040094
117.277535	22.041632
117.271821	22.042482
117.265259	22.047173
117.256706	22.052635
117.249382	22.057633
117.241509	22.064936
117.236299	22.072144
117.229913	22.077935
117.221886	22.082129
117.211778	22.084040
117.200028	22.084678
117.188310	22.086138
117.176706	22.088563
117.166353	22.092215
117.159694	22.097182
117.153263	22.100838
117.147342	22.103383
117.144671	22.104939
117.135853	22.105642
117.129344	22.106900
117.125660	22.113248
117.124385	22.121760
117.123675	22.129313
117.121729	22.136307
117.118906	22.141414
117.117609	22.146221
117.115724	22.150839
117.113840	22.156822
117.111048	22.166156
117.110857	22.174179
117.109553	22.184443
117.108363	22.194499
117.107707	22.202459
117.106227	22.209805
117.100937	22.220222
117.097050	22.218269
117.095701	22.216619
117.092852	22.214520

Longitude (East)	Latitude (South)
117.090003	22.213920
117.086704	22.212121
117.082655	22.211071
117.077857	22.211221
117.073058	22.210621
117.069460	22.208872
117.065711	22.205973
117.063762	22.204174
117.062113	22.202824
117.059414	22.202075
117.056265	22.202524
117.053715	22.203424
117.052216	22.206573
117.051166	22.209722
117.048317	22.213770
117.045318	22.216619
117.042619	22.216769
117.039920	22.216469
117.036171	22.214520
117.034222	22.213320
117.031973	22.213022
117.028974	22.214371
117.028425	22.215421
117.025075	22.215571
117.022826	22.215271
117.020127	22.216021
117.018327	22.219019
117.016828	22.220969
117.014791	22.221873
117.015006	22.222802
117.015696	22.227252
117.016086	22.231352
117.016596	22.235973
117.016876	22.238113
117.017877	22.243203
117.019317	22.248243
117.021537	22.255533
117.022687	22.261083
117.022977	22.265414
117.022727	22.270554

Then generally southerly along boundaries of that native title determination to the intersection with Native Title Determination Application WAD6007/01 Puutu Kunti Kurrama and Pinikura (WC01/5) at Latitude 22.274940° South ; then generally westerly along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East)	Latitude (South)
117.020929	22.274952
117.015924	22.275693

Longitude (East)	Latitude (South)
117.006814	22.277584
117.002267	22.279842
117.001878	22.280302
117.001184	22.281847
117.000376	22.286626
116.999208	22.292391
116.996568	22.299158
116.992982	22.304904
116.989189	22.309981
116.984192	22.316061
116.978813	22.320966
116.972687	22.327642
116.965363	22.333441
116.959022	22.338499
116.953156	22.344180
116.945678	22.349887
116.938751	22.353688
116.930664	22.357271
116.923768	22.359644
116.913689	22.362548
116.905981	22.363528
116.896912	22.363387
116.888237	22.361674
116.881539	22.359971
116.872742	22.358248
116.860504	22.353532
116.853210	22.351185
116.839288	22.345869
116.828874	22.341144
116.816103	22.334852
116.802532	22.327665
116.787959	22.321910
116.775187	22.315107
116.763666	22.312587
116.752900	22.311214
116.741814	22.307104
116.728424	22.303062
116.718041	22.297723
116.708168	22.291327
116.699974	22.287653
116.689072	22.284018
116.681367	22.279739
116.671556	22.274579
116.671286	22.274414
116.659947	22.267484
116.658562	22.266638
116.654343	22.264695
116.647691	22.259143
116.643929	22.258277
116.636864	22.258153
116.624596	22.257013



Longitude (East)	Latitude (South)
116.613039	22.256923
116.603852	22.257805
116.593041	22.258745
116.583214	22.259172
116.571359	22.259358
116.563782	22.260340
116.553261	22.261071
116.544243	22.260820
116.534539	22.261425
116.501954	22.261004
116.501259	22.261291
116.499986	22.261874
116.497414	22.262300
116.492981	22.263099
116.489800	22.263803
116.482941	22.264386
116.475213	22.264443
116.465660	22.264484
116.457512	22.264493
116.446488	22.265314
116.439179	22.265415
116.433579	22.266516
116.424668	22.266900
116.411889	22.268625
116.406639	22.269214
116.404244	22.269483
116.394074	22.270330
116.383073	22.271292
116.376977	22.272144
116.368714	22.273712
116.361466	22.275165
116.352166	22.277250
116.344147	22.278284
116.334397	22.278823
116.327341	22.279544
116.321839	22.279855
116.312799	22.279374
116.306650	22.278572
116.300157	22.278499
116.290902	22.277925
116.284753	22.276977
116.282281	22.276044
116.280352	22.276740
116.276781	22.278983
116.270364	22.279966
116.263063	22.281252
116.249026	22.284151
116.232202	22.287071
116.217493	22.289503
116.201181	22.292657
116.184701	22.294996

Longitude (East)	Latitude (South)
116.167353	22.297826
116.143899	22.300134
116.131762	22.300638
116.122698	22.300797
116.115863	22.301112
116.108972	22.301653
116.102335	22.302610
116.096338	22.304303
116.091081	22.306522
116.085207	22.307908
116.080103	22.309532
116.074304	22.310990
116.070376	22.311717
116.065958	22.312062
116.061594	22.312859
116.057963	22.313922
116.054028	22.314359
116.053782	22.314448
116.053282	22.314581
116.051188	22.314650
116.049266	22.314882
116.045016	22.313800
116.040133	22.311197
116.035494	22.307647
116.028459	22.301615
116.023211	22.295884
116.017687	22.287919
116.012262	22.278862
116.007285	22.269843
116.004305	22.263412
116.002459	22.260437
116.001383	22.259392
115.999506	22.255912

Then north westerly along boundaries of that native title determination application to the intersection with Native Title Determination Application WAD126/05 Puutu Kunti Kurrama and Pinikura 2 (WC05/4) at Longitude 115.995908° East ; then generally north westerly along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East)	Latitude (South)
115.994486	22.248807
115.988741	22.243080
115.979868	22.237732
115.970408	22.230337
115.957521	22.219433
115.943957	22.209878
115.931192	22.198719
115.919398	22.187801

Then north westerly along boundaries of that native title determination application to Latitude 22.179325° South; then generally northerly passing through the following coordinate points.

Longitude (East)	Latitude (South)
115.909540	22.176091
115.900485	22.162508
115.895098	22.149292
115.890901	22.136482
115.885933	22.119700
115.881745	22.105055
115.877655	22.090014
115.874627	22.069931
115.872674	22.045573
115.870576	22.026616
115.869036	22.010337
115.867978	21.998514
115.867801	21.997962
115.867381	21.993731
115.865580	21.986438
115.862567	21.976263
115.858898	21.963112
115.855373	21.953675
115.854053	21.941389
115.851025	21.928829
115.847103	21.915929
115.842448	21.905328
115.838802	21.898762
115.836884	21.895523
115.833637	21.890035
115.830830	21.881289
115.827336	21.872294
115.824324	21.863365

Then north westerly to the centreline of the Warrambo Creek at Latitude 21.862057° South; then generally northerly along the centreline of that creek to Latitude 21.651532° South; then generally northerly passing through the following coordinate points.

Longitude (East)	Latitude (South)
115.782268	21.651205
115.781338	21.650702
115.778637	21.648821
115.763990	21.635994
115.756293	21.627829
115.751379	21.622611
115.734549	21.604101
115.730871	21.599791
115.724195	21.591104
115.721060	21.583302
115.719489	21.574717
115.719809	21.564078
115.720320	21.532275

Longitude (East)	Latitude (South)
115.717521	21.498703
115.717452	21.498441
115.714308	21.493159
115.712150	21.487038
115.708781	21.474083
115.705618	21.456345
115.703412	21.435108
115.703100	21.432509
115.701180	21.416373
115.696627	21.399473
115.693765	21.381221
115.688854	21.367022
115.688448	21.365849
115.682008	21.348047
115.678910	21.331826
115.677987	21.324303
115.677522	21.320279
115.677186	21.316925

Then north easterly to Longitude 115.677495° East, Latitude 21.314777° South, a point near the mouth of the Robe River; then generally northerly passing through the following points.

Longitude (East)	Latitude (South)
115.662600	21.278453
115.662414	21.277802

Then north easterly to Longitude 115.662704° East, Latitude 21.246601° South being a point approximately five kilometres seaward of the coastline; then generally north easterly passing through the following coordinate points back to the commencement point.

Longitude (East)	Latitude (South)
115.686094	21.237400
115.716154	21.225165
115.752904	21.206704

### Excluded Areas

The following areas are excluded from the application area:

- Pannawonnica townsite boundary.
- Lot 57 DP107521 and that part of the Closed Road that falls within that lot.

For the avoidance of doubt the application area does not include any area subject to:

- Native title determination WAD6208/98 Eastern Guruma (WC97/89);
- Native title determination WAD6017/96 Ngarluma/Yindjibarndi (WC99/14);
- Native title determination application WAD127/97 Yaburara and Mardudhunera people (WC96/89);

- Native title determination application WAD6007/07 Puutu Kunti Kurrama and Pinikura (WC01/5);
- Native title determination application WAD6005/03 Yindjibarndi 1 (WC03/3);
- Native title determination application WAD126/05 Puutu Kunti Kurrama and Pinikura 2 (WC05/4).

## Note

### Data Reference and source

- Application boundary data compiled by National Native Title Tribunal based on data sourced from Landgate (WA).
- Native title determination WAD6017/96 Ngarluma/Yindjibarndi as determined by the Federal Court on 02 May 2005.
- Native title determination WAD6208/98 Eastern Guruma as determined by the Federal Court on 1 March 2007.
- Native title determination application WAD127/97 Yaburara and Mardudhunera people (WC96/89) as accepted for registration on 09 April 1999.
- Native title determination application WAD6007/07 Puutu Kunti Kurrama and Pinikura (WC01/5) as accepted for registration on 29 November 2001.
- Native title determination application WAD6005/03 Yindjibarndi 1 (WC03/3) as accepted for registration on 8 August 2003.
- Native title determination application WAD126/05 Puutu Kunti Kurrama and Pinikura 2 (WC05/4) as accepted for registration on 15 August 2006.
- Non-Freehold data sourced from Landgate, WA (February 2013).
- Cadastre data sourced from Public Sector Mapping Agency (November 2010).
- Warrambo Creek based on data supplied by Landgate (WA).
- Townsite data sourced from & used with the permission of Landgate, WA (February 2013).

### Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

### Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (26 February 2013)

**b) Any areas within the boundaries that are not covered by the Application – *NO CHANGE***

- (1) The applications exclude from the claim any areas covered by valid acts on or before 13 December 1996 comprising such of the following as are included as extinguishing acts within the Native Title Act 1993, as amended, or Titles Validation Act 1994, as amended, at the time of the Registers consideration:

Category A past acts, as defined in NTA ss228 and 229;

Category A intermediate period acts as defined in NTA ss.232A and 232B.

- (2) The applicants exclude from the claim any areas in relation to which a previous exclusive possession act, as defined in section 23B of the NTA, was done in relation to an area, and, either the act was an act attributable to the Commonwealth, or the act was attributable to the State of Western Australia, and a law of that State has made provision as mentioned in section 23E to the act.
- (3) The applicants exclude from the claim areas in relation to which native title rights and interest have otherwise been extinguished, including areas subject to:
- (a) An act authorised by legislation which demonstrates the exercise of permanent adverse dominion in relation to native title; or
- (b) Actual use made by the holder of a tenure other than native title which is permanently inconsistent with the continued existence of native title.
- (4) Paragraphs (1) to (3) above are subject to such of the provisions of sections 47, 47A and 47B of the Act as apply to any part of the area contained within this application, particulars of which will be provided prior to the hearing but which include such areas as may be listed in Schedule L.
- (5) The applicants exclude from the claim any areas excluded in the original application.

To avoid any uncertainty, the Applicants exclude from the claim areas the tenures set out in Schedule B1.

**Schedule B1 – *NO CHANGE***

B1.1 An unqualified grant of an estate in fee simple.

B1.2 A Lease which is currently in force, in respect of any area not exceeding 5,000 square metres; upon which a dwelling house, residence, building or work is constructed; and which comprises:

- (1) A Lease of a Worker's Dwelling under the Workers' Homes Act 1911-1928;
- (2) A 999 Year Lease under the Land Act 1898;
- (3) a Lease of a Town Lot or Suburban Lot pursuant to the Land Act 1993 (WA), s.117;  
or

**(4) a Special Lease under s.117 of the Land Act 1993 (WA)**

**B1.3 A Conditional Purchase Lease currently in force in the Agricultural Areas of the south West Division under clauses 46 and 47 of the Land Regulations 1887 which includes a condition that the lessee reside on the area of the lease and upon which a residence has been constructed.**

**B1.4 A Conditional Purchase Lease of cultivable land currently in force under Part V, Division (1) of the Land Act 1933 (WA) in respect of which habitual residence by the lessee is a statutory condition in accordance with the Division and upon which a residence has been constructed.**

**B1.5 A Perpetual Lease currently in force under the War Service Land Settlement Scheme Act 1954.**

**B1.6 A Permanent public work.**

**B1.7 An existing public road or street used by the public or a dedicated road.**