

Schedule Seven

Other Rights and Interests in the Determination Area

1. Aboriginal Land Council interests

- (a) The rights and interests of Birrigan Gargle Local Aboriginal Land Council and Yaegl Local Aboriginal Land Council (as the case may be) as the holder of a freehold title over the following land and waters in the Determination Area:

Local Aboriginal Land Council	Areas over which freehold held
Birrigan Gargle Local Aboriginal Land Council	<ul style="list-style-type: none"> a. Lot 96 DP822831, Parish of Nanegai (ID3833) b. Lot 165 DP751395, Parish of Yamba (ID10141) c. Lot 2 DP565241, Parish of Yamba (ID 12352) d. Lot 199 DP729133, Parish of Yamba (ID 10479) e. Lot 3 DP565241, Parish of Yamba (ID12238) f. Lot 275 DP1054783, Parish of Yamba (ID12508) g. Lot 277 DP1134745, Parish of Yamba (ID13178) h. Lot 278 DP 1134758, Parish of Yamba (ID13170) i. Lot 118 DP 751395, Parish of Yamba (ID10094) j. Lot 121 DP 751395, Parish of Yamba (ID 10133)
Yaegl Local Aboriginal Land Council	<ul style="list-style-type: none"> a. 199/751373, Parish of Harwood (ID2430) b. 2/70/758604 , Parish of Lawrence(ID2988) c. 1/70/758604, Parish of Lawrence (ID 3287) d. 3/70/758604, Parish of Lawrence (ID 3309) e. 298/822835, Parish of Lawrence (ID 3415) f. 426/727422, Parish of Taloumbi (ID5403) g. 440/47654 , Parish of Taloumbi (ID7000) h. 441/48751, Parish of Taloumbi (ID7168) i. 438/824497, Parish of Taloumbi (ID7436) j. 196/48753, Parish of Tyndale (ID7849) k. 221/727421, Parish of Woombah (ID 9832) l. 222/824485 , Parish of Woombah(ID 9921) m. 2/8/759119, Parish of Woombah (ID9926) n. 3/8/759119, Parish of Woombah (ID9955)

	o. 4/8/759119, Parish of Woombah (ID9970)
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- (b) The rights and interests of New South Wales Aboriginal Land Council, Birrigan Gargle Local Aboriginal Land Council and Yaegl Local Aboriginal Land Council (as the case may be) pursuant to undetermined Aboriginal land claims made under section 36 of the *Aboriginal Land Rights Act 1983* (NSW) in respect of certain lands within the Determination Area, including the right to have each such claim determined according to law and, subject only to a determination that the land is claimable Crown land as defined in s 36(1) of that Act, the right to the transfer of an estate in fee-simple pursuant to that Act.
2. Reserves
- (a) The rights of State, Local Government and other organisations or persons who have the care, control and management of any reserves within the Determination Area.
- (b) The rights of persons entitled to access and use any reserves within the Determination Area for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights.
3. Mining and petroleum interests
- (a) The rights of the holders of any mining interests.
- (b) The rights of the holders of any petroleum interests.
4. Water interests
- (a) The rights of the holders from time to time of the following licences granted under the *Water Act 1912* (NSW) and the *Water Management Act 2000* (NSW).
- (b) The rights of the holders from time to time of any Permissive Occupancies granted by the State of New South Wales.
5. Fishing Interests
- 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 associated regulations.
6. National Park Interests

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 associated Regulations.

7. Telstra Corporation Limited

The rights and interests of Telstra Corporation Limited (ACN 051 775 556):

- (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 Corporations 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, access agreement or easement relating to its telecommunications facilities in the Determination Area.

8. Electricity supply interests

- (a) The rights and interests of an electricity supply authority within the meaning of the *Electricity (Consumer Safety) Act 2004* (NSW) to exercise functions, powers or rights in accordance with the laws of the State of New South Wales or of the Commonwealth and as owner and operator of electricity transmission facilities and associated infrastructure situated on the Determination Area including but not limited to the right to enter the Determination Area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with facilities and infrastructure.

9. Other interests

- (a) Rights and interests, including leases, licences and permits granted by the Crown in right of the State of New South Wales or of the Commonwealth pursuant to statute or under regulations made pursuant to such legislation.
- (b) 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 common law.
- (d) So far as is confirmed pursuant to section 18 of *the Native Title (New South Wales) Act 1994* (NSW) as at the date of the determination, any existing public access to and enjoyment of:
 - (i) waterways;
 - (ii) the bed and banks or foreshores of waterways;
 - (iii) stock routes; and
 - (iv) areas that were public places at the end of 31 December 1993.
- (e) The right to access the Determination Area by:
 - (i) an employee, agent or instrumentality of the State of New South Wales;
 - (ii) an employee, agent or instrumentality of the Commonwealth; and
 - (iii) an employee, agent or instrumentality of any local government authority,as required in the performance of his, her or its statutory or common law duty.