

SCHEDULE FIVE (OTHER INTERESTS IN THE NATIVE TITLE AREA)

The other interests in the native title area are as follows:

1. **Aboriginal Land Council interests**

- (a) The rights and interests of an Aboriginal Land Council constituted under the *Aboriginal Land Rights Act 1983* (NSW) pursuant to undetermined Aboriginal land claims made under that *Act*, including the right to have each such claim determined according to law and, subject only to a determination that the land is “claimable Crown lands” as defined in section 36(1) of that *Act*, the right to the transfer of an estate in fee simple pursuant to that *Act*. A list of areas within the native title area where there are undetermined land claims is listed in the table below.

Local Aboriginal Land Council Area	Areas where there is undetermined land claim
Ngulingah Aboriginal Land Council	(1) ID 2, 391/728158 (2) ID 3, 390/728158 (3) ID 6, 393/728548 (4) ID 9, 382/728133 (5) ID 20, 204/755686 (6) ID 25, 20/6/758102 (7) ID 27, 388/728129 (8) ID 29, 1/118322 (9) ID 34, 395/728644 (10) ID 47, 7301/1143050 (11) ID 48, 7300/1143052 (12) Part ID 144, 251/728546 (13) Part ID 147, 246/728123 (14) ID 150, 248/728542 (15) Part ID 151, 224/755703 (16) ID 152, 220/755703 (17) ID 162, 254/728179 (18) Part ID 165, 247/728157 (19) ID 180, 8/38/758489

Local Aboriginal Land Council Area	Areas where there is undetermined land claim
	(20) ID 182, 9/38/758489
	(21) ID 183, 115/728114
	(22) ID 184, 10/38/758489
	(23) Part ID 284, 450/755718
	(24) ID 285, 506/755718
	(25) ID 286, 563/755718
	(26) ID 310, 560/47475
	(27) ID 314, 590/728651
	(28) ID 320, 10/49/758615
	(29) Part ID 322, 8/49/758615
	(30) ID 323, 589/728651
	(31) ID 331, 7006/92626
	(32) ID 340, 399/755718
	(33) ID 342, 291/755718
	(34) ID 344, 387/755718
	(35) ID 346, 577/729282
	(36) ID 347, 292/755718
	(37) Part ID 416, 257/728175
	(38) ID 423, 215/755729
	(39) ID 424, 195/755729
	(40) ID 425, 303/728121
	(41) ID 429, 321/728530
	(42) Part ID 430, 304/729253
	(43) ID 432, 147/755729
	(44) ID 445, 269/728520
	(45) ID 446, 5/4/758489
	(46) ID 448, 264/728115
	(47) ID 450, 210/755736
	(48) Part ID 452, 267/728508
	(49) ID 456, 270/728525
	(50) ID 457, 265/728116
	(51) ID 460, 7302/1156949
	(52) ID 474, 149/755737

Local Aboriginal Land Council Area	Areas where there is undetermined land claim
	(53) ID 476, 155/755737 (54) ID 477, 148/755737 (55) ID 480, 160/729443 (56) ID 482, 77/755737 (57) ID 493, 100/755739 (58) ID 496, 1/728683 (59) ID 497, 2/728683 (60) ID 499, 118/728509 (61) ID 500, 119/728509 (62) ID 502, 99/755739 (63) ID 503, 115/728509 (64) ID 504, 117/728509 (65) Part ID 611, 131/728195 (66) Part ID 612, 132/728195 (67) Part ID 615, 18/755746 (68) ID 623, 281/728633 (69) ID 624, 282/728633 (70) ID 626, 279/728189 (71) Part ID 630, 7300/1143071 (72) ID 840, 97/755746
Jali Local Aboriginal Land Council	(1) Part ID 62, 241/755691 (2) ID 111, 134/728166 (3) ID 115, 137/728167 (4) ID 126, 136/728167 (5) ID 372, 335/728673 (6) ID 530, 312/727794 (7) ID 558, 375/729060 (8) ID 572, 324/755745 (9) ID 580, 372/729053
Gugin Gudduba Local Aboriginal Land Council	(1) ID 54, 188/728506 (2) ID 74, 165/728505 (3) ID 75, 164/728199

Local Aboriginal Land Council Area	Areas where there is undetermined land claim
	(4) ID 76, 155/755693 (5) ID 77, 144/755693 (6) ID 78, 153/755693 (7) ID 79, 157/755693 (8) ID 80, 117/755693 (9) ID 82, 135/755693 (10) ID 83, 149/755693 (11) ID 209, 143/728515 (12) ID 210, 142/728515 (13) ID211, 144/728516 (14) ID 212, 121/755711 (15) ID 214, 107/755711 (16) ID 216, 147/821601 (17) ID 245, 183/726518 (18) ID 249, 186/728691 (19) ID 631,7300/1142925
Casino-Boolangle Local Aboriginal Land Council	(1) ID 542, 7003/1057130 (2) ID 543, 7009/1060428 (3) ID 544, 7001/1060659 (4) ID 545, 7006/1073212 (5) ID 546, 7303/1153241
Tweed Byron Local Aboriginal Land Council	(1) ID 232, 93/755712 (2) ID 395, Part 7001/1055223 (3) ID 396, Part 176/728171 (4) Part ID 642, 89/755752 (5) Part ID 643, 90/755752 (6) Part ID 644, 99/728672 (7) Part ID 645,100/728672 (8) Part ID 646, 101/728672

- (b) The rights of an Aboriginal Land Council (and its successors in title) as the holder of an estate in fee simple in relation to land that is transferred subject to native title pursuant to section 36(9) of the *Aboriginal Land Rights Act 1983*

(NSW) being the land transferred as a result of the claims referred to in Item 1(a) above.

- (c) The rights and interests of an Aboriginal Land Council listed in the table below, and its successors in title, as the holder of an estate in fee simple including the rights of these Aboriginal Land Councils to use, manage, control, hold or dispose of, or otherwise deal with, land vested in it in accordance with the *Aboriginal Land Rights Act 1983* (NSW):

Local Aboriginal Land Council Area	Areas over which freehold title held
Ngulingah Local Aboriginal Land Council	(1) ID 3424, 207/755703 (2) ID 3500, 129/755703 (3) ID 3850, 250/1018937 (4) ID 18429, 151/755726 (5) ID 18460, 164/704331 (6) Part ID 18462, 5/701835 ⁶ (7) ID 18468, 175/728642 (8) ID 18639, 171/48782 (9) ID 18680, 173/728159 (10) ID 18717, 170/723061 (11) ID 20910, 161/729443 (12) ID 20912, 159/729443 (13) ID 22335, 114/727440 (14) ID 27078, 133/728196 (15) ID27080, 95/755746 (16) ID 27093, 134/728196 (17) ID 27481, 280/728190

2. Reserves

- (a) The rights of State, Local Council and other organisations or persons 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; and

⁶ The extinguished part of lot 5 in desposited plan 701835 is the northern portion of the parcel comprising the nursery and orchard. The native title area is the remainder of the land within the parcel's cadastral boundary, being the southern, vegetated portion of the parcel.

- (b) the rights of persons entitled to access and use reserves for the 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 holders of any petroleum interests.

4. **Water interests**

The rights of any holder as at the date of the approved determination of native title of any licences or permissive occupancies granted under the *Water Act 1912* (NSW) and the *Water Management Act 2000* (NSW).

5. **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*.

6. **National park 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 National Parks and Wildlife Service, 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 National Parks and Wildlife Service, 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.

7. **Occupational permits**

The rights and interests of any holder as at the date of the approved determination of native title of any forest permit under the *Forestry Act 2012* (NSW) which continues in force under the *National Parks and Wildlife Act 1974* (NSW).

8. **Forestry interests**

- (a) The rights of the holders from time to time of leases, licences and permits granted or issued under the *Forestry Act 2012* (NSW) and Regulations made under that *Act*.
- (b) Other rights and interests under the care, management and control of the Forestry Corporation of New South Wales (as constituted under the *Forestry Act 2012* (NSW)) subject to the laws of the State of New South Wales and of the Commonwealth.
- (c) The rights of the Forestry Corporation of New South Wales, and employees or agents of the same under the *Forestry Act 2012* (NSW) and Regulations made under that *Act*.

9. **Crown land interests**

- (a) The rights of the holders from time to time of leases, licences and permits granted or issued under the *Crown Lands Management Act 2016* (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 Planning and Environment – Crown Lands Division 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 Planning and Environment – Crown Lands Division, and employees or agents of the same under the *Crown Lands Management Act 2016* (NSW) and Regulations made under that *Act*.

10. **Telstra Corporation Limited and Amplitel Pty Ltd**

The rights and interests of Telstra Corporation Limited (ACN 051 775 556), Amplitel Pty Ltd as trustee of the Towers Business Operating Trust (ABN 75357 171 746) and any of their successors in title:

- (a) as the owner(s) or operator(s) of telecommunications facilities within the native title 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), *Telecommunications Act 1997* (Cth) and the *Government Telecommunications Act 2018* (NSW), 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 their telecommunications facilities;
- (c) for their employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the native title area in the performance of their duties; and
- (d) under any lease, licence, access agreement or easement relating to their telecommunications facilities in the native title area.

11. **Electricity and energy supply interests**

- (a) The rights and interests of an electricity authority within the meaning of the *Gas and Electricity (Consumer Safety) Act 2017* (NSW) and the *Energy Services Corporations Act 1995* (NSW) in exercising functions, powers or rights in accordance with the laws of the State of New South Wales or of the Commonwealth and as either or both owner and operator of facilities for the transmission of electricity and other forms of energy and associated infrastructure situated on the native title area, including but not limited to rights under the *Gas and Electricity (Consumer Safety) Act 2017* (NSW) and the *Energy Services Corporations Act 1995* (NSW) to enter the native title area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with existing facilities and infrastructure.
- (b) The rights and interests of:
 - (i) a network operator within the meaning of the *Electricity Supply Act 1995* (NSW); or
 - (ii) for the purposes of any privatisation transaction, any lessor or lessee of a transmission system or person who owns or is authorised to control or

operate a transmission system within the meaning of the *Electricity Supply Act 1995* (NSW);

in exercising functions, powers or rights in accordance with the laws of the State of New South Wales or of the Commonwealth as the operator of facilities for the transmission of electricity and other forms of energy and associated infrastructure situated on the native title area, including but not limited to rights under the *Electricity Supply Act 1995* (NSW); to enter the native title area in order to access, use, maintain, repair, replace, upgrade or otherwise deal with existing facilities and infrastructure.

12. Local council interests

The rights and interests of Byron Shire Council and Lismore City Council and any other Local Government Authority constituted under the *Local Government Act 1993* (NSW), including but not limited to:

- (a) rights and interests under any lease, licence, permit, easement, covenant or other estate benefitting or granted to a council;
- (b) rights and interests as Crown land manager under the *Crown Land Management Act 2016* (NSW) including but not limited to rights to use and manage the land, and to grant rights, estates and interests in the land, in accordance with that Act and the *Local Government Act 1993* (NSW) and any plan of management adopted under those Acts;
- (c) rights and interests under any lease, licence, permit, easement, covenant or other estate granted by a council;
- (d) rights and interests to use and manage land for which council has responsibility and control under section 48 of the *Local Government Act 1993* (NSW); and
- (e) rights to access, use and manage any public work or public infrastructure or other structure constructed on or over the land or waters.

13. Other interests generally

- (a) Rights and interests, including fee simple interests, 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 or statute.
- (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 approved determination of native title, any existing public access to and enjoyment of:
 - (i) waterways;
 - (ii) the bed and banks or foreshores of waterways;
 - (iii) travelling stock reserves; and
 - (iv) 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 duties.