

## **Schedule 2 – Other Interests in the Determination Area**

The nature and extent of the other interests in relation to the Determination Area are the following as they exist as at the date of the determination:

1. The rights and interests of the parties to the Yuwibara People Interim Indigenous Land Use Agreement between Melanie Roseveen Kemp on her own behalf and on behalf of the Yuwibara People, Yuwi Aboriginal Corporation ICN 8608, Matthew McDonnell, Jennifer Van Der Starre, Irene Adams, Hayley Mann, Madeline Jones, Bernard Tonga and Pamela Young, the State of Queensland, Norman George Ladley and Sharon Lillian Ladley, Gary Andrew McDermott and Mackay Regional Council, authorised by the native title claim group on 14 December 2019 (the Yuwibara People Interim Indigenous Land Use Agreement);
2. 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 Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:
    - (i) to inspect land;
    - (ii) to install, occupy and operate telecommunication 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 telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and
  - (d) under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities in the Determination Area, including in relation to:
    - (i) Lot 4 on SP278050;
    - (ii) Lot 377 on CI3437;
    - (iii) Lot 1 on M30416; and

- x -

- (iv) Lot 150 on NPW854.
3. The rights and interests of Ergon Energy Corporation ACN 087 646 062:
- (a) as the owner and operator of any Works (as that term is defined in the *Electricity Act 1994* (Qld)) within the Determination Area;
  - (b) as an electricity entity under the *Electricity Act 1994* (Qld), including but not limited to:
    - (i) as the holder of a distribution authority;
    - (ii) to inspect, maintain and manage any Works in the Determination Area; and
    - (iii) in relation to any agreement or consent relating to the Determination Area existing or entered into before the date these orders are made; and
  - (c) to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this paragraph.
4. The rights and interests of North Queensland Bulk Ports Corporation ABN 36 136 880 218:
- (a) as trustee of the following reserves located within the Determination Area:
    - (i) Reserve 483 for Harbour Board purposes over Lot 5 on Plan CP886045, Lot 13 on Plan SP115931, Lot 23 on Plan SP123751, Lot 39 on Plan SP115932, Lot 70 on Plan SP123751 and that part of Lot 12 on Plan SP287967 which is located within the Determination Area;
    - (ii) Reserve 778 for Park and Recreation Purposes over Lot 373 on Plan CI2729; and
    - (iii) Reserve 873 for Harbour Board Purposes over Lot 583 on Plan CI3457;
  - (b) as the holder of the following perpetual leases (where those leases fall within the Determination Area):
    - (i) Perpetual lease 0/215031 over Lot 126 on SP123776;
    - (ii) Perpetual lease 0/214944 over Lot 130 on SP105841 and Lot 134 on SP185573;
    - (iii) Perpetual lease 0/230187 over Lot 135 on SP185580;
    - (iv) Perpetual lease 0/214948 over Lot 143 on SP121683;
    - (v) Perpetual lease 0/212986 over Lot 63 on SP143358;

- xi -

- (vi) Perpetual lease 0/214947 over Lot 95 on SP231132;
  - (vii) Perpetual lease 0/234064 over Lot 96 on SP231132; and
  - (viii) Perpetual lease 0/236567 over Lot 1 on SP256335;
  - (c) as the holder of Permit to Occupy 233949 over Lot C on AP19508; and
  - (d) as the holder of Sales Permit 20090852 over Lot 12 on SP287967 (for that part of the Sales Permit which is within the Determination Area);
5. The rights and interests of Aurizon Network Pty Ltd (ACN 132 181 116), Aurizon Operations Limited (ACN 124 649 967) and Aurizon Property Pty Ltd (ACN 145 991 724):
- (a) in relation to rail transport infrastructure under the *Transport Infrastructure Act 1994* (Qld); and
  - (b) under any lease, licence, easement, permit or agreement within the Determination Area.
6. The rights and interests of the holder of the following easements:
- (a) Easement in gross number 702742869 burdening the land over Easement C on Survey Plan 101148 on Lot 4 on Registered Plan 724921;
  - (b) Easement number 700851350 burdening the land to Lot 32 on Registered Plan 882366 over Easement A on Registered Plan 882366 on Lot 133 on Survey Plan 256544;
  - (c) Easement number 702503304 benefiting the land over Easement B on Survey Plan 101146 on Lot 4 on Registered Plan 724921;
  - (d) Easement in gross number 601097520 burdening the land over Easement A on Registered Plan 727037 on Lot 131 on Survey Plan 136318;
  - (e) Easement in gross number 702734108 burdening the land over Easement B on Survey Plan 112757 on Lot 16 on Survey Plan 195520;
  - (f) Easement in gross number 601408672 burdening the land over Easement A on Registered Plan 806568 on Lot 60 on Survey Plan 185551 and Lot 61 on Survey Plan 185551;
  - (g) Easement in gross number 601422923 burdening the land over Easement A on Registered Plan 813203 on Lot 3 on Survey Plan 255612;

- xii -

- (h) Easement number 719011846 burdening the land to Lot 3 on Survey Plan 117891 over Easement C on Survey Plan 129630 on Lot 20 on Survey Plan 129630;
  - (i) Easement number 719057950 burdening the land to Lot 3 on Survey Plan 117891 over Easement B on Survey Plan 129630 on Lot 19 on Survey Plan 129630;
  - (j) Easement number 719266879 burdening the land to Lot 3 on Survey Plan 117891 over Easement A on Survey Plan 177555 on Lot 21 on Survey Plan 244906; and
  - (k) Easement number 719266881 burdening the land to Lot 3 on Survey Plan 117891 over Easement D on Survey Plan 136155 on Lot 21 on Survey Plan 244906.
7. The rights and interests of Mackay Regional Council (Council):
- (a) under its local government jurisdiction and functions under the *Local Government Act 2009* (Qld), under the *Stock Route Management Act 2002* (Qld) and under any other legislation, for that part of the Determination Area within the area declared to be the Council's local government area;
  - (b) as the:
    - (i) lessor under any leases which were validly entered into before the date on which these orders are made and whether separately particularised in these orders or not;
    - (ii) grantor of any licences or other rights and interests which were validly granted before the date on which these orders were made and whether separately particularised in these orders or not;
    - (iii) holder of any estate or interest in land, and as trustee of any Reserves, that exist in the Determination Area, including as trustee of:
      - 1. Lot 11 on SP214686;
      - 2. Lot 564 on SP288934;
      - 3. Lot 101 on SP178465;
      - 4. Lot 5 on SP288929;
      - 5. Lot 199 on CI838605; and

- xiii -

6. that part of Lot 581 on SP116066 known as Queens Park which is not included in Schedule 5;
- (c) as the owner and operator of infrastructure, and those facilities and other improvements located in the Determination Area validly constructed or established on or before the date on which these orders are made, including but not limited to:
  - (i) dedicated roads operated by Council;
  - (ii) gravel pits operated by Council;
  - (iii) undedicated but constructed roads except for those not operated by Council;
  - (iv) water pipelines, water supply infrastructure, levees and flood mitigation infrastructure;
  - (v) drainage facilities;
  - (vi) cemetery and cemetery-related facilities; and
  - (vii) camping and holiday park facilities.
- (d) to enter the land for the purposes described in paragraphs 7(a), 7(b) or 7(c) above by its employees, agents or contractors to:
  - (i) exercise any of the rights and interests referred to in this paragraph 7;
  - (ii) inspect, maintain and repair the infrastructure, facilities and other improvements referred to in paragraph 7(c) above; and
  - (iii) undertake operational activities in its capacity as a local government such as feral animal control, weed control, erosion control, waste management and fire management.
8. The rights and interests of the Great Barrier Reef Marine Park Authority and any other person existing by reason of the force of operation of:
  - (a) the *Great Barrier Reef Marine Park Act 1975* (Cth);
  - (b) the *Great Barrier Reef Marine Park Regulations 2019* (Cth);
  - (c) the *Great Barrier Reef Marine Park (Declaration of Amalgamated Marine Park Area) Proclamation 2004* (Cth); and
  - (d) the *Great Barrier Reef Marine Park Zoning Plan 2003* (Cth).

9. The rights and interests of the Australian Maritime Safety Authority as the owner, manager or operator of aids to navigation pursuant to section 190 of the *Navigation Act 2012* (Cth), and in performing the functions of the Authority under section 6(1) of the *Australian Maritime Safety Authority Act 1990* (Cth) including to be a national marine safety regulator, to combat pollution in the marine environment and to provide a search and rescue service.
10. The rights and interests of the State of Queensland and the Mackay Regional Council to access, use, operate, maintain and control the dedicated roads in the Determination Area and the rights and interests of members of the public to use and access the roads.
11. The rights and interests of the State of Queensland in Reserves, the rights and interests of the trustees of those Reserves and the rights and interests of the persons entitled to access and use those Reserves for the respective purpose for which they are reserved, including the rights and interests of the holders of permits issued by the trustees of the Reserves.
12. The rights and interests of the State of Queensland or any other person existing by reason of the force and operation of the laws of the State of Queensland, including those existing by reason of the following legislation or any regulation, statutory instrument, declaration, plan, authority, permit, lease or licence made, granted, issued or entered into under that legislation:
  - (a) the *Fisheries Act 1994* (Qld);
  - (b) *Land Act 1994* (Qld), including:
    - (i) permit to occupy for storage purposes No.240918 over Lot 1 on AP15951 held by Glenn Alfred Breadsell; and
  - (c) the *Coastal Protection and Management Act 1995* (Qld);
13. The rights and interests of members of the public arising under the common law, including but not limited to the following:
  - (a) any subsisting public right to fish; and
  - (b) the public right to navigate.
14. Any other rights and interests:
  - (a) held by the State of Queensland or Commonwealth of Australia; or
  - (b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.