

## SCHEDULE 4 – OTHER INTERESTS

### **Other Interests referred to in Paragraph 9.**

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

#### **Reserves**

1. The interests of persons who have the care, control and management of the following reserves, and the interests of persons entitled to access and use these reserves for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights:
  - (a) Reserve 17614 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 3 August 1973;
  - (b) Reserve 21471 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 16 November 1973;
  - (c) Reserve 24923 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 11 November 1988;
  - (d) Reserve 24966 for the purposes of "Use and Benefit of Aboriginal Inhabitants and Meteorological Station" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 13 September 1991;
  - (e) Reserve 29452 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 11 November 1988;

- (f) Reserve 40784 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 11 November 1988;
- (g) Reserve 40785 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 11 November 1988;
- (h) Reserve 40787 for the purpose of "Use and Benefit of Aboriginal Inhabitants" vested pursuant to section 33 of the *Land Act* 1933 (WA) in the Aboriginal Lands Trust on 11 November 1988; and
- (i) Reserve 24980 for the purpose of the "Warburton Range Stock Route".

**Leases and sub-leases**

2. The rights and interests of the holders of the following leases and sub-leases:

- (a) Leases of Reserves from the Aboriginal Lands Trust to the Ngaanyatjarra Land Council (Aboriginal Corporation):
  - (i) Reserve 17614 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Minister for Aboriginal Affairs, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
  - (ii) Reserve 21471 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Minister for Aboriginal Affairs, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
  - (iii) Reserve 24923 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Minister for Aboriginal Affairs, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
  - (vi) Reserve 24966 - Lease made 21 November 1991 between the Aboriginal Lands Trust, the Minister for Aboriginal Affairs,

- the Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
- (v) Reserve 29452 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
  - (vi) Reserve 40784 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Minister for Aboriginal Affairs, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
  - (vii) Reserve 40785 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Minister for Aboriginal Affairs, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
  - (viii) Reserve 40787 - Lease made 29 November 1988 between the Aboriginal Lands Trust, The Minister for Aboriginal Affairs, The Aboriginal Affairs Planning Authority and the Ngaanyatjarra Land Council (Aboriginal Corporation);
- (b) Sub-lease of Reserve 24966 - Sub - Lease made 21 November 1991 between the Ngaanyatjarra Land Council (Aboriginal Corporation) as lessor and the Commonwealth of Australia as lessee. The Commonwealth of Australia has exercised its option to renew for a further term of 10 years commencing 22 November 2001;
  - (c) Special Lease 3116/10897 between the Minister for Lands (Lessor) and the Aboriginal Lands Trust (Lessee) for the special purposes of "Use and Benefit of Aboriginal Inhabitants" granted pursuant to section 116 of the *Land Act* 1933 (WA) on 20 August 1992;
  - (d) Special Lease 3116/10903 between the Minister for Lands (Lessor) and the Aboriginal Lands Trust (Lessee) for the special purposes of "Use

and Benefit of Aboriginal Inhabitants" granted pursuant to section 116 of the *Land Act* 1933 (WA) on 20 August 1992; and

- (e) Special Lease 3116/11213 between the Minister for Lands (Lessor) and Papulankutja Community Inc (Lessee) for the special purposes of "Service Station/Road House and Associated Facilities" granted pursuant to section 116 of the *Land Act* 1933 (WA) on 1 July 1992;
- (f) Sub-leases for Special Lease 3116/10897 and 3116/10903:
  - (i) Sub - lease made 29 November 1988 between the Aboriginal Lands Trust and Ngaanyatjarra Land Council (Aboriginal Corporation); and
  - (ii) Sub - lease made 29 November 1988 between the Aboriginal Lands Trust and Ngaanyatjarra Land Council (Aboriginal Corporation).

### **Mining Leases**

3. The rights and interests of the holders of the following Mining Leases:

<b>Tenement ID</b>	<b>Holder</b>	<b>Date Granted</b>
M69/72	WMC Resources Ltd	30/11/2001
M69/73	WMC Resources Ltd	30/11/2001
M69/74	WMC Resources Ltd	30/11/2001
M69/75	WMC Resources Ltd	30/11/2001

### **Exploration Licences**

4. The rights and interests of the holders of the following Exploration Licences:

<b>Tenement ID</b>	<b>Holder</b>	<b>Date Granted</b>
E 69/535	Hinckley Range Pty Ltd	23/12/1993
E 69/1069	Resource Mining Corporation Ltd	01/11/1995
E 69/1070	Resource Mining Corporation Ltd	01/11/1995
E 69/1090	Hinckley Range Pty Ltd	21/03/1996
E 69/1091	Hinckley Range Pty Ltd	21/03/1996
E 69/1139	WRF Securities Ltd	21/03/1996
E 69/1140	WRF Securities Ltd	21/03/1996
E 69/1141	WRF Securities Ltd	21/03/1996
E 69/1152	WMC Resources Ltd	02/05/1996

<b>Tenement ID</b>	<b>Holder</b>	<b>Date Granted</b>
E 69/1154	WMC Resources Ltd	02/05/1996
E 69/1155	WMC Resources Ltd	02/05/1996
E 69/1156	WMC Resources Ltd	02/05/1996
E 69/1202	WMC Resources Ltd	30/12/1996
E 69/1258	WMC Resources Ltd	07/10/1997
E 69/1259	WMC Resources Ltd	07/10/1997
E 69/1384	Resource Exploration Ltd	04/06/1998
E 69/1385	Resource Exploration Ltd	04/06/1998
E 69/1386	Broadlake Holdings Pty Ltd	04/06/1998
E 69/1389	Australian Mines Ltd	03/01/2001
E 69/1389	Blackstone Minerals Pty Ltd	03/01/2001
E 69/1389	Peachlands Pty Ltd	03/01/2001
E 69/1390	Australian Mines Ltd	03/01/2001
E 69/1390	Blackstone Minerals Pty Ltd	03/01/2001
E 69/1390	Peachlands Pty Ltd	03/01/2001
E 69/1391	Australian Mines Ltd	22/05/2001
E 69/1391	Blackstone Minerals Pty Ltd	22/05/2001
E 69/1391	Peachlands Pty Ltd	22/05/2001
E 69/1455	Australian Mines Ltd	15/10/1999
E 69/1456	Australian Mines Ltd	15/10/1999
E 69/1457	Australian Mines Ltd	15/10/1999
E 69/1505	WMC Resources Ltd	20/04/2000
E 69/1507	Allhawk Nominees Pty Ltd	20/04/2000
E 69/1527	Allhawk Nominees Pty Ltd	12/01/2001
E 69/1528	Allhawk Nominees Pty Ltd	12/01/2001
E 69/1529	WMC Resources Ltd	08/09/2000
E 69/1530	WMC Resources Ltd	08/09/2000
E 69/1537	Allhawk Nominees Pty Ltd	12/01/2001
E 69/1540	Redstone Resources Ltd	12/01/2001
E 69/1541	Redstone Resources Ltd	12/01/2001
E 69/1557	Farno Pty Ltd	12/09/2001
E 69/1558	Farno Pty Ltd	12/09/2001
E 69/1559	Farno Pty Ltd	12/09/2001
E 69/1560	Farno Pty Ltd	12/09/2001
E 69/1561	Farno Pty Ltd	12/09/2001
E 69/1562	Farno Pty Ltd	12/09/2001
E 69/1563	Farno Pty Ltd	12/09/2001
E 69/1564	Farno Pty Ltd	12/09/2001
E 69/1565	Farno Pty Ltd	12/09/2001
E 69/1626	Great Gold Mines NL	01/02/2001
E 69/1627	Great Gold Mines NL	01/02/2001
E 69/1628	Great Gold Mines NL	01/02/2001
E 69/1629	Redstone Resources Ltd	01/02/2001

<b>Tenement ID</b>	<b>Holder</b>	<b>Date Granted</b>
E 69/1630	Redstone Resources Ltd	01/02/2001
E 69/1631	Redstone Resources Ltd	01/02/2001
E 69/1640	Discovery Nickel Ltd	01/02/2001
E 69/1641	Discovery Nickel Ltd	01/02/2001
E 69/1642	Discovery Nickel Ltd	01/02/2001
E 69/1654	Integra Mining Ltd	24/04/2001
E 69/1658	Australian Mines Ltd	24/04/2001
E 69/1659	Australian Mines Ltd	24/04/2001
E 69/1662	Frugal Mining NL	08/10/2003
E 69/1663	Thrifty Mining Pty Ltd	28/02/2001
E 69/1681	Paylode Pty Ltd	04/04/2001
E 69/1700	Discovery Nickel Ltd	11/09/2001
E 69/1744	Lingchip Pty Ltd	16/07/2002
E 69/1745	Lingchip Pty Ltd	16/07/2002
E 69/1746	Lingchip Pty Ltd	16/07/2002
E69/1790	Frugal Mining NL	23/01/2003
E69/1791	Frugal Mining NL	23/01/2003
E 69/1800	Acebell Holdings Pty Ltd	31/10/2002
E 69/1847	WMC Resources Ltd	23/04/2003
E 69/1884	WMC Resources Ltd	05/03/2004
E 69/1888	Jindalee Resources Ltd	14/05/2004
E 69/1889	Jindalee Resources Ltd	14/05/2004
E 69/1898	Rasic Zdravko	21/09/2004
E 69/1898	Turkovic Tony George	21/09/2004
E 69/1898	Priestley Lance William	21/09/2004
E 69/1903	Redstone Resources Ltd	20/09/2004
E 69/1904	Redstone Resources Ltd	20/09/2004
E 69/1905	Redstone Resources Ltd	20/09/2004
E 69/1906	Redstone Resources Ltd	20/09/2004

### **Agreements with WMC Resources Ltd**

5. The interests of WMC Resources Ltd under:
- (a) an agreement entered into between the Ngaanyatjarra Lands Council (Aboriginal Corporation) and WMC Resources Ltd on 15 July 1997 as amended from time to time and presently constituted by:
    - (i) the deed of agreement between Ngaanyatjarra Lands Council (Aboriginal Corporation) and WMC Resources Ltd of 15 July 1997;

- (ii) the deed between the Ngaanyatjarra Lands Council (Aboriginal Corporation) and WMC Resources Ltd dated 19 November 2003 and stamped on 3 May 2004;
  - (iii) the deed between the Ngaanyatjarra Land Council (Aboriginal Corporation) and WMC Resources Ltd dated 13 February 2005 and stamped on 8 April 2005; and
  - (iv) the deed between the Ngaanyatjarra Land Council (Aboriginal Corporation) and WMC Resources Ltd entitled "Exploration Agreement Deed of Variation No.4".
- (b) the Pre-Determination Agreement for Ngaanyatjarra Lands ILUA (No. 1) entered into between WMC Resources Ltd, the State of Western Australia, Ngaanyatjarra Council (Aboriginal Corporation) and the native title holders.
- (c) the Memorandum of Understanding about Land Access Process affecting Reserves in Ngaanyatjarra Lands Claim Area entered into between Ngaanyatjarra Council (Aboriginal Corporation), Ngaanyatjarra Lands Council (Aboriginal Corporation), WMC Resources Limited and the State of Western Australia.

**Access to mining interest areas**

6. Without limiting the operation of any other paragraph in Schedule 4, but subject to paragraphs 7 and 8 of Schedule 4 - the right of a holder of a mining tenement under the *Mining Act 1978* (WA) referred to in paragraphs 3 and 4 of Schedule 4 to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Determination Area as necessary in order to have access to the mining tenement for the purposes of exercising the rights granted by that tenement.
7. Nothing in paragraph 6 of Schedule 4 allows any upgrade, extension, widening or other improvement to a road or track or any work on a road or track other than work done to maintain it in reasonable repair and in order to leave it in

substantially the same condition as it was prior to its use pursuant to paragraph 6.

8. The right in paragraph 6 of Schedule 4 is subject to compliance with the laws of the State, including the *Aboriginal Affairs Planning Authority Act 1972 (WA)* and the terms of any agreement between the holder of a mining tenement referred to in paragraphs 3 and 4 of Schedule 4 and any or all of the Ngaanyatjarra Land Council (Aboriginal Corporation), the Ngaanyatjarra Council (Aboriginal Corporation) and the registered native title claimants for a native title claim group.

**Telstra**

9. The rights and interests of Telstra Corporation Limited:
- (a) as the owner or operator of telecommunications facilities installed within the Determination Area and as the holder of a carrier licence under the *Telecommunications Act 1997 (Cth)*;
  - (b) created pursuant to the *Telecommunications Act 1991 (Cth)*, the *Telecommunications Act 1997 (Cth)* and/or approvals from the Ngaanyatjarra Land Council (Aboriginal Corporation) in respect of the following:
    - (i) customer radio terminals and telecommunications cabling; and
    - (ii) sites within Reserve 17614:
      - (A) Bentley Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 127°07'40.49" Latitude 25°46'08.47";
      - (B) Eliza Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres



from a central station mark located at Longitude  
127°36'08.93" Latitude 25°53'59.33";

- (C) Clianthus Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 128°07'25.87" Latitude 25°59'13.59";
- (D) Edith Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 127°55'56.45" Latitude 25°19'12.68";
- (E) Kathleen Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 128°43'36.09" Latitude 25°03'35.88";
- (F) Rebecca Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 128°52'29.25" Latitude 24°49'50.78";
- (G) Russell Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 128°22'10.94" Latitude 25°05'37.68";
- (H) Walter Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres),

the corner points of which are located 106.07 metres from a central station mark located at Longitude 128°42'44.56" Latitude 24°33'50.11";

- (I) Wingellina Optic Fibre Regenerator and Exchange Site, located at Longitude 128°56'05" Latitude 26°03'55", being a square shaped area of 400m<sup>2</sup> (20 metres by 20 metres); and
  - (J) Blackstone Telecommunications Radio, Optic Fibre Regenerator and Exchange Site, being a rectangular shaped area of 360m<sup>2</sup> (18 metres by 20 metres), located at Longitude 128°17'05" Latitude 25°59'55"; and
- (iii) sites within Reserve 21471:
- (K) Mummine Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.06 metres from a central station mark located at Longitude 126°44'42.79" Latitude 26°01'42.08";
  - (L) Warburton West Telecommunications Radio Site, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres from a central station mark located at Longitude 126°28'07.99" Latitude 26°09'55.69";
  - (M) Warburton Telephone Exchange, located within Reserve 21471, being a square shaped area of 625m<sup>2</sup> (25 metres by 25 metres); and
- (iv) Heather Telecommunications Radio Site, located within Special Purpose Lease 3116/10903, at Milyuga Location 10, being a square shaped area of 22,500m<sup>2</sup> (150 metres by 150 metres), the corner points of which are located 106.07 metres

from a central station mark located at Longitude 125°51'02.98"  
Latitude 26°05'18.71".

- (c) 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);
- (d) for its employees, agents or contractors to enter the Determination Area in the performance of their duties, to access its telecommunications facilities in, and in the vicinity of, the Determination Area;
- (e) under a sub-lease of Reserve 21471 dated 30 September 1998 between the Ngaanyatjarra Land Council (Aboriginal Corporation) as lessor and Telstra as lessee; and
- (f) under a Deed of Agreement entitled "Telstra-Ngaanyatjarra Determination Deed" between Telstra Corporation Ltd, Ngaanyatjarra Land Council (Aboriginal Corporation), Ngaanyatjarra Council (Aboriginal Corporation) and the native title holders.

**Airservices Australia**

10. The rights and interests of Airservices Australia, including:

- (a) under a Deed of Agreement entitled "Airservices Australia-Ngaanyatjarra Determination Deed" between Airservices Australia, Ngaanyatjarra Land Council (Aboriginal Corporation) and the Native Title Holders;
- (b) as the owner and operator of radio-communication and navigational facilities at Warburton and Giles;
- (c) rights and interests created pursuant to the *Air Navigation Act* 1920 (Cth), the *Civil Aviation Act* 1988 (Cth) and the *Air Services Act* 1995 (Cth); and

- (d) rights of access by employees, agents or contractors of Airservices Australia to the facilities referred to in (b) in the performance of their duties.

**Bureau of Meteorology**

- 11. The rights and interests of the Bureau of Meteorology including:-
  - (a) as the owner and operator of meteorological facilities situated at the Warburton Airfield on Reserve 21471, namely an automatic weather station, rain gauge and Stevenson screen; and
  - (b) rights of access by employees, agents and contractors of the Bureau of Meteorology to the facilities referred to in (a) in the performance of their duties.

**Shire of Laverton**

- 12. Rights and interests of the Shire of Laverton pursuant to statute or otherwise in that part of the Determination Area within the boundaries of the Shire including the maintenance of the following roads:
  - (a) Parallel Road;
  - (b) Rawlinna Warburton Road;
  - (c) Ilkurlka Wingelina Road; and
  - (d) Hunt Oil Road.

**Other**

- 13. The following rights and interests:
  - (a) rights and interests granted by the Crown pursuant to statute or otherwise in the exercise of its executive power;
  - (b) rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth including the force and operation of the *Rights in Water and Irrigation Act 1914* (WA);
  - (c) the right to access the Determination Area by:

- (i) an employee or agent or instrumentality of the State;
- (ii) an employee or agent or instrumentality of the Commonwealth;
- (iii) an employee or agent or instrumentality of any local government authority

as required in the performance of his or her statutory or common law duty where such access would be permitted to private land; and

- (d) the right of any person to use (subject to the laws of the State, in particular the *Aboriginal Affairs Planning Authority Act 1972 (WA)* and Regulations) the Great Central Road and any road in the Determination Area over which, as at the date of the Determination, the public has a right of way according to the common law.