

SCHEDULE FIVE

OTHER INTERESTS (Paragraph 14)

The nature and extent of the Other Interests in relation to the Determination Area as at the date of this determination are:

1. Reserves:

- (a) The following Reserves:
 - (i) Reserve 1011 for the purposes of townsite and landing place;
 - (ii) Reserves 15530, 21970, 23079 and 30674 for the purpose of the use and benefit of Aborigines; and
 - (iii) Reserve 22050 for the purpose of water;
- (b) The rights and interests of persons who have the care, control and management of the reserves identified in subparagraph (a) above or in whom the reserves identified in subparagraph (a) above are vested (as the case may be);
- (c) The rights and interests of persons entitled to access and use the reserves identified in subparagraph (a) above for the respective purposes for which they are reserved, subject to any statutory limitations upon those rights; and
- (d) The rights and interests of persons holding valid leases over areas of the reserves identified in subparagraph (a) above.

2. Pastoral Leases

The following pastoral leases and the rights and interests of the holders from time to time of those pastoral leases:

- (a) Pastoral Lease 3114/0682 (Fitzroy Location 249 and Meda Location 22) being Napier Downs Station

3. Mining Tenements

The rights and interests of the holders from time to time of the following mining tenements under the *Mining Act 1904* (WA) (repealed) and the *Mining Act 1978* (WA):

(a) Mining Leases

Tenement	Holder	Date Granted
M 0400137	Cockatoo Mining Pty Ltd	14/06/1990
M 0400235	Pelican Resources Ltd	03/10/1991
M 0400416	Koolan Iron Ore Pty Ltd	21/04/2006
M 0400417	Koolan Iron Ore Pty Ltd	21/04/2006

(b) Mineral Leases

Tenement	Holder	Date Granted
ML 0400010	Cockatoo Mining Pty Ltd	01/01/1919
ML 0400011	Cockatoo Mining Pty Ltd	01/01/1919
ML 0400012	Cockatoo Mining Pty Ltd	01/01/1920
ML 0400043	Cockatoo Mining Pty Ltd	01/01/1948

(c) General Purpose Leases

Tenement	Holder	Date Granted
G 0400033	Cliffs Asia Pacific Iron Ore Pty Ltd	01/08/1994
G 0400034	Cliffs Asia Pacific Iron Ore Pty Ltd	01/08/1994
G 0400035	Cliffs Asia Pacific Iron Ore Pty Ltd	01/08/1994
G 0400036	Cliffs Asia Pacific Iron Ore Pty Ltd	01/08/1994
G 0400037	Cliffs Asia Pacific Iron Ore Pty Ltd	01/08/1994

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(d) Miscellaneous Licences

Tenement	Holder	Date Granted
L 0400029	Koolan Iron Ore Pty Ltd	08/07/2004
L 0400049	Cliffs Asia Pacific Iron Ore Pty Ltd	17/10/2005

(e) Exploration Licences:

Tenement	Holder	Date Granted
E 0401026	Spinifex Abrasives Pty Ltd	26/08/2005
E 0401131	Cliffs Asia Pacific Iron Ore Pty Ltd	29/05/2003
E 0401265	Koolan Iron Ore Pty Ltd	30/05/2003
E 0401266	Koolan Iron Ore Pty Ltd	30/05/2003
E 0401441	Kimminco Pty Ltd	08/08/2005
E 0401448	Pancontinental Mining Corporation Pty Ltd	03/02/2006
E 0401533	Michael Latham and Terrence Daniel Reid	04/12/2006
E 0401534	FMG Resources Pty Ltd	01/11/2007
E 0401589	Starwolf Resources Pty Ltd	10/08/2007
E 0401797	Kode Kosasih	14/01/2009
E 0401852	Glenn Griffin Venn Money	15/03/2010

(f) Temporary Reserves:

Tenement	Holder	Date Granted
TR 7001147	Minister for Mines	25/05/1945
TR 7001309	Minister for Mines	06/04/1951

4. Petroleum interests

The interests of the holders from time to time of the following petroleum interests under the *Petroleum and Geothermal Energy Resources Act 1967* (WA):

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(a) Exploration Permits:

Tenement	Holder	Date Granted
EP 464	Exceed Energy (Australia) Pty Ltd	15/01/2009

5. Access to Mining and Petroleum Areas

- (a) Without limiting the operation of any other paragraph in Schedule Five, but subject to paragraph 5(b) below, the rights of the holders from time to time of a mining tenement or petroleum interest referred to in paragraph 3 or 4 of Schedule Five (as the case may be) to use (including by servants, agents and contractors) such portions of existing roads and tracks in the Determination Area as necessary to have access to the area the subject of the mining tenement or petroleum interest for the purposes of exercising the rights granted by that tenement or interest.
- (b) Nothing in paragraph 5(a) above allows any upgrade, extension, widening or other improvement to the 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 5(a).

6. Telstra Corporation

The rights and interests of Telstra Corporation Limited:

- (a) as the owner or operator of telecommunications facilities installed within the Determination Area;
- (b) as the holder of a carrier licence under the *Telecommunications Act 1997* (Cth);
- (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), including the right to install and operate telecommunications facilities within the Determination Area;

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- (d) The right to establish a telecommunications facility on, and remain in occupation of:
- (i) the Datum Bay Telecommunications Site, having an area of 2500 square metres with a station mark located at the base of the radio mast at Latitude 16°24'58.66" South, Longitude 123°30'49.38" East. The north east corner of the Site 40.37 metres at a bearing of 53°16' (TN) from the station mark and by reference to the north east corner the site boundaries are 50 metres west by 50 metres south by 50 metres east by 50 metres north; and
 - (ii) the Cockatoo Island Telecommunications Site, being located at Latitude -16.087525 and Longitude 123.593287; and
- (e) 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.

7. Other

The following rights and interests:

- (a) Rights and interests, including licences and permits, granted by the Crown in right of the State or of the Commonwealth pursuant to statute or otherwise in the exercise of its executive power including, but not limited to, the rights and interests of the holders of licences granted under the *Jetties Act 1926* (WA) and the rights and interests of the holders of statutory fishing and pearling interests granted under the *Fish Resources Management Act 1994* (WA), the *Pearling Act 1990* (WA), and the *Fisheries Management Act 1991* (Cth) and any regulations made pursuant to such legislation;
- (b) Rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth, including but not limited to, the force and operation of the *Rights in Water and Irrigation Act 1914* (WA);
- (c) Rights and interests of members of the public arising under common law including but not limited to:

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- (i) the public right to fish;
 - (ii) the public right to navigate; and
 - (iii) the right of any person to use any road in the determination area (subject to the laws of the State) over which, as at the date of this determination, members of the public have a right of access under common law.
- (d) The right to access the Determination Area by:
- (i) an employee, agent or instrumentality of the State;
 - (ii) an employee, agent or instrumentality of the Commonwealth; or
 - (iii) an employee, 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;
- (e) So far as confirmed pursuant to section 212(2) of the *Native Title Act* and section 14 of the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995 (WA)* as at the date of this Determination, any existing public access to, and enjoyment of, the following places in the Determination Area:
- (i) waterways;
 - (ii) beds and banks or foreshores of waterways;
 - (iii) coastal waters;
 - (iv) beaches;
 - (v) stock routes; and
 - (vi) areas that were public places at the end of 31 December 1993; and
- (f) Any other valid:
- (i) legal or equitable estate or interest in the land or waters; or
 - (ii) other right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with:
 - (A) the land or waters; or

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- (B) an estate or interest in the land or waters; or
- (iii) restriction on the use of the land or waters, whether or not annexed to other land or waters.