

## **Schedule 2 – The areas where native title does and does not exist**

[See paragraphs 1 and 2 of the Determination]

### **Part 1 – Areas where native title exists**

Native title exists in all parts of the Determination Area other than those described in Part 2.

### **Part 2 – Areas where native title does not exist**

Native title does not exist in the following parts of the Determination Area:

#### **Public Works**

#### ***Roads***

*Note: The "road numbers" identified at the beginning of each sub-paragraph below is a reference to the number of a road which was set out by the affidavit of Paul Terrence Godden filed on 16 December 2015 (marked as exhibit WA10 in WAD 359/2013) and which area is otherwise marked and labelled on the maps in Schedule 8.*

- (1) The land and waters of the following roads:
  - (a) Road 03, BEING that area which is marked as road and bounded by a green border on diagram 56586;
  - (b) Road 04, BEING that area which is marked as road and within an area bounded by a green border on diagram 12362;
  - (c) Road 05, BEING the area designated as Road 15967 and described by publication in the Western Australian Government Gazette on 2 June 1978 as follows:

A strip of land 40 metres wide, commencing at the northwestern side of Great Northern Highway at a southeastern corner of Dampier Location 70 and extending as shown coloured red on Miscellaneous Plans 470 (1) and (2) generally northeastward through Reserve No. 25716 and Pastoral Lease 3114/810 thence northward and again northeastward through Lease 398/461 to terminate at a Northern boundary of the last mentioned lease;

- (d) Road 09, BEING the area designated as Road 6241 and described, by publication in the Western Australian Government Gazette on 5 September 1919, as follows:

A strip of land, 10 chains wide, commencing at the North boundary of the Broome Townsite Reserve about one mile from the sea-coast, and extending in a North-Easterly direction through Pastoral Leases 1126/98 (Passing near Bones Well), 1111/98, 1087/98, 981/98 (passing near Wanganup Well), 849/98, 243/98, and 328/98 to the Waterbanks Spring in the latter; thence North Westerly through Leases 328/98 and 827/98 for a distance of about 700 chains; thence North-Easterly through Lease 827/98 and Reserves Nos. 1012 and 1834 to the North-Western corner of Dampier Location 6; thence North-Easterly through Reserve No 1834 and Lease 375/98 for a distance of about 155 chains; thence Northerly through Lease 375 and 871/98 to about four miles East and three miles North of the latter's South-West corner; thence in a North-Easterly direction through Leases 871/98 and 1922/98 to Cape Leveque (Plans 136/300 and 138/300);

- (e) Road 10, BEING the area designated as Road 6863 and described by publication in the Western Australian Government Gazette on 9 February 1923, as follows:

A strip of land, two chains wide, leaving the Northern boundary of Reserve No. 631 at a point about 60 chains East of Duncan's Well, and extending in a North-North-Easterly direction through Pastoral Leases 1126/98, 1111/98, 1087/98, 981/98, 849/98, 243/98, 416/98, and 328/98 to Waterbanks Rock in the latter lease; thence North-Easterly through said Lease 328/98 and Leases 988/98 and 827/98 to a surveyed road at the South East corner of Dampier Location 5 (Plans 135 and 136/300);

- (f) Constructed Portion of the Broome Cape Leveque Road, BEING that portion of the Broome to Cape Leveque Road which is depicted on Deposited Plan 49462 and which is an area 80 metres wide which commences from the north boundary of Road 01 and Road 05 and extends through portions of Reserve 1834 and Reserve 22615 before joining Road 15970 at a point outside the Determination Area.

***East Island Lighthouse and adjacent areas***

- (2) The land and waters upon which the aid to navigation named the East Island Lighthouse is situated and the adjacent areas within the meaning of s 251D of the *Native Title Act*, being the land and waters within the following description:
- (a) Starting at coordinates 16° 57.256' Latitude South and 122° 9.631' Longitude East; and
  - (b) Moving north easterly through the coordinates 16° 56.419' Latitude South and 122° 9.932' Longitude East;
  - (c) Moving north easterly to the coordinates 16° 53.403' Latitude South and 122° 11.331' Longitude East;
  - (d) Moving north easterly to the coordinates 16° 51.139' Latitude South and 122° 12.588' Longitude East;
  - (e) Moving south easterly to the coordinates 16° 51.686' Latitude South and 122° 13.487' Longitude East;
  - (f) Moving south westerly to the coordinates 16° 53.712' Latitude South and 122° 12.399' Longitude East;
  - (g) Moving south easterly to the coordinates 16° 54.494' Latitude South and 122° 15.079' Longitude East;
  - (h) Moving south westerly to the coordinates 16° 55.332' Latitude South and 122° 14.769' Longitude East;
  - (i) Moving north westerly to the coordinates 16° 54.416' Latitude South and 122° 12.000' Longitude East;
  - (j) Moving south westerly to the coordinates 16° 57.251' Latitude South and 122° 10.601' Longitude East; and
  - (k) Moving westerly back to the coordinates 16° 57.256' Latitude South and 122° 9.631' Longitude East.

**Reserves**

- (3) The land and waters of the following reserves:
- (a) Reserve 7279, BEING a reserve set aside for the purpose of "conservation of flora and fauna" located on Lots 304, 305, 306 and 307 on Plan 240352;

- (b) Reserve 29983 (Coloumb Point Nature Reserve), BEING a reserve set aside for the purpose of "conservation of flora and fauna" located on Dampier Location 77;
- (c) Reserve 37168 (over part of which lease H612291 exists, which lease is identified in the list of leases in this Schedule), BEING a reserve set aside for the purpose of "conservation, navigation, communication, meteorology and survey" located on Lot 303 on Plan 92004;
- (d) Reserve 38436, BEING a reserve set aside for the purpose of "health clinic and associated staff housing" and which is located on Lot 212 on Plan 12362;
- (e) Reserve 44298, BEING a reserve set aside for the purpose of "navigation, communication, meteorology and survey" and which is located on Lot 240 on Plan 189239; and
- (f) Reserve 51146 BEING a reserve set aside for the purpose of "harbour purposes" and which is located on Lot 450 on Plan 69951.

#### **Freehold**

- (4) The area of the following freehold:
  - (a) CT 2210/074 BEING an estate in fee simple over land described as Lot 403 on Deposited Plan 195035 with the registered proprietor being the Roman Catholic Bishop of Broome.

#### **Leases**

- (5) The areas of the following leases:
  - (a) General Lease M199002 for the permitted use of "Land base in support of pearling", covering Lot 224 on Deposited Plan 216717;
  - (b) Reserve Lease H612291 (which lease exists over Reserve 37168, identified in the list of Reserves in this Schedule) to the Australian Maritime Safety Authority and covering Dampier Location 303 on Reserve Diagram 1010; and
  - (c) General Lease H583526 for the purpose of "Horticulture" and covering Lot 398 on Deposited Plan 194609.

#### **Area of unallocated Crown land**

- (6) UCL 67 BEING an area of unallocated Crown land generally located in King Sound and proximate to the eastern-most south-eastern corner of the Determination Area.