



# Heytesbury Underground Gas Storage (HUGS) Pipeline

## Attachment L



Native Title Analysis

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CONFIDENTIAL

29 AUGUST 2024

Dear Melanie

## Native title extinguishment analysis for Heytesbury Underground Gas Storage Project pipeline

We have undertaken a native title extinguishment analysis for the proposed corridor for the pipeline for the Heytesbury Underground Gas Storage Project (**Pipeline**). This analysis did not include certain freehold land parcels within the Pipeline corridor which are owned by Lochard Energy.

Our analysis is that native title has been wholly extinguished with respect to the land comprising the proposed Pipeline corridor considered. This is due to 'previous exclusive possession acts' (PEPAs), as per sections 23B, 23C and 23E of the *Native Title Act 1993* (Cth) (NTA) and sections 13H and 13I of the *Land Titles Validation Act 1994* (Vic) (LTVA). The relevant PEPAs are the grant of fee simple interests, and the construction and establishment of roads that are 'public works', prior to 23 December 1996. We consider that it can be assumed that native title has also been wholly extinguished within the freehold land parcels owned by Lochard Energy.

Detail of this analysis and relevant documentary evidence are set out in Schedule 1 and the attachments to this letter.

We confirm that this letter may be provided to State government departments and agencies as required, including the Department of Energy, Environment and Climate Action, to confirm the native title extinguishment position for the land comprising the Pipeline corridor.

If you have any queries regarding the native title extinguishment analysis or otherwise wish to discuss, please contact us.

Yours sincerely



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## Schedule 1 - Detailed analysis

NO	LOT	CURRENT TENURE	EXTINGUISHED?	DETAIL	EVIDENCE	DOCUMENTS
1.	4\PS426303	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 2 December 1985.	<ul style="list-style-type: none"><li>• Title Volume 10829 Folio 144 (Current title) lists Origin Energy Resources Ltd as the registered proprietor of an estate in fee simple with respect to Lot 4 on Plan of Subdivision 426303G since 7 April 2005 (<b>Attachment 1</b>).</li><li>• Title Volume 10726 Folio 960 (parent title to the current title) lists Santos (Bol) Pty Ltd as the registered proprietor of an estate in fee simple with respect to Lot 4 on Plan of Subdivision 426303G since 2 May 2000 (<b>Attachment 2</b>).</li><li>• Title Volume 10498 Folio 536 (parent title to Volume 10726 Folio 960) lists Michael James Rylance as the registered proprietor of an estate in fee simple with respect to Lot 4 on Plan of Subdivision 426303G since 18 February 2000 (<b>Attachment 3</b>).</li><li>• Title Volume 09647 Folio 175 (parent title to Volume 10498 Folio 536) lists Michael James Rylance as the registered proprietor of an estate in fee simple with respect to Lot 3 on Plan of Subdivision 201745S since 2 December 1985 (<b>Attachment 4</b>).</li></ul>



NO	LOT	CURRENT TENURE	EXTINGUISHED?	DETAIL	EVIDENCE	DOCUMENTS
2.	1\LP201744	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 22 December 1954.	<ul style="list-style-type: none"> <li>Title Volume 09647 Folio 173 (Current title) lists Lochard Energy (Iona Asset) Pty Ltd as the registered proprietor of an estate in fee simple with respect to Lot 1 on Plan of Subdivision 201744U since 5 April 2016 (<b>Attachment 5</b>).</li> <li>Title Volume 08072 Folio 043 (Parent title to the current title) lists Hanors Rylance and Michael James Rylance as the proprietors of an estate in fee simple with respect to Crown Allotment 2 Section 8 Parish of Paaratte since 22 December 1954 (<b>Attachment 6</b>).</li> </ul>
3.	5\PS426303	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 2 December 1985.	<ul style="list-style-type: none"> <li>Title Volume 10498 Folio 537 (Current title) lists John Francis Rylance as the registered proprietor of an estate in fee simple with respect to Lot 5 on Plan of Subdivision 426303G since 15 September 2009 (<b>Attachment 7</b>).</li> <li>Title Volume 09647 Folio 175 (Parent title to the current title) lists Michael James Rylance as the proprietor of an estate in fee simple with respect to Lot 3 on Plan of Subdivision 201745S since 2 December 1985 (<b>Attachment 4</b>).</li> </ul>
4.	Timboon-Peterborough Road	Constructed road	Yes	PEPA, being a road that is a 'public work' that was constructed and established prior to 23 December 1996 (see sections 23B(7) and 23E of the NTA and section 13I of the LTVA).	<p>The Crown grant dated April 1947 and survey plan dated 1935 show that Timboon-Peterborough Road in this location was established as a 'Government Road' at those times.</p> <p>The State Aerial Survey prepared by the Victorian Department of Crown Lands and Survey</p>	<ul style="list-style-type: none"> <li>Volume 6971 Folio 1394024 (Crown grant) dated 16 April 1947 records a 'Government Road' where Timboon-Peterborough Road currently exists adjacent to Allotment 26 of Section One in the Parish of Paaratte (<b>Attachment 8</b>).</li> <li>A Survey Plan of Paaratte Parish dated 1935 shows a 'Government Road' where Timboon-Peterborough Road currently exists (<b>Attachment 9</b>) (*Timboon-Peterborough Road is highlighted yellow by KWM for identification purposes).</li> <li>The State Aerial Survey dated 1957 shows a road depicted as a "loose surface all weather road,</li> </ul>



NO	LOT	CURRENT TENURE	EXTINGUISHED?	DETAIL	EVIDENCE	DOCUMENTS
					dated 1957 ( <b>State Aerial Survey</b> ) shows that Timboon-Peterborough Road in this location had been constructed as a road in 1957.	<i>second class</i> ” located in the location of Timboon-Peterborough Road ( <b>Attachment 10</b> ).
5.	26-1\PP3360	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 16 April 1947.	<ul style="list-style-type: none"> <li>Title Volume 06971 Folio 024 (Current title) lists Tanya Louise Vogels and Anthony William Vogels as the registered proprietors of an estate in fee simple with respect to Crown Allotment 26 Section 1 Parish of Paaratte since 25 February 2022 (<b>Attachment 11</b>).</li> <li>Title Volume 6971 Folio 1394024 (Crown grant) contains the grant to Richard George Power of an estate in fee simple with respect to Allotment 26 of Section One in the Parish of Paaratte dated 16 April 1947 (<b>Attachment 8</b>).</li> </ul>
6.	27-1\PP3360	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Current title shows that a fee simple interest existed over the land on 25 May 1993.	<ul style="list-style-type: none"> <li>Title Volume 07407 Folio 353 (Current title) lists Brian Joseph Davison and Jessie May Davison as personal representative of Leslie Joseph Davison as registered proprietors of an estate in fee simple with respect to Crown Allotment 27 Section 1 Parish of Paaratte since 25 May 1993 (<b>Attachment 13</b>).</li> </ul>
7.	Corangamite Shire Council	Residual Crown land - ‘paper road’	Yes	PEPA, being a road that is a ‘public work’ that was constructed and established prior to 23 December 1996 (see sections 23B(7) and 23E of the NTA and section 13I of the LTVA).	The Crown grant dated February 1955 and survey plan dated 1932 show that the area now within the ‘paper road’ alignment was established as a ‘Government Road’ at those times.	<ul style="list-style-type: none"> <li>Title Volume 8085 Folio 049 (Crown grant) dated 2 February 1955 records a ‘Government Road’ in the location of the current ‘paper road’ alignment adjacent to Allotment 31 in the Parish of Narrawaturk (<b>Attachment 14</b>).</li> <li>A Survey Plan of Narrawaturk Parish dated 1932 shows a ‘Government Road’ in the location of the current ‘paper road’ alignment (<b>Attachment 15</b>).</li> </ul>



NO	LOT	CURRENT TENURE	EXTINGUISHED?	DETAIL	EVIDENCE	DOCUMENTS
					The State Aerial Survey Plan shows that Boundary Road in this location had been constructed as a road in 1957.	(*Boundary Road is highlighted yellow by KWM for identification purposes) <ul style="list-style-type: none"> <li>The State Aerial Survey dated 1957 shows a road labelled as 'Boundary Road' over the current 'paper road' alignment, consistent with it previously being part of Boundary Road (<b>Attachment 10</b>). This section of Boundary Road is depicted as a "loose surface all weather road, second class".</li> </ul>
8.	1\TP884206	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 2 February 1955.	<ul style="list-style-type: none"> <li>Title Volume 08085 Folio 049 (Current title) lists Brian Joseph Davison as the registered proprietor of an estate in fee simple with respect to Lot 1 on Title Plan 884206H since 17 July 1998 (<b>Attachment 16</b>).</li> <li>Title Volume 8085 Folio 049 (Crown grant) contains a grant to Harold William Weibye of an estate in fee simple with respect to Allotment 31 in the Parish of Narrawaturk dated 2 February 1955 (<b>Attachment 14</b>).</li> </ul>
9.	1\TP436747	Freehold (current Boundary Road alignment)	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 2 February 1955. The land was previously freehold land and was acquired by the Corangamite Shire Council and is now part of the current Boundary Road alignment.	<ul style="list-style-type: none"> <li>Title Volume 08901 Folio 165 (Current title) lists Corangamite Shire Council as the registered proprietor of estate in fee simple with respect to Lot 1 on Title Plan 436747X since 28 April 2016 (<b>Attachment 17</b>).</li> <li>Title Volume 8085 Folio 049 (Crown grant) contains a grant to Harold William Weibye of an estate in fee simple with respect to Allotment 31 in the Parish of Narrawaturk dated 2 February 1955 (<b>Attachment 14</b>).</li> </ul>
10.	1\TP7190	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and	Historical title shows that a fee simple interest existed over the	<ul style="list-style-type: none"> <li>Title Volume 10311 Folio 370 (Current title) lists Renee Jane Whitehead and Matthew John Whitehead as the registered proprietor of an estate</li> </ul>



NO	LOT	CURRENT TENURE	EXTINGUISHED?	DETAIL	EVIDENCE	DOCUMENTS
				23E of the NTA and section 13H of the LTVA).	land on 12 December 1996.	<p>in fee simple with respect to Lot 1 on Title Plan 007190S since 18 March 2022 (<b>Attachment 18</b>).</p> <ul style="list-style-type: none"> <li>Title Volume 10311 Folio 370 (Historical search statement) lists John Robert Whitehead and Leeanne Maree Whitehead as the registered proprietors of an estate in fee simple with respect to Lot 1 on Title Plan 007190S since 12 December 1996 (<b>Attachment 19</b>).</li> </ul>
11.	1\TP888281	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	Historical title shows that a fee simple interest existed over the land on 1 July 1952.	<ul style="list-style-type: none"> <li>Title Volume 08094 Folio 097 (Current title) lists Mathew John Whitehead as the registered proprietor of an estate in fee simple with respect to Lot 1 on Title Plan 888281V since 13 June 2008 (<b>Attachment 20</b>).</li> <li>Title Volume 07757 Folio 116 (Parent title to the current title) lists Allan Henry Underwood as the proprietor of an estate in fee simple of land with respect to Crown Allotment 26 Parish of Narrawaturk since 1 July 1952 (<b>Attachment 21</b>).</li> </ul>
12.	2\LP92940	Freehold	Yes	PEPA, being the grant of a fee simple interest prior to 23 December 1996 (see sections 23B(2)(c)(ii) and 23E of the NTA and section 13H of the LTVA).	The land previously consisted of two lots prior to being amalgamated into the present lot. Historical titles show that a fee simple interest existed over each section of the lot on 23 October 1987 and 8 March 1990, respectively.	<ul style="list-style-type: none"> <li>Title Volume 10894 Folio 912 (Current title) lists Sharyn Elizabeth Ferguson and Guy Desmond Ferguson as the registered proprietors of an estate in fee simple with respect to Lot 2 on Plan of Subdivision 092940 since 31 March 2020 (<b>Attachment 22</b>).</li> <li>Title Volume 09785 Folio 352 (Parent title to the current title) lists Terris Desmond Ferguson as the registered proprietor of an estate in fee simple as to one of a total of 2 equal undivided shares since 23 October 1987 (<b>Attachment 23</b>).</li> <li>Title Volume 09974 Folio 793 (Parent title to the current title) lists Terris Desmond Ferguson as the registered proprietor of an estate in fee simple as</li> </ul>





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						to one of a total of 2 equal undivided shares since 8 March 1990 ( <b>Attachment 24</b> ).
13.	East and West Road	Constructed road	Yes	PEPA, being a road that is a 'public work' and that was constructed and established prior to 23 December 1996 (see sections 23B(7) and 23E of the NTA and section 13I of the LTVA).	<p>The Crown grant dated May 1938 and survey plan dated 1932 show that East and West Road in this location was established as a 'Government Road' at those times.</p> <p>The State Aerial Survey shows that East and West Road in this location had been constructed as a road in 1957.</p>	<ul style="list-style-type: none"><li>• Volume 6741 Folio 1348144 (Crown grant) dated 27 May 1938 records a 'Government Road' where East and West Road currently exists, adjacent to Allotment 25 in the Parish of Narrawaturk (<b>Attachment 12</b>).</li><li>• A Survey Plan of Narrawaturk Parish dated 1932 shows a 'Government Road' where East and West Road exists in 1932 (<b>Attachment 15</b>). (*East and West Road is highlighted yellow by KWM for identification purposes)</li><li>• The State Aerial Survey dated 1957 shows a road labelled East and West Road and depicted as "<i>loose surface dry weather road</i>" where East and West Road currently exists (<b>Attachment 10</b>).</li></ul>