



SCHEDULE B IDENTIFICATION IDENTIFYING THE BOUNDARIES OF: [see Act, s 62]

Note: This information must be included, as well as the map mentioned in SCHEDULE C

Information identifying the boundaries of:

- (a) The area covered by the application; and
- (b) Any areas within those boundaries that are not covered by the application.

(A) Area covered by application

The area covered by the application ('the Application Area') comprises all the land and waters within the external boundaries described in Attachment B and depicted in the map at Attachment C.

The area covered by this application does not include the areas described at point B below.

(B) Areas within the external boundaries not covered by the application

1. The area covered by the application excludes any land and waters covered by past or present freehold title or by previous valid exclusive possession acts as defined by section 23B of the *Native Title Act 1993* (Cth).
2. The area covered by the application excludes any land and waters which are:
 - a) a Scheduled interest;
 - b) a freehold estate;
 - c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
 - d) an exclusive agricultural lease or an exclusive pastoral lease;
 - e) a residential lease;
 - f) a community purpose lease;
 - g) a lease dissected from a mining lease and referred to in s 23B(2)(c)(vii) of the *Native Title Act 1993* (Cth); and
 - h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.
3. Subject to paragraphs 5 and 6, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.
4. Subject to paragraphs 5 and 6, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth, State or Territory.
5. Subject to paragraph 7 below, where the act specified in paragraphs 2, 3 and 4 falls within the provisions of:
 - a) s 23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - b) s 23B(9A) – Establishment of a national park or state park;
 - c) s 23B(9B) – Acts where legislation provides for non-extinguishment;
 - d) s 23B(9C) – Exclusion of Crown to Crown grants; and
 - e) s 23B(10) – Exclusion by regulation;the area covered by the act is not excluded from the application.
6. Where an act specified in paragraphs 2, 3 and 4 affects or affected land or waters referred to in:
 - a) s 47 – Pastoral leases etc covered by claimant application;
 - b) s 47A – Reserves covered by claimant application;
 - c) s 47B – Vacant Crown land covered by claimant application;
 - d) s 47C – Park Areas covered by the claimant application;



the area covered by the act is not excluded from the application.

7. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.
8. The area covered by the application excludes the land and waters covered by the following native title determination applications:
 - Byron Bay Bundjalung People #3 native title determination application NSD6020/2001 (*Byron Bay Bundjalung People v New South Wales Minister for Land and Water Conservation*);
 - Bandjalang People #2 native title determination application NSD6107/1998 (*Bandjalang People #2 v Attorney General of New South Wales*); and
 - The Githabul Peoples native title determination application NSD6019/1998 (*The Githabul Peoples v New South Wales Minister for Land and Water Conservation*).
9. The area covered by the application excludes:

Lot 8 DP 242199	CAD ID 105232662	CAD ID 105232584
Lot 23 DP 256783	CAD ID 170094172	Lot 1 DP 43788
Lot 21 DP 256783	CAD ID 105255676	Lot 1 DP 1195058
Lot 25 DP 256783	CAD ID 105567314	Lot 1 DP 1189429
Lot 22 DP 256783	CAD ID 107069414	Lot 1 DP 1187586
Lot 245 DP 728122	CAD ID 107069415	Lot 1 DP 1196674
Lot 24 DP 256783	CAD ID 105425682	Lot 3 DP 250076
Lot 3 DP 721329	CAD ID 105017116	Lot 1 DP 1187850
Lot 1 DP 250076	CAD ID 105437000	Lot 1 DP 1196290
Lot 163 DP 41231	CAD ID 105431354	Lot 2 DP 1187922
Lot 1 DP 135355	CAD ID 105147839	Lot 1 DP 1173124
Lot 14 DP 242199	CAD ID 105451603	Lot 148 DP 755729
Lot 6 DP 241962	CAD ID 105601031	Lot 1 DP 1200024
Lot 6 DP 247851	CAD ID 107065884	Lot 1 DP 820667
Lot 5 DP 245679	CAD ID 107065885	Lot 2 DP 1196290
Lot 10 DP 253467	CAD ID 105684628	Lot 1 DP 1187042
Lot 7 DP 245679	CAD ID 105509847	Lot 1 DP 1196045
Lot 4 DP 242254	CAD ID 105238379	CAD ID 106690380
Lot 3 DP 47033	CAD ID 105255503	CAD ID 105215418
Lot 2 DP 241962	CAD ID 105074456	CAD ID 105312610
Lot 1 DP 250481	CAD ID 105402825	CAD ID 105612404
Lot 392 DP 728547	CAD ID 105595421	CAD ID 105062850
Lot 10 DP 253466	CAD ID 105631982	CAD ID 105702606
Lot 1 DP 1187922	CAD ID 105606668	CAD ID 105601109
Lot 2 DP 43788	CAD ID 105601026	CAD ID 105157666
Lot 1 DP 1191679	Lot 7001 DP 1063053	Lot 4 DP 1178608
Lot 2 DP 1189818	Lot 3 DP 242199	Lot 1 DP 1181584
Lot 5 DP 242199	Lot 1 DP 1186968	Lot 3 DP 1191390
Lot 9 DP 253467	Lot 2 DP 250076	Lot 1 DP 1176285
Lot 1 DP 243870	Lot 3 DP 1189425	Lot 9 DP 242199
Lot 2 DP 1187095	Lot 21 DP 1162349	Lot 11 DP 253467
Lot 12 DP 242199	Lot 10 DP 1150046	Lot 16 DP 45978
Lot 266 DP 728141	Lot 9 DP 253466	Lot 1 DP 1188714
Lot 6 DP 242199	Lot 1 DP 1192318	Lot 2 DP 1191680
Lot 11 DP 253299	Lot 1 DP 1194679	Lot 2 DP 242254
Lot 1 DP 1187774	Lot 1 DP 1193591	Lot 2 DP 47033
Lot 1 DP 242554	CAD ID 105402719	Lot 1 DP 1166470
Lot 3 DP 1194482	CAD ID 105612399	Lot 1 DP 1189818
Lot 1 DP 1196297	CAD ID 105702599	Lot 2 DP 1191684
Lot 1 DP 1188115	CAD ID 105005863	Lot 20 DP 1162349
Lot 4 DP 1187922	CAD ID 107066868	Lot 1 DP 1196291
Lot 3 DP 1191681	CAD ID 107066869	Lot 11 DP 1150046
Lot 1 DP 1187129	CAD ID 107066866	Lot 1 DP 1187095
Lot 3 DP 43788	CAD ID 107066867	Lot 2 DP 1196297
Lot 7300 DP 1143525	CAD ID 105011472	Lot 384 DP 728132
Lot 1 DP 1191180	CAD ID 167520556	Lot 48 DP 704280
Lot 1 DP 1192319	CAD ID 107018948	Lot 2 DP 1181584



Lot 2 DP 1187129	CAD ID 105519878	Lot 2 DP 242554
Lot 2 DP 1189846	CAD ID 105045712	Lot 17 DP 45978
Lot 1 DP 1197615	CAD ID 105391233	Lot 385 DP 728132
CAD ID 100244359	CAD ID 105419971	Lot 383 DP 728133
CAD ID 105572682	CAD ID 105706163	Lot 2 DP 1027540
CAD ID 105203959	CAD ID 106712960	Lot 1 DP 1191684
CAD ID 105520056	CAD ID 105356920	Lot 1 DP 1190635
CAD ID 105679660	CAD ID 105080329	Lot 28 DP 45978
CAD ID 105296471	CAD ID 105074614	Lot 7301 DP 1158560
CAD ID 105362575	CAD ID 100278572	
CAD ID 105702591	CAD ID 100278804	
CAD ID 105544319	CAD ID 105175481	
CAD ID 105538635	CAD ID 105261049	
CAD ID 105705497	CAD ID 105425621	
CAD ID 105477412	CAD ID 105544317	

10. The area covered by the application excludes:

CAD ID 105203966	CAD ID 107019614	Lot 55 DP 755752
Lot 1 DP 806694	Lot 1 DP 712828	Lot 5 DP 821941
(Part) Lot 129 DP 755691	Lot 90 DP 755712	Lot 7 DP 821941
Lot 132 DP 755691	Lot 1 DP 123317	Lot 8 DP 821941
Lot 144 DP 755691	Lot 91 DP 755712	Lot 3 DP 808304
(Part) Lot 126 DP 755691	Lot 75 DP 755712	Lot 5 DP 249043
Lot 130 DP 755691	CAD ID 107018948	Lot 4 DP 755752
Lot 127 DP 755691	Lot 7001 DP 1063053	Lot 6 DP 821941
Lot 131 DP 755691	Lot 1 DP 125323	Lot 64 DP 755752
Lot 135 DP 755691	Lot 137 DP 755720	Lot 31 DP 755752
Lot 143 DP 755691	Lot 1 DP 1097962	Lot 98 DP 728194
Lot 147 DP 755691	Lot 72 DP 755739	Lot 1 DP 755752
Lot 133 DP 755691	Lot 89 DP 755739	CAD ID 100778047
Lot 134 DP 755691	Lot 82 DP 755739	CAD ID 100002506
Lot 93 DP 755691	Lot 1 DP 1178152	CAD ID 105437024
Lot 125 DP 755691	Lot 2 DP 1178152	CAD ID 105567098
CAD ID 104039770	CAD ID 105051432	CAD ID 105606725
CAD ID 104406629	CAD ID 105436971	CAD ID 106732315
CAD ID 104039848	Lot 31 DP 755743	CAD ID 104406630
Lot 43 DP 755693	CAD ID 107019470	CAD ID 103685824
Lot 89 DP 755693	Lot 1 DP 603080	CAD ID 106709313
CAD ID 104189557	Lot 121 DP 755746	CAD ID 105544375
CAD ID 107200654	Lot 124 DP 755746	CAD ID 107019477
Lot 1 DP 230291	Lot 2 DP 808419	CAD ID 171230422
CAD ID 105085732	CAD ID 106732200	CAD ID 107197768

11. The parts of the parcels listed at paragraph 10 as being (Part) excluded are more particularly identified as follows:

- a) the excluded part of lot 129 in deposited plan 755691 is the part of former portion 80 in Crown Plan 3999-1759, which is situated within lot 129 in deposited plan 755691. The area subject to the application is the remaining part of lot 129 in deposited plan 755691, which excludes the part of the land subject to former portion 80 in Crown Plan 3999-1759; and
- b) the excluded part of lot 126 in deposited plan 755691 is the part of Stibbards Creek within lot 126 in deposited plan 755691. The area subject to the application is the part of the land within lot 126 in deposited plan 755691 to the north of Stibbards Creek, and the part of the land within lot 126 in deposited plan 755691 to the south of Stibbards Creek.