

## AREAS NOT FORMING PART OF THE CLAIM AREA

The following areas of land and waters are excluded from the Claim Area.

### Part A

On the basis that native title has been extinguished and is not claimed, the parties have agreed that the excluded areas include any land or waters on which any permanent improvement consisting of:

- (a) a homestead, house, shed or other building;
- (b) an airstrip;
- (c) a constructed dam or any other constructed stock watering point, bore, turkey nest, squatters' tank or other water storage facility; or
- (d) stock yards and trap yards,

has, at the date of the Determination, been constructed (including any adjacent land the exclusive use of which is reasonably necessary for the enjoyment of the improvement) in accordance with the rights of the lessee under, and within the boundaries of the following pastoral leases:

- (i) Term Lease No. 236442 comprising Lot 4 on Plan GB31 and commonly known as Mount Sullivan;
- (ii) Preferential Pastoral Holding 18/5235 comprising Lot 5 on Plan SP140908 and commonly known as Helliman Creek; and
- (iii) Preferential Pastoral Holding No 18/5250 comprising Lot 5250 on Plan SP242983 and commonly known as Townley.

### Part B

The areas in this Part are excluded from the Determination Area on the grounds that at the time at which the native title determination application was made:

- i. these areas were the subject of one or more previous exclusive possession acts, as defined in s 23B of the *Native Title Act 1993* (Cth), despite the fact that the areas, or parts of them, may have been subject to earlier acts that extinguished native title; and
- ii. in relation to the areas in paragraph 1 of this Part, none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied; and
- iii. therefore, in accordance with s 61A of the *Native Title Act 1993* (Cth), these areas could not be claimed.

#### Public Works Based Exclusions:

- A. Land or waters on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established, or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and/or s 23B(7) of the *Native Title Act 1993* (Cth) and s 21 of the *Native Title (Queensland) Act 1993* (Qld) applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth).

B. Land or waters described in paragraph A immediately above includes, for the avoidance of doubt:

1. the whole of the land and waters shown on the map included in this Schedule and described as:
  - i. Lot 20 on C8131 (Georgetown Cemetery);
  - ii. Lot 25 on C8215 (Cumberland Cemetery);
  - iii. Lot 30 on C900291 (Mt Surprise Rodeo Grounds);
  - iv. Lot 1 on PY4 (Kidston Cemetery);
  - v. Lot 3 on PY9 (Kidston Airstrip);
  - vi. Lot 31 on TE19 (Mt Surprise Airstrip);
  
2. that part of the land and waters shown on the map included in this Schedule and described as:
  - i. Lot 24 on GB100 (Cumberland Township Reserve), the part being more particularly described as within Lot 24 on GB 100 and east of a line passing through the following co-ordinates

Latitude (South)	Longitude (East)
18.302858	143.350957
18.302740	143.350104
18.302180	143.349860
18.300708	143.350060
18.299836	143.351249
18.299896	143.351398
18.300338	143.351881

- ii. Lot 21 on C153517 (Cumberland Water Reserve), the part being more particularly described as within Lot 21 on C153517 and west of a line commencing at 143.351398° east, 18.299896° south, then passing through the following co-ordinate

Latitude (South)	Longitude (East)
18.300338	143.351881

then southerly to the northern boundary of the Dam Wall at 143.351750° east, then generally south westerly and generally south easterly along that dam wall (including the dam wall) to a point on its southern boundary at 143.351579° east, then

southerly and generally westerly passing through the following coordinates

Latitude (South)	Longitude (East)
18.302688	143.351520
18.302858	143.350957
18.302740	143.350104

- iii. Lot 7 on SP121873 (Kidston Racecourse), the part being more particularly described as within Lot 7 on SP 121873 and southeast of a line commencing at a point on the southern boundary of that lot at 144.177843° East, then passing through the following co-ordinates

Latitude (South)	Longitude (East)
18.860219	144.177459
18.859458	144.177980

to a point on the eastern boundary of Lot 7 on SP 121873 at 18.859664° South.

- iv. Lot 42 on GB99 (Einisleigh Cemetery), the part being more particularly described as within Lot 42 on GB99 and bounded by the following co-ordinates

Latitude (South)	Longitude (East)
18.522900	144.090283
18.523617	144.090567
18.523733	144.089867
18.523083	144.089583

- v. Lot 5 on GB35 (Forsayth Cemetery), the part being more particularly described as within Lot 5 on GB35 and southeast of a line commencing at a point on the southern boundary of that lot at 143.583983° east, then passing through the following co-ordinates

Latitude (South)	Longitude (East)
18.564967	143.583717

to a point on the eastern boundary of Lot 5 on GB35 at 18.564842° south.

**Reference datum: Geocentric Datum of Australia 1994 (GDA94)**

**Note: to the extent of any inconsistency between the written description in this Schedule and the map, the written description prevails.**

**NATIVE TITLE DETERMINATION**

**QUD6009/1999 Ewamian People #2 (QC1999/013)**  
**Public Works Based Exclusions**



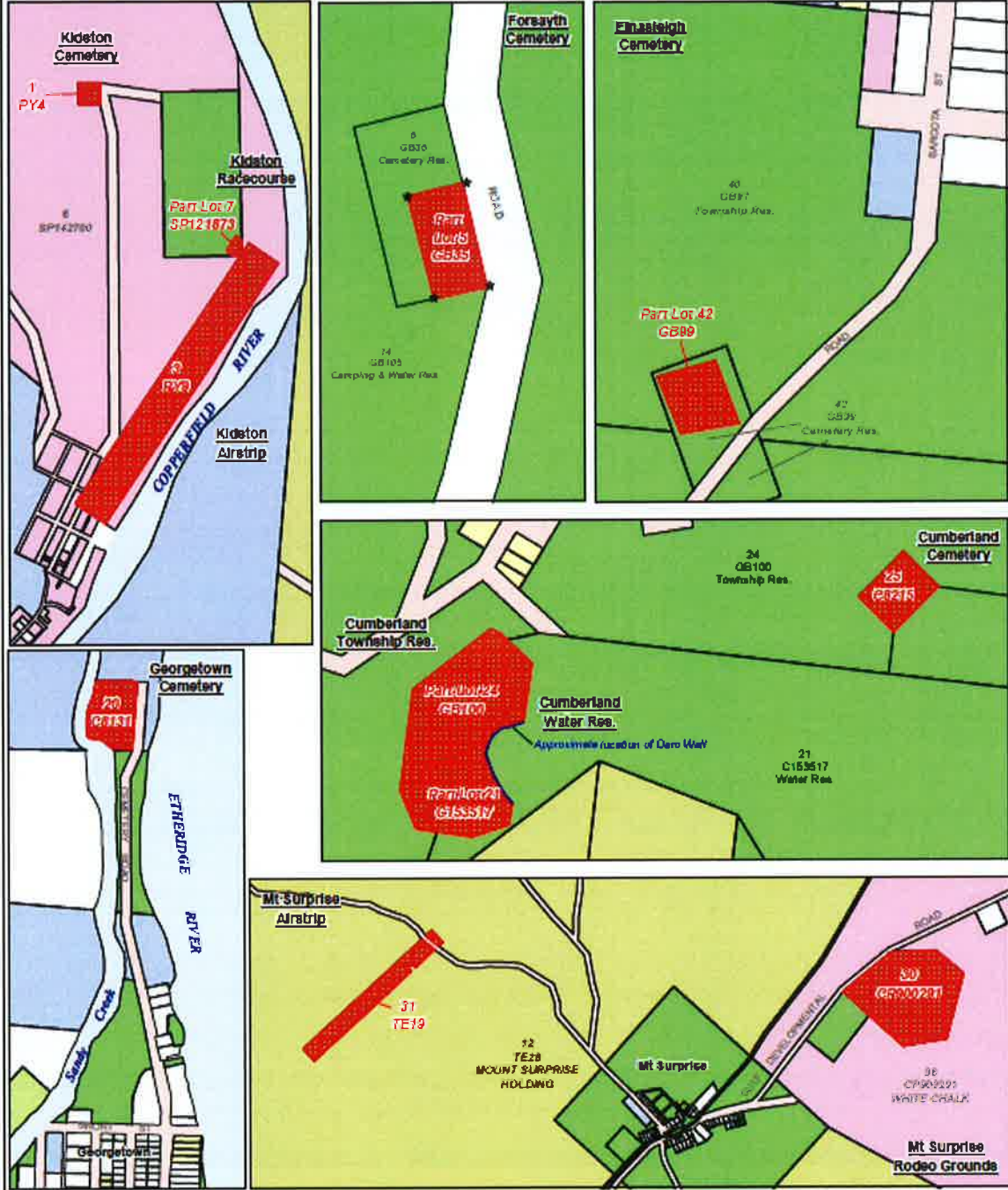
 Public Works Based Exclusions

Latitude and Longitude based on GCS (Geocentric) datum of Australia 1994  
 UTM Projection  
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Public Works Based Exclusions derived from information supplied by the Edgeley Shire Council.  
 Geospatial data sourced from Department of Natural Resources and Mines, QLS (1 February 2013).  
 Forsyth Cemetery data sourced from Survey Information.

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Map prepared by Geospatial Services, National Native Title Tribunal (31/06/2013)



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