



Schedule 5 – Areas Not Forming Part of the Determination Area

The following areas of land and waters are excluded from the Determination Area as described in Part 1 of Schedule 4, Part 2 of Schedule 4, Part 3 of Schedule 4 and Part 4 of Schedule 4:

1. Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth), as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).
2. Specifically, and to avoid any doubt, the land and waters described in (1) above include:
 - (a) the Previous Exclusive Possession Acts described in ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied; and
 - (b) the land and 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 to which 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), including, but not limited to, the whole of the land and waters described as:
 - (i) Lot 30 on Plan MCH5267;
 - (ii) Lot 55 on Plan SP152559;
 - (iii) that part of Lot 7 on Plan CP865252 that is south of a line drawn between Station 15 on Plan CP865252 and the eastern boundary of that lot at Latitude 25.897967° South; and
 - (iv) those parts of Lot 15 on Plan SP298274 described by the following coordinates:
 - A. an area bounded by Wide Bay Esplanade, Rainbow Beach Road, the southern boundaries of Lot 14 on Plan SP298274 to Longitude



153.093037° East, and a line drawn to Longitude 153.093509° East, Latitude 25.902505° South, and southerly to the northern boundary of Wide Bay Road at Longitude 153.093188° East;

- B. an area bounded by Rainbow Beach Road, Kirchner Road to Longitude 153.091198° East and a line drawn to Longitude 153.091440° East, Latitude 25.900802° South, south-westerly to Longitude 153.092339° East, Latitude 25.901371° South and southerly to the north-western corner of Rainbow Beach Road; and
- C. an area bounded by the northern boundary Rainbow Beach Road commencing at Longitude° 153.092546 East and extending northerly and generally north-westerly passing through the following coordinate points:

Longitude ° (East)	Latitude ° (South)
153.092332	25.900914
153.091786	25.900756
153.091226	25.900144
153.090157	25.899806

then north-westerly to the eastern boundary of Lot 3 on Plan AP17591 at Latitude 25.899681° South; then north-easterly along that boundary to Latitude 25.899377° South; then easterly to Longitude 153.091300° East, Latitude 25.899482° South; then south-easterly to the western boundary of Lot 169 on Plan USL37855 at Latitude 25.899822° South; then south easterly along that boundary to the southernmost corner of that lot; then south-westerly to the northernmost corner of Lot 14 on Plan SP298274; then south-westerly along boundaries of that lot to the northern boundary Rainbow Beach Road.

- 3. Those land and waters within the External Boundary on which, at the time the native title determination application was made, public works were validly constructed, established or situated after 23 December 1996, where s 24JA of the *Native Title Act 1993* (Cth) applies, and which wholly extinguished native title.



4. Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Pre-existing Rights Based Acts, within the meaning of s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished native title.