

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 Parts 1, 2, 3 and 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 includes:
 - (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, including, but not limited to the whole of the land and waters described as:
 - (i) That part of Lot 12 on SP287967 formerly described as Portion 171 on C12428 and an area enclosed by the following coordinate points:

Longitude (East)	Latitude (South)
149.209295	21.112719
149.209552	21.112927
149.209380	21.113113
149.209124	21.112901

Data Reference and source

- Cadastral data sourced from Department of Natural Resources, Mines and Energy, Qld (March 2019)

Reference datum

- Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral

and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

- (ii) Lot 319 on CI2635;
- (iii) Lot 7 on SP191169;
- (iv) Lot 120 on SP236263;
- (v) Lot 3 on RP742353;
- (vi) Lot 10 on SP187035;
- (vii) Lot 101 on SP114711;
- (viii) Lot 19 on SP240442;
- (ix) Lot 21 on SP240443;
- (x) Lot 251 on SP114711;
- (xi) Lot 32 on SP112709;
- (xii) Lot 111 on SP112710;
- (xiii) Lot 131 on SP112708;
- (xiv) Lot 127 on SP112707;
- (xv) Lot 126 on SP112707;
- (xvi) Lot 125 on SP112707;
- (xvii) Lot 123 on SP112705;
- (xviii) Lot 120 on SP112705;
- (xix) That part of Lot 100 on SP112704 formerly described as Lot 731 on K124972;
- (xx) Lot 121 on SP112705;
- (xxi) Lot 122 on SP112705;
- (xxii) Lot 124 on SP112706;
- (xxiii) Lot 4 on SP236644;
- (xxiv) Lot 4 on SP234126;
- (xxv) Lot 17 on SP234124;
- (xxvi) Lot 154 on SP129953;

- (xxvii) Lot 153 on SP129954;
- (xxviii) Lot 7 on SP187032;
- (xxix) Lot 13 on SP187037;
- (xxx) Lot 9 on SP187034;
- (xxxi) Lot 12 on SP187036;
- (xxxii) Lot 271 on SP121180;
- (xxxiii) Lot 8 on SP187033;
- (xxxiv) Lot 46 on SP235530;
- (xxxv) Lot 3 on SP187029;
- (xxxvi) Lot 5 on SP187030;
- (xxxvii) Lot 11 on SP174147;
- (xxxviii) Lot 6 on SP187031;
- (xxxix) Lot 2 on SP256544;
- (xl) Lot 3 on SP256544;
- (xli) Lot 4 on SP256544;
- (xlii) Lot 22 on SP108549;
- (xliii) Lot 554 on RP747326 [*Inserted - see Attachment A*].

(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), and includes, but is not limited to, the whole of the land and waters described as:

- (i) Lot 5 on SP234126;
- (ii) Lot 2 on SP234080;
- (iii) Lot 18 on SP234124;
- (iv) Lot 19 on SP234132;
- (v) Lot 6 on SP129955;
- (vi) Lot 149 on SP129956;
- (vii) Lot 32 on SP135519;

- (viii) Lot 29 on SP135519;
- (ix) That part of Lot 100 on SP112704 excluding the area formerly described as Lot 731 on K124972;
- (x) Lot 153 on SP129954;
- (xi) Lot 20 on SP190265;
- (xii) That part of Lot 63 on SP143358 which is not included in Part 2 of Schedule 4;
- (xiii) Lots 41 on SP136319;
- (xiv) Lot 42 on SP136319;
- (xv) Lot 43 on SP185559;
- (xvi) That part of Lot 12 on SP287967 extinguished by public works described as commencing at the north-easternmost corner of Lot 12 on CP906295 and extending southerly along the eastern boundary of that lot to a point at Latitude 21.116487° South; then generally westerly and southerly to a point on the southern boundary of that lot at Longitude 149.211026° East, passing through the following coordinates:

Longitude (East)	Latitude (South)
149.212304	21.116605
149.211441	21.116223
149.211110	21.116461

Then westerly, generally north-westerly, southerly and again westerly along the southern boundaries of that lot to a point at Longitude 149.206708° East, then northerly to the intersection with the south-eastern corner of Lot 319 on CI2635, then northerly along the eastern boundary of that lot to a point at Latitude 21.114942° South, then north-easterly and northerly to a point on the boundary of Lot 12 on CP906295 at Latitude 21.113640° South, passing through Longitude 149.207247° East, Latitude 21.114612° South; then north-easterly along the boundary of that lot to a point at Longitude 149.209278° East, then south-easterly, north-easterly and north-westerly to a point on the northern boundary of that lot at Longitude 149.209374° East, passing through the following coordinate points:

Longitude (East)	Latitude (South)
149.209300	21.112670
149.209380	21.112640

Then south-easterly ng the boundary of that lot back to the commencement point. Exclusive of former Portion 171 on C12428 and an area enclosed by the following coordinate points:

Longitude (East)	Latitude (South)
149.209295	21.112719
149.209552	21.112927
149.209380	21.113113
149.209124	21.112901

- (xvii) Lot 501 on SP193999;
- (xviii) Lot 403 on SP110547;
- (xix) Lot 100 on USL10485;
- (xx) Lots 4 and 6 on SP232808;
- (xxi) Lot 5 on CP800783;
- (xxii) That part of Lot 564 on SP288934 commencing at a point on the western boundary of Lot 564 on SP288934 at Latitude 21.066764° South, and extending south-easterly, north-easterly, again south-easterly, then south-westerly to a corner on the western boundary of that lot at Latitude 21.067129° South, passing through the following coordinates:

Longitude (East)	Latitude (South)
149.225536	21.066788
149.225635	21.066706
149.225815	21.066938
149.225739	21.067072

Then north-westerly along the western boundary of that lot back to the commencement point**;

- (xxiii) That part of Lot 291 on C124552 commencing at a point on the western boundary of Lot 291 on C124552 at Latitude 21.119511° South, and extending easterly to a point on the eastern boundary of that lot at Latitude 21.119556° South, passing through the following coordinate points:

Longitude (East)	Latitude (South)
149.182159	21.119508
149.182207	21.119512

Then south-westerly along the eastern boundary of that lot to a point at Latitude 21.119595° South; then westerly to a point on the western boundary of that lot at Latitude 21.119556° South, passing through the following coordinate points:

Longitude (East)	Latitude (South)
149.182212	21.119558
149.182149	21.119553

Then northerly along the western boundary of that lot back to the commencement point**; and

- (xxiv) That part of Lot 581 on SP116066 commencing at a point on the northern boundary of Lot 581 on SP116066 at Longitude 149.197010° East, and extending south-easterly, then south-westerly along the boundaries of that lot to a point at Latitude 21.147913° South; then north-westerly back to the commencement point**.

**denotes areas for which the following applies:

Data Reference and source

- Cadastral data sourced from Department of Natural Resources, Mines and Energy, Qld (July 2019)

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Reference datum

Geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees.

3. Those land and waters within the External Boundary where native title was acquired in accordance with the *Acquisition of Land Act 1967* (Qld), and includes, but is not limited to, the whole of the land and waters described as:
- (i) Lot 3 on SP241757;

- (ii) Lot 6 on SP241757;
 - (iii) Lot 5 on SP241757;
 - (iv) Lot 1 on SP241757;
 - (v) Lot 2 on SP241757;
 - (vi) Lot 4 on SP241757.
4. 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.
5. 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.
6. The following land and waters within the External Boundary which were freehold at the time the native title determination application was made, and therefore specifically excluded by Schedule B of the Form 1 Native Title Determination Application Claimant Application:
- (a) Lot 9 on SP222455;
 - (b) Lot 13 on RP806561;
 - (c) Lot 29 on CI3993;
 - (d) Lot 1 on SP222442;
 - (e) Lot 136 on CI3164;
 - (f) Lot 101 on SP108584;
 - (g) Lot 30 on SP135519;
 - (h) Lot 21 on SP190265;
 - (i) Lot 9 on SP244504;
 - (j) Lot 8 on SP217425;
 - (k) Lot 54 on CI2374;
 - (l) Lot 3 on SP117891;
 - (m) Lot 18 on SP129630;
 - (n) Lot 26 on SP308342;

- (o) Lot 1 on SP282850; and
- (p) Lot 235 on M912.