



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 Schedule 4:

1. The land and waters within the External Boundary which, at the time the native title determination application was made, were the land and waters on which any public work, as defined in section 253 of the *Native Title Act 1993* (Cth), was constructed, established or situated, and to which sections 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and section 21 of the *Native Title (Queensland) Act 1993* (Qld) applied, together with any adjacent land or waters in accordance with section 251D of the *Native Title Act 1993* (Cth), including but not limited to:
 - (a) areas comprising roads within the meaning of section 93 of the *Land Act 1994* (Qld) and section 59 of the *Local Government Act 2009* (Qld), being the Burke Development Road, Lotus Vale - Stirling Road, Stirling - Miranda Downs Road and Glencoe - Miranda Downs Road, as marked on the map at Schedule 6.