



**Bundjalung People of Byron Bay #3 – native title determination application
Form 1**

March 2018

Attachment B

Description of the Area covered by the application

[Section 62 NTA]



NSD6020/2001 Byron Bay Bundjalung People #3 (NC2001/008)

External boundary description

The application area covers all the land and waters within the external boundary described as:

Commencing at the south western corner of Lot 12 on DP 594611, then westerly to the southernmost corner of Lot 11 on DP 594611; then generally south westerly and generally north westerly along the southern boundaries of Lot 1 on DP 259337, Lot 3 on DP 713515, Lot 4 on DP 713515, western boundaries of Lot 3 on DP 713515 and southern boundaries of Lot 3 on DP 860179; to the eastern boundary of Broken Head Road; then generally southerly along the eastern boundary of that road to intersect with the eastern prolongation of the southern boundary of Lot 1 on DP 129716; then westerly to the south eastern corner of that lot; then generally westerly and southerly along boundaries of that lot and Lot 1 on DP 784700 to the eastern prolongation of a northern boundary of Lot 1 on DP 1208536 (former Lot 2 on DP 772831); then westerly to the north eastern corner of that lot; then generally westerly along the northern boundary of that lot to a north east corner at Longitude 28.725155° South; then southerly and westerly along the northern boundaries of former Lot 2 on DP 772831 to its north western corner; then westerly along the western prolongation of the northern boundary of that former lot to intersect with a northern prolongation of the easternmost boundary of Lot 100 on DP 815068 and southerly along that prolongation to a north eastern corner of Lot 100 on DP 815068; (further described as then southerly, westerly and again southerly passing through Longitude 153.578527° East, Latitude 28.726354° South and Longitude 153.572430° East, Latitude 28.725457° South to a north eastern corner of Lot 100 on DP 815068); then westerly along the northern boundary of that lot and the prolongation of that boundary to a north eastern corner of Lot 2 on DP 246288; then generally westerly along northern boundaries of that lot, and Lot 1 on DP 246288; then westerly across Old Byron Bay Road to the north eastern corner of Lot 5 on DP 613829; then westerly along the northern boundaries of that Lot, Lot 14 on DP1153801, Lot 11 on DP 1153801, again Lot 14 on DP1153801, and the northern and western boundaries of Lot 13 on DP 233782 to its south western corner; then westerly to the south eastern corner of Lot 15 on DP 233782; then westerly along the southern boundary of that lot to its south western corner and onwards to the north eastern corner of Lot 2 on DP 507039, also being the southern boundary of Brooklet Road; then generally westerly and generally south westerly along the southern boundaries of that road and Fernleigh Road to Latitude 28.735481° South; then north westerly to the southernmost corner of Lot 2 on DP250905; then generally north westerly along the boundaries of that lot to its westernmost corner; then westerly to a point at Longitude 153.498963° East, Latitude 28.735168° South; then generally northerly passing through the following coordinate points:



Longitude (East)	Latitude (South)
153.499518	28.732393
153.500583	28.721317
153.500157	28.713010
153.498240	28.704277

Then northerly to a point on the eastern boundary of Lot 131 on DP 814432 at Latitude 28.693716° South, also being a western boundary of Friday Hut Road; then generally northerly along the boundaries of that road to the north eastern corner of Lot 1 on DP 590205; then northerly to the easternmost corner of Lot 1 on DP 816003, also being a point on the western boundary of Friday Hut Road; then generally northerly along the western boundaries of that road to Latitude 28.672199° South; then generally northerly, passing through Longitude 153.491849° East and Latitude 28.669134° South, to a point on the western boundary of Friday Hut Road at Latitude 28.665523° South; then generally northerly along the western boundaries of that road to Latitude 28.659876° South; then generally northerly, passing through Longitude 153.494831° East, Latitude 28.657205° South, to a point again on the western boundary of Friday Hut Road at Latitude 28.657074° South; then again generally northerly along the western boundaries of that road and Coolamon Scenic Drive road a point at Latitude 28.629655° South; then generally north westerly passing through the following coordinate points:

Longitude (East)	Latitude (South)
153.494821	28.629400
153.493809	28.628532
153.493230	28.628532
153.491061	28.627809

Then north westerly along a line towards Longitude 153.489614° East, Latitude 28.627230° South to its intersection with the western boundary of Coolamon Scenic Drive road at Longitude 153.490909° East; then generally north westerly along boundaries of that road reserve to its intersection with a line joining Longitude 153.491061° East, Latitude 28.627809 South and Longitude 153.489614° East, Latitude 28.627230° South at approximately Longitude 153.490281° East; then north westerly to Longitude 153.489614° East, Latitude 28.627230° South; then again north westerly along a line towards Longitude 153.488023° East, Latitude 28.625784° South to its intersection with the western boundary of Mango Lane at approximately Longitude 153.488845° East; then generally north westerly along boundaries of that road to its intersection with a line joining Longitude 153.489614° East, Latitude 28.627230° South and Longitude 153.488023° East, Latitude 28.625784° South at approximately Latitude 28.625977° South; then generally north westerly to Longitude 153.488023° East, Latitude 28.625784° South; then north westerly along a line towards Longitude 153.487011° East, Latitude 28.623469° South to its intersection with the eastern boundary of Lot 269 on DP 755692



at approximately Latitude 28.624985° South; then generally northerly along eastern boundaries on that lot and Lot 384 on DP 727453 to its intersection with a line joining Longitude 153.488023° East, Latitude 28.625784° South and Longitude 153.487011° East, Latitude 28.623469° South at approximately; Latitude 28.623867° South; then generally northerly passing through the following coordinate points:

Longitude (East)	Latitude (South)
153.487011	28.623469
153.485999	28.621444
153.485275	28.618986
153.483540	28.619130
153.481370	28.617829
153.479490	28.616961
153.477754	28.614502
153.475585	28.611032
153.475295	28.609441
153.475006	28.606837
153.473993	28.604378
153.472257	28.602498
153.470232	28.600618
153.468642	28.599461
153.467339	28.598014
153.466182	28.596568
153.465603	28.594688
153.465170	28.593241
153.465170	28.588179
153.465603	28.585286

Then northerly to a point on the southern boundary of Lot 15 on DP 701326 at Longitude 153.465799° East; then generally north easterly along boundaries of that lot, the western boundaries of Lot 2 on DP 42426 and Lot 1 on DP42426 and the eastern boundaries of the south western severance of Lot 14 on DP 701326 and northern boundary of Lot 4 on DP 621548 to its intersection with a line joining Longitude 153.466037° East, Latitude 28.582972° South and Longitude 153.464736° East, Latitude 28.581092° South at approximately Latitude 28.581422° South; then generally north westerly to Longitude 153.464736° East, Latitude 28.581092° South, then again north westerly along a line joining Longitude 153.458950° East, Latitude 28.578344° South to its intersection with the northern boundary of Lot 4 on DP621548 at approximately Latitude 28.579709° South; then north westerly along that eastern boundary of that lot to intersect a line joining Longitude 153.464736° East, Latitude 28.581092° South and Longitude 153.458950° East, Latitude 28.578344° South at approximately Latitude 28.579343° South; then north west to Longitude 153.458950° East, Latitude 28.578344° South; then north westerly along a line joining Longitude 153.449115° East, Latitude 28.574440° South to its intersection with the northern boundary of again Lot 4 on DP621548 at approximately Latitude



28.578228° South; then north westerly along the boundary of that lot to intersect a line joining Longitude 153.458950° East, Latitude 28.578344° South and 153.449115° East, Latitude 28.574440° South at approximately Latitude 28.578145° South; then north westerly to Longitude 153.449115° East, Latitude 28.574440° South; then westerly along a line to Longitude 153.438267° East, Latitude 28.571547° South to its intersection with the eastern boundary of Lot 1 on DP 124478 at approximately Latitude 28.572387° South; then northerly and generally westerly along boundaries of that lot, northern boundaries of Lot 30 on DP 45978 and Lot 10 on DP 806618 to the intersection with again a line joining Longitude 153.449115° East, Latitude 28.574440° South and Longitude 153.438267° East, Latitude 28.571547° South at approximately Latitude 28.571910° South; then generally north westerly through Longitude 153.438267° East, Latitude 28.571547° South to Longitude 153.436242° East, Latitude 28.569522° South; then north westerly along a line to Longitude 153.433060° East, Latitude 28.566051° South to its intersection with the eastern boundary of the western severance of Lot 5 on DP 740203 at approximately Latitude 28.566632° South; then generally north westerly along the eastern boundaries of the western severance of that lot to its northern most corner, northerly across Koonyum Range Road and along the western and northern boundaries of the eastern severance of Lot 5 on DP 740203 to its northernmost corner; then easterly to the southernmost southwest corner of Lot 2 on DP 715746; then generally northerly, generally westerly and generally north westerly along the western boundaries of that Lot, southern boundaries of Lot 2 on DP 1011759, Lot 3 on DP 1035525, Lot 1 on DP 301742, Lot 3 on DP 804739, Lot 11 on DP 816147, Lot 2 on DP 563435, Lot 4 on DP 575947, Lot 8 on DP 1058545 and Lot 155 on DP 755722 to the northernmost corner of that lot; then north easterly to the westernmost corner of Lot 154 on DP 755722; then generally north easterly along the western and northern boundaries of that lot and Lot 2 on DP 1222305 (former Lot 4 on DP 559175) to the western boundary of Lot 5 on DP 580872; then northerly and easterly along the boundaries of that lot to the south western corner of Lot 1 on DP 417327, then generally north westerly along the western boundaries of that lot, Lot 1 on DP 392414, Lot 1 DP 203089 and Lot 1 on DP 394843 to intersect the eastern prolongation of the southern boundary of Lot 7300 on DP 1134611; then westerly to the southernmost corner of that lot; then generally north westerly along the southern and western boundaries of that lot to the north eastern corner of Lot 7 on DP 874010; then easterly along the prolongation of the northern boundary of that lot to the eastern boundary of Lot 7300 on DP 1134611; then generally north easterly along the eastern boundaries of that lot to intersect with a south western prolongation of the north western boundary of Lot 4 on DP 567117; then north easterly along that prolongation to the westernmost corner of Lot 4 on DP 567117; then generally north easterly along the northern boundaries of that lot to the western boundary of Lot 1 on DP231116; then generally south easterly along the southern



boundaries of that lot to the western boundary of Lot 3 on DP 786274; then southerly along the boundaries of that lot to the northern boundary of Settlement Road; then generally easterly along the boundaries of that road to the eastern boundary of Main Arm Road; then generally south easterly along the eastern boundaries of Main Arm Road to its intersection with the western boundary Coolamon Scenic Drive (Murwillumbah Road); then easterly to the eastern boundary of that road, also being the westernmost corner of Lot 3 on DP 25330; then generally south easterly along the eastern boundary of that road to the northern bank of the Brunswick River (crossing Casuarina Street); then generally easterly along the bank of that river to its mouth at the mean low water mark of the South Pacific Ocean; then due east to a point 100m from the mean low water mark of the coastline; then generally south easterly maintaining that 100m buffer from the coastline to the intersection of the north eastern prolongation of the northern boundary of Lot 407 on DP 729057; then south westerly along that prolongation to the northern boundary of Lot 407 on DP 729057; then generally south westerly and generally south easterly along the northern, western and southern boundaries of that lot, south western boundaries of Lot 408 on DP 729057 (as at December 2006), western boundaries of Lot 10 on DP104827, again Lot 408 on DP 729057, southern and eastern boundaries of Lot 10 on DP 1049827 to the south western corner of Lot 410 on DP 729062; then generally north easterly, generally south westerly and generally southerly along the southern boundaries of that lot, Lot 411 on DP 729062, Lot 412 on DP 729062, southern and eastern boundaries of Lot 12 on DP 1164217 (Former Lot 414 on DP 729062), eastern boundaries of Lot 416 on DP 729062, southern boundaries of Lot 415 on DP 729062, western boundary of Lot 417 on DP 729062, western, southern and eastern boundaries of Lot 418 on DP 729062, eastern boundary of again Lot 417 on DP 729062, eastern boundary of Lot 415 on DP 729062, southern boundaries of Lot 419 on DP 729062, Lot 420 on DP 729062, Lot 421 on DP 729062, western boundaries of Lot 422 on DP 729062 to the northern boundary of Lot 423 on DP 729062; then generally south westerly, generally north westerly, generally south easterly and easterly along boundaries of that lot to the western boundary of Lot 3 on DP 847753; then northerly, easterly and generally southerly along the western, northern and eastern boundaries of that lot to the northern boundary of Lot 425 on DP 729062; then generally south westerly and generally southerly along the northern and western boundaries of that lot, western boundaries of Lot 427 on DP 729068, northern and western boundaries of Lot 452 on DP 48493, western and southern boundaries of Lot 454 on DP 48493, western boundary of again Lot 427 on DP 729068, western boundaries of Lot 428 on DP 729069 and Lot 437 on DP 729107 to the southernmost corner of Lot 122 on DP857676; then south west to the north eastern corner of Lot 105 on DP 755695; then southerly along the eastern boundary of that lot to the northern boundary of Lot 435 on DP 729107; then generally westerly, generally southerly, generally easterly and northerly along boundaries of that lot



to again the boundary of Lot 437 on DP 729107; then easterly, generally southerly, easterly, southerly, westerly, again southerly and easterly along the western boundaries of that lot to the north eastern corner of Lot 7018 on DP 1113326; then generally southerly and westerly along the eastern boundaries of that lot, eastern and southern boundaries of Lot 7004 on DP 1065640 and Lot 7007 on DP 1027346 to the north western corner of Lot 53 on DP 597553; then generally southerly along the western and southern boundaries of that lot, southern boundary of Lot 1 on DP 1143987, western boundary of Lot 2 on DP 1139721 to the northernmost corner of Lot 5 on DP 1139721; then generally southerly along the western boundaries of that lot, western and southern boundaries of Lot 1 on DP 125324 and western boundaries of Lot 2 on DP 118582 (being formerly the eastern severance of Lot 2 on DP 125324) to the northern most corner of Lot 145 on DP 726458; then generally south westerly along the southern boundaries of Lot 12 on DP 594611 back to the commencement point.

Inclusions: The following parcels are included in the application area:

- (a) Lot 346 on DP 755695
- (b) Lot 368 on DP 727433
- (c) Lot 1 on DP 1137921 (formally part of Lot 369 on DP 723046 covered by the Broken Head Caravan Park).

Exclusions: The following parcels are excluded from the application area:

- (a) Lot 171 on DP 755695
- (b) Lot 383 on DP 728202
- (c) Lot 457 on DP 1087879 - (Formerly Lot 441 on DP 800268)
- (d) Lot 456 on DP 1087879 (Formerly Lot 456 on DP 1126388 - (Formerly Lot 441 on DP 800268))
- (e) Lot 387 on DP 728536
- (f) Lot 392 on DP 728539
- (g) Lot 398 on DP 728550
- (h) Lot 396 on DP 728544
- (i) Lot 395 on DP 728541
- (j) Lot 399 on DP 728551
- (k) Lot 386 on DP 728517
- (l) Lot 424 on DP 729062
- (m) Allotment 5 of Lot 26 on DP 758207
- (n) Allotment 1 of Lot 23 on DP 758207
- (o) Lot 331 on DP 755695
- (p) Lot 394 on DP 728540



- (q) Lots 2, 3 and 5 on DP 1139721 (formally part on Lot 369 on DP 723046 not covered by the Broken Head Caravan Park)
- (r) Lot 7017 on DP 1108015 (Formally Lot 7017 on DP 755695)
- (s) Lot 7014 on DP 1084859
- (t) Lot 53 on DP 597553
- (u) Lot 438 on DP729107
- (v) Lot 1 on DP 1143987 (The un-named road situated between Lot 53 on DP 597553 and Lot 7014 on DP 1084859)
- (w) Lot 360 on DP 704247, excluding the area of the Red Devils Encroachment (as shown on Diagram 9 - Schedule R "Red Devils Encroachment " further described as:
 - (i) Part of Lot 360 on DP 704247 west of a line extending from a point on southern boundary at Longitude 153.611027° East to a point on the western boundary at Latitude 28.662626° South passing through the following coordinate points

Longitude (East)	Latitude (South)
153.611027	28.669431
153.610965	28.669341
153.610893	28.669188
153.610882	28.669052
153.610892	28.668998
153.610902	28.668944
153.611330	28.668626
Note: These coordinate are subject to survey.	

This application excludes all land and waters within:

- (a) Native Title Determination Application – NSD1844/2008 Numbahjing Clan within the Bundjalung Nation (NC2008/002) as lodged with the Federal Court on 26 November 2008 – Discontinued 22/03/2013
- (b) Native Title Determination Application – NSD6019/2001 Widjabul Aboriginal People (NC2001/007) as registered with the Federal Court on 6 June 2002 – Discontinued 24/06/2013
- (c) Native Title Determination Application – NSD6010/1998 Byron Bay Bundjalung People 1 (NC1995/001) as accepted for registration 16 February 2000 – Discontinued 10/02/2010
- (d) Native Title Determination - NSD6088/1998 Byron Bay (NCD2001/001 - NC1997/036) as determined by the Federal Court 23 October 2001.

Note: Data Reference and source

- Application boundary compiled by the National Native Title Tribunal based on information or instructions provided by the applicants.
- Cadastre data sourced from LPI (NSW), Aug 2017.
- Rivers, creek and road corridors based on data sourced from Land and Property Information (NSW), Aug 2017.



Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Prepared by Geospatial Services, National Native Title Tribunal (4 March 2019)



(B) The following areas are excluded from 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) (Cwth).
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);
 - 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.23C(9C) – Exclusion of Crown to Crown grants; and
 - e) s.23B(10) – Exclusion by regulationthe 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 applicationthe 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 any area within the boundaries as shown on the map at Attachment C which are outside the areas described in Paragraph A of this attachment.