



## ANNEXURE B

### SCHEDULE 6 – AREAS NOT FORMING PART OF THE DETERMINATION AREA

The following areas of land and waters are excluded from the Determination Area as described in Order 8.

2. Those lands 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).
3. 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; 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).
4. Those lands 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 lands 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 land and waters within the External Boundary in respect of which the parties have agreed that no determination is to be made at present and which are described in the following table:

Area description (at the time of the determination)
Lot 140 on Plan SP108487
Lot 191 on Plan SP108475
Lot 11 on Plan RP898338
Lot 12 on Plan RP898338
Lot 1 on Plan JD1



**Area description (at the time of the determination)**

Lot 26 on Plan NPW404

Lot 409 on Plan NPW602

That part of Lot 410 on Plan NPW603 formerly described as Portion 1 on Plan SO10

That part of Lot 410 on Plan NPW603 described as Denham Group National Park (Sinclair Islet, Milman Islet, Aplin Islet, Wallace Islet, Cholmondeley Islet and Boydong Island)

Lot 18 on Plan SP120091

The area within a radius of 150 metres from the respective centre points of each Commonwealth asset as follows:

- (d) Harrington Reef Unlit Beacon; approximate Longitude 142.719600° East, Latitude 10.820483° South (WGS84).
- (e) Shortland Reef Unlit Beacon; approximate Longitude 142.766350° East, Latitude 10.896850° South (WGS84).

The area within a radius of 650 metres from the respective centre points of each Commonwealth asset as follows:

- (f) Wyborn Reef Light; approximate Longitude 142.775050° East, Latitude 10.819167° South (WGS84).

**Note**

**Data Reference and source**

- (g) Area boundary compiled by the National Native Title Tribunal based on information or instructions provided by the applicants.
- (h) Commonwealth asset centre point details provided by the applicants. The Commonwealth have advised that AMSA maintains the coordinates in WGS84 for reasons relating to the international nature of shipping and navigation services.

**Reference datum**

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

**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 of 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.

Prepared by Geospatial Services, National Native Title Tribunal (28 September 2022).

The area within a radius of 150 metres from the respective centre points of each Commonwealth asset as follows:

- Booby Island Tide Gauge; approximate Longitude 141.910133° East, Latitude 10.602550° South (WGS84).



### Area description (at the time of the determination)

- Turtle Head Tide Gauge; approximate Longitude 142.213100° East, Latitude 10.520583° South (WGS84).
- Goods Island Tide Gauge; approximate Longitude 142.146650° East, Latitude 10.563350° South (WGS84).
- Ince Point Tide Gauge; approximate Longitude 142.304850° East, Latitude 10.514133° South (WGS84).

### Note

#### Data Reference and source

- Area boundary compiled by the National Native Title Tribunal based on information or instructions provided by the applicants.
- Commonwealth asset centre point details provided by the applicants. The Commonwealth have advised that AMSA maintains the coordinates in WGS84 for reasons relating to the international nature of shipping and navigation services.

#### Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

#### 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 of 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.

Prepared by Geospatial Services, National Native Title Tribunal (28 September 2022)

- The area within a radius of 25 metres from the centre point of the Thursday Island Hospital helipad: approximate Longitude 142.20968° East, Latitude 10.58864° South; and
- The area within a radius of 16 meters from the centre point of the private helipad: approximate Longitude 142.227331° East, Latitude 10.570186° South.

### Note

#### Reference datum

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#### 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 of 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.