



Schedule 4 – 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 3.

1. 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).
2. Those land and waters within the Determination Area that were excluded from the Native Title Determination Application on the basis that, at the time of the Native Title Determination Application, they were an area where native title rights and interests had been wholly extinguished, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied, including, but not limited to:
 - (a) any area where there had been an unqualified grant of estate in fee simple which wholly extinguished native title rights and interests; and
 - (b) any area over which there was an existing dedicated public road which wholly extinguished native title rights and interests.
3. Specifically, and to avoid any doubt, the land and waters described in paragraph (2)(b) above includes that part of Lot 1 on SP337297 identified as an area of closed road and delineated by stations 52-53-54-55-52 on SP337297.