



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 Part 1 of Schedule 4 and Part 2 of Schedule 4:

- (1) Those land and waters within the External Boundary which at the time the Native Title Determination Application was made were, or had been, 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) Lot 175 on Plan RP901175.
 - (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), including, but not limited to the land and waters described as:
 - (i) That part of Lot 2 on Plan CLK39 shown as shaded red on the plan labelled CHCR Charcoal Creek Comms Site – 8001-SK1 in Schedule 7, and described as the area included in the polygon defined by coordinate points 1 – 11:

Point No	Easting	Northing
1	306012.20	7881526.49
2	306029.57	7881530.98
3	306037.50	7881524.96
4	306039.82	7881513.71
5	306046.02	7881513.56
6	306050.78	7881495.15
7	306012.05	7881485.13



8	306007.70	7881501.94
9	306013.54	7881516.11
10	306016.26	7881519.62
11	306016.79	7881523.45

- (3) 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.
- (4) 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.
- (5) Those land and waters within the External Boundary excluded by paragraphs 2 and 3 of Schedule B of the Native Title Determination Application filed, including as amended on 10 January 2023, which are not captured by (1) above.