

**SCHEDULE 9****Areas Not Forming Part of the Determination Area*****Previous Exclusive Possession Acts***

The following areas are wholly excluded from the Determination Area on the grounds that they have been the subject of a previous exclusive possession act (defined in s 23B of the *Native Title Act 1993* (Cth)) and in accordance with s 61A of the *Native Title Act 1993* (Cth) cannot be claimed:

- (a) The land or waters on which any public work (defined in s 253 of the *Native Title Act 1993* (Cth)) that is a previous exclusive possession act (defined in s 23B of the *Native Title Act 1993* (Cth)) was, on or before 23 December 1996, constructed or established, including (in accordance with s 251D of the *Native Title Act 1993* (Cth)) any adjacent land and waters the use of which is or was necessary for, or incidental to, the construction, establishment or operation of the work.
- (b) The following land or waters the subject of previous exclusive possession acts (defined in s 23B of the *Native Title Act 1993* (Cth)):
  - (i) Lot 75 on PC 26; and
  - (ii) Lot 1 on SP 194674.

***Pre-Existing Rights Based Act***

On the basis that native title has been extinguished and is not claimed pursuant to s 24IB of the *Native Title Act 1993* (Cth), the parties have agreed that Lot 7 on CP847163 is wholly excluded from the Determination Area.