



## **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 in relation to which one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) was done and was attributable to either the Commonwealth or the State, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied, 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:

Area description (at the time of the determination)
Lot 6 on WMT54
Lot 8 on WMT39
Lot 9 on WMT40
Lot 11 on WMT41
Lot 10 on WMT41
Lot 14 on WMT60
Lot 161 on WMT804213
Lot 2 on MPH40636
Lot 147 on WMT41
Lot 1 on CP907817
Lot 3 on CP912615



Lot 2 on WMT26
Lot 6 on SP310157
Lot 7 on SP310157

- (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 whole of the land and waters described as:

Area description (at the time of the determination)
Lot 1 on SP108169
Lot 1 on SP145480
Lot 98 on SP285542
Lot 102 on SP285542
Lot 103 on SP285542
Lot 107 on SP285542
Lot 47 on SP114444
Lot 48 on SP114444
Lot 49 on SP114444
Lot 50 on SP114444
Lot 54 on SP114444
Lot 65 on SP108171
Lot 99 on SP108169
Lot 100 on SP108169
Lot 104 on SP108169



Lot 105 on SP108169
Lot 106 on SP108169
Lot 208 on SP277155
Lot 217 on SP277155
Lot 218 on SP277155
Lot 219 on SP277155
Lot 220 on SP277155
Lot 229 on SP277155
Lot 230 on SP277155
Lot 231 on SP277155
Lot 233 on SP277155
Lot 235 on SP277155
Lot 236 on SP277155
Lot 237 on SP277155
Lot 238 on SP277155
Lot 275 on SP277155
Lot 279 on SP277155
Lot 280 on SP277155
Lot 281 on SP277155
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Lot 284 on SP277155
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Lot 286 on SP277155
Lot 287 on SP277155



Lot 289 on SP277155
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Lot 294 on SP277155
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Lot 298 on SP277155
Lot 300 on SP277155
Lot 301 on SP277155
Lot 307 on SP277155
Lot 308 on SP277155
Lot 309 on SP277155
Lot 310 on SP277155
Lot 312 on SP277155
Lot 313 on SP277155
Lot 323 on SP277155
Lot 324 on SP277155
Lot 325 on SP277155
Lot 21 on SP273356
Lot 22 on SP273356
Lot 23 on SP273356
Lot 43 on SP273356
Lot 46 on SP273356
Lot 52 on SP273356



Lot 51 on SP273356
Lot 68 on SP273356
Lot 71 on SP273356
Lot 94 on SP273356
Lot 83 on SP273356
Lot 102 on SP273356
Lot 24 on SP273356
Lot 25 on SP273356
Lot 26 on SP273356
Lot 66 on SP273356
Lot 67 on SP273356
Lot 72 on SP273356
Lot 109 on SP273356
Lot 110 on SP273356
Lot 31 on SP246910
Lot 51 on SP246910
Lot 9 on SP246910
Lot 42 on SP246910
Lot 47 on SP246910
Lot 48 on SP246910
Lot 49 on SP246910
Lot 50 on SP246910
Lot 30 on SP246910
Lot 34 on SP246910
Lot 35 on SP246910



Lot 36 on SP246910
Lot 37 on SP246910
Lot 38 on SP246910
Lot 39 on SP246910
Lot 40 on SP246910
Lot 41 on SP246910
Lot 53 on SP246910
Lot 54 on SP246910
Lot 52 on SP246910
Lot 29 on SP246910
Lot 33 on SP249787
Lot 15 on SP246910
Lot 14 on WMT37
Lot 10 on SP249788
Lot 12 on SP246910
An area of road identified and delineated by stations 60-66-70-62-60 on sheet 6 of plan SP273356
An area of road identified and delineated by stations 60-60a-59a-59-60 on sheet 6 of plan SP273356
Part of Lot 10 on SP183865 which is above the High Water Mark
Part of Lot 22 on SP241413 that is not subject to the Kuuku Ya'u People Determination (QUD6016/1998, QCD2009/001)

- (3) Those land and waters within the External Boundary that were excluded from the native title determination application filed on 11 December 2014 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.
- (4) Specifically, and to avoid any doubt, the land and waters described in (3) above includes:

Area description (at the time of the determination)
Lot 21 on SP241413
Lot 13 on RP898805
Lot 12 on RP898805
Lot 499 on WMT68
Lot 498 on WMT68
Lot 496 on WMT68
Lot 1 on SP166591
Lot 2 on SP166591
Lot 15 on SP135859
Lot 8 on SP104566
Lot 1 on SP247075
Lot 2 on SP247075
Lot 1 on SP265166
Lot 7 on SP270844
Lot 8 on SP270844
Lot 9 on SP270844
Lot 10 on SP270844
Lot 5 on SP310157
Lot 4 on SP310157



Lot 4 on SP270844
Lot 5 on SP270844
Lot 6 on SP270844
Lot 2 on SP270844

- (5) 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.