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.