



Extract from Register of Indigenous Land Use Agreements

NNTT number	VI2007/002
Short name	Chum Street Car Park Project
ILUA type	Area Agreement
Date registered	14/05/2008
State/territory	Victoria
Local government region	Greater Bendigo City

Description of the area covered by the agreement

[Explanatory notes in brackets inserted by National Native Title Tribunal.]

An area of land of approximately 2954 square metres located to the south and west of freehold Lot 1 as described in Plan of Subdivision PS 444547V, Parish of Sandhurst at Bendigo, County of Bendigo as indicated by coloured shading on the plan attached at Schedule E1 [of the Agreement].

[Schedule E1 is attached to the agreement only and is not attached to the Register of Indigenous Land Use Agreements.]

Parties to agreement

Applicant

Party name	Dja Dja Wurrung People Native Title Group
Contact address	C/ - Native Title Services Victoria Level 2, 642 Queensberry Street NORTH MELBOURNE VIC 3051

Other Parties

Party name	Surgant Pty Ltd
Contact address	C/- Peter Cahill 48 Edward Street BENDIGO VIC 3550

Period in which the agreement will operate

Start date	not specified
End Date	not specified

Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

[Explanatory notes in brackets inserted by National Native Title Tribunal.]

7.1 Subject to compliance by the parties with the provisions of this Agreement, the parties agree:

7.1.1 to the doing of certain Future Acts in respect of the ILUA area, being:

- the grant by the State [of Victoria] of the Licence to the developer provided that Licence is in the form set out in Schedule C [of the Agreement] which has been agreed by the parties and the State and to any consents required by or on behalf of

the developer pursuant to the Licence and any applicable laws; and

- the completion of the Project by the developer on or over the ILUA area in accordance with the planning permit; and
- the use of the Licence area by the developer and of any consents required pursuant to the Licence and any applicable laws; and
- those Future Acts listed in Schedule F [of the Agreement].

7.1.2 that any such Future Acts done in respect of the ILUA area are valid.

Defined terms:

"Future Act" has the same meaning given to that term in section 233 of the NTA, and includes those classes of Future Acts listed in Schedule F [of the agreement].

Schedule F: List of Future Acts covered by the Agreement

1. The grant of the Licence by the State and the use of the ILUA area by the developer to construct and operate a car park.
2. All infrastructure and all other land tenure or land access titles, approvals, consents, conditions, rights etc that may be required by the developer for use of the ILUA area under the LA and applicable laws.
3. All acts which may comprise Future Acts undertaken by the developer to complete the Project (including activities listed in the planning permit), including but not limited to:
 - the removal of trees and other vegetation on the ILUA area;
 - the construction of the car park and surrounding gardens as detailed in the planning permit and associated plans;
 - the operation of a car park in accordance with the terms of the Licence.

"LA" - means the Land Act 1958 (Vic)

"Licence" means the Licence that is proposed to be granted and registered by the State to the developer pursuant to the LA in respect of the ILUA area, provided that Licence is in the form of the draft licence in Schedule C, which has been agreed to by the parties and the State. "Licence" also includes:

- any renewal, or variation of the Licence by the State pursuant to the LA, this agreement, or any other applicable laws;
- the grant of any other licence by the State to the developer in respect of the ILUA area in the future.

"NTA" - means the Native Title Act 1993

Attachments to the entry

Nil Attachments