



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2021/015
Short name	Barada Kabalbara Yetimarala People and Lotus Creek Wind Farm ILUA
ILUA type	Area Agreement
Date registered	28/07/2022
State/territory	Queensland
Local government region	Isaac Regional Council

Description of the area covered by the agreement

4. Area to which this Agreement Applies

(a) This Agreement applies to the ILUA Area.

ILUA Area means the area of land and waters described in Schedule 1.

[A copy of Schedule 1 is attached to this extract. The following general description has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It is provided for information only and should not be considered part of the Register of ILUAs:

The agreement area covers about 239 sq km and is located about 35 km west of St Lawrence and extends southwest of Lotus Creek.]

Parties to agreement

Applicant

Party name	Lotus Creek Wind Farm Pty Ltd (ACN 633 724 571)
Contact address	c/- King & Wood Mallesons Level 33, Waterfront Place 1 Eagle Street Brisbane QLD 4000

Other Parties

Party name	Sam Dallachy, Vanessa Saunders, Norman Ross, Margaret Hornagold, Anthony Henry, Elizabeth Doyle and Davina Tilberoo on behalf of the Barada Kabalbara Yetimarala People
Contact address	c/- Queensland South Native Title Services Level 10, 307 Queen Street Brisbane QLD 4000

Period in which the agreement will operate

Start date	09/10/2021
End Date	not specified

3. Term

(a) This Agreement commences on the Commencement Date and, subject to clause 15, will terminate upon the date that is the later of the completion of the Project, the duration of the Agreed Acts and the term of all Approvals, as notified by Lotus Creek in writing to the Native Title Party.

Agreed Acts means the grant, variation, extension, substitution, replacement or renewal of any Approval which is necessary, desirable or beneficial for the undertaking of the Project on any part of the ILUA Area, including:

(a) the addition of a purpose relating to the production, transmission, storage or metering of energy from a renewable source to the tenure the subject of the ILUA Area under section 154(2)(b) of the Land Act; and
(b) any other Approval for the production, transmission, storage or metering of energy on, from or over the ILUA Area,

including under the following legislation:

- (c) *Electricity Act 1994* (Qld);
- (d) *Environmental Protection Act 1994* (Qld);
- (e) *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- (f) *Forestry Act 1959* (Qld);
- (g) Land Act;
- (h) *Planning Act 2016* (Qld);
- (i) *Vegetation Management Act 1999* (Qld);
- (j) *Water Act 2000* (Qld);
- (k) local government by-laws and ordinances; and
- (l) any other legislation, regulation, by-law, ordinance, or other such instrument required for the Project.

Approval means any grant of tenure, title, authorisation, lease, sub-lease, licence, permit, approval, declaration, development approval, easement, right, certificate, consent, exercise of a discretion, direction or notice from or by:

- (a) any Government Agency of other competent authority; or
- (b) any land owner or State lease holder.

Commencement Date means the date on which this Agreement is executed by the last of the Parties to execute it.

Land Act means the *Land Act 1994* (Qld).

Native Title Party means the Registered Native Title Claimant for Native Title Determination Application QUD13/2019.

Project means the development, planning, construction, commissioning, operation, modification, expansion, extension, maintenance and decommissioning of the equipment and infrastructure in the ILUA Area associated with the Wind Farm for or including:

- (a) substations;
 - (b) switchyard;
 - (c) energy storage systems;
 - (d) energy metering;
 - (e) electrical connections;
 - (f) powerlines and transmission lines;
 - (g) operation and maintenance facilities;
 - (h) overhead and underground electrical cabling;
 - (i) hardstands;
 - (j) construction compounds;
 - (k) access tracks;
 - (l) road widening;
 - (m) offsets, which may include any or all of stock exclusion, assisted regeneration, revegetation, pest animal and weed control and fire management;
 - (n) vegetation management; and
 - (o) temporary construction laydown areas,
- and includes all necessary or incidental infrastructure and anything incidental to or associated with any purpose listed in paragraphs (a) to (o) above.

Wind Farm means the wind farm proposed to be developed on land in the vicinity of the ILUA Area.

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

6.1 Consents

(a) The Parties agree and consent to:

- (i) the Agreed Acts; and
 - (ii) the undertaking of the Project.
- (d) For the purposes of section 24EB(1)(c) of the NTA and regulation 7(5)(b) of the Regulations, the Parties agree and state that Subdivision P, Division 3, Part 2 of the NTA is not intended to apply to any Agreed Acts or the undertaking of the Project on and from the date this Agreement is Registered.

7. Third Party Grants

(a) The Native Title Party and the Native Title Claimants consent and agree to any Agreed Acts being applied for or Granted to, and also to the Project or any part of it being undertaken by, a Third Party, either separately to or jointly with Lotus Creek (by agreement with Lotus Creek).

Grant includes grant, re-grant, re-making, substitution, extension of the term, renewal or amendment from time to time.

Native Title Claim means the application for determination of native title filed on 2 July 2013 as amended on 29 September 2014 with application references:

- (a) Federal Court number: QUD13/2019; and
- (b) National Native Title Tribunal number: QC2013/004.

Native Title Claimants means those persons described as the persons claiming to hold native title in the ILUA Area as described in the Native Title Claim.

NTA means the *Native Title Act 1993* (Cth).

Regulations mean the Native Title (Indigenous Land Use Agreements) Regulations 1999 (Cth).

Third Party means any person other than Lotus Creek or the Native Title Parties, and includes Queensland Electricity Transmission Corporation Limited trading as Powerlink Queensland ABN 82 078 849 233.

Attachments to the entry

[Written description and map of the ILUA Area - Schedule 1 of the agreement.pdf](#)