

ACQUISITION OF LAND ACT 1967

LOCAL GOVERNMENT ACT 2009

NATIVE TITLE ACT 1993 (Cth)

NATIVE TITLE (QUEENSLAND) ACT 1993

NOTICE OF INTENTION TO ACQUIRE NATIVE TITLE RIGHTS AND INTERESTS

The Chief Executive Officer
Barcaldine Regional Council
71 Ash Street
BARCALDINE QLD 4725

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| TO: Each of the persons named in the Schedule as "Owner or other interested person(s)" and all persons and bodies holding or claiming an interest in any part of the land described in the Schedule, including, in particular, any person holding or claiming to hold a native title right or interest. | |
|---|--|

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of the *Acquisition of Land Act 1967*, the *Local Government Act 2009*, the *Native Title Act 1993 (Cth)* and the *Native Title (Queensland) Act 1993*, Barcaldine Regional Council (the "Council") intends to take the native title rights and interests (if any) in relation to the land and waters described in the Schedule ("the Land") for aviation and related purposes.

The taking of the native title rights and interests (if any) is subject to the procedural requirements of the *Acquisition of Land Act 1967* and the *Native Title Act 1993 (Cth)*.

The reason for the proposed taking is that Council intends to use the Land for aviation and related purposes. Council has determined that it does not have sufficient land available for use for aviation and related purposes in the relevant locality. The Land has been determined to be the most suitable site within the relevant locality for use for aviation and related purposes.

The Land is considered most suitable for aviation and related purposes because:-

- (a) the Land abuts other land in the locality which is currently used for aviation and related purposes;
- (b) infrastructure such as water supply, roads and power are readily available to the Land;
- (c) use of the Land in the manner proposed is compatible with Council's planning scheme;
- (d) use of the Land in the manner proposed is compatible with applicable State planning requirements;
- (e) use of the Land in the manner proposed promotes the efficient delivery of public services and public infrastructure;

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- (f) the proposed use of the Land maximises and balances social, economic and environmental benefits to the local community;
- (g) the area and topography of the Land are suitable for the proposed use;
- (h) use of the Land in the manner proposed minimises adverse impacts on natural and historic values in the relevant locality;
- (i) the proposed use of the Land is compatible with adjoining uses of land in terms of urban planning;
- (j) the use of the Land for aviation and related purposes is consistent with the current use of adjacent land;
- (k) there is a current need for the development of land in the area for aviation and related purposes, including a current need to expand the abutting land which is currently used for aviation and related purposes;
- (l) there is nothing that would prevent the Land being used for aviation and related purposes.

Persons who are native title holders or registered native title claimants in relation to any part of the land and waters described in the Schedule have the same procedural rights as they would have in relation to the acquisition on the assumption that they instead held ordinary title to the land and waters described in the Schedule, as provided for by section 24MD(6A) of the *Native Title Act 1993 (Cth)*.

Persons who are native title holders or registered native title claimants in relation to any part of the land and waters described in the Schedule may object to the proposed taking and may be heard in support of their objection. To object they must:-

- (a) serve a written notice of objection on the Chief Executive Officer, Barcaldine Regional Council at the above address on or before the 26th day of May 2017; and
- (b) state in the notice of objection:-
 - (i) the grounds of the objection; and
 - (ii) the facts and circumstances relied upon in support of those grounds; and
 - (iii) whether they wish to be heard in support of the grounds of their objection.

You are entitled to reasonable access to Council documents relevant to the formulation of its intention to take native title rights and interests in the Land including:-

- (a) details of any land considered by Council as a viable alternative site before deciding to issue this notice; and
- (b) selection criteria documents stating Council's policy for location of sites for the purpose of this proposed taking of native title rights and interests; and
- (c) relevant reports to Council detailing investigations of potential sites for acquisition for the said purpose.

Material of this kind does not exist in respect of every proposed taking of native title rights and interests and you should contact the Chief Executive Officer of Council if you wish to obtain details of the material actually available in respect of this proposed taking and/or access to that material.

Any matter pertaining to the amount or payment of compensation is not a ground of objection.

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If it is stated in a written notice of objection that the objector wishes to be heard in support of the grounds of the objection, the objector may appear and be heard by the Chief Executive Officer (or his delegate) on behalf of Council at Council's Public Office at 71 Ash Street, Barcaldine on the 2nd day of June 2017 at 9.00 am.

The objector may appear in person or be represented by counsel, solicitor or agent.

If there are no native title holders or registered native title claimants in relation to any part of the land and waters described in the Schedule, any representative Aboriginal/Torres Strait Islander body or bodies for the area concerned may comment on the proposed compulsory acquisition. Any such comment should be made in writing and served upon the Chief Executive Officer, Barcaldine Regional Council at the above address on or before the 26th day of May 2017.

Council is willing to negotiate to acquire the native title rights and interests (if any) by agreement or, failing agreement, to treat as to the compensation to be paid and all consequential matters.

For the purpose of section 26(1)(c)(iii)(A) of the *Native Title Act 1993 (Cth)*, it is stated that the purpose of the acquisition is to confer rights and interests in relation to the land and waters described in the Schedule on Council as a Government party.

Compensation for the acquisition of the native title rights and interests (if any) in relation to the land and waters described in the Schedule is recoverable under and in accordance with the relevant provisions of the *Native Title Act 1993 (Cth)*.

Council is prepared to discuss a possible negotiated acquisition and the amount of compensation payable on the date for hearing of objections specified above. In respect of native title rights or interests (if any) which exist in respect of the land and waters described in the Schedule, Council will consider, and negotiate in good faith in respect of, any request for compensation in a form other than money. These matters may be discussed following the conclusion of the objections hearing, and may also be discussed at the nominated date and time even if you do not lodge an objection to the proposed acquisition of native title rights and interests (if any). If you wish to discuss these matters with Council you should attend at the nominated date and time (with any valuation, legal or other advisers you consider appropriate). It will assist this process if any material which you propose to produce to support a compensation claim is supplied to Council prior to your attendance, preferably on or before the last date for objections specified above. Such material should be presented in a manner which is separate and distinct from your objection to the taking of native title rights and interests in the land and waters described in the Schedule (if any).

Any enquiries relating to the proposed taking of native title rights and interests (if any) may be directed to the Chief Executive Officer of Council on (07) 4651 5600.

DATED this 20th day of April 2017.

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Chief Executive Officer
Barcaldine Regional Council

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SCHEDULE

Owner or other interested person(s): The State of Queensland

Barcaldine Regional Council (as Trustee of Reserve R79, Title Reference 49006493)

Queensland South Native Title Services Ltd (as representative Aboriginal body in relation to the Land)

Other holders of native title rights and interests (if any).

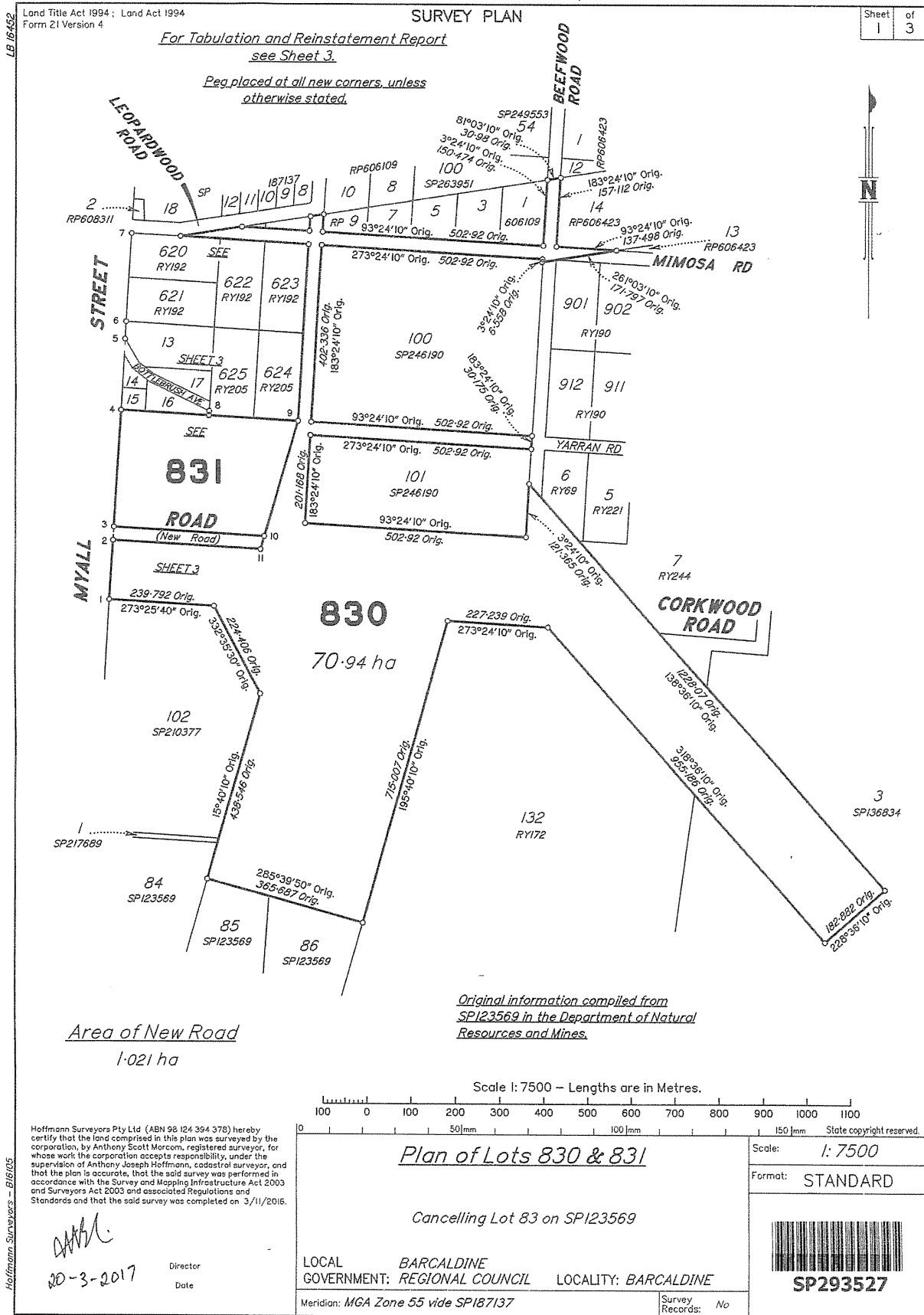
Description of the Land in respect of which native title rights and interests (if any) are proposed to be acquired:

Area 9.924 hectares

Description Lot 831 on SP293527 (a copy of SP293527 being attached to this notice) comprising part of Lot 83 on SP123569, Title Reference 49006493.

N.B. Should you wish to be heard personally in support of your objection as outlined above please telephone Council on (07) 4651 5600 to confirm an appointment.

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Land Title Act 1994; Land Act 1994
 Form 21A Version 1

ADDITIONAL SHEET

Sheet 3 of 3

Reinstatement Report:

This survey is to freehold land currently in use by Barcaldine Council for the Barcaldine Airport Terminal building, and open road south of the lot to give better access to fuel refilling and hangers.

Myall Street was reinstated from original references at stns 1, 5, 6 and 7, with OIP at stn 4 disturbed, likely due to clearing using a grader with evidence of drainage works.

6-4 agrees with SP187137, however excess was found between 4-1. Stn 1 was reinstated from O Marks and Occupation.

The connection to survey SP187137 was further confirmed by original marks at stn 8. Original dimensions were laid in to stn 9, with extensive clearing within airport limits at said station.

The western boundary of lot 831 was determined by a line enclosing equipment and lighting relevant to the terminal building, approximately in line with the edge of bitumen apron.

The southern boundary of lot 831 was set out so that the new road approximately aligned with the existing Boree St.

The remainder of lot 830 was compiled from SP123569.

REFERENCE MARKS

| STN | TO | ORIGIN | BEARING | DIST |
|-----|-----------------|-------------|------------|-------|
| 1 | O Star Pkt | 4/SP123569 | 145°37'20" | 0-547 |
| 3 | Pin | | 335°07'20" | 2-445 |
| 4 | OIP Distd (N&C) | 66/SP187137 | 129°22'40" | 0-801 |
| 5 | OIP | 52/SP187137 | 310°44'10" | 0-929 |
| 6 | OIP | 51/SP187137 | 281°08'50" | 0-744 |
| 7 | OIP | 24/RP606109 | 3°23'10" | 1-006 |
| 8 | OIP | 24/RP606109 | 273°23'10" | 1-006 |
| 9 | Pin | 57/SP187137 | 15°0' | 0-909 |
| 10 | Pin | | 300°18'20" | 1-34 |
| | | | 186°02'35" | 8-94 |

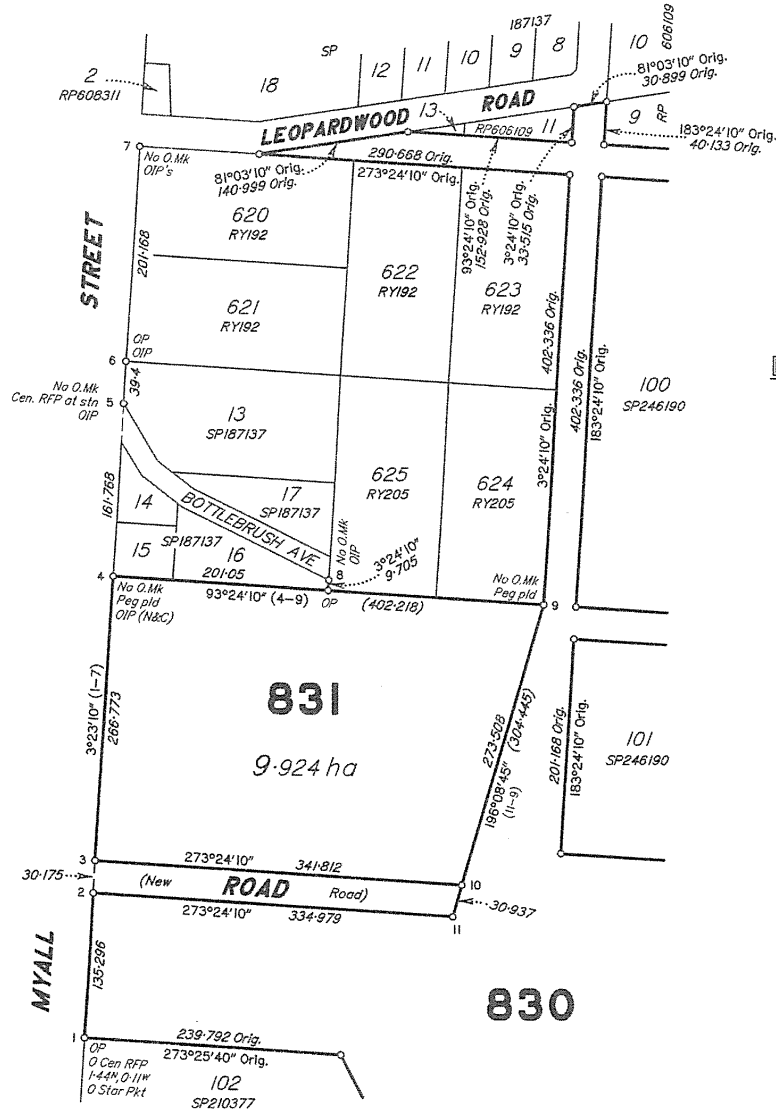
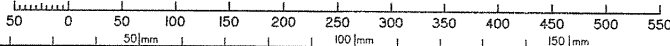


DIAGRAM
 Scale 1: 4000

Scale 1: 4000 - Lengths are in Metres.



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Insert Plan Number **SP293527**