2.10 Constraints (Non Environmental)

2.10.1 Native Title (Q.13)

The underlying land tenures include a pastoral holding (Lot 7 on SB730) and an Estate in Fee Simple (Lot 507 on SP217653). The pastoral holding does not extinguish native title. The Estate in Fee Simple is exclusive possession tenure and therefore extinguishes native title. Accordingly, a native title agreement will only be required to be entered into between the native title parties and Conquest for the eastern portion of the Burdekin River Pipeline MLA. It should be noted that the majority of the Burdekin River Pipeline MLA falls within Lot 7 on SB730, and therefore, most of the tenement will require a native title agreement.

A registered native title claim exists for this area, including the area subject to the Burdekin River Pipeline MLA. This is a Registered Native Title Claim for the Birriah People (QC1998/012 and QUD6244/1998). The claim area covers 14,915km².

In addition to this claim, there are three Indigenous Land Use Agreements recorded and overlapping the Burdekin River Pipeline MLA. They include the following:

- Birri Indigenous Land Use Agreement for Backlog Exploration Permits
- Hancock Alpha Coal Pty Ltd & Birri Native Title Claim Group ILUA
- The North Queensland Gas Pipeline Central ILUA

The Native Title Representative Body for this area is the North Queensland Land Council Aboriginal Corporation.

*Figure 9* outlines native title information relevant to this application, including Registered Native Title Claims and Indigenous Land Use Agreements ("ILUA’s").

2.10.2 Restricted Areas

The far western side of the Burdekin River Pipeline MLA is affected by Restricted Area Number 98 (see Figure 10). This Restricted Area was gazetted on 27 July, 2012 and is called the Burdekin River irrigation and Haughton River investment area. It occurs in the Charters Towers Mining District.

Restricted Areas are areas of land that have varying conditions and restrictions placed over them which are administered under the *Mineral Resources Act 1989*. The restrictions vary according to areas, but relate primarily to the nature and type of Mining or Geothermal activity which may be undertaken in this area.

This RA for the Burdekin River and Haughton River areas has a nominated referral entity. The nominated referral entity for an application for a mining tenement other than a prospecting permit relating to the restricted area is the Manager Water Planning North Region of the department in which the *Water Act 2000* is administered.

Consultation with the referral entity is in progress. Details regarding this consultation will be provided to the DNRM in due course.

2.11 Accompaniments (Q.15)

2.11.1 Statements required by s.245(1)(o)(iii) of the MRA

As described in this supporting information to the Burdekin River Pipeline MLA Application Form, the proposed Burdekin River Pipeline MLA is required to provide certainty in respect of a continuous and uninterrupted water supply to the Mt Carlton Gold-Silver-Copper Mine held under granted tenement, ML 10343. It is within the proposed Burdekin River Pipeline MLA boundaries that new infrastructure will be installed to supply water to the mining operation within ML 10343. This infrastructure will be constructed shortly after the Burdekin River Pipeline MLA is granted.