

Chapter 8
Tenure including Native Title

ESMERALDA GRAPHITE PROJECT

aarc ENVIRONMENTAL SOLUTIONS
APEM Group

GRAPHINEX

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Glossary, acronyms and abbreviations

Acronym or Abbreviation	Meaning
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
DPI	Department of Primary Industries
DSDIP	Department of State Development, Infrastructure and Planning
EIS	Environmental Impact Statement
EPM	Exploration Permit for Minerals
ILUA	Indigenous land use agreement
ML	Mining Lease
MLA	Mining Lease Application
NT Act	*Native Title Act 1993*
QLD	Queensland
RNTBC	Registered Native Title Body Corporate
SARA	State Assessment and Referral Agency
SDAP	State Development Assessment Provision
TAC	Tagalaka Aboriginal Corporation
TOR	Terms of Reference

8 Tenure including Native Title

This chapter details the land tenure and Native Title of the Esmeralda Graphite Project area (the Project).

8.1 Environmental objectives

The purpose of this chapter is to identify existing land tenure and Native Title in the impact assessment area, assess the potential impacts and identify appropriate mitigation measures to address such impacts.

This chapter has been prepared to enable an assessment of the Project with respect to the environmental objectives stated in the Terms of Reference (TOR) in relation to land tenure and Native Title. A compliance review of this chapter content against the relevant components of the TOR is in Section 8.5 of this chapter.

8.2 Existing environment

8.2.1 Land tenure

There are two relevant Mining Lease Applications (MLA) for the Project area (Figure 8-1). Mining and mineral processing activities and infrastructure will occur within MLA 100431. Infrastructure associated with the proposed water diversion and levee is within MLA 100430. Mining Lease Applications were lodged for the Project on 6 May 2025. The applications sought a term of 25 years, the maximum allowable time under guidelines, to allow for Project construction and approximately 23 years of mining and processing and will seek extensions to the MLs to facilitate continued mining and subsequent rehabilitation as required.

Land underlying and adjoining the Project area (Figure 8-1) is described in Table 8-1. The Project MLAs are entirely located within a single landholding, Lot 75 Plan SP273198, known as Esmeralda property. The proponent has undertaken negotiations with the relevant property owner in relation to occupancy and subdivision and has acquired rights to the land title underlying the Project MLAs. The process to subdivide the pastoral lease into separate the titles has commenced. The anticipated land tenure layout post-subdivision will cover the full Project area and some adjacent land and have the expected title of Lot 76 Plan SP SP353379. The binding option to acquire the land directly under both MLAs will be exercised within 2.5 years and is subject to the subdivision being granted, giving the Proponent title to the land subject to the MLAs.

In the process of delineating the boundaries of the Project MLAs, it was identified that the location of boundaries between Lot 75 on SP273198 and Lot 3881 on PH1911 were inconsistent with the QSIC Foundation Dataset (DCDB) (Cottrell Cameron & Steen Surveys 2025). Survey plans, aerial imagery, Land Commissioners Correspondence, and sketches were reviewed to determine a corrected boundary of Lot 75 on SP273198 and Lot 3881 on PH1911 (Figure 5). Consultation will be undertaken to correct this boundary in the relevant databases. At the time of preparation of this EIS, the incorrect boundaries are still shown in the relevant databases.

Access to the Esmeralda Project is along an access and infrastructure corridor section of MLA 100431 that connects to Esmeralda Prospect Road.

A search of the relevant government data bases has elicited no State Forests, National Parks or conservation tenure located within, or on land adjoining the Project. There is a registered forest management area on Lot 75 Plan SP273198 (MUID: CY1AESM01), a pastoral holding to the east (however not directly adjacent) of the Project area (Queensland Globe 2026). Additionally, a tenure search indicates that part of lot 75 on SP273198 has been declared a Nature Refuge, the “Esmeralda Nature Refuge”, which is located approximately 40 km from the Project site.

None of the underlying land parcels are listed on the Contaminated Land Register.

There are 3 isolated residences in the vicinity of the Project:

- Esmeralda homestead, approximately 18 km east of the MLAs;

- Prospect homestead, approximately 5 km south-west of the MLAs; and
- Homestead, approximately 16 km west of the MLAs.

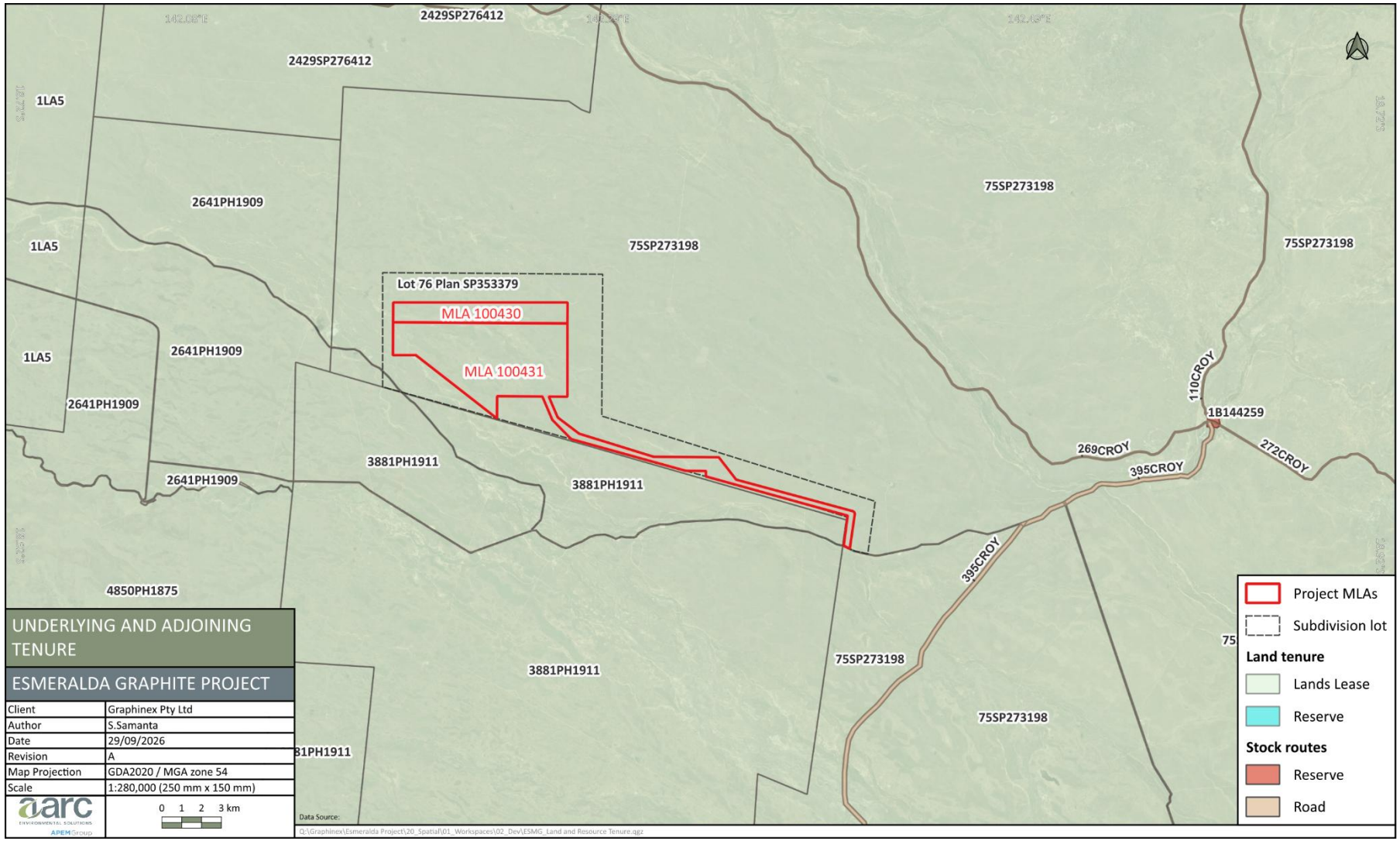


Figure 8-1: Existing and expected tenure layout

Table 8-1: Underlying and adjoining land tenure details

Lot	Plan	Tenure	Local Government Area	Property Name	Registered owner of the land
Underlying					
75	SP273198	Lands Lease	Croydon Shire	Esmeralda	Currently The Trust Company on behalf of Cunningham Cattle Company Pty Ltd.
Adjoining					
3881	3881PH1911	Lands Lease	Croydon Shire		Michael Joseph McCoy and Noeleen Aysha McCoy
-	-	Road Parcel	Croydon Shire	Esmeralda Prospect Road	

8.2.2 Resource tenements

The Project MLAs overlay four Exploration Permit for Minerals (EPM) held by the Proponent — EPM28274, EPM25210, EPM27818 and EPM27195.

One unnamed road parcel (ID: QLDRXXR14198614187551426000) underlies EPM 28274, however, it is not intersected by the proposed Project MLAs.

The neighbouring and overlapping resource and exploration tenures within the vicinity of the Project are detailed in Table 8-2 and Figure 8-2. There are no overlapping coal, gas or petroleum tenures overlapping the Project.

Table 8-2: Underlying and adjoining resource tenure

Tenure number	Tenure type	Name	Tenement Holder	Grant Date	Expiry Date
Underlying					
EPM 28274	Exploration Permit Minerals	Esmeralda	QLD Aus Graphite Pty Ltd	21 November 2023	20 November 2028
EPM 25210	Exploration Permit Minerals	Empress Springs 3	QLD Aus Graphite Pty Ltd	8 April 2014	7 April 2029
EPM 27818	Exploration Permit Minerals	Prospect	QLD Aus Graphite Pty Ltd	30 August 2021	29 August 2026
EPM 27195	Exploration Permit Minerals	Croydon 6	QLD Aus Graphite Pty Ltd	21 January 2020	20 January 2030
Adjoining					

Tenure number	Tenure type	Name	Tenement Holder	Grant Date	Expiry Date
EPM 28306	Exploration Permit Minerals	Clara River	Clara Resources Pty Ltd	9 May 2023	8 May 2026
EPM 28276	Exploration Permit Minerals	Warrigal Creek	QLD Aus Graphite Pty Ltd	24 February 2025	23 February 2030
EPM 28309	Exploration Permit Minerals	Prospect Road	Clara Resources Pty Ltd	12 May 2023	11 May 2026

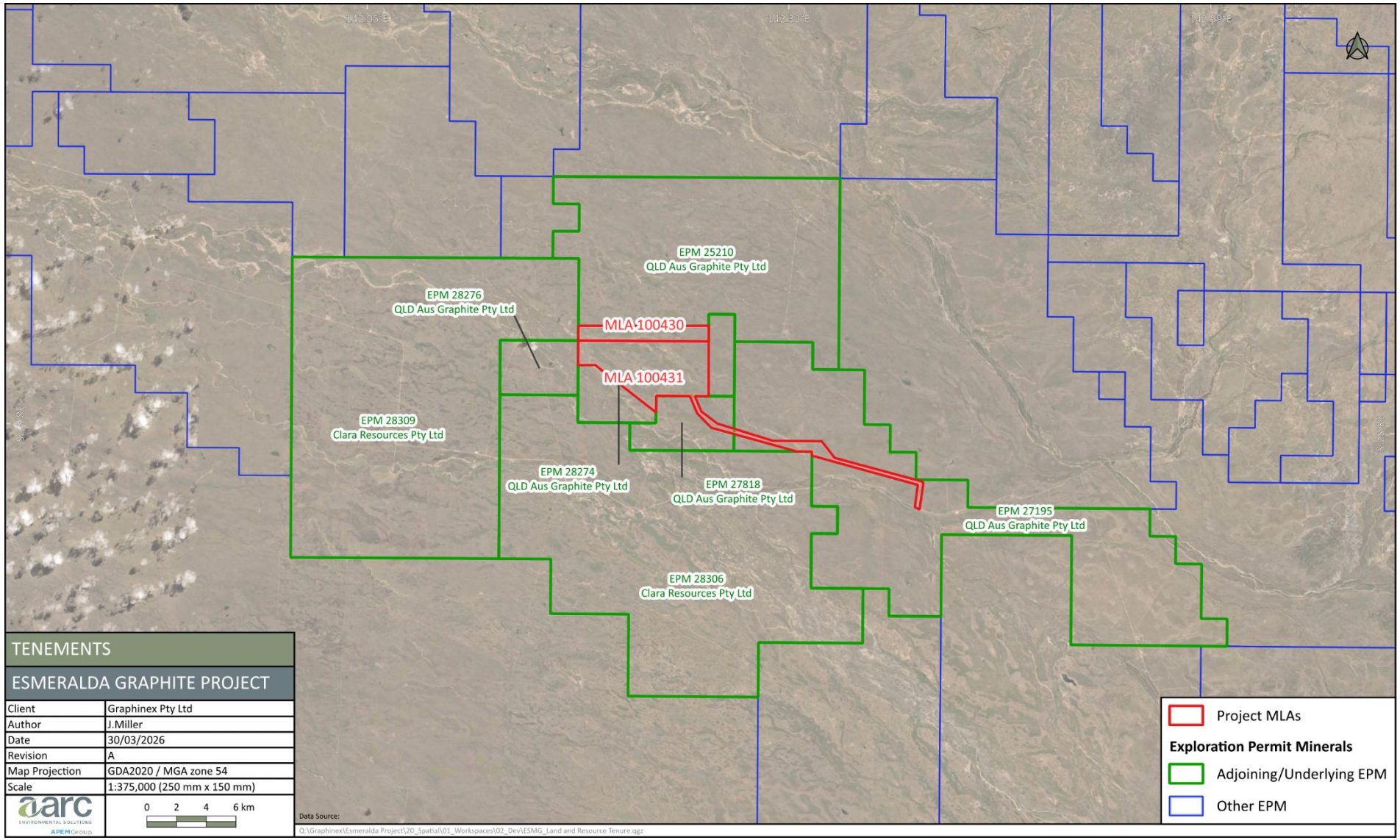


Figure 8-2: Underlying and adjoining resource tenure

8.2.3 Quarry resources

There are no quarry reserves, under the *Land Act 1994*, that exist within a 100 km radius of the Project. The nearest quarry reserve supplying gravel is located approximately 365 km northeast of the Project.

There is no existing quarry area operated by the Croydon Shire Council, or any other active quarry area identified within or in proximity of the Project MLAs. No quarry materials or forest resources will be interfered with, used, or potentially sterilised.

A review of the Agricultural Land Audit and AgTrends Spatial web mapping identified nine active and eight proposed quarry areas within 25 km of the Project's MLAs, with all managed by the Department of Primary Industries (DPI) (Table 8-3).

If quarry material with specific properties is required to construct dams or other landforms, it may be won from overburden within the Project pit disturbance footprint, or trucked to site from the nearest regional commercial supplier. The Proponent would engage with a commercial supplier through contractors, and not directly with the source – i.e., the Project does not propose direct extraction from any borrow pits.

Table 8-3: Active and proposed quarries within 25 km of Project

Status	Quarry name	MUID
Active	CydnSC167	QCROYL040
	CydnSC171	QCROYL070
	CydnSC174	QCROYL001
	CydnSC162	QCROYL129
	CydnSC164	QCROYL130
	CydnSC161	QCROYL162
	CydnSC165	QCROYL163
	CRCL1133	QCROYL165
	CRCL1187	QCROYL176
Proposed	CydnSC170	QCROYL046
	CydnSC169	QCROYL069
	CydnSC172	QCROYL071
	CydnSC160	QCROYL128
	CydnSC004	QCROYL144
	CydnSC163	QCROYL083
	CydnSC166	QCROYL095
	CydnSC173	QCROYL096

8.2.4 Regional and local planning

The nearest local town is Croydon, located 70 km away from the Project site. The Croydon Economic Development Strategy (Croydon Shire Council 2023) recognises the graphite deposits identified within the local government area, noting that "Croydon is well positioned to support the development of the critical minerals industry". It recognises that resource exploration and mining are positive drivers of economic growth for the region.

8.2.5 State planning

8.2.5.1 State Development Assessment Provisions (SDAP) codes

The State Development Assessment Provision (SDAP) codes provide assessment benchmarks for the development applications involving the State Assessment and Referral Agency (SARA). The SDAP is a performance-based code that regulates specific outcomes, rather than regulating development through prescription (DSDIP 2026).

The SDAP codes considered potentially relevant to the Project are:

a) State code 10: taking or interfering with water;

b) State code 14: Queensland heritage;

c) State code 16: native vegetation clearing;

d) State code 18: constructing or raising waterway barrier works in fish habitats;

e) State code 21: hazardous chemical facilities;

f) State code 22: environmentally relevant activities;

g) State code 26: solar farm development; and

h) State code 27: battery storage development facility.

State code 12 (development in a declared fish habitat area) is not relevant as the Project is not located in a declared fish habitat area.

The Project is exempt from state code 18 (Constructing or raising waterway barrier works in fish habitats) as Project development works occurring in a waterway will be undertaken within a mining lease. However, the code has been used to minimise potential impacts to aquatic ecology values (Refer to Chapter 18, Flora and Fauna, Section 18.6.5.11).

8.2.5.2 Stock routes

Stock routes have no separate title from the underlying road, reserve, pastoral leases or unallocated State land, where they are located. The network is primarily used by the pastoral industry as an alternative to transporting stock by rail or road; for pasture for emergency agistment; and for short term grazing. They are designated for travelling stock purposes under the *Stock Route Management Act 2002* (Qld). While there is a stock route nearby - 395CROY; the Project area does not intersect any stock routes (Figure 8-1).

Burchills Engineering Solutions (Burchills 2026) undertook a Transport Impact Assessment (Appendix N), where the regional and local road networks relevant to the proposed Project were identified and assessed. No major stock routes are expected to be affected by the project.

8.2.6 Commonwealth land

The Project is not located on Commonwealth land.

8.2.7 Native Title

A search of the National Native Title Tribunal Register of Native Title Claims was undertaken on 10 March 2026. It identified two successful Native Title determinations in favour of the Tagalaka people. The Project area is in the determination area, finalised and in effect from 10 December 2012.

The determinations can be found under 'Owens on behalf of the Tagalaka People and Tagalaka People #2 v State of Queensland', tribunal files QCD2012/012 and QCD2012/013, 10 December 2012 (National Native Title Register 2026). The rights held by the Tagalaka People, pursuant to QCD2012/013, cover both exclusive and non-exclusive components. The Project footprint sits within land held as a pastoral lease, and therefore it falls within the non-exclusive component of the determination. According to the National Native Title Tribunal register search for Tribunal file number QCD2012/013, the Court recognised the following rights held by the Tagalaka over the non-exclusive parts of the determination area:

- right to access and travel over the land and waters;
- right to camp on the area and erect temporary shelters;
- right to hunt, fish and gather on the lands and waters;
- right to take, use, share and exchange water and the natural resources of the area;
- right to light fires for domestic purposes (i.e. not for hunting or clearing vegetation); and
- right to conduct ceremonies, teach on the area, and maintain places of importance under traditional laws and customs.

The Cultural Heritage party for the Project area is the Tagalaka People – through a registered cultural heritage body, the Tagalaka Aboriginal Corporation RNTBC.

Other interests exist within the determination area, namely the:

- QI2013/034 Tagalaka People and Ergon Energy ILUA;
- QI2013/030 Croydon Shire Council - Tagalaka People Determination ILUA;
- QI2006/047 Tagalaka - Croydon Area ILUA #2 with the Croydon Shire Council;
- QI2004/019 Small Scale Mining and Exploration Activities North Queensland Area TAGALAKA with the State of Queensland; and
- QI2003/021 Tagalaka Croydon Area ILUA #1 with the Coordinator General.

The ILUA in the Project tenement is QI2003/007 Tagalaka People Exploration Permit Backlog Project with the State of Queensland (Native Title Vision 2026).

The Proponent has engaged with the Tagalaka People regarding the proposed activities. Consultation is discussed in Chapter 7, Stakeholder Consultation and Engagement. Cultural heritage values are discussed further in Chapter 11, First Nations Cultural Heritage.

The Proponent and Tagalaka People have finalised an ancillary agreement, cultural heritage management plan, and Section 31 Deed – which is a tripartite legal agreement signed by the State Government, a native title party, and a grantee party (such as a mining or exploration company) to finalise the Right to Negotiate process under the Native Title Act 1993 (Cth).

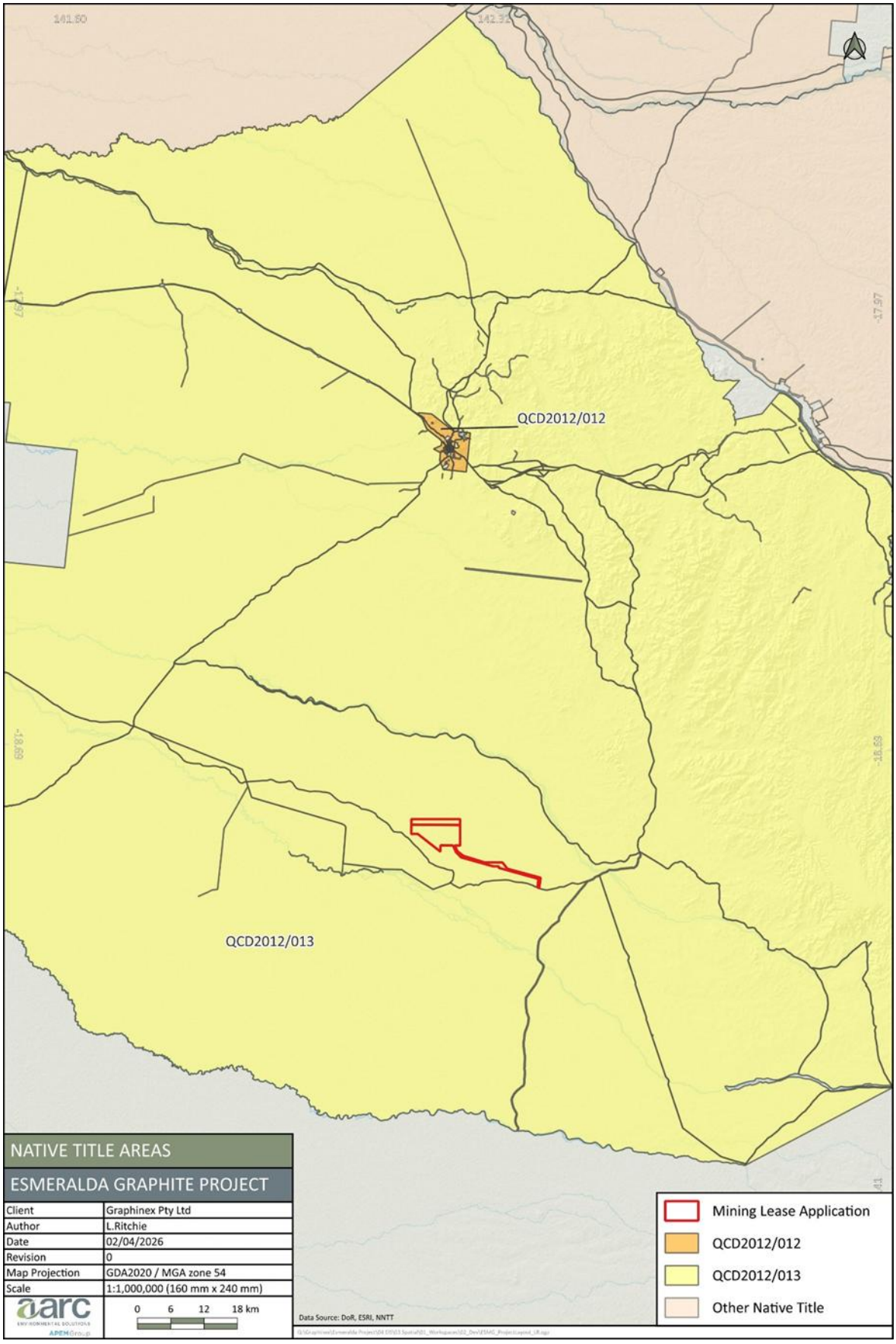


Figure 8-3: Native Title Area

8.3 Potential impacts

The underlying land for the Project is lands leases (Section 8.2.1), where the land is held by the state, and leases are issued for several purposes such as grazing, commercial or industrial purposes. The Proponent has acquired the rights to the land underlying the Project MLAs, being MLA 100430 and MLA 100431 via a binding option agreement to be exercised with 2.5 years and subject to a subdivision with the state government.

Prior to this, the Proponent had entered into agreements with the landholders of Esmeralda property regarding land access for exploration activities, with compensation arrangements agreed with the landholder. Permanent acquisition of the Project area is underway and will not have significant impacts on overlapping tenure. Environmental, social and cultural impacts will be addressed throughout the EIS process.

Temporary impacts on land tenure may occur during the construction and operational phases of the Project, anticipated to commence within 12 months of project approval, where access to certain areas may be restricted for safety and operational reasons. The Project area will be impacted by the initial vegetation clearing, topsoil stripping, excavation and bulldozing, construction of infrastructure and mining activities. Permanent impacts on land tenure will occur during the life of mine, including a permanent watercourse diversion, retained and rehabilitated Tailings Storage Facility (TSF), and Waste Rock Dump (WRD). While the majority of the Project site will be rehabilitated to a post-mining land use of grazing, the TSF and WRD will have cattle exclusion fencing around the perimeter to prevent grazing.

Successful Native Title determinations have been found in relation to the Project footprint. The MLA falls wholly within the Tagalaka People and Tagalaka People # 2 Determined Claim areas (QCD2012/012 and QCD2012/013) (Figure 8-3). The Proponent acknowledges the Tagalaka determination of the Native Title and recognizes the rights and interests of the Tagalaka People to the land on which the proposed Project is situated. As such, the Project development falls under the future acts provision and there is an obligation to address native title through the processes available.

8.4 Mitigation measures

The *Native Title Act 1993* (NT Act) establishes specific procedures that must be followed for any "future act" affecting land or waters where native title rights and interests may exist. Most applications for resource authorities are regarded as future acts and must comply with these native title requirements. A right to mine on land where native title may exist falls within the future acts provisions of the NT Act. All future acts create a requirement to address native title, and a range of processes are available to engage with the relevant native title party.

In accordance with the processes available to address Native Title, the Proponent has ongoing agreements with the Tagalaka People through the Tagalaka Aboriginal Corporation (TAC) for exploration permits and has entered into a negotiating protocol to discuss commencement of the mining lease through the Right To Negotiate process.

Ongoing engagement has been undertaken with the Tagalaka People since May 2024 to continue transparent and open dialogue to inform management and monitoring of potential impacts during the construction and operational phases of the Project. A comprehensive Social Impact Assessment is also part of the EIS process and addresses ongoing monitoring and management of potential social impacts. The Proponent will also comply with the *Aboriginal Cultural Heritage Act 2003* and the supporting 'Duty of Care Guidelines' (DATSIP 2004) when undertaking activities within proposed Project MLs.

Land that will be temporarily disturbed due to construction and operational activities will be rehabilitated at the end of its use. Permanent land disturbance will be confined to the waste rock dumps, tailings dams, retained roads and any mine and water infrastructure areas, a water diversion, and the on-site airfield. Rehabilitation will occur in the last 10 years of Project life, as land becomes available to restore functionality of the land, after on-site mining and processing has ceased. The proposed post mining land for the site is largely grazing of native vegetation, and is consistent with pre-mining land use, and informed by community expectations. A Progressive Rehabilitation and Closure Plan (Appendix T, Progressive Rehabilitation and Closure Plan) will include milestones for rehabilitation along with criteria and completion dates to return the land to a stable, post mining, land use. The Proponent will acquire the tenure underlying the Project prior to Project

commencement, and transfer ownership of the property post-site relinquishment. This will include a signed landowner agreement to take ownership of the retained infrastructure.

8.5 TOR Reconciliation table

Terms of reference - Content requirements of the EIS		EIS Section
Section 8 – Tenure including Native Title		
Tenure including native title: Existing environment		
8.1	For the project footprint and surrounding area: (a) identify the tenure of the land (b) identify the registered owner of the land (c) identify any registered interests in the land (d) identify and describe any proposed use of State land and Commonwealth land (e) identify any tenure arrangements or commercial arrangements that the proponent has in place to access the land in association with the project (f) identify any stock route under the Stock Route Management Act 2002 (g) identify any underlying resource authorities or applications.	Section 8.2.1, Section 8.2.1, Section 8.2.5, Section 8.2.6
8.2	Confirm whether any quarry materials or forest products in the project footprint are the property of the State and whether such quarry materials or forest products will be interfered with, used, or potentially sterilised.	Section 8.2.3
8.3	Identify any native title rights and interests that apply to the project footprint, including: (a) a native title assessment that determines the presence, or otherwise, of Native Title over all land or waters (b) land or waters where Native Title has been determined to exist by the Federal Court (c) land or waters that are covered by a Native Title determination application (d) land or waters that are covered by a registered Indigenous Land Use Agreement (e) land or waters where Native Title has been determined not to exist.	Section 8.2.7
Tenure including native title: Impact assessment		
8.4	Identify any tenure proposed to be applied for as part of the project, including anticipated timeframes, approvals or owner's consent requirements.	Section 8.3
8.5	Describe potential temporary and permanent impacts on the tenure of the land.	Section 8.3
8.6	For impacts on overlapping tenures, describe the outcomes of consultation with the landholders and occupiers with respect to access to land, impact assessment and mitigation measures.	Section 8.3
8.7	Identify whether the project involves any proposed impact on Native Title.	Section 8.2.7
Tenure including native title: Mitigation measures		
8.8	Identify any existing or proposed arrangements to manage impacts on Native Title.	Section 8.4
8.9	Describe pathways for resolving Native Title considerations that comply with the Native Title (Queensland) Act 1993 and the Queensland Government's Native title work procedures (such as the negotiation and registration of an Indigenous Land Use Agreement).	Section 8.4

Terms of reference - Content requirements of the EIS		EIS Section
8.10	Detail proposed mitigation measures for potential impacts on the tenure of the land, including measures to maintain ongoing functionality of the land.	Section 8.4