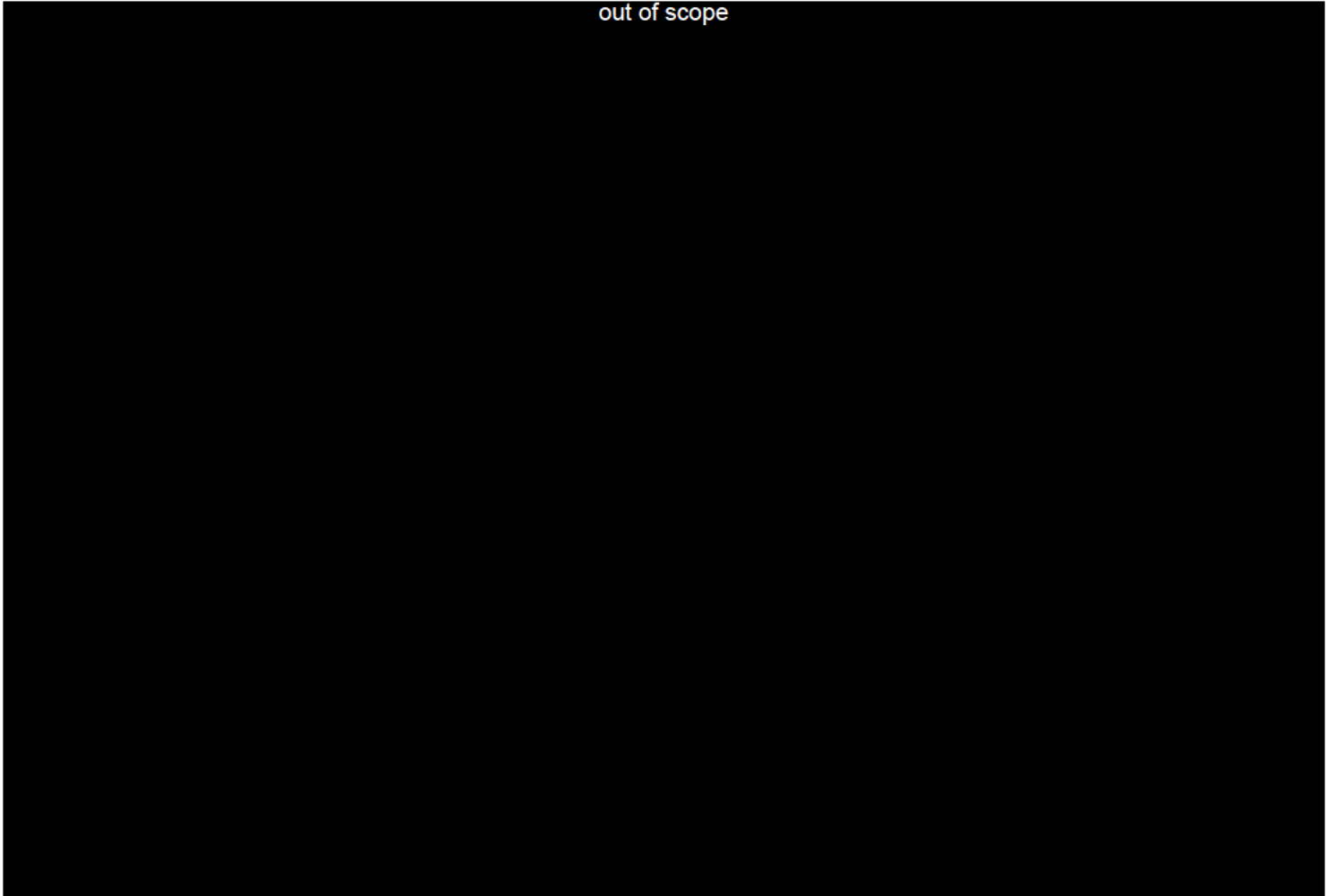


out of scope



From: Jacobi, Jason [mailto:Jason.Jacobi@parks.tas.gov.au]
Sent: Thursday, 19 March 2020 4:21 PM
To: Robinson, Kevin <Kevin.Robinson@stategrowth.tas.gov.au>
Subject: Briesis hole depot
Importance: High

Hi Kevin,
Can we please discuss the attached letter and Minute tomorrow?

Thanks,

Jason

Jason Jacobi
Deputy Secretary

Tasmania Parks and Wildlife Service
03 6165 4234 | 041 1230873
jason.jacobi@parks.tas.gov.au
Level 2, 134 Macquarie St Hobart TAS 7000
GPO Box 1751 Hobart TAS 7001





Department of Primary Industries, Parks, Water and Environment

GPO Box 1751, Hobart, TAS 7001 Australia
Ph 03) 6165 4676 Fax 03) 6173 0226
www.parks.tas.gov.au



Mr Tim Watson
General Manager
Dorset Council
3 Ellenor Street
SCOTSDALE TAS 7260

Dear Mr Watson

LODGE MENT OF PLANNING PERMIT APPLICATION - DERBY COUNCIL DEPOT

I write with regard to works that have been undertaken at Briseis Hole, Derby, and the construction of a Council depot.

On the evidence before me, I conclude that:

- On 11 April 2019, the Parks and Wildlife Service (PWS) forwarded a draft agreement for the transfer of land at Briseis Hole at nil consideration. The Agreement was signed by you on 20 May 2019. A map of the area to be transferred was included in the Agreement on page 21.
- The Council commissioned sealed its own survey plans for the site on 23 July 2019 which, by the Council's own admission, were "preliminary and conceptual", and "would be refined and properly identified once the survey had been completed." (Email from Roahan Willis dated 23/12/19)
- The Council was formally advised in August 2019 of agreement to transfer the area of Crown land (Attachment A), the boundary of the mining lease (IM/2019) having been determined by Mineral Resources Tasmania (MRT) in consultation with the mining lessee, and different to the survey prepared and sealed by the Council.
- In response to the lodgement of development application (DA), documents for landowner consent by the Council, which were received by the PWS in December (sent earlier to John Whittington by email) in December, the Council was advised by Ms Anne Maginnity on 18 December 2019 that the Council does not have any approval for doing the works on the Crown land; and further on 23 December by Ms Kathryn Clark (Manager - Crown Land Property Services) that the Council would need to confirm that the activity was within the Crown land administered by the PWS, and not in the Mining Lease site at all, as the plan provided by the Council showed the improvements as being partly in the Mining Lease (IM/2019).
- Concerns about the potential for encroachment of the mining lease were raised with Council's representative Mr Rohan Willis on 23 December 2019. Mr Willis responded that day confirming that the mining lease was inconsistent with the plan of survey undertaken by the Council, but that (in Mr Willis' view) the mining lease could be amended.

Commented [JJ1]: Has this agreement ever been returned?
Signed by tim Watson on 20 May 2019
Yes, signed and entered into. Jerome add date please

Commented [CK2]: The plans are not sealed. All the plans council provided are their 'desired' or preferred boundary lines. The plans have no legal status at all and as soon as we were provided them I told council that they would need to be amended and that they had jumped the gun by having them prepared without Crown instructions and prior to any transfer contract being drafted and agreed to. I am continuing to search my emails and the file to find record of me telling them this.

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Commented [JJ3]: Was this the case? How did MRT confirm the boundary?
You also confirmed the boundaries with Tim Watson on 18 October 2018 (jerome's comment)

MRT did it in consultation with the lessee and provided compensation land to make up for the area 'taken' for the depot. This is entirely an MRT process.

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Commented [JJ4]: Did Council lodge the DA docs on that day - the same day that we notified them of concerns re the encroachment?

... [1]

- The Council has proceeded with the construction of the depot without landowner consent to lodge a DA; without landowner consent to commence works; and without a final and proper survey having been prepared that matches the mining lease boundary as determined by MRT.
- A recent survey of the site conducted by the Department confirms that the Council has constructed buildings on the land without approval, and that both the colorbond shed and the wash-down facility encroach upon the Mining lease. A copy of the survey is enclosed for your information.

MRT has confirmed that they will not amend the mining lease to accommodate the encroachments.

Accordingly, I am writing to seek an urgent meeting between the Council's representatives, the PWS and MRT to discuss the options that are available to the Council. Until then, any further works must cease immediately. The Council is requested to provide copies of any planning, building and plumbing permits for the works that have been conducted to date, in advance of that meeting. Upon receipt of your response, I will seek to convene a meeting of all parties to resolve this matter.

Please do not hesitate to contact me at jason.jacobi@parks.tas.gov.au or on (03) 6165 4234.

Yours sincerely

Jason Jacobi
DEPUTY SECRETARY
PARKS AND WILDLIFE SERVICE

March 2020

Did Council lodge the DA docs on that day – the same day that we notified them of concerns re the encroachment?

Rohan came back with that other email. We all discussed it and I prepared a stop works notice to be sent immediately. This was then changed by you and Andrew to be softer, and largely the same as the letter sitting with you.

Anne Maginnity emailed rohan on 18 Dec stating that Council did not have any approvals to do work on the Crown land (at that point we didn't realise they had started extensive works already). No approvals have been provided subsequently, nor has consent to lodge the DA ever been provided.

From: [Siggins, Clint \(StateGrowth\)](#)
To: [Welsh, Andrew \(Parks\)](#); [Info, MRT \(StateGrowth\)](#)
Cc: [McGee, Jerome \(Parks\)](#)
Subject: RE: Crown land - southern end of the Briseis Hole - Dorset Council transfer - Mining Lease 1M/2019
Date: Friday, 23 August 2019 3:45:24 PM
Attachments: [image001.png](#)
[Attachment to Agreement for Sale \(Transfer\) - Briseis Hole map.pdf](#)
[DC plan with discrepancies highlighted.pdf](#)

Filed in Library: [Link to document M558673](#)

Hi Andrew,

Please find attached advice from MRT with regards to the alteration of the Crown land area proposed for transfer to the Dorset Council (DC) at the southern end of the Briseis Hole. The advice provided below is based on the attached the map included with the Agreement for Transfer of the Crown land and the DC plan of the area it proposes for transfer – noting the discrepancies highlighted:

- MRT would strongly object to any change of the area agreed for transfer, as shown on the Agreement plan, as this would hinder the mining activities and restrict access to the regionally important sand and gravel resource. MRT and the mining lease holder worked closely with Crown Land Services and the DC to ensure the Agreement plan provided a suitable location for the proposed Depot Site and one that did not adversely affect the mining lease operations. The changes identified in the DC plan would impede access to the southernmost resource within the mining lease – as it appears to cover a portion of this resource. This is contrary to the Agreement plan which was agreed to for the purposes of ensuring access to the resource whilst facilitating a suitable area for the proposed Depot Site as requested and agreed to by DC.
- The Crown land is in the North East Strategic Prospectivity Zone and any change of status requires the ratification of the Director of Mines, in accordance with the Mining (Strategic Prospectivity Zones) Act 1993. In this case the land parcel is less than 500 hectares and the Director of Mines can object to the transfer *if of opinion that effective and efficient mining operations may be carried out on the land*. It is likely that a recommendation would be made to the Director of Mines to object to the land transfer in this instance.
- If Crown land held under a mining lease was transferred to the DC, any use of the land by the DC could obstruct mining operations and limit access to the resource. Under s84 (2) of the Mineral Resource Development Act 1995, *a person must not hinder, or obstruct from carrying out any mining operations under the lease*. The offence has a maximum penalty off 100 penalty units (\$16,800).
- Any change of ownership of the land under the mining lease would require the new owners to enter into a compensation agreement with the lessee. This would need to be a condition precedent to the transfer of land and may be difficult to achieve. If DC and the mining lease holder could not agree on terms for a compensation agreement then the matter would be referred to the Director of Mines for mediation. If mediation failed to provide a resolution the matter would

be referred to the Mining Tribunal, which is likely to result in lengthy delays to any resolution.

Regards, Clint

Clint Siggins | Manager Scientific Services
Mineral Resources Tasmania | Department of State Growth
30 Gordons Hill Road Rosny Park Tasmania | PO Box 56, Rosny Park, Tasmania, 7018
Phone: (03) 6165 4739 | Mobile: 0417 017 426 | (03) 6173 0222
clint.siggins@stategrowth.tas.gov.au | www.mrt.tas.gov.au |
www.stategrowth.tas.gov.au

DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:



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	CW-CROWN LAND MANAGEMENT		
Folder ID	LM-LM-CW-255334	Document ID	H983711
Folder Name	Briseis Mine Hole Derby - DORSET COUNCIL CLAIMS 11217		
Title	RE: Breisis Hole mining lease amendments / excisions		
Type	E-Mail	Registered By	Kathryn Clark
Medium	Electronic	Date Registered	19/10/2018
Publication State	Received	Date Created	18/10/2018
Version	1	Date Completed	19/10/2018
Document Source	External	Job Title	
Author	Jacobi, Jason	Unit / Organisation	Parks
Editors	Kathryn Clark -PWS_CLS		
Security Category	Unclassified		
Document Summary			

Custom Metadata

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Address Fields

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Address 2	
Address 3	
Address 4	
Address 5	
Address 6	

History

Edit

Latest Edits by User	Last 20 Edits by Date/Time
Kathryn Clark 19/10/2018 09:53 AM	19/10/2018 09:53 AM Kathryn Clark
	19/10/2018 09:53 AM Kathryn Clark

Status




Status History	Status Changed by Date/Time
Completed	19/10/2018 09:53 AM Kathryn Clark

Movements

Date	Library	Folder	User
			CN=Kathryn

Managed Attachments

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Filename	Date Last Modified	File Size
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image002 (0).gif	18/10/2018 5:51:16 PM	1.1 KB
image003 (0).png	18/10/2018 5:51:16 PM	1.2 KB
image004 (0).jpg	18/10/2018 5:51:16 PM	5.6 KB
image005 (0).png	18/10/2018 5:51:16 PM	5.2 KB
image006 (0).jpg	18/10/2018 5:51:16 PM	4.2 KB

Rich Text Content

From : Jacobi, Jason (Parks)
To : Siggins, Clint (StateGrowth); Clark, Kathryn (Parks)
Cc : Jenifer Parnell International (StateGrowth)
Bcc :
Date/time Received : 18/10/2018 5:51:18 PM
Subject : RE: Breisis Hole mining lease amendments / excisions

Great.
Thanks Clint.
J

Jason Jacobi

Deputy Secretary

Tasmania Parks and Wildlife Service
Department of Primary Industries, Parks, Water and Environment
Level 2, Lands Building, 134 Macquarie Street, Hobart
GPO Box 1751 Hobart TAS 7001
General Enquiries: 1300 TASPARKS (1300 827 727)
Direct Ph: (03) 6165 4234 | Mobile: 0411 230 873
Fax: (03) 6173 0226
Email: jason.jacobi@parks.tas.gov.au
Web: www.parks.tas.gov.au

From: Siggins, Clint (StateGrowth)
Sent: Thursday, 18 October 2018 3:25 PM
To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>; Clark, Kathryn (Parks) <Kathryn.Clark@parks.tas.gov.au>
Cc: Jenifer Parnell International (StateGrowth) <jparnell.c@stategrowth.tas.gov.au>

Subject: RE: Breisis Hole mining lease amendments / excisions

Hi Jason/Kat,

I've organised for Andrew Wakefield to meet with the lessee Derek Hayes next Wednesday to sign-off on the paperwork. Once this is done I will organise for invoices to be forwarded to Dorset Council for the payment of the items listed below.

Clint

Clint Siggins | A/Manager Scientific Services

Mineral Resources Tasmania | Department of State Growth

30 Gordons Hill Road Rosny Park Tasmania | PO Box 56, Rosny Park, Tasmania, 7018

Phone: (03) 6165 4739 | Mobile: 0417 017 426 | (03) 6173 0222

clint.siggins@stategrowth.tas.gov.au | www.mrt.tas.gov.au | www.stategrowth.tas.gov.au

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From: Tim Watson [<mailto:Tim.Watson@dorset.tas.gov.au>]

Sent: Thursday, 18 October 2018 12:30 PM

To: Jacobi, Jason (Parks) <Jason.Jacobi@parks.tas.gov.au>

Cc: Siggins, Clint (StateGrowth) <Clint.Siggins@stategrowth.tas.gov.au>; Clark, Kathryn (Parks) <Kathryn.Clark@parks.tas.gov.au>

Subject: RE: Breisis Hole mining lease amendments / excisions

Jason,

Confirmed.

regards

Tim Watson | General Manager

Dorset Council | 3 Ellenor Street, Scottsdale TAS 7260

Phone: 6352 6543 | Mobile: 0438 507 168

Email: Tim.Watson@dorset.tas.gov.au

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From: Jacobi, Jason (Parks) [<mailto:Jason.Jacobi@parks.tas.gov.au>]

Sent: Wednesday, 17 October 2018 4:13 PM

To: Tim Watson <Tim.Watson@dorset.tas.gov.au>

Cc: Siggins, Clint (StateGrowth) <Clint.Siggins@stategrowth.tas.gov.au>; Clark, Kathryn (Parks) <Kathryn.Clark@parks.tas.gov.au>

Subject: Breisis Hole mining lease amendments / excisions

Hi Tim,

Please find attached a draft plan of the proposal to amend the current mining lease ML 16M/1995

in order to facilitate the transfer of the Council depot site.

MRT have spoken with the lessee and I am advised that he is amenable to the proposed changes. For Mr Hayes to proceed with these changes, Dorset Council will be required to pay the associated fees outlined below.

- Partial Surrender fee: \$165.90
- Mining Lease Application: \$1,358.80
- Mining Lease Application - Security Deposit (bond): \$2,000.00
- Mining Lease Application - rent in advance (Crown Land): \$478.11

In the first instance, can you please confirm that you are:

- 1) Satisfied with the proposed plan (Refer attached);
- 2) That Dorset Council are prepared to pay the fees listed above in order to facilitate the amendments.

Once I receive your response, State Growth will proceed with negotiations.

Regards,

Jason

Jason Jacobi

Deputy Secretary

Tasmania Parks and Wildlife Service

Department of Primary Industries, Parks, Water and Environment

Level 2, Lands Building, 134 Macquarie Street, Hobart

GPO Box 1751 Hobart TAS 7001

General Enquiries: 1300 TASPARKS (1300 827 727)

Direct Ph: (03) 6165 4234 | Mobile: 0411 230 873

Fax: (03) 6173 0226

Email: jason.jacobi@parks.tas.gov.au

Web: www.parks.tas.gov.au

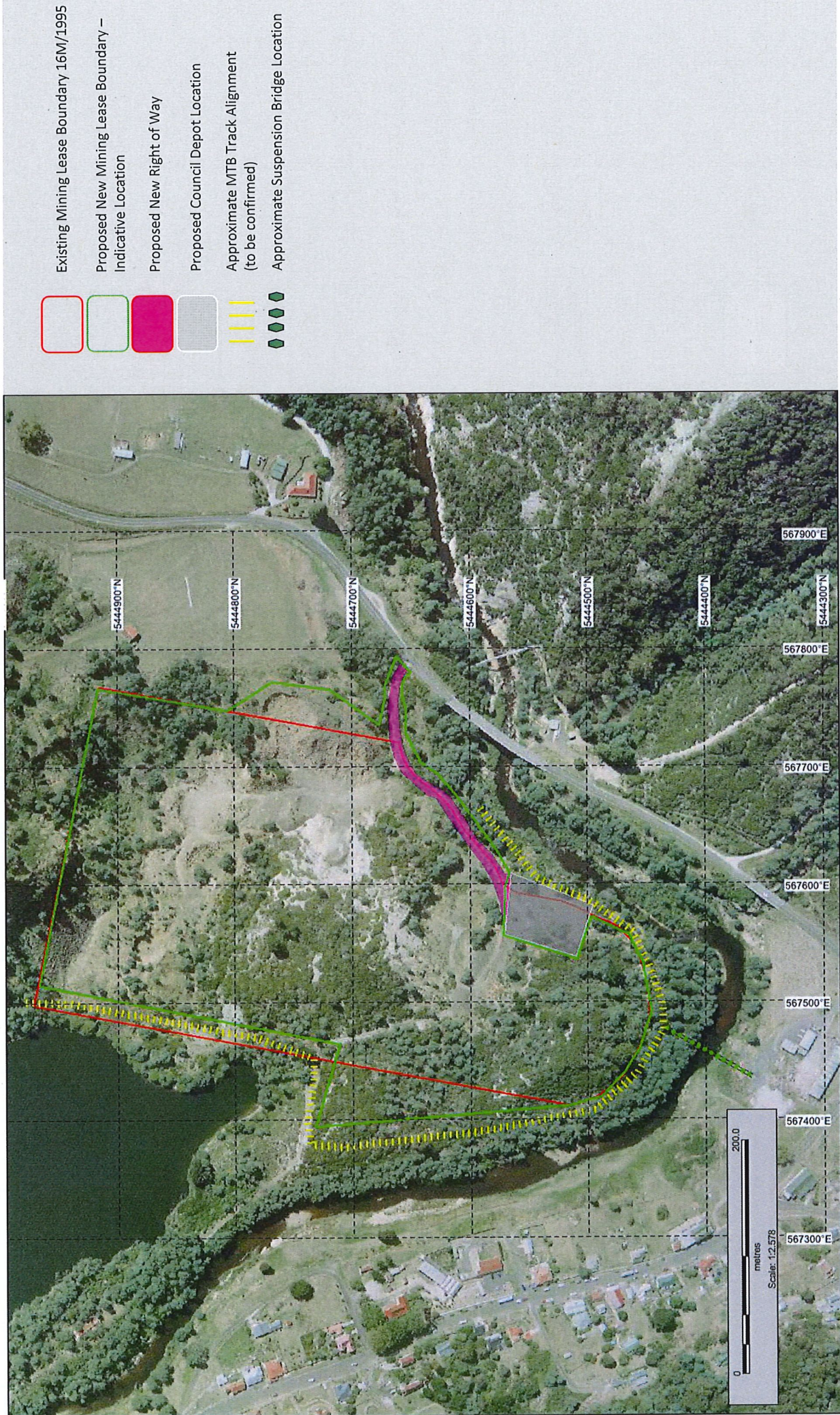
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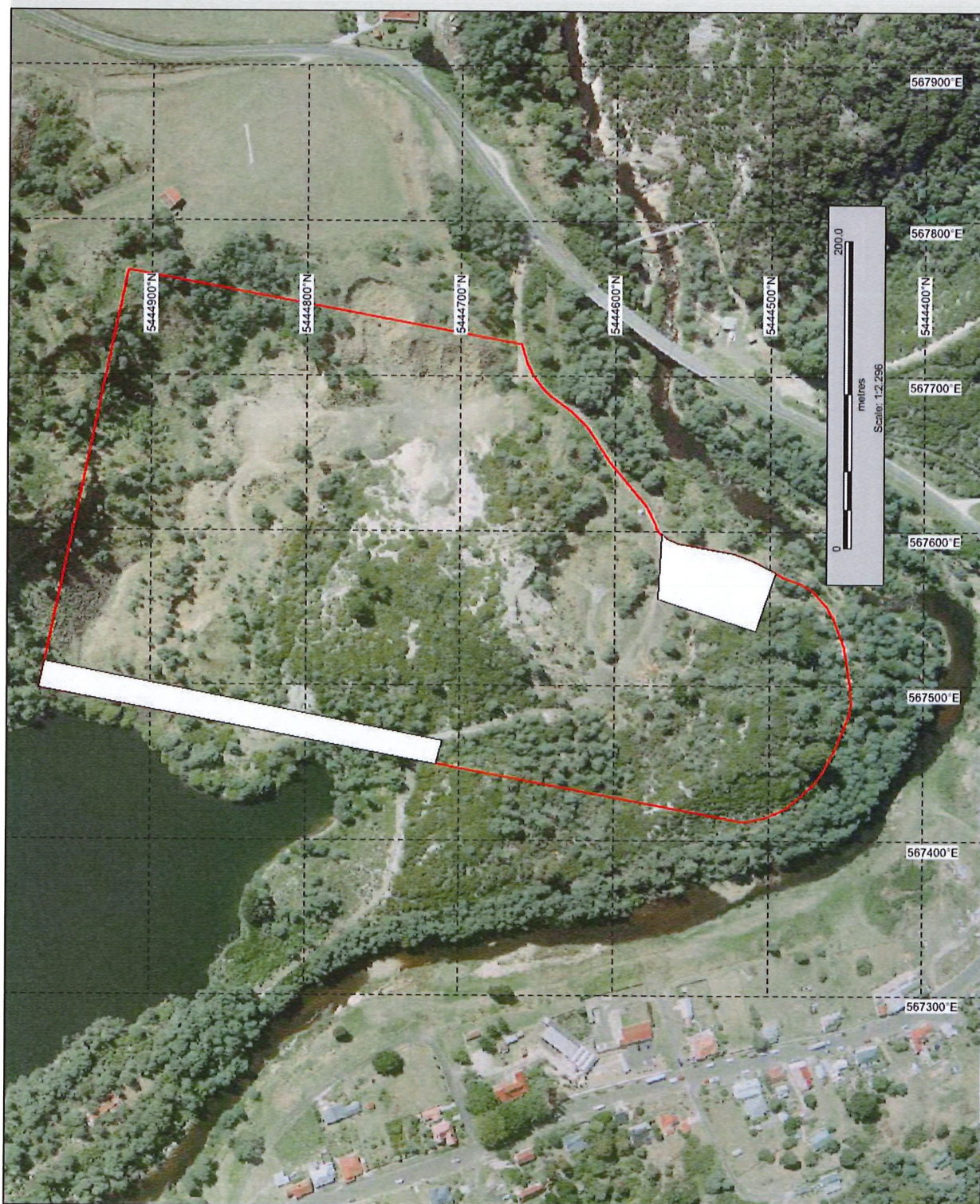
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Converted Attachments Attachment image001.png converted to managed file image001 (0).png) Attachment image002.gif converted to managed file image002 (0).gif) Attachment image003.png converted to managed file image003 (0).png) Attachment image004.jpg converted to managed file image004 (0).jpg) Attachment image005.png converted to managed file image005 (0).png) Attachment image006.jpg converted to managed file image006 (0).jpg)>



Surrender Areas





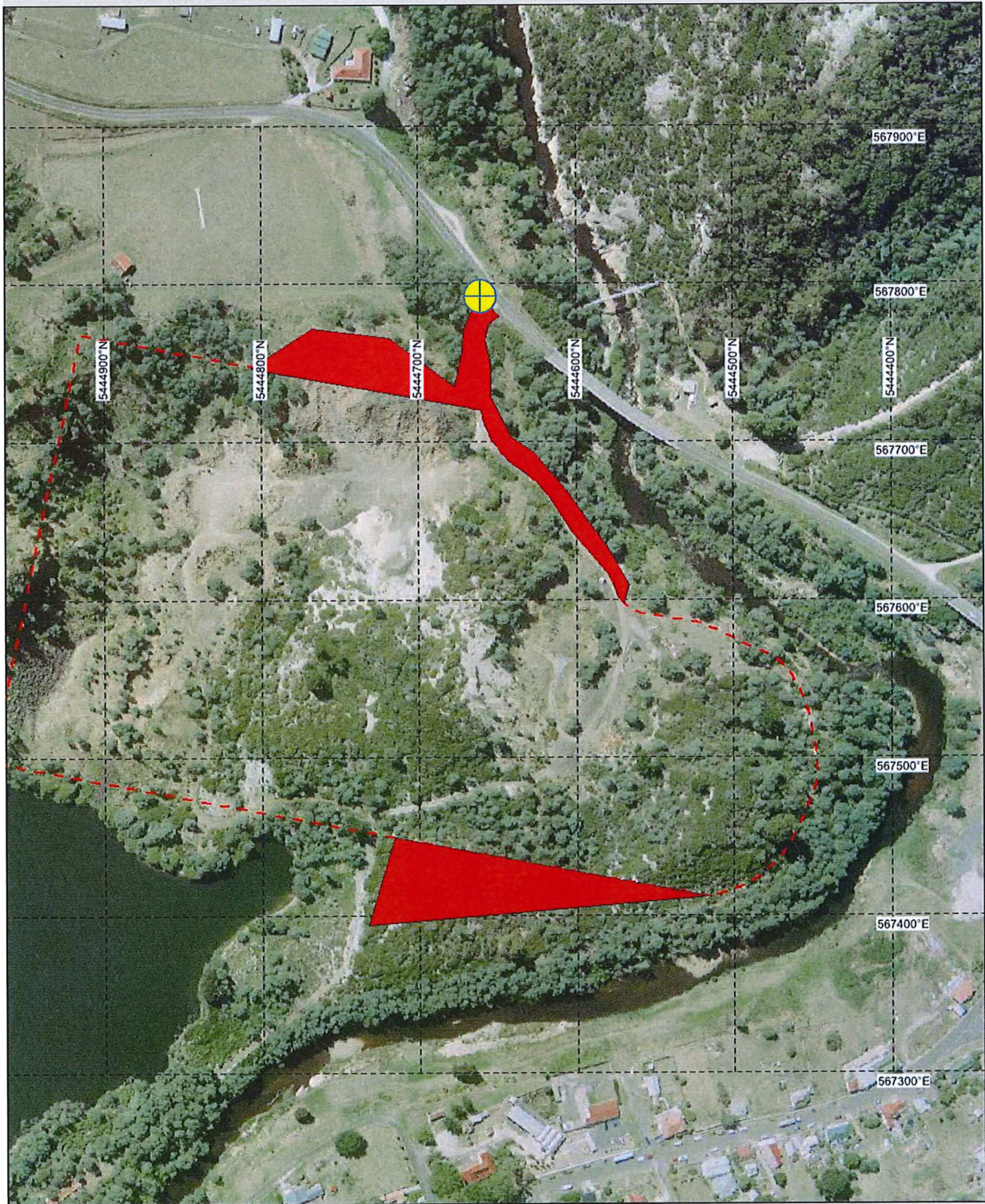
Mining Lease Application Areas - To Be Confirmed



Existing Mining Lease Boundary 16M/1995



Marking Out Notice Location (Proposed)
567793E/5444661N (MGA Zone 55S GDA94)



Critical Date:

DOC No: M623804
FILE No: 255334

APPROVED / NOT APPROVED / NOTED

DEPUTY SECRETARY:

DATE:

MINUTE TO DEPUTY SECRETARY

**SUBJECT: BRISEIS HOLE, DERBY – CROWN LAND – PROPOSED DORSET COUNCIL
DEPOT SITE**

DEPUTY SECRETARY'S NOTATION:

RECOMMENDATION:

That you:

- 1) note the contents of this Minute; and**
- 2) sign the attached letter to the Dorset Council.**

BACKGROUND:

Below is a summary of contact by the Parks and Wildlife Service (PWS) with the Dorset Council (DC) regarding the area of Crown land to be transferred to DC, with the contact in late 2019 specified in more detail:

- On 23 March 2018, the DC provided a copy of a survey plan that they had commissioned which showed the area of Crown land they would like transferred to them. The DC was informed that a survey to the satisfaction of the Surveyor General and the PWS would need to be prepared and that it was too early in the process to be surveying boundaries, given that the Mining Lease had not yet been approved to be varied.
- On 20 May 2019, Mineral Resources Tasmania (MRT) concluded the required process in accordance with the *Mineral Resource Development Act* was to vary the Mining Lease; the process to amend the Mining Lease having been commenced many months prior. Attachment A shows the area excised for the new depot site, and the areas added to the Mining Lease by way of 'compensation'. The purpose of the amendment to the Mining Lease was to enable the DC to relocate its depot and to take, through a s.12 transfer, the Crown land at the southern end of Briseis Hole.
- Attachment B contains emails dated 17-18 October 2018 from the Deputy Secretary PWS to Tim Watson, with a cc to MRT, regarding the changes to the Mining Lease area and seeking affirmation of the area. On 18 October 2018, Tim Watson, General Manager of the DC, confirmed that he was agreeable to the proposed change of the Mining Lease boundaries to conform to the Crown land parcel to be transferred. From this it is clear that all parties involved did understand where the boundaries of the Mining Lease were to be, and what land was proposed to be transferred to the DC.

- On 1 November 2018, following the DC's affirmation of the changes to the Mining Lease area, the Mining Lessee notified the public of their application to an amendment to the Mining Lease by placing a notice within the Mining Lease area. This gives the public the opportunity to comment on the proposed Mining Lease area change.
- On 20 May 2019, an Agreement for the transfer of Crown land at the southern end of Briseis Hole was signed by the representatives of the DC. The parcel of Crown land for transfer is shown on Attachment C. On 6 August 2019, and prior to the Agreement being executed by Minister Gutwein on 9 August 2019, Tim Watson and Andrew Welsh, PWS Manager – Sales, discussed the discrepancies between the plan included with the Agreement (Attachment C), and a recently provided survey plan from the DC (that plan having been provided to the PWS by the DC around 2 August 2019). Mr Watson refused to accept the Agreement plan, although he had signed the transfer agreement contract that included that same plan which displayed the area to be transferred, and stated that he had no intention of resurveying the boundaries, and indicated that he may take the matter up with Minister Gutwein. A plan showing the discrepancies around the current Mining Lease is on page 1 of Attachment D. Please note that the eastern boundary of the land to be transferred is determined by the boundary of the MRT issued Mining Lease.
- Also on 20 May 2019, the varied Mining Lease was granted by MRT to Derek Hayes, meaning the newly varied Mining Lease commenced on the date which the DC signed the Agreement for Sale with the Crown.
- On 9 August 2019, an Agreement for the transfer of the area of Crown land shown on Attachment C was established, after signature by Minister Gutwein on 9 August 2019. The Mining Lease was adjusted to accommodate the proposed DC depot site prior to the Agreement taking effect on 9 August.
- On 18 December 2019, after the DC contacted John Whittington seeking Crown consent to lodge a development application (DA) for the new depot building, Anne Maginnity, Crown Lands Officer, advised Rohan Willis, Director – Community and Development, DC, that the DC did not have approval to carry out works on the Crown land (see Attachment F).
- On 23 December 2019, Kathryn Clark (KC), Manager Property Services, sought confirmation from Rohan Willis that the location of the proposed DC depot site was within the Crown land to be transferred to the DC. Mr Willis then claimed that Crown land identified for transfer was 'preliminarily conceptual', and would be refined once survey had been completed. This view is contra to the correspondence between the DC and the Property Services Sales Team relating to exactly what land was to be transferred. KC discussed Rohan's email with Andrew Roberts (AR) and Jason Jacobi (JJ), as well as forwarding the email to MRT for their information. It was determined to wait until the Identification Survey was completed so as to confirm the boundary of the Mining Lease. That survey was due to be completed in early January 2020, and was to provide accurate details as to the location of the unauthorised improvements which the PWS had recently been made aware of. AR met with MRT (Director of Mines) on 6 January 2020 and 25 February 2020. MRT has confirmed that the Mining Lessee has written to them stating he is not responsible for the building works within the Mining Lease. MRT has been expecting that the PWS writes to the DC regarding this matter. Referring the alleged breaches of the *Land Use Planning and Approvals Act 1993* to the relevant agency has been discussed with MRT.

As per standard process, and in line with an Agreement for the transfer established through Minister Gutwein's execution on 9 August 2019, the PWS requested the Office of the Surveyor General (OSG) send a formal survey instruction to East Coast Surveying (the survey firm used by the DC), to survey the boundaries of the area for transfer. It was requested, in the OSG's instruction, that, prior to a final plan of survey being submitted, an identification survey be undertaken in the vicinity of the DC depot site locating the building, and the earthworks that encroach into, or are in close proximity to, the Mining Lease. East Coast Surveying provided the identification survey to the OSG on 24 January 2020. An identification survey (Attachment E) of the depot site shows a number of developments that have encroached into the Mining Lease, along with a wash-bay that was under construction at the time the identification survey occurred.

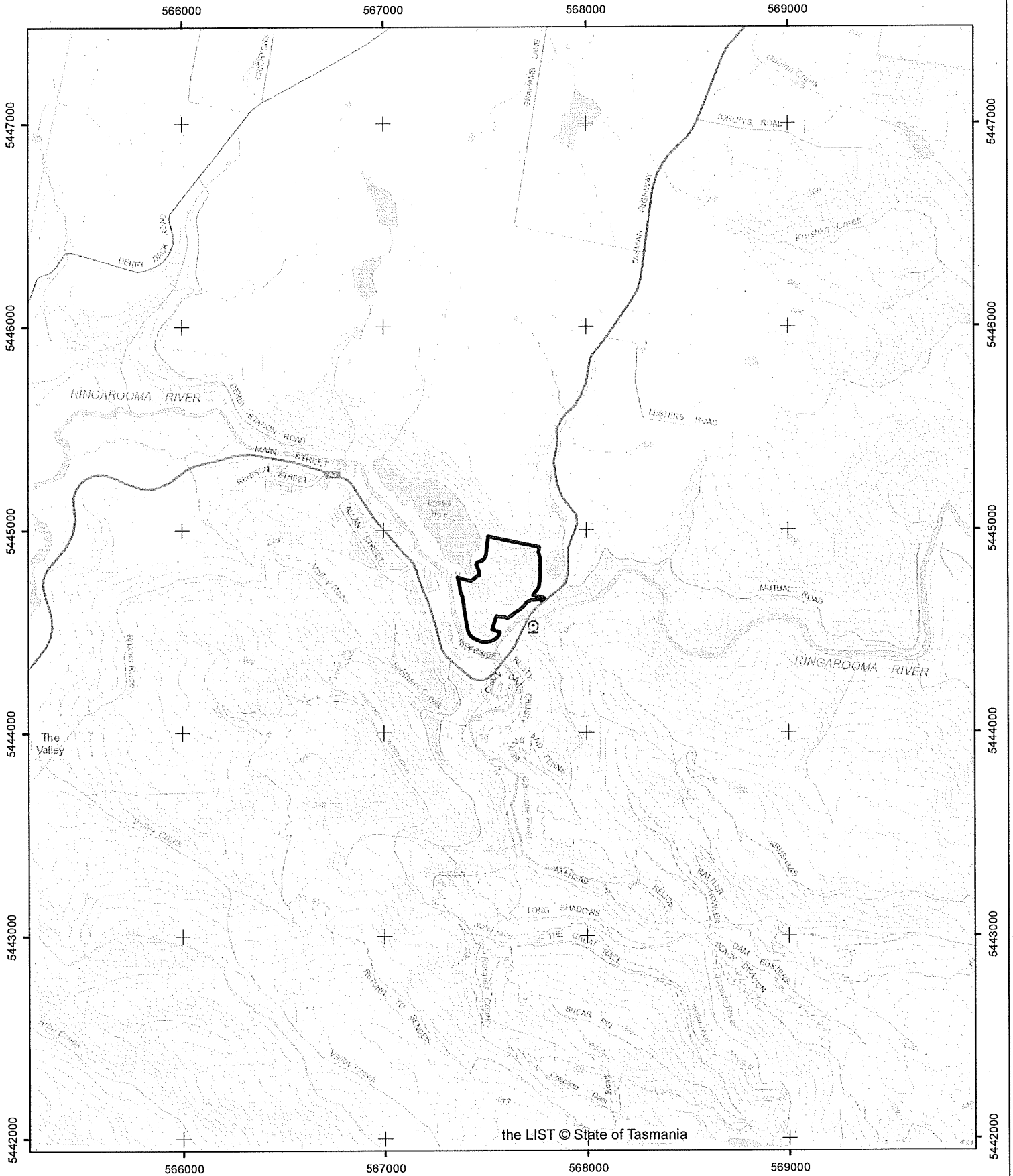
The identification survey was funded by DPIPWE, as agreed by John Whittington, former Secretary; however, finalisation of the survey work has been suspended pending resolution of the encroachments into the Mining Lease.

Aside from the buildings being built partly within the Mining Lease, the issue that could be considered more significant and serious is the fact that no authorisations for building, works, DA or other planning approvals have been provided through the PWS. As the PWS has not provided consent to lodge the DA, it would not be possible for the DC to have a valid planning permit for the now constructed depot buildings and associated infrastructure.

AR has met twice with the Director of Mines and discussed this matter at length. MRT currently does not agree to make any further amendment to the Mining Lease area so as to accommodate the depot buildings. This is a matter for MRT and the DC to resolve, with assistance being provided to MRT by the PWS.

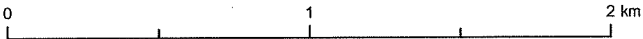
It is clear that the DC was aware they were building within the Mining Lease area, and has chosen to do so without having the permission of the Mining Lease holder, MRT or the PWS. The PWS does not have authority to permit the building within the Mining Lease area, despite it being Crown land. It is also clear that the PWS has not provided consent for the depot building to be constructed.

Prepared by:	Andrew Welsh	Cleared by:	Kathryn Clark
Position:	Manager – Sales, PWS	Position:	Manager Property Services
Email:	andrew.welsh@parks.tas.gov.au	Email:	kathryn.clark@parks.tas.gov.au
Phone:	6165 4670	Phone:	6165 4676
Date:	11 March 2020	Date:	16 March 2020



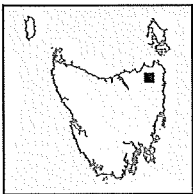
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**MINING LEASE 1M/2019 - 14ha
Vicinity of Derby**



1:25,000

Coordinate Datum - GDA94 MGA Zone 55



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IDENTIFICATION SURVEY



Avery House, Level 1, 48 Cecilia Street
PO Box 430, St Helens TAS 7216
Ph (03) 6376 1972 Fax (03) 6376 1262
Email: admin@ecosurv.com.au

LOCATION: BRISEIS HOLE DERBY

OWNER: THE CROWN

SCALE 1 : 1000@A3

LENGTHS IN METRES

SHEET 2 OF 2

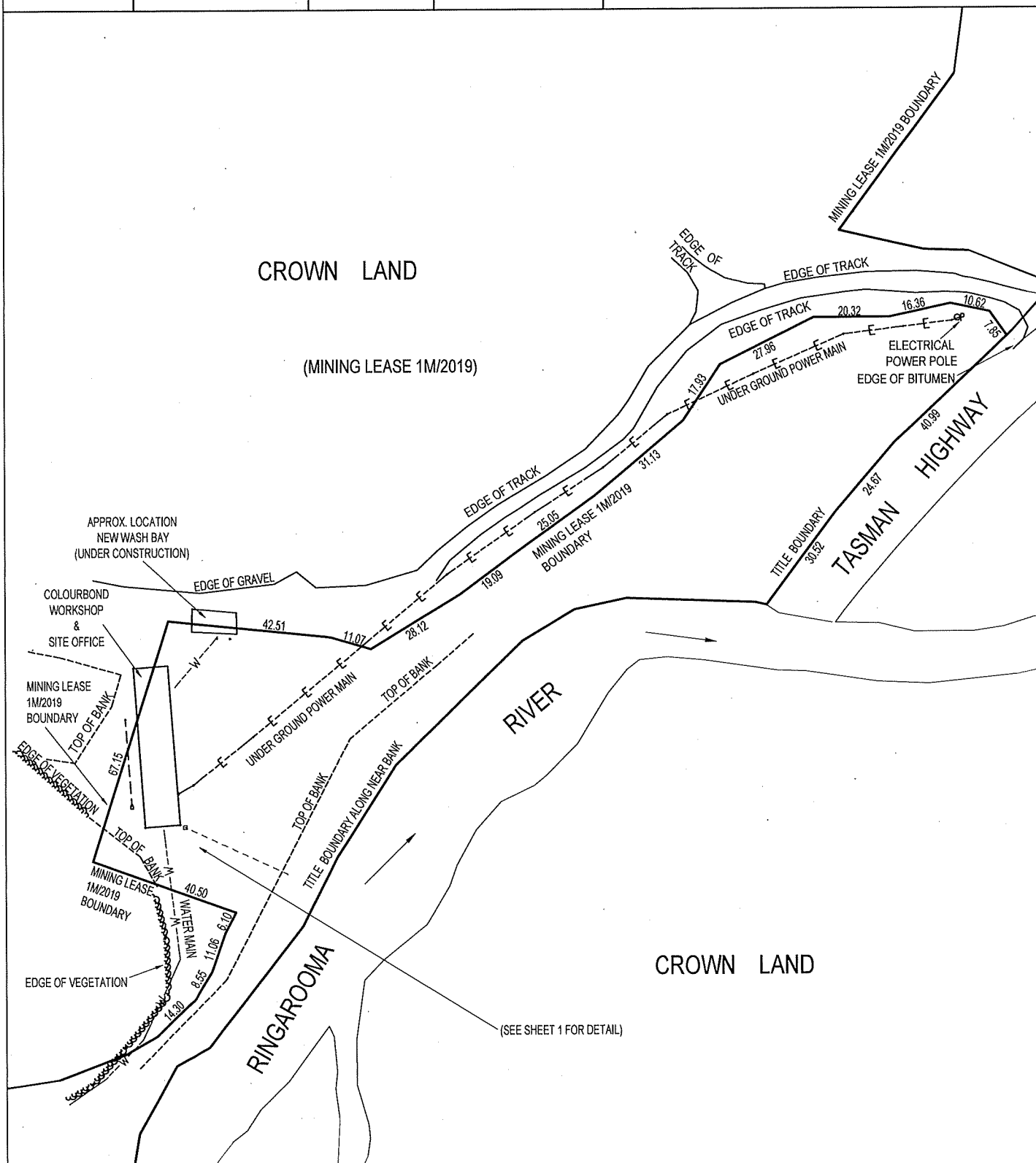
DATE: 24/01/2020

SURVEYOR: A. BUTLER

DRAWN: YJ

JOB NUMBER: 191208

FILE NAME: 191208 Ident 230120 PAGE2



NOTES:

MINING LEASE 1M/2019 BOUNDARY IS OBTAINED FROM LISTMAP(MINING LEASE LAYER).

ALL OFFSETS SHOWN ARE FROM THE MINING LEASE 1M/2019 BOUNDARY TO SITE INFRASTRUCTURE. MEASUREMENTS AND COMPARISONS SHOWN ARE FOR IDENTIFICATION SURVEY PURPOSES ONLY. FOR FULL BOUNDARY RE-ESTABLISHMENT A REMARK SURVEY WOULD BE REQUIRED.

IDENTIFICATION SURVEY



Avery House, Level 1, 48 Cecilia Street
PO Box 430, St Helens TAS 7216
Ph (03) 6376 1972 Fax (03) 6376 1262
Email: admin@ecosurv.com.au

LOCATION: BRISEIS HOLE DERBY

OWNER: THE CROWN

SCALE 1 : 500@A3

LENGTHS IN METRES

SHEET 1 OF 2

DATE: 24/01/2020

SURVEYOR: A. BUTLER

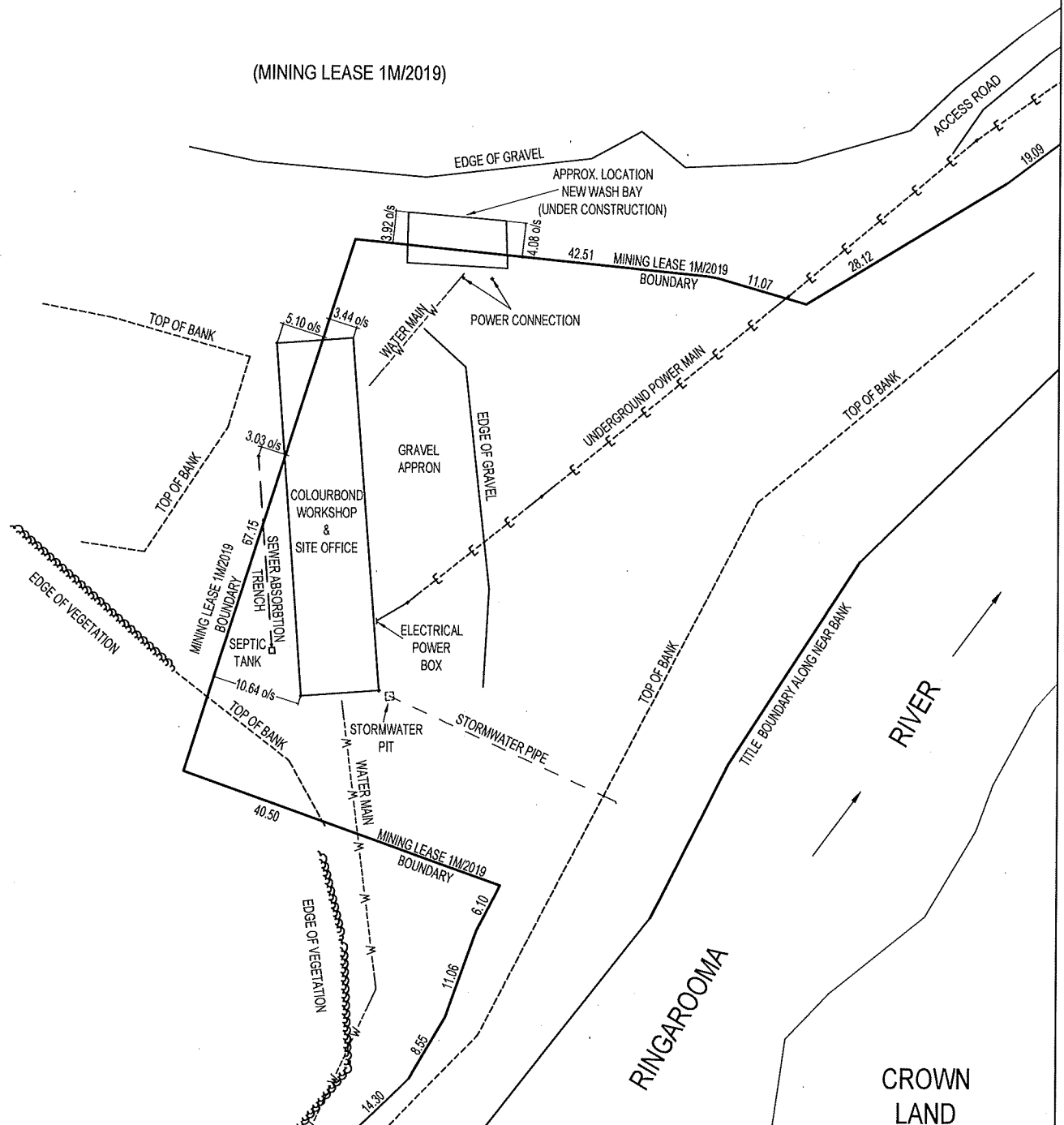
DRAWN: YJ

JOB NUMBER: 191208

FILE NAME: 191208 Ident 230120 PAGE1

CROWN LAND

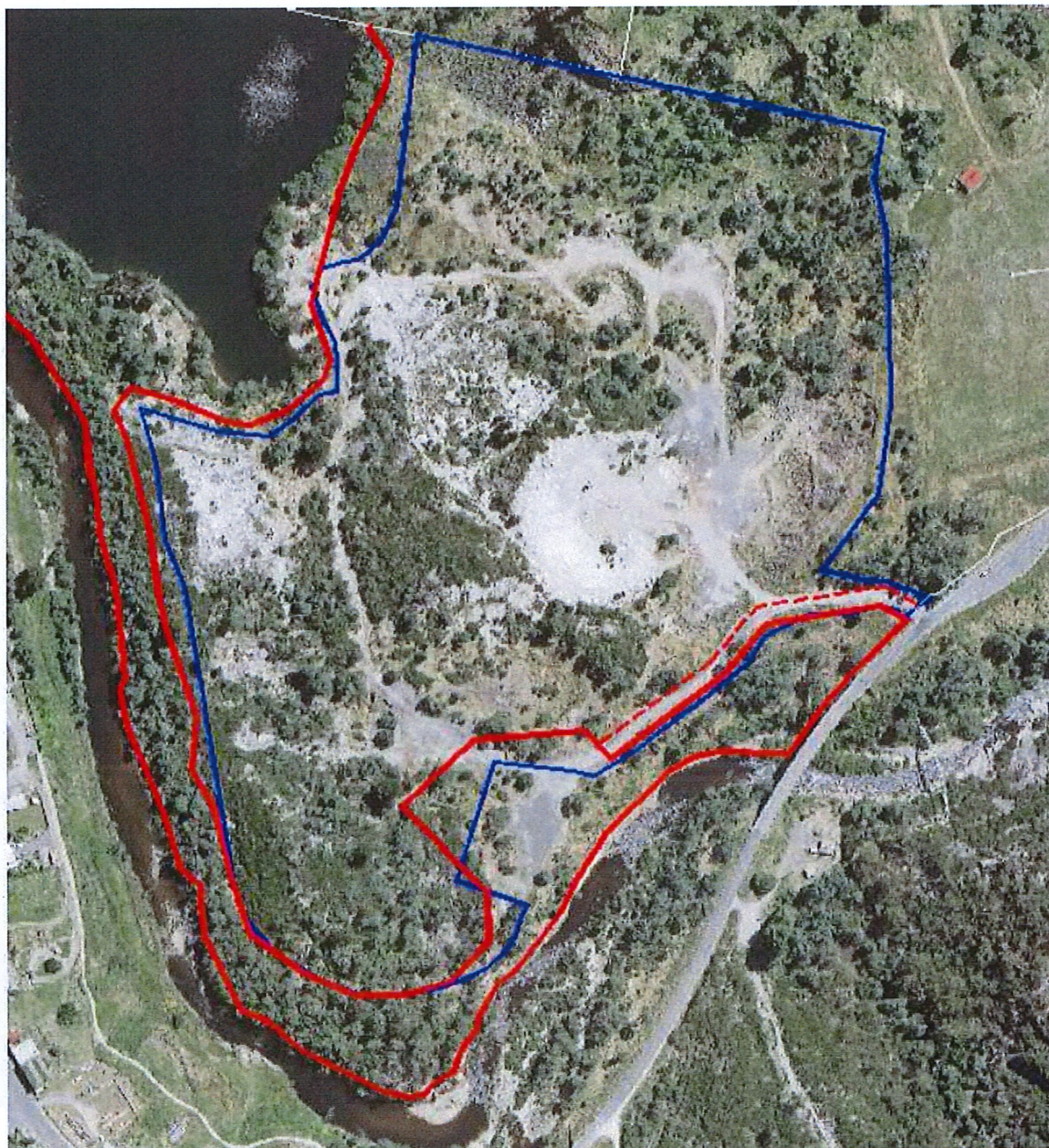
(MINING LEASE 1M/2019)



NOTES:

MINING LEASE 1M/2019 BOUNDARY IS OBTAINED FROM LISTMAP(MINING LEASE LAYER).
ALL OFFSETS SHOWN ARE FROM THE MINING LEASE 1M/2019 BOUNDARY TO SITE INFRASTRUCTURE. MEASUREMENTS AND COMPARISONS SHOWN ARE FOR IDENTIFICATION SURVEY PURPOSES ONLY. FOR FULL BOUNDARY RE-ESTABLISHMENT A REMARK SURVEY WOULD BE REQUIRED.

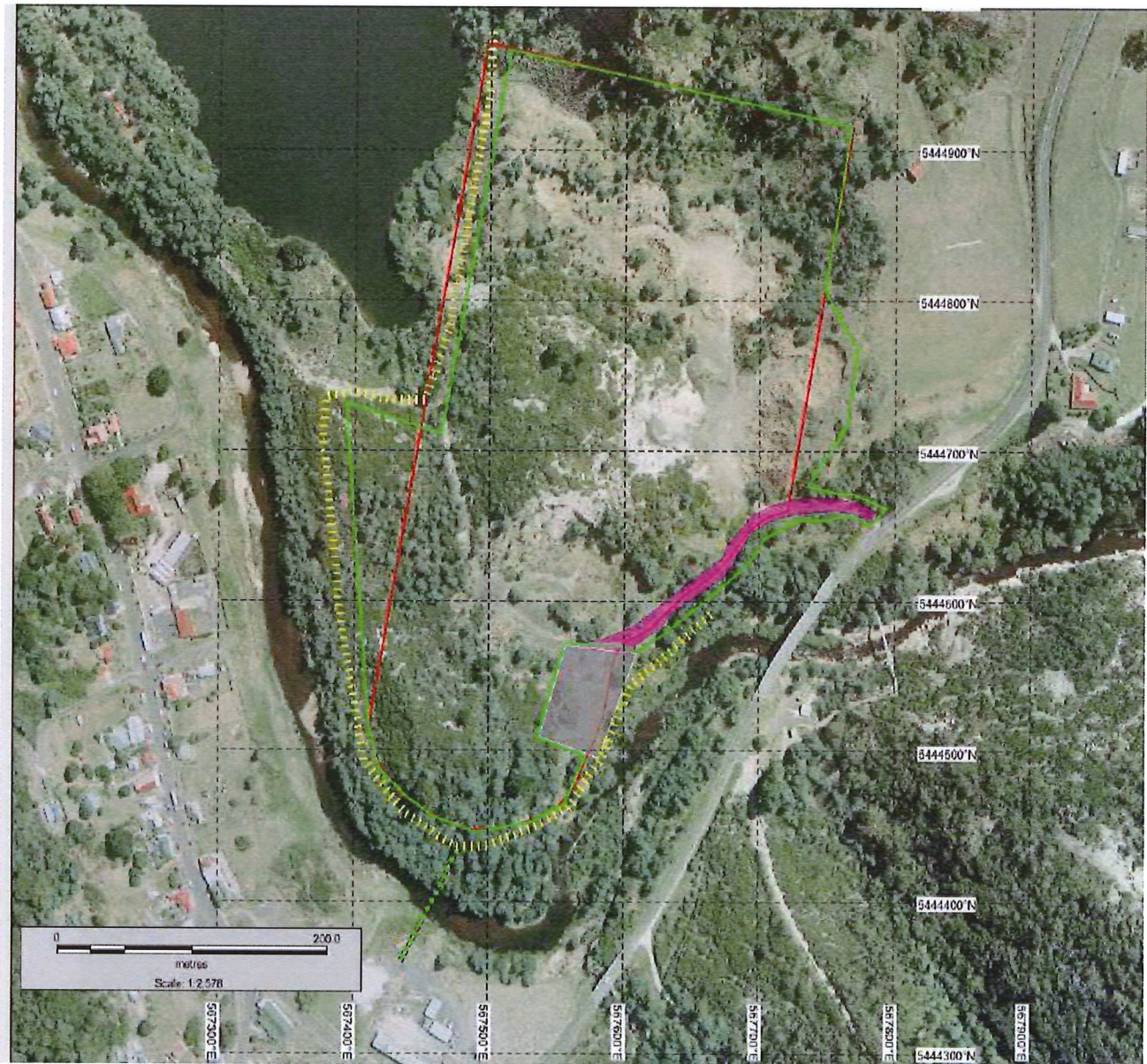
DISCREPANCIES BETWEEN MINING LEASE AND DORSET COUNCIL PLAN



Blue – Mining lease area after mining lease variations as granted by MRT on 20 May 2019- - Derek Hayes

Red – area the Dorset Council surveyor surveyed and presented to the Crown in June 2019 to form the survey plan for title application to effect the Crown land transfer. The survey was presented to the Crown before the Transfer Agreement was entered into with the Crown executing the Agreement on 9 August 2019.

ORIGINAL MINING LEASE AGAINST INTENDED MINING LEASE VARIATION AREAS



Red – Original mining lease areas held by Derek Hayes before the mining lease was amended for the council depot

Green – areas of proposed new mining lease area (as approved by Tim Watson on 18 October 2018)

Yellow dashed lines – approximate mountain bike trail alignment

Purple shaded area – location of proposed right of way to council depot site

MINING LEASE 1M/2019 – DEREK HAYES AS AT 11 MARCH 2020 AND AS SHOWN ON LIST MAP






Briseis Hole, Derby

PLAN WHICH WAS INCLUDED IN
THE SALE AGREEMENT TO
ILLUSTRATE THE TRANSFER AREA

Attachment C

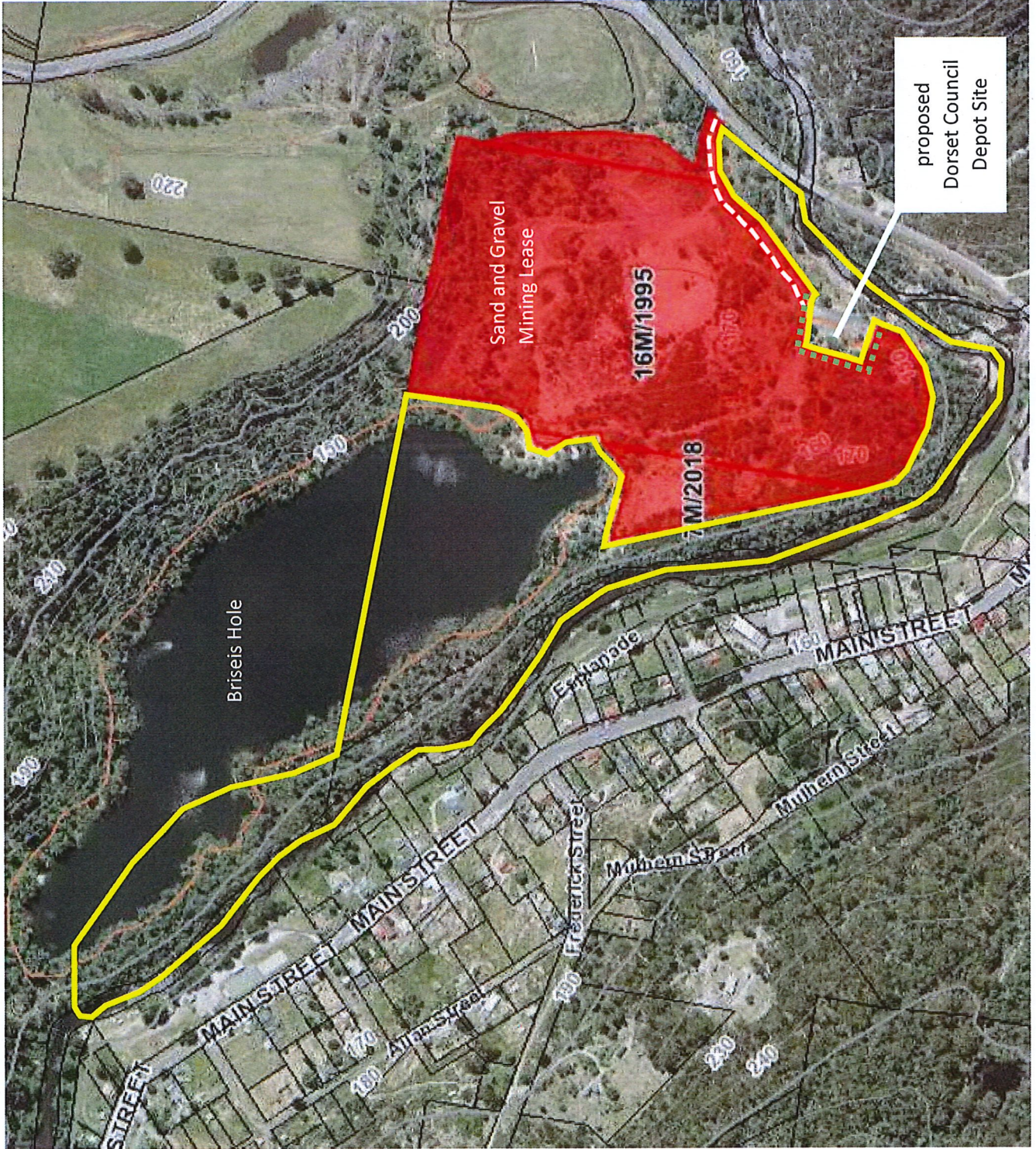
PLAN IS FOR
ILLUSTRATION
PURPOSES ONLY

-  Crown land for transfer to Dorset Council
-  Right of Way to benefit the Dorset Council
-  Boundary fence to be constructed

Area: TBA

File: 219581

Crown land is untitled



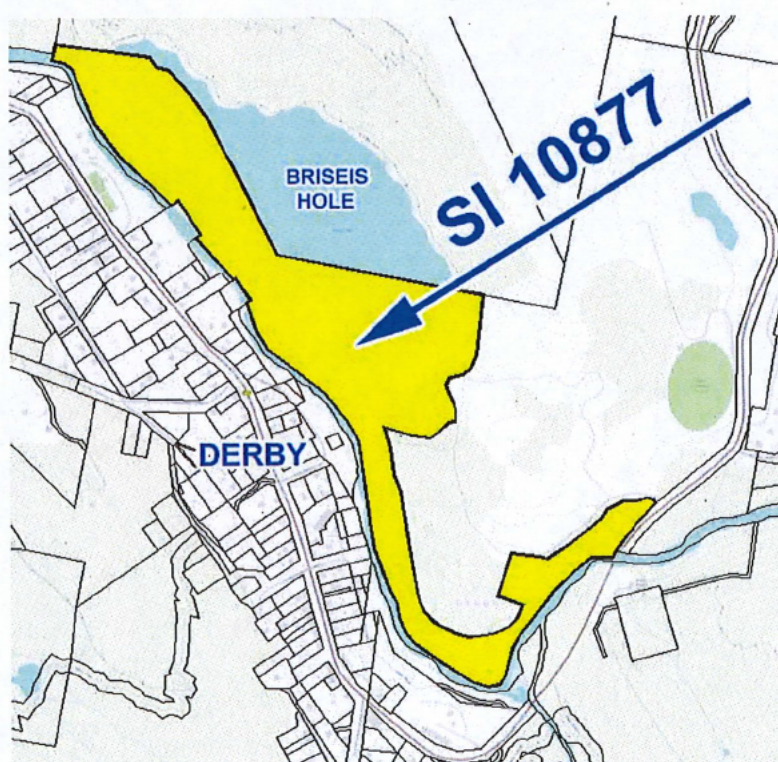
Department of Primary Industries, Parks, Water and Environment
OFFICE OF THE SURVEYOR GENERAL - LAND TASMANIA



SI 10877	SURVEY INSTRUCTION		
ADDRESS	Briseis Hole	DATE ISSUED	16/12/2019
LOCALITY	Derby	DATE REQUIRED	TBA
LAND IDENTIFIER	South of F/R 109622/1		
APPLICANT / CLIENT	Dorset Council		
SURVEYOR	s36 (East Coast Surveying)		
JOB TYPE	S27A Crown land transfer Survey		

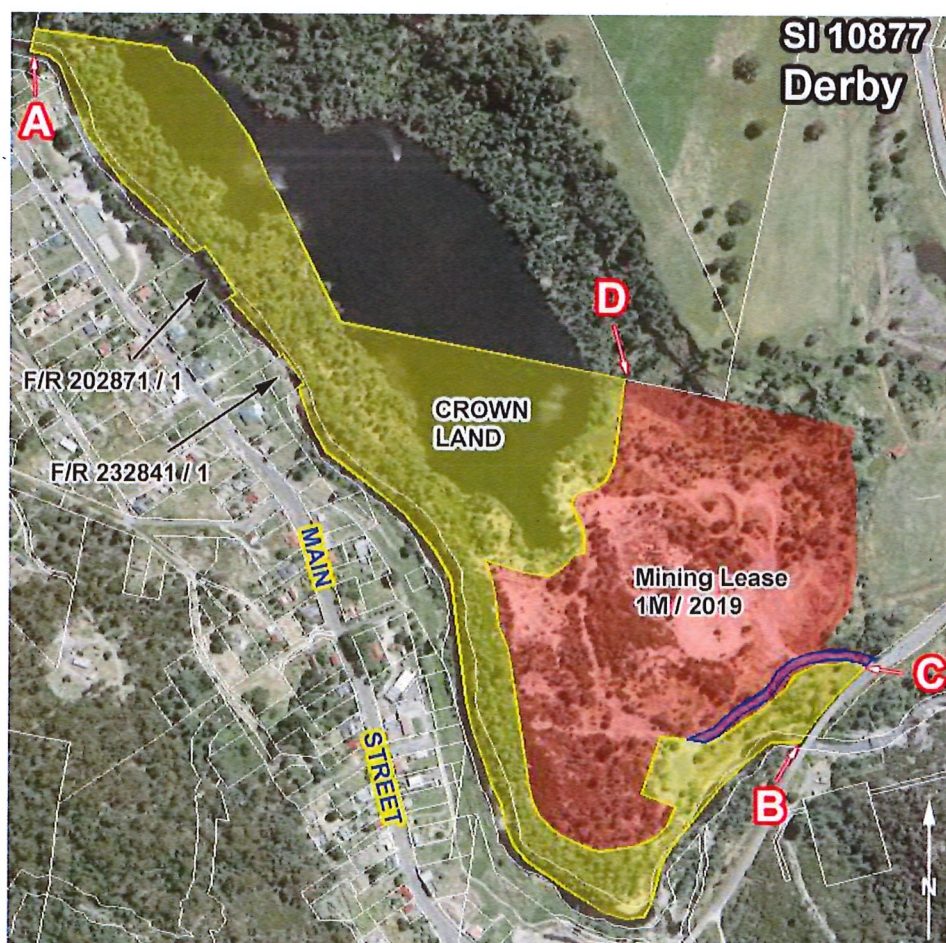
The Parks and Wildlife Service (PWS) has entered into an agreement with the above applicant to transfer pursuant to S12 of the Crown Lands Act 1976, the Crown land at Briseis Hole at Derby as shown on the various diagrams below. The purpose of the transfer is to enable Council to use the land for public recreation, bike tracks, community fairs, markets and events. It is also Council's intention to relocate their existing depot site to the Briseis Hole site as indicated on the attached diagram. A survey is required to facilitate the transfer. You have been nominated by the applicant to undertake the required survey work.

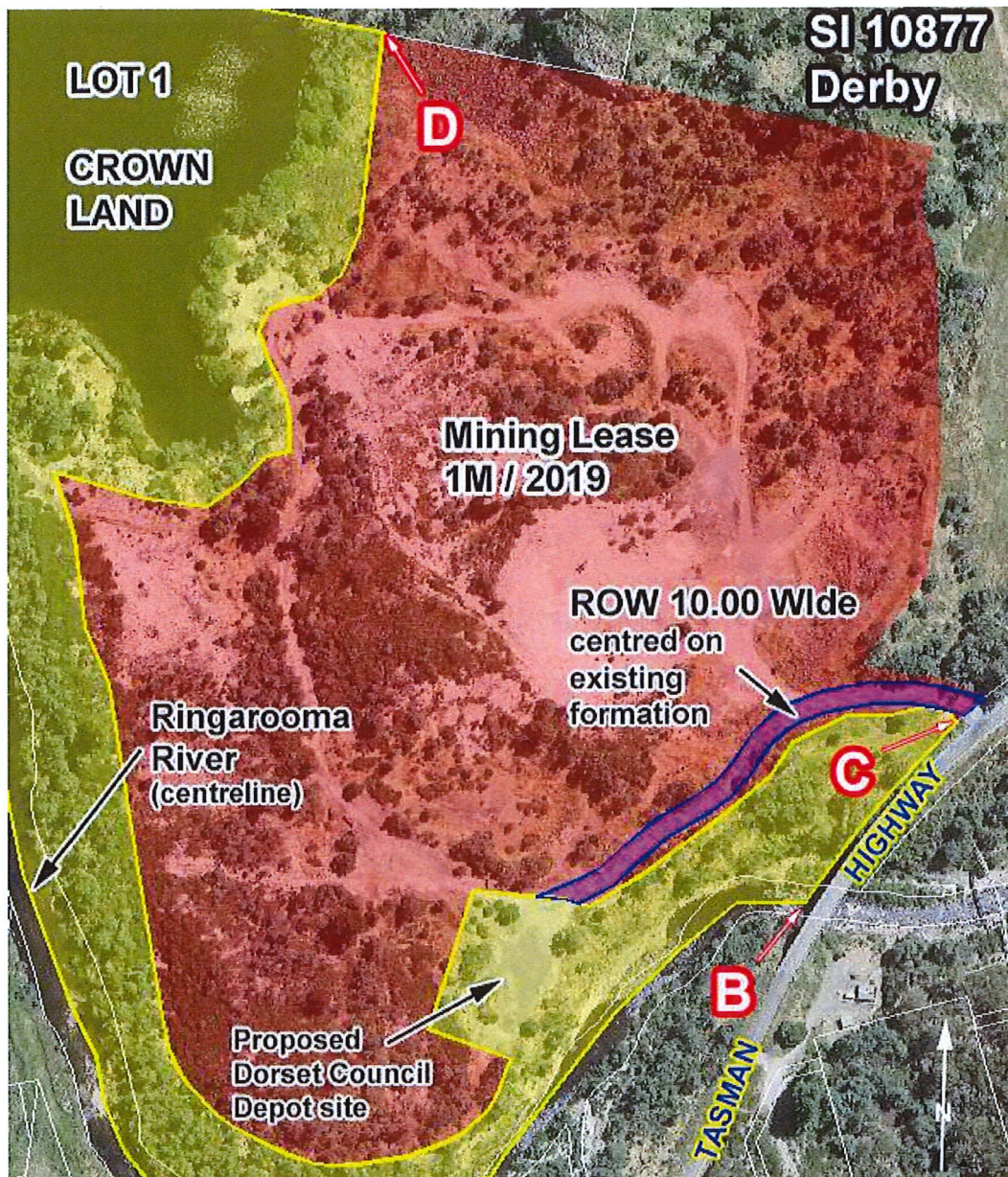
The Crown will be accepting responsibility for your fees in relation to this instruction. It is requested that you please provide our office with an estimate of your fees and completion date, for PWS approval prior to undertaking any survey works.



With reference to the diagrams below:

- The area shown outlined and shaded yellow is Crown land and is to be surveyed and marked for transfer to the applicant.
- The area shown shaded in red (which is also Crown land), is the Mineral Resources Tasmania (MRT) Mining Lease 1M/2019. The relevant boundary (labelled C to D below) of 1M/2019 is to be surveyed and marked in agreement with the mining lease generally as shown in the diagrams below. The definition of the lease boundary is to be as indicated in the LISTMap (Mining Leases layer – which can be exported).
- The ROW 10.00 Wide shown outlined in blue over the untitled MRT lease (1M/2019), is to allow access (for the benefit of Lot 1) to the proposed depot site. The ROW is to be defined as being a total 10.00 metres wide based on the centreline of the existing formation.
- The Northern boundary of the Crown land is to abut the Dorset Council title F/R 109622/I.
- The boundary between the points labelled A & B is to be defined along the centre of the Ringarooma River (apart from where the two titles F/R 202871/I and F/R 232841/I appear to extend beyond the river centreline. The relevant boundaries of these two titles are to be marked.
- The Tasman Highway boundary is to be marked to comply with S9 of the *Highways Act 1951*.
- The boundary between points labelled C & D is to be surveyed and marked to coincide with the MRT mining lease (1M/2019) boundary.





The Plan of Survey is to be presented in a suitable format for lodgement at the Land Titles Office to support an application for the creation of a title under the provisions of section 27A of the *Land Titles Act 1980*. The ROW 10.00 Wide over the untitled MRT lease (1M/2019), defined to allow access for the benefit of Lot 1, is to be included on the Plan of Survey.

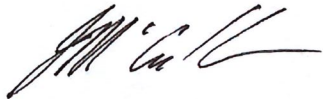
The survey is to be fully compliant with the *Survey Directions* pursuant to the *Surveyors Act 2002*.

The provisions of the *Electricity Wayleaves and Easements Act 2000* are to be considered and easements created within the Crown land portion being transferred as may be appropriate.

The date anticipated for the completion of the survey will be dependent on the PWS approval of the cost and time estimates provided. Upon completion of the survey the Plan of Survey, Survey Notes, and the Council Certificate sheet are to be forwarded to me.

If you have any queries, please don't hesitate in contacting me.

Yours sincerely,



John McCullum | Program Manager Surveying Services
Office of the Surveyor General | **Land Tasmania**

Department of Primary Industries, Parks, Water and Environment
134 Macquarie Street Hobart TAS 7000
GPO Box 44 Hobart TAS 7001
T: 03 616 54177 | E: john.mccullum@dpipwe.tas.gov.au
www.dpipwe.tas.gov.au | www.thelist.tas.gov.au | www.tasmap.tas.gov.au

From: Siggins, Clint
Sent: Wednesday, 18 December 2019 9:07 AM
To: Clark, Kathryn (Parks); Maginnity, Anne (Parks)
Subject: FW: Briseis Hole, Derby - plan showing mining lease against the surveyed area
Attachments: mining lease against surveyed area.docx; 1M2019_LD.pdf; 7M2018_LD.pdf; 16M1995_LD.pdf

Hi Kat/Anne,

Additional background from MRT to PWS with regards to the lease boundary issues.

Cheers, Clint

Clint Siggins | Manager Scientific Services
 Mineral Resources Tasmania | Department of State Growth
 30 Gordons Hill Road Rosny Park Tasmania | PO Box 56, Rosny Park, Tasmania, 7018
 Phone: (03) 6165 4739 | Mobile: 0417 017 426 | (03) 6173 0222
clint.siggins@stategrowth.tas.gov.au | www.mrt.tas.gov.au | www.stategrowth.tas.gov.au

DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:



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From: Wakefield, Andrew
Sent: 29 October, 2019 10:33 AM
To: McGee, Jerome (Parks) <Jerome.McGee@parks.tas.gov.au>
Cc: Siggins, Clint <Clint.Siggins@stategrowth.tas.gov.au>
Subject: RE: Briseis Hole, Derby - plan showing mining lease against the surveyed area

Dear Jerome,
 Please see response below in blue.
 Regards,
 Andrew

From: McGee, Jerome [<mailto:Jerome.McGee@parks.tas.gov.au>]
Sent: Monday, October 28, 2019 3:46 PM
To: Wakefield, Andrew <Andrew.Wakefield@stategrowth.tas.gov.au>
Subject: Briseis Hole, Derby - plan showing mining lease against the surveyed area

Hello Andrew,

Could you please give me a call about the attached. I have had the Surveyor General display the current mining lease against the area which was surveyed.

I also provide the below from the OSG:

"A greater understanding of the nature, accuracies and time-lines of the plans would need to be sought to understand where the various parties believe the MRT boundaries are actually located.

This difference as to where the various stakeholders believe the boundaries to be, is fundamental as to why there would be discrepancies and disagreement at this time.

The boundary of mining lease 1M/2019 was charted based on the position of the original mining lease registered under 16M/1995. Mining lease 16M/1995 was granted in October 1995 and the additional areas to create mining lease 7M/2018 (which was consolidated with 16M/1995 to create mining lease 1M/2019, and granted on 19/2/2019) were drawn based on an interpretation using LiDAR data and the boundary of 16M/1995. This was done to inform the locations of additional sand and basalt resources that surround mining lease 16M/1995. The boundary was extended to a point that was deemed to be sufficiently separate from the mountain bike trails (that had already been constructed) that meaningfully provide additional resource.

MRT understands the construction of the tracks was completed before all approvals had been given and so the work that was undertaken by MRT with respect to the lease boundary location was largely retrospective. The LiDAR data was also used to determine a suitable area that could be surrendered from 16M/1995 that the Dorset Council could use for its purposes, i.e. a works depot. The surrender of this area was approved on 4 December 2018 and appears to be consistent with the mining lease boundary (blue line) shown in the attached document provided by Mr Jerome McGee of TPWS, as opposed to the red line surveyed by Dorset Council which appears to be entirely different and inconsistent with the work undertaken by MRT and is set out as per mining lease 1M/2019, 7M/2018 and mining lease 16M/1995 after the area was surrendered in December 2018.

Approvals/consent for the surrender was provided by email from Dorset Council General Manager Mr Tim Watson to Jason Jacobi at TPWS on 18 October 2018 and it was on the basis of this that MRT proceeded with the approvals.

As previously discussed agreement between all parties as to the precise position of the intended boundaries is required prior to our office being able to issue an instruction to the Council surveyor.

I also note that our investigation in attempting to determine the precise location of the required boundaries so an instruction can be issued to the Council's surveyor, is beyond the normal scope of issuing such an instruction".

We are close to getting this progressed just need your input so we can get an accurate survey instruction sent.

Regards

Jerome McGee LLB
Acting Team Leader, Sales

Tasmania Parks and Wildlife Service
03 6165 4674
General Enquiries message service | 03 6169 9015
jerome.mcgee@parks.tas.gov.au
Level 8, 134 Macquarie St Hobart TAS 7000
GPO Box 44, Hobart TAS 7001

