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**From:** Walker, Jesse (Parks)  
**Sent:** Tuesday, 20 November 2018 9:56 AM  
**To:** Info, MRT (StateGrowth); Wakefield, Andrew (StateGrowth)  
**Subject:** MLA 7M/2018 - D R & K W Hayes - Derby

Good morning Andrew,

I refer to the notification from Mineral Resources Tasmania, dated 16 November 2018, regarding mining lease application MLA 7M/2018, Derby.

The Department has reviewed the proposal and has no comments or objections.

If you have any questions, or require any further information, please do not hesitate to contact me.

Regards,

**Jesse Walker**  
Unit Manager, Policy & Projects  
Crown Land Services

**Department of Primary Industries, Parks, Water and Environment**  
GPO Box 44  
HOBART TAS 7001

**Tel:** (03) 6165 4673  
**Fax:** (03) 6233 3622

**E-mail:** [Jesse.Walker@dpiuwe.tas.gov.au](mailto:Jesse.Walker@dpiuwe.tas.gov.au)  
**Website:** [www.parks.tas.gov.au/cls](http://www.parks.tas.gov.au/cls)

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**Department of State Growth**

MINERAL RESOURCES TASMANIA

Enquiries: Tenement Administration  
Ph: (03) 6477 7086 Fax: (03) 6173 0222  
Email: [info@mrt.tas.gov.au](mailto:info@mrt.tas.gov.au) Web: [www.mrt.tas.gov.au](http://www.mrt.tas.gov.au)  
Our Ref D18/258223:SJ 7M/2018



16 November 2018

General Manager  
Dorset Council  
PO Box 21  
SCOTTSDALE TAS 7260

**NOTIFICATION OF MINING LEASE APPLICATION MLA 7M/2018 AT DERBY**  
**APPLICANT: DEREK RONALD HAYES AND KAIL WENDY HAYES**

A mining lease application has been received by Mineral Resources Tasmania (MRT). Location plans showing the application area are attached. The Mining Plan Information, as supplied by the applicant, is also enclosed.

If you wish to comment on this application or bring any particular matter to the attention of MRT, please do so within 20 business days from the date of this letter.

Please note that the applicant will also need to obtain a land use permit under the *Land Use Approvals Act 1993*.

Should you require further assistance please contact Tenement Administration on (03) 6477 7086 or email [info@mrt.tas.gov.au](mailto:info@mrt.tas.gov.au)

Robert Willis  
**REGISTRAR OF MINES**

Encl.

Cc:

Langenberg, John T (Environment) [John.Langenberg@environment.tas.gov.au](mailto:John.Langenberg@environment.tas.gov.au)Aboriginal (Heritage) [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au)Hubble, Peter (StateGrowth) [Peter.Hubble@stategrowth.tas.gov.au](mailto:Peter.Hubble@stategrowth.tas.gov.au)Sears, Fred (DoJ) [Fred.Sears@justice.tas.gov.au](mailto:Fred.Sears@justice.tas.gov.au)Enquiries, Crown Land Services (Parks) [CrownLandServices.Enquiries@parks.tas.gov.au](mailto:CrownLandServices.Enquiries@parks.tas.gov.au)

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**From:** Taylor, Naomi (StateGrowth)  
**Sent:** Wednesday, 3 October 2018 3:21 PM  
**To:** Tolhurst, Anne (Parks)  
**Cc:** Jacobi, Jason (Parks)  
**Subject:** Advice to Crown Land Services - Proposed Transfer of Crown Land - Derby  
**Attachments:** Advice to Crown Land Services - Proposed Transfer of Crown Land - Derby.PDF

Good afternoon Anne

Please find attached a letter from Jen Parnell, A/g Director MRT.

Regards,  
Naomi

Naomi Taylor | Executive Assistant  
Mineral Resources Tasmania | Department of State Growth  
30 Gordons Hill Road, Rosny Park TAS 7018 | PO Box 56, Rosny Park TAS 7018  
Phone: (03) 6165 4744 | Mobile: 0422 623 310 | Fax: (03) 6173 0222  
naomi.taylor@stategrowth.tas.gov.au | www.mrt.tas.gov.au | www.stategrowth.tas.gov.au

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-----< HPE Records Manager record Information >-----

Record Number: D18/225114  
Title : Advice to Crown Land Services - Proposed Transfer of Crown Land - Derby

## Department of State Growth

MINERAL RESOURCES TASMANIA

Enquiries: Jennifer Parnell

Ph: (03) 6165 4735 Fax: (03) 6173 0222

Email: [info@mrt.tas.gov.au](mailto:info@mrt.tas.gov.au) Web: [www.mrt.tas.gov.au](http://www.mrt.tas.gov.au)

Our Ref: D18/225114



3 October 2018

Ms Anne Tolhurst  
Crown Land Services  
Tasmania Parks and Wildlife Service

Email: [Anne.Tolhurst@parks.tas.gov.au](mailto:Anne.Tolhurst@parks.tas.gov.au)

Dear Ms Tolhurst

### **REQUEST FOR ADVICE ON PROPOSED TRANSFER OF CROWN LAND, DERBY**

Mineral Resources Tasmania (MRT) received a request from Crown Land Services (CLS) for advice on a proposed transfer of Crown land at Derby to Dorset Council.

The Dorset Council is seeking title to the land to access and maintain recently constructed mountain bike tracks around Briseis Hole and to relocate the Council Depot. It is my understanding that a transfer of this nature will result in a change in land tenure from Crown land to private land.

The Crown land parcel in question lies within the North-East Strategic Prospectivity Zone (SPZ), and is partially covered by Mining Lease ML 16M/1995 held by DR and KW Hayes for sand.

Pursuant to Section 7, subsection 4(c) of the *Mining (Strategic Prospectivity Zones) Act 1993*, the agreement of the Director of Mines is required before the grant of any occupation right under the *Crown Lands Act 1976* if that change or occupation right would limit the operation of the *Mineral Resources Development Act 1995* (MRDA).

It is my view that the authority of Mining Lease ML 16M/1995 would be gravely compromised if the land coincident with the mining lease, or the access route to the mining lease, was transferred from Crown land to private land. A private land owner would be able to impact on continued mining operations through the mechanism of a compensation agreement, which is a mandatory requirement under s84 (1) (c) of the MRDA on private land.

I am advised that the lessee intends to continue working the lease into the future as is their right under the mining lease. If the Crown were to countenance revocation of the lease, or part thereof, for a public purpose, that gives rise to the issue of the Crown compensating the lessee.

There is an area of sand resources currently not under the mining lease. Sand is relatively scarce in the region and on this basis it is important that the sand resources remain accessible for mining purposes into the future.



For these reasons, I object to the transfer of Crown land coincident with the mining lease, the access route and the sand resources outside of the mining lease. Enclosed with this letter is a plan that outlines the area in blue. I have no objection to a transfer of Crown land outside of the blue boundary shown in the plan.

A section of the mountain bike track and the area proposed for the relocation for the Council Depot are within the mining lease boundary. These areas are highlighted in yellow on the plan. If the lessee were to partially surrender these areas and applies for, and is granted, a mining lease over the access route, I would support the transfer of these two areas, along with a right of way, to Dorset Council, subject to sighting the title plans.

MRT can facilitate a partial surrender and mining lease application with the lessee. However, it is up to the lessee to initiate the process and there is a cost burden on the lessee. Whilst any adjustments to the boundary of the mining lease would need to be completed prior to a transfer of this land taking place, the survey and development of title could occur concurrently.

There are also mining heritage features on the land from the historic Briseis Tin Mine, in particular the finger dumps which are a unique and identifying feature of historic mining activity (hatched in green). It is highly desirable that the finger dumps are preserved and are able to be viewed by the public, and I ask that CLS consider whether conditions to that effect could be placed on the title.

Furthermore, I request that CLS guarantee that the new title is depth limited to no more than 15 metres below the surface and that all categories of minerals (as defined in the *Mineral Resources Regulations 2016*) remain in Crown ownership.

A transfer of title will not limit future exploration work programs.

If you have queries regarding this advice, please do not hesitate to contact me on 03 6165 4735 or [Jennifer.Parnell@stategrowth.tas.gov.au](mailto:Jennifer.Parnell@stategrowth.tas.gov.au).

Yours sincerely



Jennifer Parnell  
**A/G DIRECTOR OF MINES**

Encl.





**From:** Clark, Kathryn (Parks)  
**Sent:** Friday, 17 August 2018 12:41 PM  
**To:** Jacobi, Jason (Parks); Whittington, John (DPIPWE)  
**Cc:** Siggins, Clint (StateGrowth)  
**Subject:** FW: Mining lease at Derby  
**Attachments:** tm000001.pdf

**Importance:** High

Hi Jason and John, please see email that just came through from the Mining lessee at Derby requesting that Crown retain ownership of the site.

Kat

**From:** Welsh, Andrew (Parks)  
**Sent:** Friday, 17 August 2018 12:39 PM  
**To:** Clark, Kathryn (Parks) <Kathryn.Clark@parks.tas.gov.au>  
**Subject:** FW: Mining lease at Derby

FYI, Kat – I will file

**From:** Hayes, Kail(POR) [<mailto:Kail.Hayes@anz.com>]  
**Sent:** Friday, 17 August 2018 12:30 PM  
**To:** Welsh, Andrew (Parks) <[Andrew.Welsh@parks.tas.gov.au](mailto:Andrew.Welsh@parks.tas.gov.au)>  
**Cc:** [derekhayes1957@gmail.com](mailto:derekhayes1957@gmail.com)  
**Subject:** Mining lease at Derby

Good afternoon Andrew,

Please find attached letter from Dorset Council regarding Mining Lease at Derby.  
 Would it be possible to keep the Crown land under the Mining Lease in the hands of the Crown please.

Kind Regards

Derek and Kail Hayes

**Kail Hayes**  
 Senior Personal Banker  
 ANZ Scottsdale  
 Australia and New Zealand Banking Group Limited  
**Phone:** 03 6342 1402 or **Fax:** 03 6342 1499  
**Address:** 17 King Street Scottsdale 7260 Tasmania  
**Email:** [Kail.Hayes@anz.com](mailto:Kail.Hayes@anz.com)  
**Website:** [www.anz.com](http://www.anz.com)

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Our Ref: DOC/18/2659

15 August 2018

Mr Derek Hayes  
31817 Tasman Highway  
**DERBY TAS 7264**

Dear Derek

#### **Transfer of Crown Land to Dorset Council**

As discussed I confirm the following to give you the necessary comfort that the proposed transfer to Council will have no detrimental impact upon the mining lease contained within the current Crown Land parcel of land. I also want to take this opportunity to thank you for your cooperation and support for the Mountain Bike Project as it is critical for the ongoing success of the project that it has the support of long term residents such as the Hayes family.

To erase any doubts about Councils future intentions I confirm the following:

#### Access

Council agrees to provide you with unfettered access to the mining lease via the current formed access as depicted in the attached plan. In addition, if required Council would be supportive of extending the mining lease to include this current formed access. It is our understanding that this is a standard practice adopted when issuing mining leases so that access is absolutely guaranteed.

#### Council Depot Site

In the attached plan an indicative footprint has been included identifying where Council intends to relocate its Depot. The location of this Depot is two-fold, firstly there is already a formed footprint and secondly it has no impact on the mining resource. Advice from Mineral Resources Tasmania is that due to the close proximity to the river approval to mine that footprint would not be forthcoming. I can confirm that in the highly unlikely event that Council needs to consider an alternative site it would only do so with your express approval.

#### Expansion of and public access to Mountain Bike Trails

I can confirm that public access to the Trails will only be via the suspension bridge over the Ringarooma River and that Council will put in place a number of practical measures to ensure the public does not enter the mining operation.

I can also confirm that there are no plans to expand the Trails into the mining lease other than what has currently been constructed. In the event that it would be advantageous to expand into the mining lease area, that would only occur with your express approval. However, I reiterate that there are absolutely no plans at this stage to expand into the mining lease area.

#### Compensation Agreement

As you are aware a compensation agreement would need to be struck with Council as the landowner for the extraction of materials from the mining lease. Council's position is that the agreement would mirror any existing arrangement with the State Government. My understanding is that you currently pay a licence fee of approximately \$220 per annum, therefore the compensation agreement would reflect this current arrangement for the remaining life of the lease.

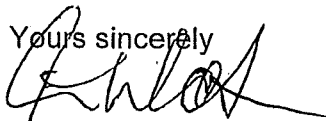
If the lease is extended past its current term, Council's position is that the compensation agreement would be the same as what would be payable to the State Government if the mining lease remained on Crown Land. For example if the State Government reviewed the licence fees payable on mining leases the agreement would mirror any changes.

#### Grazing Licence

As agreed verbally, Council would like to enter into a very simple arrangement which would allow you to continue to use the agricultural land for agistment purposes. Common sense dictates that this is a mutually beneficial arrangement and it has always been agreed that the proposed transfer of Crown Land to Council must have negligible impact on your current farming operations. It is envisaged that the only impact would be the intermittent use of the Cricket Ground to cater for large events. Again this detail would be agreed upon once the transfer takes place.

I trust this gives you the certainty you require that the transfer of land into Council ownership will have no impact on the mining operation or agistment of livestock.

Yours sincerely



**TIM WATSON**  
General Manager





DEED of AGREEMENT.





Council Depot

16M/199



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**From:** Siggins, Clint (StateGrowth)  
**Sent:** Thursday, 16 August 2018 2:44 PM  
**To:** Clark, Kathryn (Parks); Welsh, Andrew (Parks)  
**Cc:** Wakefield, Andrew (StateGrowth)  
**Subject:** Signed - Dorset Council Potential Ownership of Land Under 16M 1995  
**Attachments:** Signed - Dorset Council Potential Ownership of Land Under 16M 1995.PDF

Hi Kathryn,

Please find attached letter from MRT with regards to Crown Land ownership of land under Mining Lease ML 16M/1995.

Regards, 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](mailto:clint.siggins@stategrowth.tas.gov.au) | [www.mrt.tas.gov.au](http://www.mrt.tas.gov.au) | [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)

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-----< HPE Records Manager record Information >-----

Record Number: D18/175442/1  
 Title : Signed - Dorset Council Potential Ownership of Land Under 16M 1995

Department of State Growth  
MINERAL RESOURCES TASMANIA

Enquiries Andrew Wakefield  
Ph (03) 6165 4748 Fax (03) 6173 0222  
Email [info@mrt.tas.gov.au](mailto:info@mrt.tas.gov.au) Web: [www.mrt.tas.gov.au](http://www.mrt.tas.gov.au)  
Our Ref D18/175442



16 August 2018

Kathryn Clark  
Manager Crown Land Services  
Tasmania Parks and Wildlife Service  
HOBART TAS 7001

Dear Ms Clark

**POTENTIAL LAND ACQUISITION UNDER MINING LEASE 16M/1995 - DERBY**

Mineral Resources Tasmania (MRT) understands the Dorset Council has expressed an interest in obtaining the DPIPWE owned Crown land parcel under Mining Lease 16M/1995 at Derby, through Section 12 of the *Crown Lands Act 1976*.

MRT opposes the change of ownership of the Crown land parcel as it has the potential to fetter the lessee's access to or ability to extract this strategically important resource to its full potential. Furthermore, the land parcel in question extends beyond the boundary of Mining Lease 16M/1995 and a change to private ownership has the potential to render the mining lease inaccessible as the land owner could block access across the portion of land that is not held under the mining lease. A change in ownership of the land from Crown Land Services to private freehold would also require the lessee to enter into a compensation agreement with the new owner, with all the procedural issues that entails. .

MRT's position with respect to the mining lease is set out here.

Mining Lease 16M/1995 has been in continuous operation since the mining lease was granted approximately 23 years ago in October 1995. The lessee has complied with the *Mineral Resources Development Act 1995* (MRDA) as well as the conditions of the mining lease. As such, the operation is deemed to be in good standing.

The material principally mined is sand that was produced as a waste product from the historical Briseis Tin Mine. Sand by its nature is a versatile resource and may be used in, or for, a wide variety of purposes and products. MRT understands that the lessee sells the sand for a range of purposes (bedding sand, concrete manufacture, dam construction etc) across much of the north east of the state.

Sand is a relatively scarce resource in the region, and on this basis the resource is deemed by MRT to be of strategic importance in underpinning regional construction activity. It is important that it continues to remain accessible for mining purposes.

Under Sections 84(2)(a), (b) and (c) of the MRDA a lease holder operating on Crown land is provided surety that a person must not hinder, or obstruct from carrying out any mining operations under the lease.

If the land were to be sold or transferred, the new land owner/transferee would have powers to impact the mining operation through the mechanism of a compensation agreement required through Section 84(1)(c) of the MRDA; Sections 84(2)(a), (b) and (c) still apply.

MRT has been given no indication by the lessee that they are considering allowing the mining lease to expire, or that they wish to surrender the mining lease any time soon. On the contrary, the lessee has indicated they wish to continue operating the mining lease into the future. They are long standing residents of the Derby Township and the Hayes family have had a long association with the tenement; MRT has no reason to expect this situation to change and is supportive of the continued extraction of what was a waste product from a former mining operation.

Avenues provided by the MRDA to remove a mining lease are contained under Sections 99, 100, and 149 of the MRDA whereby the lessee may apply to surrender a mining lease. Section 99 gives the Minister the authority to revoke a mining lease, however there is no justification for a revocation in this instance, and Section 149 of the MRDA which deals with compulsory acquisition does not apply in this case. Lastly, the lessee may allow the mining lease to expire and not apply to renew the mining lease. There is no other legal instrument in the MRDA to remove a mining lease and there are no reasons as to why the mining lease should be removed.

Should you require further information please feel welcome to contact Leasing & Liaison Officer Andrew Wakefield at [Andrew.Wakefield@stategrowth.tas.gov.au](mailto:Andrew.Wakefield@stategrowth.tas.gov.au) or phone 03 6165 4748.

Yours sincerely



Bob Rutherford  
**Deputy Secretary**  
**Industry & Business Development**  
(Delegate of Minister for Resources)

**From:** Robinson, Kevin  
**Sent:** Tuesday, 19 May 2020 9:21 AM  
**To:** Jacobi, Jason (Parks)  
**Cc:** Clark, Kathryn (Parks); Siggins, Clint; Rutherford, Bob  
**Subject:** FW: D & K Hayes

Hi Jason,

Please find below an email from Kail Hayes in regard to a meeting on Friday 15 May 2020 which Tim Watson arranged with Kail and Derek Hayes in regard to their Mining Lease. The Hayes are clear in their position with regard to the Mining Lease. As is understandable they, like MRT, are deeply concerned about the council also wanting to release waste water onto the mine lease. I have mentioned this to you previously.

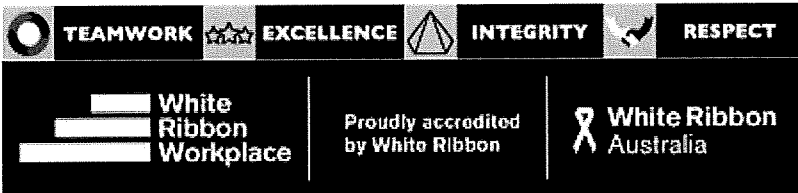
Andrew Wakefield is the MRT site inspector.

Kind regards,

Kevin

**Kevin Robinson** | Director of Mines  
 Mineral Resources Tasmania | Department of State Growth  
 30 Gordons Hill Road, Rosny Park TAS 7018 | PO Box 56, Rosny Park TAS 7018  
 Phone: (03) 6165 4741 | Mobile: 0436 802 143 | Fax: (03) 6173 0222  
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**DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:**



**From:** Siggins, Clint  
**Sent:** Monday, 18 May 2020 10:10 AM  
**To:** Robinson, Kevin <[Kevin.Robinson@stategrowth.tas.gov.au](mailto:Kevin.Robinson@stategrowth.tas.gov.au)>  
**Subject:** FW: D & K Hayes

Hi Kevin,

Email from Derek Hayes on last Friday's meeting.

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  
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**From:** Wakefield, Andrew  
**Sent:** 18 May, 2020 10:04 AM  
**To:** Siggins, Clint <[Clint.Siggins@stategrowth.tas.gov.au](mailto:Clint.Siggins@stategrowth.tas.gov.au)>  
**Subject:** FW: D & K Hayes

**From:** Hayes, Kail(POR) [<mailto:Kail.Hayes@anz.com>]  
**Sent:** Monday, May 18, 2020 9:55 AM  
**To:** Wakefield, Andrew <[Andrew.Wakefield@stategrowth.tas.gov.au](mailto:Andrew.Wakefield@stategrowth.tas.gov.au)>  
**Subject:** D & K Hayes

Hi Andrew,

We just wanted to inform you that Derek had a meeting with Tim Watson and Dwayne Griffin on Friday 15/05/2020 on site at the Derby Council Depot.

They asked if Derek would surrender the ground where the depot is built on the mining lease. Derek informed them that he was not surrendering anymore ground to them and that they would have to look at other avenues to require the ground.

They have informed Derek that they are going to arrange a meeting with Crown Land MRT along with himself and Council on site to try to resolve the problem. We don't know when as of yet.

Derek mentioned the run off from the wash bay and they told him they would put a treatment plant in, which we don't want the waste water on the mining lease, could you please ask where the waste treated water is going to end up?

We will wait the outcome of the meeting when it happens.

Kind Regards

Kail & Derek

## **Kail Hayes**

Senior Personal Banker

ANZ Scottsdale Australia and New Zealand Banking Group Limited

**Phone:** 03 6342 1400 | **Fax:** 03 6342 1499

**Address:** 17 King Street Scottsdale 7260 Tasmania

**Email:** [Kail.Hayes@anz.com](mailto:Kail.Hayes@anz.com)

**Website:** [www.anz.com](http://www.anz.com)

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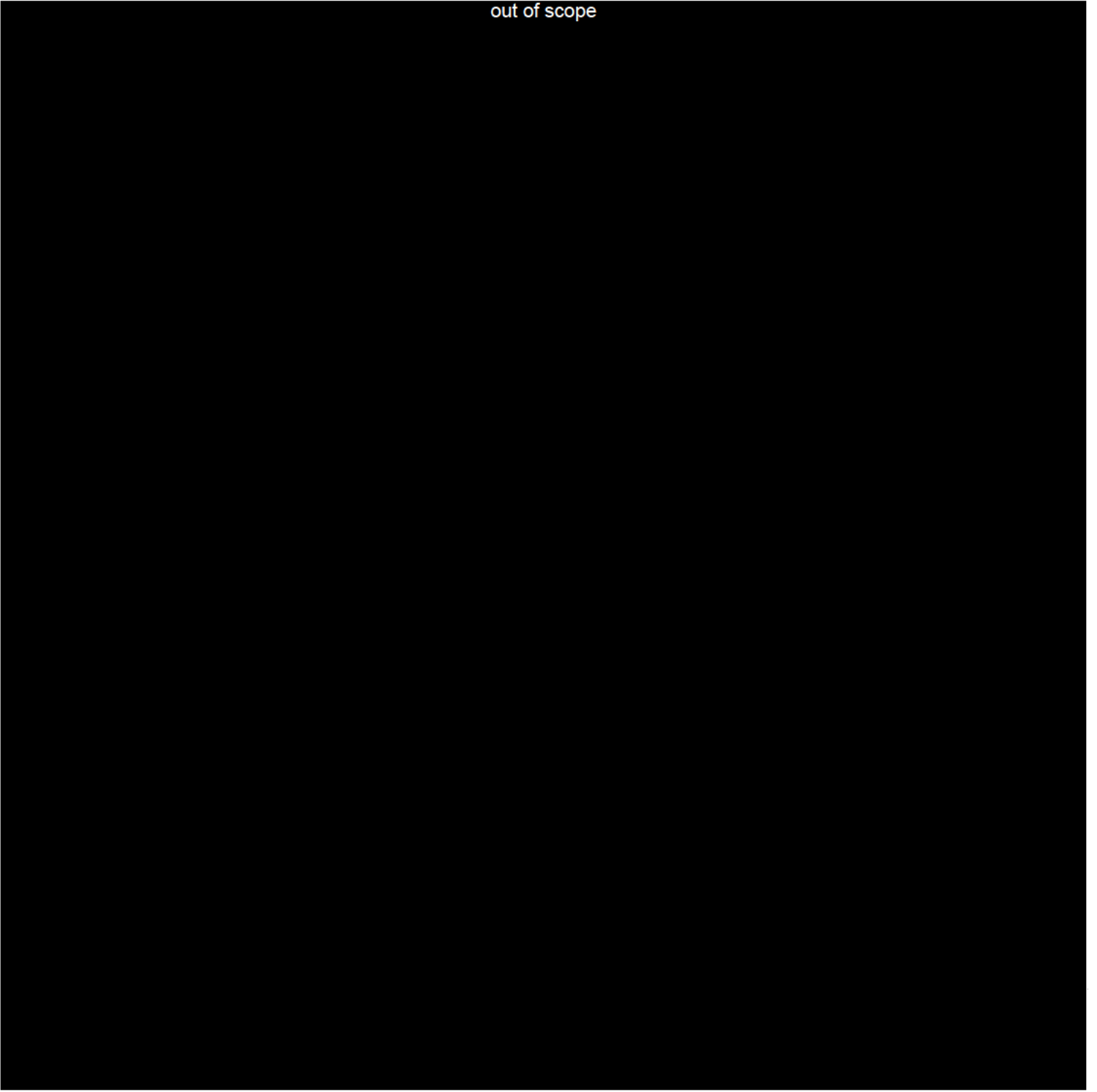
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**From:** Clark, Kathryn (Parks) [<mailto:Kathryn.Clark@parks.tas.gov.au>]  
**Sent:** 23 December, 2019 12:13 PM  
**To:** Siggins, Clint <[Clint.Siggins@stategrowth.tas.gov.au](mailto:Clint.Siggins@stategrowth.tas.gov.au)>; Welsh, Andrew (Parks) <[Andrew.Welsh@parks.tas.gov.au](mailto:Andrew.Welsh@parks.tas.gov.au)>  
**Cc:** Roberts, Andrew (Parks) <[Andrew.Roberts@parks.tas.gov.au](mailto:Andrew.Roberts@parks.tas.gov.au)>  
**Subject:** RE: Planning application - Derby Depot relocation

Hi Clint,

I think it is best that MRT respond to the below. I note that Council seem to be pre-empting that the responsible minister will agree to a further excise of the Mining lease. Are you able to send us any corro you have that relates to this, as I thought everyone had been very clear with Council in that there would not be further excising?

Andrew Welsh – are you able to send Clint our emails that explain the survey plan work that Council has agreed to (which uses the ML boundary)? It may be useful for him.

**From:** Rohan Willis <[Rohan.Willis@dorset.tas.gov.au](mailto:Rohan.Willis@dorset.tas.gov.au)>

**Sent:** Monday, 23 December 2019 11:48 AM

**To:** Clark, Kathryn (Parks) <[Kathryn.Clark@parks.tas.gov.au](mailto:Kathryn.Clark@parks.tas.gov.au)>

**Cc:** Tim Watson <[Tim.Watson@dorset.tas.gov.au](mailto:Tim.Watson@dorset.tas.gov.au)>; Dwaine Griffin <[Dwaine.Griffin@dorset.tas.gov.au](mailto:Dwaine.Griffin@dorset.tas.gov.au)>; Roberts, Andrew (Parks) <[Andrew.Roberts@parks.tas.gov.au](mailto:Andrew.Roberts@parks.tas.gov.au)>; Walker, Jesse (Parks) <[Jesse.Walker@parks.tas.gov.au](mailto:Jesse.Walker@parks.tas.gov.au)>; Lloyd, John (Parks) <[John.Lloyd@parks.tas.gov.au](mailto:John.Lloyd@parks.tas.gov.au)>; Jacobi, Jason (Parks) <[Jason.Jacobi@parks.tas.gov.au](mailto:Jason.Jacobi@parks.tas.gov.au)>

**Subject:** RE: Planning application - Derby Depot relocation

Thanks for the email Kathryn.

There's a very simple explanation for this: the Mining Lease (1M/2019) – as it stands – is inconsistent with the Plan of Survey of the land being applied for transfer to Council. I've attached the Plan of Survey that has been previously sent through to the Crown Solicitor to illustrate this.

As my GM, Tim Watson has previously explained to PWS officers, the plan of the land that we initially identified for the transfer was preliminarily conceptual. It was communicated very clearly that the land identified at that stage had not been surveyed but, in a general sense, was approximately the area that would be required for the depot relocation; and would be refined and properly identified once the survey had been completed.

Ideally the Mining Lease would have therefore been amended subsequent to the land survey occurring, as this would have enabled the amended Mining Lease to be prepared so as to accurately align with the surveyed boundaries for the land to be transferred to Council (i.e. not intrude upon that land. As the Mining Lease has been amended prior to the survey occurring, the Mining Lease evidently intrudes upon the land we require for the depot relocation (as illustrated per the below image – please note this has been prepared by me with reference to the attached Plan of Survey):





There is a simple way to remedy this: 1M/2019 will require amending (as provided under the MRD Act) to align with the Plan of Survey. Council enjoys an outstanding rapport with the lessees (Derek and his wife), so there will be no complications there. Regardless of the mining lease intrusion, landownership is still vested with The Crown, so consent for the planning, building and plumbing applications can be duly provided to Council while the mining lease matter is remedied parallel to the progression of these development approval processes.

Regards  
Rohan

**Rohan Willis**

**Director – Community and Development  
Dorset Council**

Phone (03) 6352 6527 | Fax (03) 6352 6509  
Mobile 0428 337 852  
3 Ellenor Street, Scottsdale TAS 7260  
Email: [rohan.willis@dorset.tas.gov.au](mailto:rohan.willis@dorset.tas.gov.au)

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**From:** Clark, Kathryn (Parks) [<mailto:Kathryn.Clark@parks.tas.gov.au>]  
**Sent:** Monday, 23 December 2019 10:17 AM  
**To:** Rohan Willis <[Rohan.Willis@dorset.tas.gov.au](mailto:Rohan.Willis@dorset.tas.gov.au)>  
**Cc:** Roberts, Andrew (Parks) <[Andrew.Roberts@parks.tas.gov.au](mailto:Andrew.Roberts@parks.tas.gov.au)>; Walker, Jesse (Parks) <[Jesse.Walker@parks.tas.gov.au](mailto:Jesse.Walker@parks.tas.gov.au)>; Lloyd, John (Parks) <[John.Lloyd@parks.tas.gov.au](mailto:John.Lloyd@parks.tas.gov.au)>  
**Subject:** FW: Planning application - Derby Depot relocation

Hi Rohan,

The plans look good for the new depot. It will be good to have the old site freed up to be put to a better use. We have all the documents now, but before we can do the sign off to provide consent we need confirmation that your activity is within the Crown land administered by PWS and not in the Mining Lease site at all, as the plan you have provided shows it as being partly in the Mining Lease.

Regards

Kat

**Kathryn Clark**  
Manager Property Services

Tasmania Parks and Wildlife Service  
03 61654676 | 0409 793 820  
[Kathryn.Clark@parks.tas.gov.au](mailto:Kathryn.Clark@parks.tas.gov.au)  
Level 2, 134 Macquarie St Hobart TAS 7000  
GPO Box 1751 Hobart TAS 7001



**From:** Rohan Willis <[Rohan.Willis@dorset.tas.gov.au](mailto:Rohan.Willis@dorset.tas.gov.au)>  
**Sent:** Thursday, 19 December 2019 5:10 PM  
**To:** Jacobi, Jason (Parks) <[Jason.Jacobi@parks.tas.gov.au](mailto:Jason.Jacobi@parks.tas.gov.au)>  
**Subject:** FW: Planning application - Derby Depot relocation

Hi Jason,

Thanks for the call. Please see planning application package as per the attached for the Derby Depot Relocation.

Tim's currently away on leave until the 3<sup>rd</sup> week of January, so I'll check in with him on his return to find out where the application was originally sent by him.

I'm also of the understanding that the land is due to be transferred to Council imminently – could you please provide an update upon the status of the transfer if you're able.

Thanks  
Rohan

**Rohan Willis**

**Director – Community and Development  
Dorset Council**

Phone (03) 6352 6527 | Fax (03) 6352 6509  
Mobile 0428 337 852  
3 Ellenor Street, Scottsdale TAS 7260  
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**We will be closed for business for the Christmas Period from 12 noon on Tuesday 24th December and will re-open on Monday 6th January 2020.**

**From all the staff and councilors at Dorset Council we would like to wish you a Merry Christmas and a Safe and Happy New Year.**

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**From:** Robinson, Kevin  
**Sent:** Wednesday, 2 September 2020 3:42 PM  
**To:** Siggins, Clint  
**Subject:** FW: Briseis Hole, Derby - id survey - council depot site  
**Attachments:** Briseis Hole map.pdf; 191208 Ident 240120 PAGE1.pdf; 191208 Ident 240120 PAGE2.pdf

**From:** Clark, Kathryn (Parks) [mailto:Kathryn.Clark@parks.tas.gov.au]  
**Sent:** Friday, 24 January 2020 2:16 PM  
**To:** Siggins, Clint <Clint.Siggins@stategrowth.tas.gov.au>; Roberts, Andrew (Parks) <Andrew.Roberts@parks.tas.gov.au>  
**Cc:** Welsh, Andrew (Parks) <Andrew.Welsh@parks.tas.gov.au>; Steele, Alison (Parks) <Alison.Steele@parks.tas.gov.au>; Robinson, Kevin <Kevin.Robinson@stategrowth.tas.gov.au>  
**Subject:** FW: Briseis Hole, Derby - id survey - council depot site

Hi Clint and Andrew,  
 The Id survey for the Briseis hole issue is complete, see attached.

It confirms that Council have certainly encroached into the Mining lease.

I am away on leave in a minute, back Tuesday week, so please discuss directly with Andrew Welsh and Jesse and/ or Alison Steele (acting Manager Property Services).

Kat

**Kathryn Clark**  
 Manager Property Services

Tasmania Parks and Wildlife Service  
 03 61654676 | 0409 793 820  
[Kathryn.Clark@parks.tas.gov.au](mailto:Kathryn.Clark@parks.tas.gov.au)  
 Level 2, 134 Macquarie St Hobart TAS 7000  
 GPO Box 1751 Hobart TAS 7001



**From:** Welsh, Andrew (Parks) <Andrew.Welsh@parks.tas.gov.au>  
**Sent:** Friday, 24 January 2020 2:10 PM  
**To:** Clark, Kathryn (Parks) <Kathryn.Clark@parks.tas.gov.au>  
**Cc:** Steele, Alison (Parks) <Alison.Steele@parks.tas.gov.au>; McGee, Jerome (Parks) <Jerome.McGee@parks.tas.gov.au>; Sklenica, Roy (Parks) <Roy.Sklenica@parks.tas.gov.au>  
**Subject:** Briseis Hole, Derby - id survey - council depot site

Hi Kat,

I have received from OSG the attached Id Survey Plan of the "proposed" Dorset Council depot site at the Briseis Hole. There are a number of encroachments.

For context, I have also attached a map showing the location of the boundaries of the Crown land for transfer to the Dorset Council.

Please can I discuss with you and/or Alison.

Regards, Andrew



out of scope

**From:** Jacobi, Jason [mailto:Jason.Jacobi@parks.tas.gov.au]  
**Sent:** Sunday, 29 March 2020 7:01 PM  
**To:** Tim Watson <Tim.Watson@dorset.tas.gov.au>  
**Cc:** Robinson, Kevin <Kevin.Robinson@stategrowth.tas.gov.au>  
**Subject:** RE: Planning application - Derby Depot relocation  
**Importance:** High

Hi Tim,

The only record of document being sent to John Whittington was an email from Sarah Forsyth (acting on your behalf) issued to John Whittington on 10 December 2019.

There was no DA consent form attached and by the time we were in correspondence with Rohan over this matter on 18 December, the construction works had already breached the Mining lease meaning that we were not in a position to issue a DA anyway. Rohan was advised by PWS on that day that "Council does not have any approval to be doing any works on the Crown land."

The decision to work to the survey that did not reconcile with the Mining lease boundary as determined with MRT has resulted in the problem we now face.

Attached is the letter that I spoke of on Friday, detailing our understanding of how we have arrived at this point and the concerns I have regarding your approvals for the work performed.

I agree that a meeting is required urgently to seek to resolve this.

If you advise of dates and times that you are available, I will endeavour to organise a meeting with MRT and PWS.

Regards,

Jason

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**Jason Jacobi**  
Deputy Secretary

---

Tasmania Parks and Wildlife Service  
03 6165 4234 | 0411230873  
[jason.jacobi@parks.tas.gov.au](mailto:jason.jacobi@parks.tas.gov.au)  
Level 2, 134 Macquarie St Hobart TAS 7000  
GPO Box 1751 Hobart TAS 7001



**From:** Tim Watson <[Tim.Watson@dorset.tas.gov.au](mailto:Tim.Watson@dorset.tas.gov.au)>  
**Sent:** Friday, 27 March 2020 10:17 AM  
**To:** Jacobi, Jason <[Jason.Jacobi@parks.tas.gov.au](mailto:Jason.Jacobi@parks.tas.gov.au)>  
**Subject:** FW: Planning application - Derby Depot relocation

Jason

As discussed this is what I sent John.

My preference is still to go ahead with a 12 transfer, however, I am open to a lease if that is the only way forward. The following explains what has transpired to date.

In the deed agreement there is an indicative drawing of the footprint of the depot This is however slightly different to the survey that we commissioned and this is where everything ground to a halt.

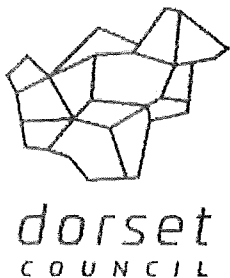
It would appear that the survey has inadvertently encroached onto the mining lease which has now complicated matters.

My understanding is that the mining lease has no practical implications because the sand resource is some distance away so there is no risk that the leasee would ever want to extract resource where the Council building(s) have encroached into the mining lease.

I suggest you and I have a discussion on the phone and work out a way forward.

Regards

Tim



**Tim Watson | General Manager**

**P:** (03) 6352 6543 | **M:** 0438 507 168  
3 Ellenor Street (PO Box 21) Scottsdale 7260

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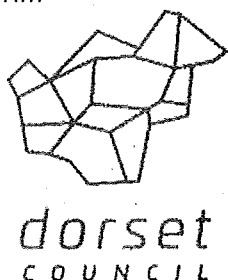
**From:** Tim Watson  
**Sent:** Friday, 22 November 2019 2:30 PM  
**To:** Whittington, John (DPIPWE) <[John.Whittington@dpipwe.tas.gov.au](mailto:John.Whittington@dpipwe.tas.gov.au)>  
**Subject:** FW: Planning application - Derby Depot relocation

Hi John,

Hope all is well with you, here are the required applications for the construction of the Council Depot in Derby on the crown land that we discussed.

Any questions don't hesitate to call me.

Tim



**Tim Watson | General Manager**

**P:** (03) 6352 6543 | **M:** 0438 507 168  
3 Ellenor Street (PO Box 21) Scottsdale 7260

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**From:** Sarah Forsyth  
**Sent:** Friday, 22 November 2019 2:28 PM  
**To:** Tim Watson <[Tim.Watson@dorset.tas.gov.au](mailto:Tim.Watson@dorset.tas.gov.au)>  
**Subject:** Planning application - Derby Depot relocation



**Sarah Forsyth | Executive Assistant**

**P:** (03) 6352 6524  
3 Ellenor Street (PO Box 21) Scottsdale 7260  
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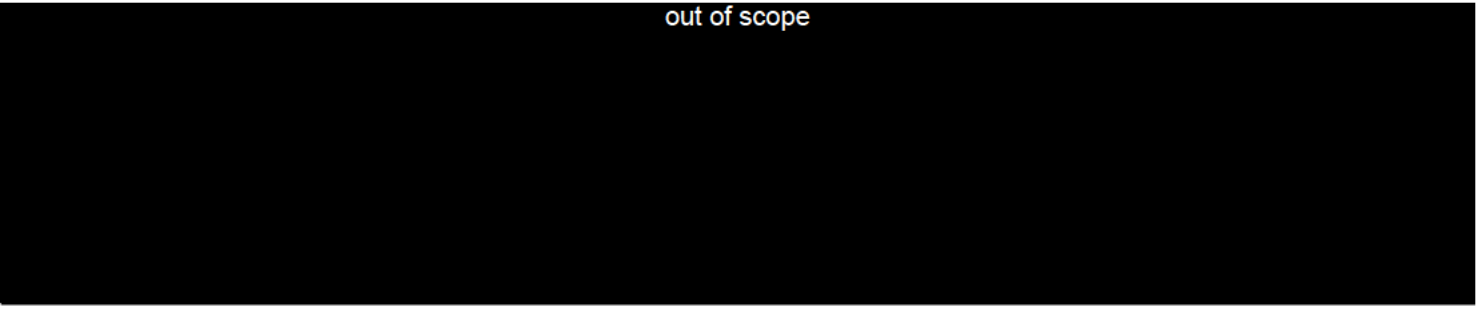
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-----Original Message-----

From: Robinson, Kevin

Sent: Wednesday, 8 April 2020 4:45 PM

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

Subject: Derby Photos 8 April

Hi Jason,

Photos from site including discharge pipe and potential waste pond on the mine lease, new fence and cementing, buildings and mess around shed on mine lease.

Kind regards

Kevin

