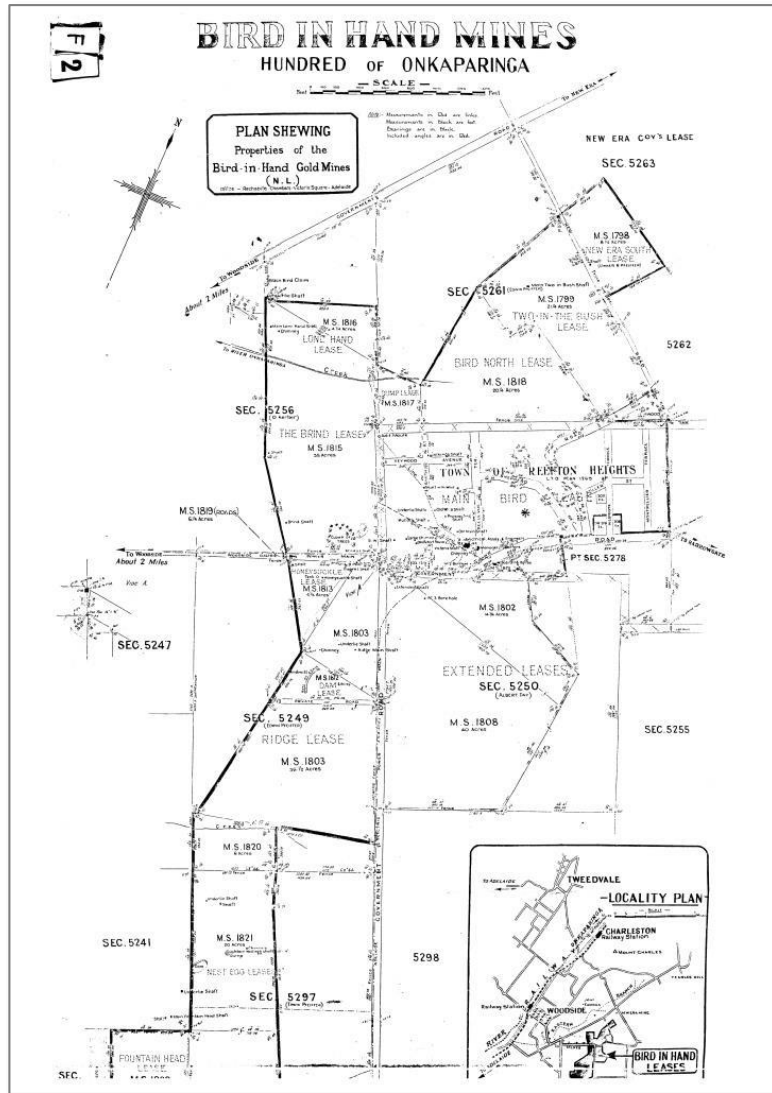


# CHAPTER 21 LAND TENURE



## BIRD IN HAND GOLD PROJECT MINING LEASE PROPOSAL



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All maps presented in this chapter are in GDA94 / MGA zone 54 (EPSG: 28354) unless otherwise stated.

## 21 LAND TENURE

Consistent with the South Australian government's regulatory framework, the Department for Energy and Mining (DEM) Minerals branch has in place policies and programs which support multiple land use and access to land for multi-stakeholders.

As outlined in DEMs *Guidelines: landowner rights and access arrangements in relation to mineral exploration and mining in South Australia* exploration and mining activities are conducted in accordance with the requirements of appropriate Australian Standards, the South Australian *Mining Act 1971* (Mining Act) and Regulations, and site-specific approval requirements. Each of these documents seeks to create an environment of best practice operations and requires that mining companies perform their activities within a framework of responsibility for the environment, public safety and interaction with landowners.

As mineral rights are not held by right of title to land in South Australia, but are generally vested in the Crown, the Mining Act allows for private companies to conduct mineral exploration and mining on most land in South Australia, including freehold and pastoral land, subject to approval by the DEM. However, where land is being used for certain purposes the Mining Act provides that such land is 'exempt' from mining and exploration until an agreement is reached, or 'waiver' signed which specifies under what conditions operations may take place, so that impacts to the existing land use are minimised and/or appropriately compensated.

This chapter outlines all land which is proposed to be accessed for the Bird in Hand Gold Project (the 'Project' or 'BIHGP'), and any exempt land (as defined by section 9 of the Mining Act), which will need to be negotiated in order to successfully operate the Project.

### 21.1 APPLICABLE LEGISLATION AND STANDARDS

The applicable legislation controlling land tenure and access is the *Mining Act 1971* (SA) (Mining Act). Particular reference is made to section 9 of the Mining Act, which outlines the exempt land provisions, which require additional permissions in order to gain operational approval.

The Mining Act was established to facilitate the extraction of the mineral resources which are owned by the State. To facilitate this mineral extraction in areas where pre-existing land uses exist, the Mining Act sets out the process to be followed and includes the requirements for both the proposed mining operator and the landowner.

In summary, the Mining Act (Section 9) sets out a variety of different land uses which fall within the category of 'exempt land' and means that mining operations cannot be undertaken on that land unless a certain process has been undertaken which requires the consent of the landowner. Categories of 'exempt land' include land used as a cultivated field (e.g. vineyards) and land that is situated within 400 m of a residence or within 150 m of a building, spring, well, reservoir or dam.

Where exempt land exists, the person who has the benefit of the exemption must agree to the conduct of any mining operations. This is referred to as "waiving the exemption" and must be set out in a formal agreement between the person who has the benefit of the exemption and the mining operator and be accompanied by appropriate compensation. Where an agreement cannot be reached in regards to land access, the matter can be referred to the Environment, Resources and Development Court for a resolution.

## 21.2 ASSESSMENT METHOD

Existing land use was identified through a desktop review of:

- Adelaide Hills Council Development Plan; and
- Land use data obtained from the Land Services Group and the Department of Planning, Transport and Infrastructure (DPTI), both part of the Government of South Australia.

The accuracy of the data has been confirmed and updated as necessary from various field visits and discussion with landholders between 2014 and 2017.

Potentially impacting events associated with specific environmental aspects, such as air quality, groundwater, and noise amongst others, have been included in the corresponding chapters, as outlined below in Table 21-1.

TABLE 21-1 | ENVIRONMENTAL ASPECTS INCLUDED IN THE ML DOCUMENT

Environmental Aspect Chapter
Chapter 7: Public Safety
Chapter 8: Traffic
Chapter 9: Visual Amenity
Chapter 10: Groundwater
Chapter 11: Surface Water
Chapter 12: Soil and Land
Chapter 13: Geohazards and Geochemistry
Chapter 14: Existing Site Contamination
Chapter 15: Air Quality
Chapter 16: Noise
Chapter 17: Air-overpressure and Vibration
Chapter 18: Native Fauna and Pest Species
Chapter 19: Vegetation and Weeds
Chapter 20: Aboriginal Heritage / Native Title and non-Aboriginal Heritage
Chapter 21: Land Tenure
Chapter 22: Agricultural Impacts
Chapter 23: Social Environment
Chapter 24: Economic

## 21.3 EXISTING ENVIRONMENT

Existing environment within the proposed ML is primarily beef cattle, mixed with viticultural aspects including vineyards and a winery, as well as rural residential. There also exists an abandoned water utilities parcel of land, under the care of SA Water.

A description of surrounding land use is contained in Chapter 2: Existing Environment, as well as Chapter 23: Social Environment and Chapter 24: Economic Impact.

All surface infrastructure which mining operations is planned to be on is freehold land owned by Terramin.

The boundary of the proposed ML was surveyed by licenced surveyors during July 2017 and confirmed to be located within the land parcels detailed in section 21.3.2. The survey plans have been included in Appendix T2.

### 21.3.1 LAND OWNERSHIP WITHIN PROPOSED OPERATING AREA AND ABOVE UNDERGROUND WORKINGS

Table 21-2 outlines all land ownership and titles which are located within the proposed operating area and/or above underground workings.

Land titles and the project footprint are shown in Figure 21-1.

**TABLE 21-2 | LAND OWNERSHIP WITHIN THE PROPOSED OPERATING AREA AND ABOVE UNDERGROUND WORKINGS**

Landholder	Crown Lease / Certificate of Title	Primary land use
Terramin Exploration Pty Ltd	CT6055/379	Mining
Graham Day	CT5840/497	Rural residential and beef cattle
Tim Hisee	CT5292/32	Rural residential
SA Water	CT5843/376	Abandoned utility
SA Water	CT5597/117	Abandoned utility

### 21.3.2 LAND OWNERSHIP WITHIN PROPOSED ML BOUNDARY

Table 21-3 outlines all land ownership and titles which are located within the proposed Mining Lease boundary.

The proposed Mining Lease (ML) includes a number of roads and road reserves for which the Adelaide Hills Council has care, control and management. For the purpose of Section 10 of the Mining Act and Regulation 5 of the *Mining Regulations 2011*. The Council provided its consent to Terramin Exploration Pty Ltd (Terramin) to register the mineral claim (MC) in 2015. Terramin will gain further consent from the council upon the registration of the ML.

Land titles and the project footprint are shown in Figure 21-1.

**TABLE 21-3 | LAND OWNERSHIP WITHIN THE PROPOSED ML**

Landholder	Crown Lease / Certificate of Title	Primary land use
Lion-Wine Pty Ltd	CT6171/710	Winery and cellar door
Bronte Gabb	CT5792/323	Beef cattle
Bronte Gabb	CT5792/322	Beef cattle
Graham Day	CT5745/150	Beef cattle
Graham Day	CT5840/496	Beef cattle
Graham Day	CT5840/497	Rural residential and beef cattle
Norbert Reni	CT5797/941	Rural residential
Ronald Baker	CT5729/126	Beef cattle
SA Water	CT5843/376	Abandoned utility
SA Water	CT5597/117	Abandoned utility
Terramin Exploration Pty Ltd	CT6055/379	Mining
Tim Hisee	CT5292/32	Rural residential



### 21.3.3 LAND OWNERSHIP ADJACENT TO PROPOSED ML BOUNDARY

Table 21-4 outlines all land ownership and titles which are located adjacent to the proposed M L boundary.

Land titles and the project footprint are shown in Figure 21-1.

**TABLE 21-4 | LAND OWNERSHIP ADJACENT TO THE PROPOSED ML BOUNDARY**

Landholder	Crown Lease / Certificate of Title	Primary land use
Adelaide Polo Club	CT6055/380	Recreational
Adelaide Polo Club	CT6041/378	Recreational
Bronte Gabb	CT 5792/321	Beef cattle
Carl's Vineyard /David Paschke	CT6159/262	Beef cattle
Chantenois Pty Ltd / Saverio Virgara	CT6041/89	Vineyards
Chantenois Pty Ltd / Saverio Virgara	CT6041/88	Vineyards
Darren Watkins	CT5840/495	Rural residential and beef cattle
David Boehm	CT5706/738	Rural residential and beef cattle
Graham Day	CT5840/496*	Beef cattle
Judith Kelly	CT5441/547	Cellardoor, rural residential and vineyards
Kym Davis	CT5306/242	Rural residential
Leigh McClusky	CT5852/853	Rural residential
Reefton Ridge Vineyards Pty Ltd/ Simon Tolley	CT5483/838	Vineyards
Ronald Baker	CT6192/513	Beef cattle
Ronald Baker	CT5729/126	Olive grove
Tantallon Pastoral Co Pty Ltd / John Glatz	CT5852/854	Beef cattle
Tantallon Pastoral Co Pty Ltd / John Glatz	CT6163/935	Beef cattle
Tim Noske	CT6060/694	Rural residential and beef cattle
Tim Noske	CT6090/55	Rural residential and beef cattle
Trevor Kerber	CT6091/7	Rural residential
Woods Vineyard Pty Ltd / Andrew Nugent	CT5261/544	Winery and vineyards

\* CT5840/496 is dissected with the proposed ML boundary. This table refers to the portion outside the ML

### 21.3.4 EASEMENTS WITHIN THE PROPOSED MINING LEASE

There are two easements within the proposed ML. These include an access way within CT6171/710 for the purpose of electricity supply off Pfeiffer Road, as well as rights of way over specific land marked on CT 5620/987 off Bird in Hand Road. Neither of these easements have any impact on the proposed Project.

### 21.3.5 APPLICABLE EXEMPT LAND BASED ON PROPOSED MINING ACTIVITIES

Pending the ultimate final site design and MAR network, the following properties would require the negotiation and registration of a waiver of exemption (Form 23) as defined by section 9 of the Mining Act. All exemptions will be obtained prior to any work undertaken as proposed by the Mining Lease Proposal (MLP) and the associated Program for Environment Protection and Rehabilitation (PEPR).

Figure 21-2 to Figure 21-6 presents conceptually the potential exemption zone based on surface infrastructure. The exemption zones based on underground workings are all contained within the surface potential exemption zones, due to the depth of the mine and the spherical nature of exemption zones. Detailed analysis of all potential exempt land is included Appendix T3.

Table 21-5 presents potential land which may require the negotiation and registration of a waiver of exemption based on section 9 of the Mining Act due to the nature of activities, buildings, water sources and infrastructure located on the properties listed below.

It is Terramin’s intention to negotiate access to all land as defined as exempt under section 9 of the Mining Act prior to the commencement of mining operations. Terramin will discuss and negotiate relevant agreements (such as access and compensation) with each of the land owners individually. These agreements will set out relevant matters including the parties, compensation, access to land (including details of exempt land and the waiving of exempt land), conditions of access, and other matters relevant to the entry and commencement of mining operations.

Terramin has been able to obtain agreements through exploration, and are confident in their ability to obtain agreements with the vast majority of landholder whose properties have the potential to require the negotiation and registration of a waiver of exemption.

Detailed maps of all items identified which may create an exemption zone has been included in Appendix T1, and a table outlining all exempt land items based on the boundary of the proposed ML is included in Appendix T3. The surveyed Mineral Claim is in Appendix T2.

Figure 21-2 to Figure 21-14 | Proposed surface infrastructure and underground workings with features identified under s. 9 (1) (d) (ii) (B) – Water (Part D) are taken from the MC 4473 Application for this project.

**TABLE 21-5 | POTENTIAL EXEMPT LAND BASED ON PROPOSED MINING LEASE ACTIVITIES**

Landholder	Crown Lease / Certificate of Title	Primary land use
Norbert Reni	CT5797/941	Rural residential
Bronte Gabb	CT5792/323	Beef cattle
Bronte Gabb	CT5792/322	Beef cattle
Judith Kelly	CT5441/547	Cellardoor, rural residential and vineyards
Kym Davis	CT5306/242	Rural residential
Darren Watkins	CT5840/495	Rural residential and beef cattle
SA Water	CT5843/376	Abandoned utility
SA Water	CT5597/117	Abandoned utility
Tim Hisee	CT5292/32	Rural residential
Tim Noske	CT6090/55	Rural residential and beef cattle
Lion-Wine Pty Ltd	CT6171/710	Winery and cellardoor
Ronald Baker	CT5729/126	Beef cattle
Adelaide Polo Club	CT6041/378	Recreational



FIGURE 21-1 | LAND TITLES AND PROPOSED PROJECT FOOTP



Drawn By: KF  
Scale: 1:4000  
Check by: MD

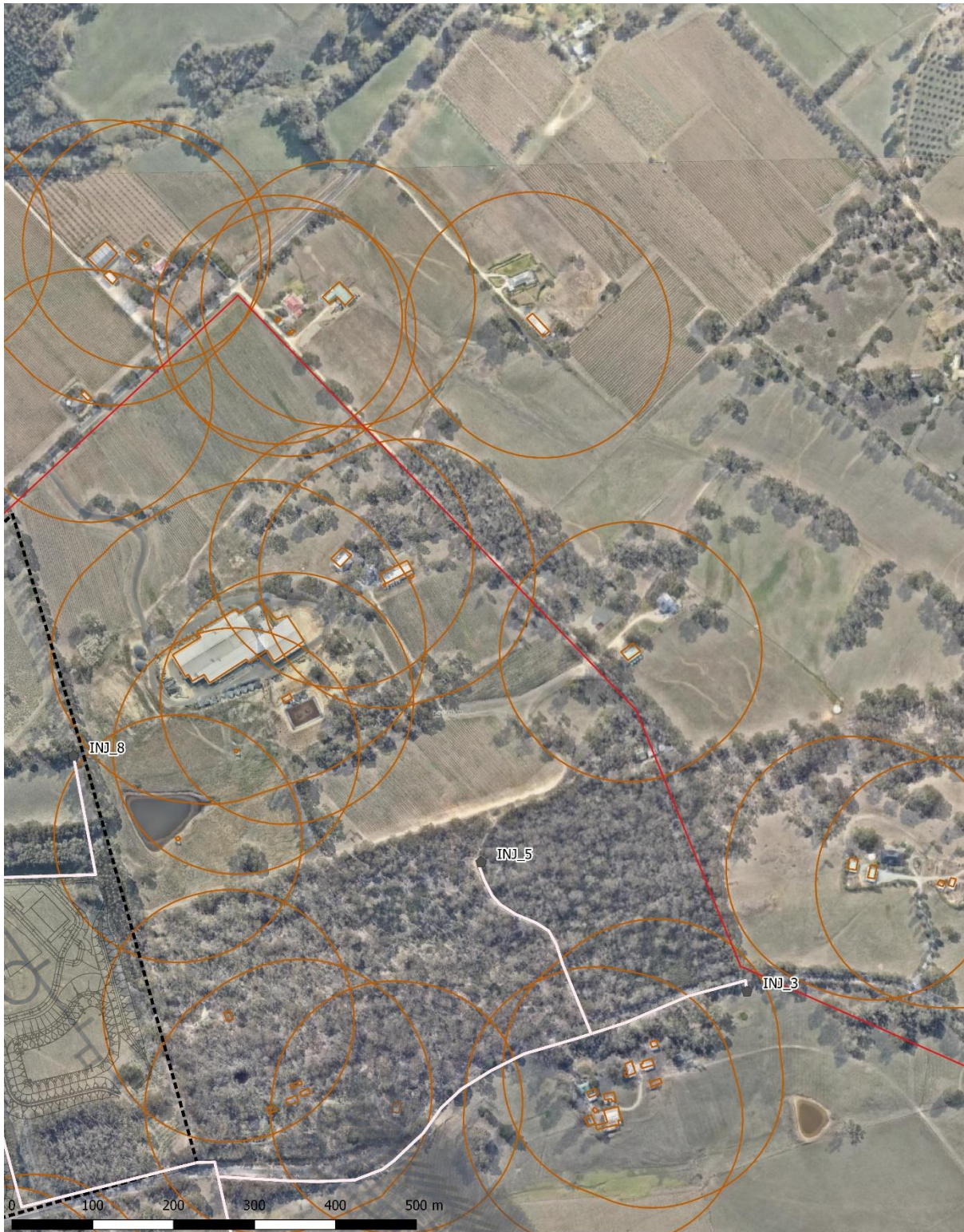
Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_  
Commerical

Legend

- Indicative MAR Wells
- Exempt Land Buffer - Commercial
- Indicative MAR Pipeline
- Surface Infrastructure
- Goldwyn Boundary
- Underground Workings
- Proposed Mining Lease



FIGURE 21-2 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (II) (A) – INDUSTRIAL/COMMERCIAL (PART A)



Drawn By: KF  
Scale: 1:4000  
Check by: MD

Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_  
Commerical

Legend

- Indicative MAR Wells
- Indicative MAR pipeline
- Goldwyn Boundary
- Proposed Mining Lease
- Exempt Land Buffer - Commercial
- Surface Infrastructure
- Underground Workings



FIGURE 21-3 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER s. 9 (1) (d) (ii) (A) – INDUSTRIAL/COMMERCIAL (PART B)



Drawn By: KF  
Scale: 1:4000  
Check by: MD  
Date: 07-01-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_  
Commercial

Legend

- ◆ Indicative MAR Wells
- Indicative MAR Pipeline
- ▭ Proposed Mining Lease
- Underground Workings
- Exempt Land Buffer - Commercial



FIGURE 21-4 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (II) (A) – INDUSTRIAL/COMMERCIAL (PART C)



Drawn By: KF  
Scale: 1:4000  
Check by: MD

Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_  
Commercial

**Legend**

- Indicative MAR Wells
- Indicative MAR Pipeline
- Goldwyn Boundary
- Proposed Mining Lease
- Exempt Land Buffer - Commercial
- Surface Infrastructure
- Underground Workings



FIGURE 21-5 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (II) (A) – INDUSTRIAL/COMMERCIAL (PART D)



Drawn By: KF Date: 12-06-2019  
Scale: 1:4000 CRS: MGA84\_Zone54  
Check by: MD Reference: MC\_Exempt\_House

Legend

- Indicative MAR Wells
- Exempt Land Buffer - House
- Indicative MAR Pipeline
- Surface Infrastructure
- Goldwyn Boundary
- Underground Workings
- Proposed Mining Lease



FIGURE 21-6 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (I) – RESIDENTIAL (PART A)





Drawn By: KF  
Scale: 1:4000  
Check by: MD

Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_House

**Legend**

- Indicative MAR Wells
- Indicative MAR pipeline
- Goldwyn Boundary
- Proposed Mining Lease
- Exempt Land Buffer - House
- Surface Infrastructure
- Underground Workings



FIGURE 21-7 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER s. 9 (1) (d) (i) – RESIDENTIAL (PART B)



Drawn By: KF  
Scale: 1:4000  
Check by: MD

Date: 07-01-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_House

Legend

- Indicative MAR Wells
- Exempt Land Buffer - House
- Indicative MAR Pipeline
- Underground Workings
- MC4421



FIGURE 21-8 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER s. 9 (1) (D) (I) – RESIDENTIAL (PART C)



Drawn By: KF  
Scale: 1:4000  
Check by: MD  
Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_House

**Legend**

- Indicative MAR Wells
- Exempt Land Buffer - House
- Indicative MAR Pipeline
- Surface Infrastructure
- Goldwyn Boundary
- Underground Workings
- Proposed Mining Lease



FIGURE 21-9 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER s. 9 (1) (d) (i) – RESIDENTIAL (PART D)



**Legend**

- Indicative MAR Wells
- Surface Infrastructure
- Indicative MAR Pipeline
- Underground Workings
- - - Goldwyn Boundary
- Water Reserve
- Proposed ML
- Vineyards



Drawn By: KF Date: 12.06.2019 Scale: 1:7000 CRS: MG84\_Zone54 Check by: MD Reference: MC\_Exempt\_Water Reserves and

FIGURE 21-10 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (A) (I) – VINEYARDS AND S. 9 (1) (BA) (I) – WATERWORKS



Drawn By: KF  
Scale: 1:4000  
Check by: MD

Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_Water

**Legend**

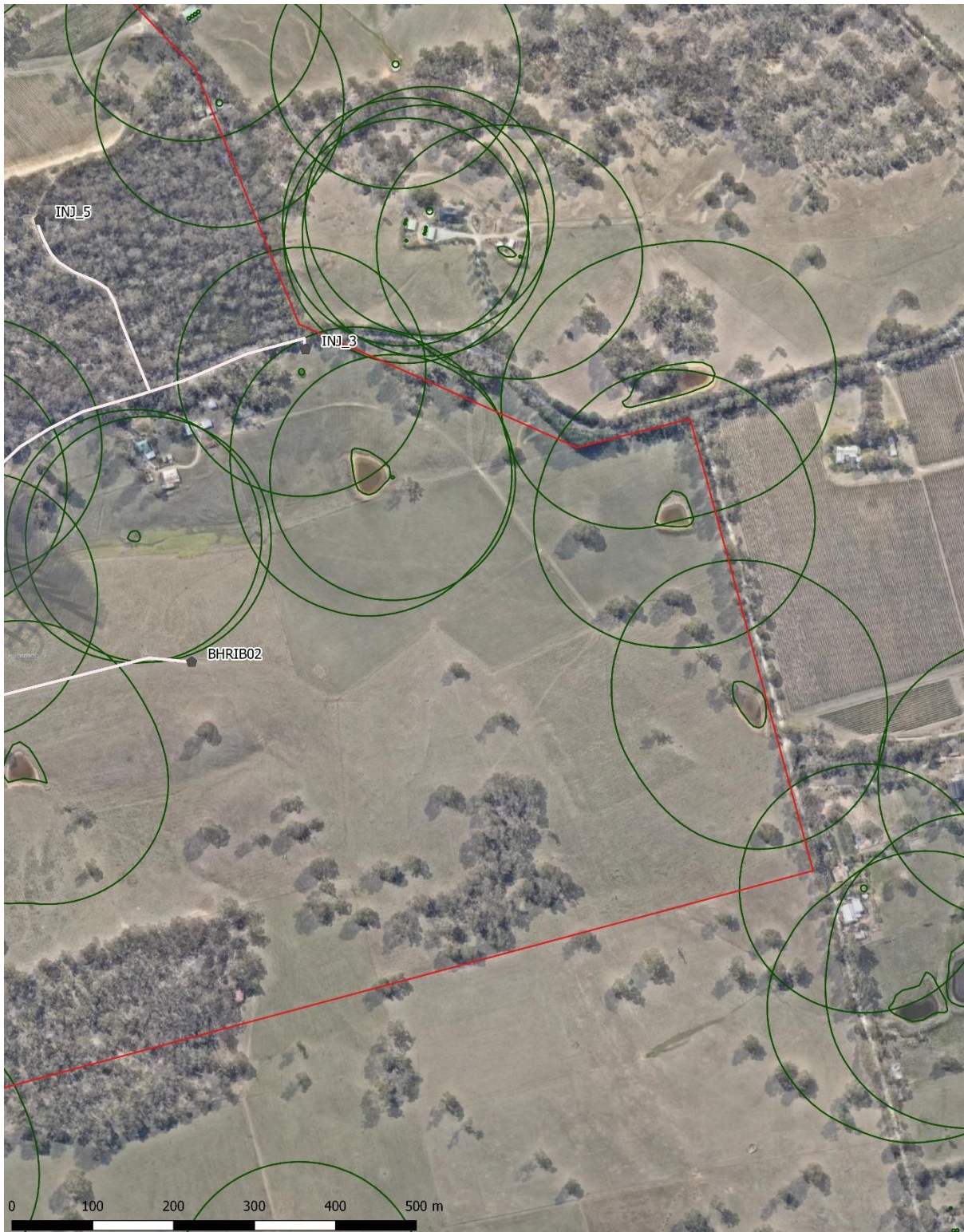
- Indicative MAR Wells
- Indicative MAR Pipeline
- Goldwyn Boundary
- Proposed Mining Lease
- Exempt Land Buffer - Water
- Surface Infrastructure
- Underground Workings



FIGURE 21-11 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (II) (B) – WATER (PART A)



FIGURE 21-12 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (II) (B) – WATER (PART B)



Drawn By: KF  
Scale: 1:4000  
Check by: MD

Date: 07-01-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_Water

**Legend**

- ◆ Indicative MAR Wells
- Indicative MAR Pipeline
- ▭ Proposed Mining Lease
- Underground Workings
- Exempt Land Buffer - Water



FIGURE 21-13 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (II) (B) – WATER (PART C)



Drawn By: KF  
Scale: 1:4000  
Check by: MD  
Date: 12-06-2019  
CRS: MGA84\_Zone54  
Reference: MC\_Exempt\_Water

**Legend**

- ◆ Indicative MAR Wells
- Indicative MAR Pipeline
- ▣ Goldwyn Boundary
- ▭ Proposed Mining Lease
- Surface Infrastructure
- ▭ Underground Workings
- Exempt Land Buffer - Water



FIGURE 21-14 | PROPOSED SURFACE INFRASTRUCTURE AND UNDERGROUND WORKINGS WITH FEATURES IDENTIFIED UNDER S. 9 (1) (D) (ii) (B) – WATER (PART D)