

# CHAPTER 22 LAND TENURE



## ANGAS PROCESSING FACILITY MISCELLANEOUS PURPOSES LICENSE APPLICATION

2019/0826



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

## 22 LAND TENURE

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

As outlined in DEM's *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 proposed MPL, 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 APF.

### 22.1 APPLICABLE LEGISLATION AND STANDARDS

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

### 22.2 ASSESSMENT METHOD

Existing land use was identified through a desktop review of:

- Alexandrina Council Development Plan;
- Land use data obtained from the Land Services Group and the Department of Planning, Transport and Infrastructure, both part of the Government of South Australia;
- Interactions with landholders between 2005 and 2018.

The accuracy of the data has been confirmed and updated as necessary from various field visits and discussion with landholders between 2005 and 2018.

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 22-1.

Terramin have completed an agreement under s. 80 of the *Mining Act 1971 (SA)*, which consents the MPL to be pegged over the existing ML6229 tenement held by Terramin Australia Ltd. This is in order to treat ore and store tailings from the Bird in Hand ore. This agreement has been lodged with the DEM.

TABLE 22-1 | ENVIRONMENTAL ASPECTS INCLUDED IN THE ML DOCUMENT

Environmental Aspect Chapter
Chapter 8: Public Safety
Chapter 9: Traffic
Chapter 10: Visual Amenity
Chapter 11: Groundwater
Chapter 12: Surface Water
Chapter 13: Soil and Land Quality
Chapter 14: Geochemistry
Chapter 15: Geohazards
Chapter 16: Air Quality
Chapter 17: Noise
Chapter 18: Native Fauna and Pest Species
Chapter 19: Vegetation and Weeds
Chapter 20: Aboriginal Heritage / Native Title and non-Aboriginal Heritage
Chapter 21: Economic Impact
Chapter 22: Land Tenure

## 22.3 EXISTING ENVIRONMENT

The majority of the existing environment within the proposed MPL is mineral processing, with areas of revegetation (SEB areas), as well as horse grazing and rural residential.

All residential properties on the MPL area are owned by Terramin.

A description of surrounding land use is contained in Chapter 2: Existing Environment.

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

### 22.3.1 LAND OWNERSHIP WITHIN PROPOSED MPL BOUNDARY

Table 22-2 outlines all land ownership and titles which are located within the proposed MPL area. Form 21s to enable pegging of the MPL have been served and are included in Appendix U2. Current certificates of Title are included in Appendix U3.

Land titles and the project footprint are shown in Figure 22-1.

TABLE 22-2 | LAND OWNERSHIP WITHIN THE PROPOSED OPERATING AREA

Landholder	Crown Lease / Certificate of Title	Primary land use	Form 21 served date
TERRAMIN AUSTRALIA LIMITED	CT/6032/127	Mineral processing / SEB	
TERRAMIN AUSTRALIA LIMITED	CT/6032/125	Mineral processing / SEB	

Landholder	Crown Lease / Certificate of Title	Primary land use	Form 21 served date
SA POWER NETWORKS	CT/6032/124	SAPN substation	
TERRAMIN AUSTRALIA LIMITED	CT/6032/123	Rural residential	
TERRAMIN AUSTRALIA LIMITED	CT/6032/126	Rural residential	
TERRAMIN AUSTRALIA LIMITED	CT/5142/986	Rural residential	

### 22.3.2 LAND OWNERSHIP ADJACENT TO PROPOSED MPL BOUNDARY

Table 22-3 outlines all land ownership and titles which are located adjacent to the proposed Mining Lease boundary.

TABLE 22-3 | LAND OWNERSHIP ADJACENT TO THE PROPOSED ML BOUNDARY

Landholder	Crown Lease / Certificate of Title	Primary land use
ADELAIDE HILLS PROPERTY PTY. LTD.	CT/6122/709	Licensed recycling and landfill
RODNEY WILLIAM GLOVER GWENDA KAYE GLOVER	CT/5079/330	Rural residential
TRUDY ANN BAGLEY	CT/5080/784	Rural residential
SIMON JAMES TAYLOR SHARON LEE TAYLOR	CT/5399/932	Beef cattle
KYM ANDREW WEBB KATHRYN ANN WEBB	CT/5110/466	Rural residential
SYDNEY IAN JETTNER	CT/6017/400	Cropping
ALEXANDRINA COUNCIL	CT/5802/870	Recreation – model aeroplanes
PETER DAMIEN MCSHERRY CAROL MARTINA MCSHERRY	CT/5333/401	Cropping
DS & JM GARWOOD PTY. LTD.	CT/6010/542	Extractive mineral lease
DS & JM GARWOOD PTY. LTD.	CT/6010/538	Cropping
WAYNE COLIN GILGEN	CT/5349/681	Rural residential / cropping
MATTHEW WILLIAM DUNGEY	CT/5080/818	Rural residential / cropping
SIMON JAMES TAYLOR SHARON LEE TAYLOR	CT/6122/710	Beef cattle

### 22.3.3 EASEMENTS WITHIN THE PROPOSED MISCELLANEOUS PURPOSES LICENSE

There are numerous easements located on the proposed MPL. These are in relation to

CT6032/125 and CT6032/127 for the purposes of the transmission of electricity by underground and overhead cable, drainage purposes, sewerage purposes, water supply purposes and a free and unrestricted right of way over land; and

CT6032/123 and CT6032/126 for the purposes of the transmission of electricity by overhead cable, and the distribution lessor corporation.

Easement maps are included in Appendix U1.

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

The following properties have the potential to invoke an exempt land agreement as defined by section 9 of the Mining Act. Potential exempt land has been outlined in Table 22-4. Exempt land

agreements under s 9 of the Mining Act 1971 will be finalised during the PEPR prior to MPL activities commencing within the applicable zones. High level exempt land maps have been included below in Figure 22-2 and Figure 22-3. Detailed Maps showing the exempt land have been included in appendix W1.

Detailed maps of potential exempt land has been included in Appendix U4. No features (9)(1)(d)(ii)(B) which interesect the boundary of the MPL have been identified.

Land titles and the proposed MPL boundary are shown in Figure 22-1.

Table 22-4 presents potential features identified through s 9 of the Mining Act which may require an agreement due to the nature of activities, buildings, water sources and infrastructure.

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. Notably, Terramin own the four residences most closely located to the proposed MPL.

Terramin has been able to obtain agreements previously through the operation of ML6229 with these landholders where applicable, and are confident in their ability to obtain agreements with landholders whose properties have the potential to require the negotiation and registration of a waiver of exemption. Terramin will endeavour to take all reasonable measures to obtain agreements with landholders.





TABLE 22-4 | POTENTIAL EXEMPT LAND BASED ON PROPOSED MINING LEASE ACTIVITIES

Landholder	Location ID on plans	Structure type	Crown Lease / Certificate of Title	Plan Parcel	Easting (centre point)	Northing (centre point)	Inside or outside the MPL boundary (I/O)	Reason why or why not exempt land is triggered	Relevant Section of Mining Act 1971	Reason under s 9 Mining Act
Al & H Anthonyz	1	Residence	6198/771	D115824 A60	310047	6097320	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
RW & GK Glover	2	Residence	5079/330	F7027 A73	310103	6097079	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
GJ Schultz	3	Residence	5086/929	D14146 A10	309985	6096959	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
DD Wieringa	4	Residence	5659/404	D14146 A11	309949	6096945	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
PJ & DJ Daly	5	Residence	5384/961	F37238 A2	309904	6096902	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
DD Hope	6	Residence	5659/404	D28693 A1	309962	6096823	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
GR Barlow	7	Residence	5408/781	D28693 A2	310019	6096822	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
GR Barlow	7	Shed	5408/781	D28693 A2	310048	6096824	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
GR Barlow	7	Shed	5408/781	D28693 A2	310015	6096794	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
GR Barlow	7	Tank	5408/781	D28693 A2	310053	6096803	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
GR Barlow	7	Tank	5408/781	D28693 A2	310060	6096800	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
TA Bagley	8	Residence	5080/784	D28693 A3	310075	6096849	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
TA Bagley	8	Shed	5080/784	D28693 A3	310092	6096850	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
TA Bagley	8	Tank	5080/784	D28693 A3	310056	6096829	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
KA & KA Webb	9	Residence	5110/466	D28693 A4	310117	6096875	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary



Landholder	Location ID on plans	Structure type	Crown Lease / Certificate of Title	Plan Parcel	Easting (centre point)	Northing (centre point)	Inside or outside the MPL boundary (I/O)	Reason why or why not exempt land is triggered	Relevant Section of Mining Act 1971	Reason under s 9 Mining Act
KA & KA Webb	9	Shed	5110/466	D28693 A4	310143	6096864	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
KA & KA Webb	9	Tank	5110/466	D28693 A4	310105	6096862	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
KA & KA Webb	9	Tank	5110/466	D28693 A4	310103	6096868	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
KA & KA Webb	9	Tank	5110/466	D28693 A4	310102	6096872	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
KA & KA Webb	9	Tank	5110/466	D28693 A4	310148	6096857	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
Terramin Australia	10	Shed	5142/986	D28693 A6	310193	6096893	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	11	Leased Residence	6032/123	D77134 A10	310286	6096912	O	Leased Residence	(9)(1)(d)(i)	Located within MLP Boundary
Terramin Australia	11	Shed	6032/123	D77134 A10	310273	6096896	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Leased Residence	6032/125	D77134 A12	310326	6096750	I	Leased Residence	(9)(1)(d)(i)	Located within MLP Boundary
Terramin Australia	12	Shed	6032/125	D77134 A12	310350	6096702	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Shed	6032/125	D77134 A12	310371	6096658	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Shed	6032/125	D77134 A12	310384	6096662	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Shed	6032/125	D77134 A12	310385	6096630	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Shed	6032/125	D77134 A12	310396	6096606	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Shed	6032/125	D77134 A12	310309	6096753	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Terramin Australia	12	Tank	6032/125	D77134 A12	310319	6096759	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary



Landholder	Location ID on plans	Structure type	Crown Lease / Certificate of Title	Plan Parcel	Easting (centre point)	Northing (centre point)	Inside or outside the MPL boundary (I/O)	Reason why or why not exempt land is triggered	Relevant Section of Mining Act 1971	Reason under s 9 Mining Act
Terramin Australia	13	Leased Residence	6032/126	D77134 A13	310215	6096926	O	Leased Residence	(9)(1)(d)(i)	Located within MLP Boundary
Terramin Australia	14	Leased Residence	6032/127	D77134 A14	310520	6097161	I	Leased Residence	(9)(1)(d)(i)	Located within MLP Boundary
Terramin Australia	14	Shed	6032/127	D77134 A14	310521	6097146	I	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within MLP boundary
Adelaide Hills Property	15	Residence	6122/709	D91817 A35	311488	6097206	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
Adelaide Hills Property	15	Shed	6122/709	D91817 A35	310924	6097020	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
MW Dungey	16	Residence	5080/818	F2201 A4	311752	6096850	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
WC Gilgen	17	Residence	5349/681	F2201 A3	311636	6096675	O	Residence	(9)(1)(d)(i)	Located within 400m of MLP Boundary
WC Gilgen	17	Shed	5349/681	F2201 A3	311640	6096662	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
WC Gilgen	17	Shed	5349/681	F2201 A3	311658	6096658	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
WC Gilgen	17	Shed	5349/681	F2201 A3	311673	6096663	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
WC Gilgen	17	Shed	5349/681	F2201 A3	311739	6096628	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
WC Gilgen	17	Shed	5349/681	F2201 A3	311731	6096658	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
WC Gilgen	17	Shed	5349/681	F2201 A3	311741	6096656	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
Alexandrina Council	18	Shed	5802/870	D54969 A10	310517	6096106	O	Structure assumed commercial	(9)(1)(d)(ii)(A)	Located within 150m of MLP boundary
Utilities Development/Spark In	19	Sub station	6032/124	D77134 A11	310398	6096865	I	Commercial structure assumed	(9)(1)(d)(ii)(A)	Located within MLP boundary

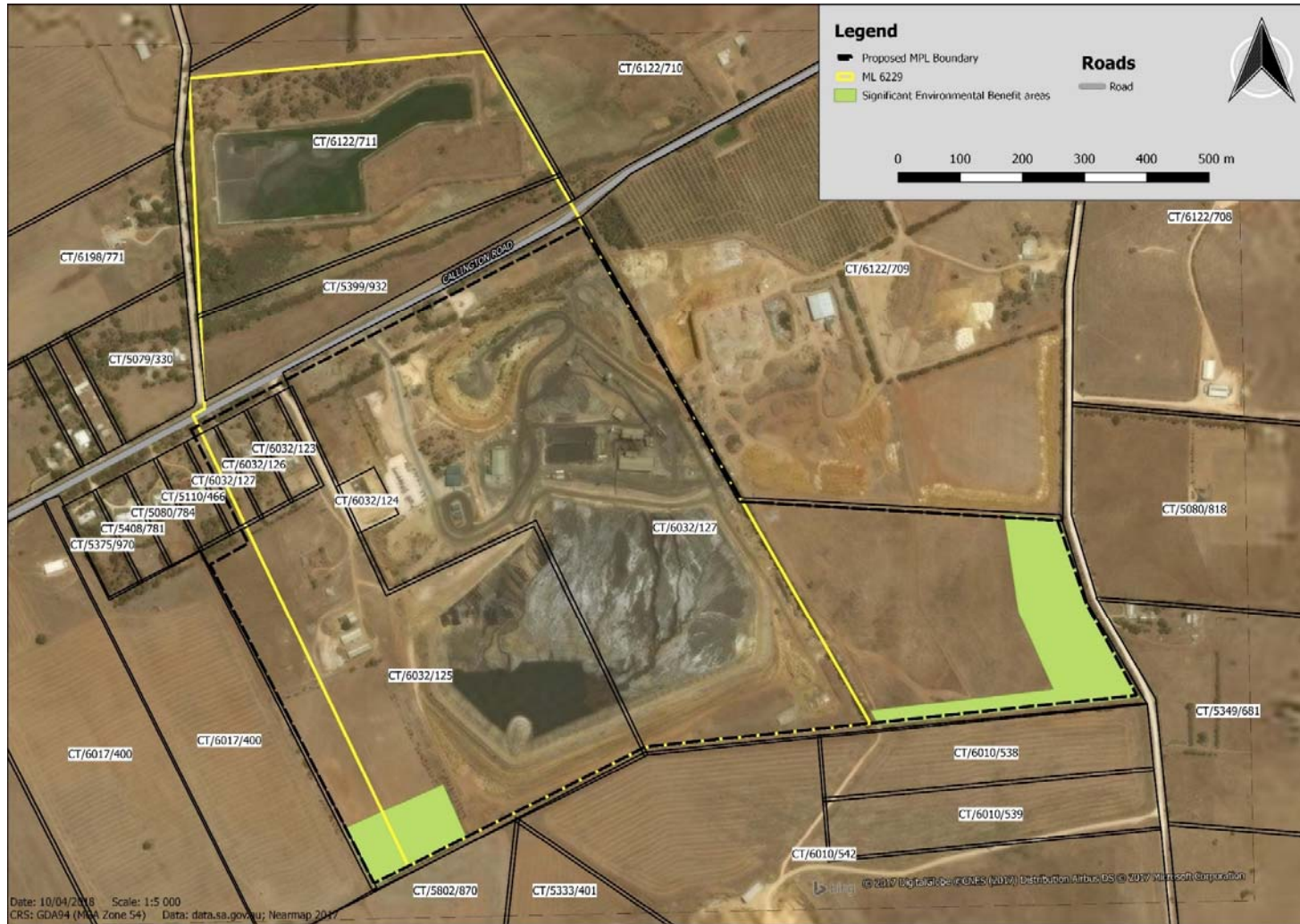


FIGURE 22-1 | LAND TITLES AND PROPOSED MPL BOUNDARY



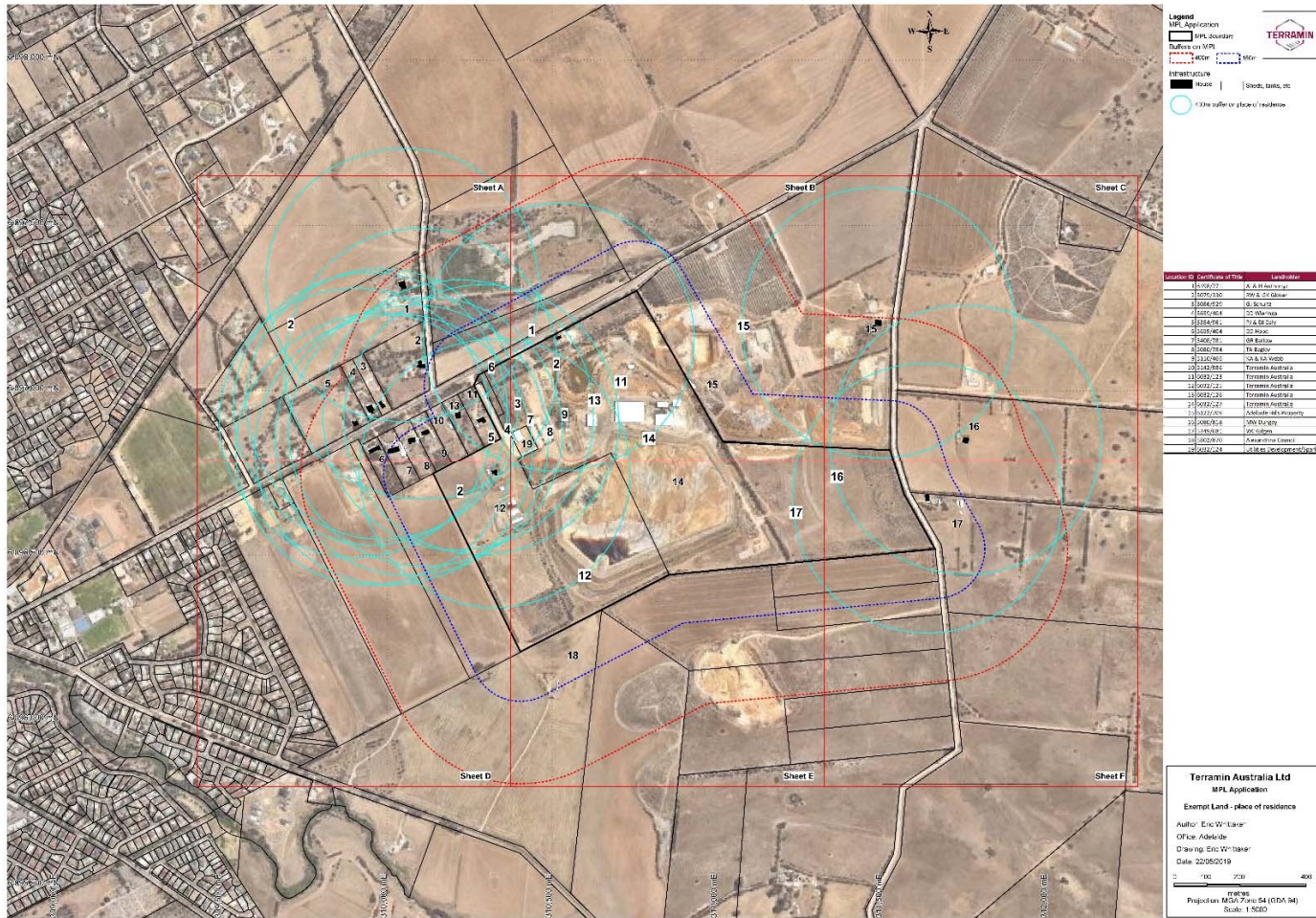


FIGURE 22-2 | EXEMPT LAND BASED ON SECTION (9)(1)(D)(I)



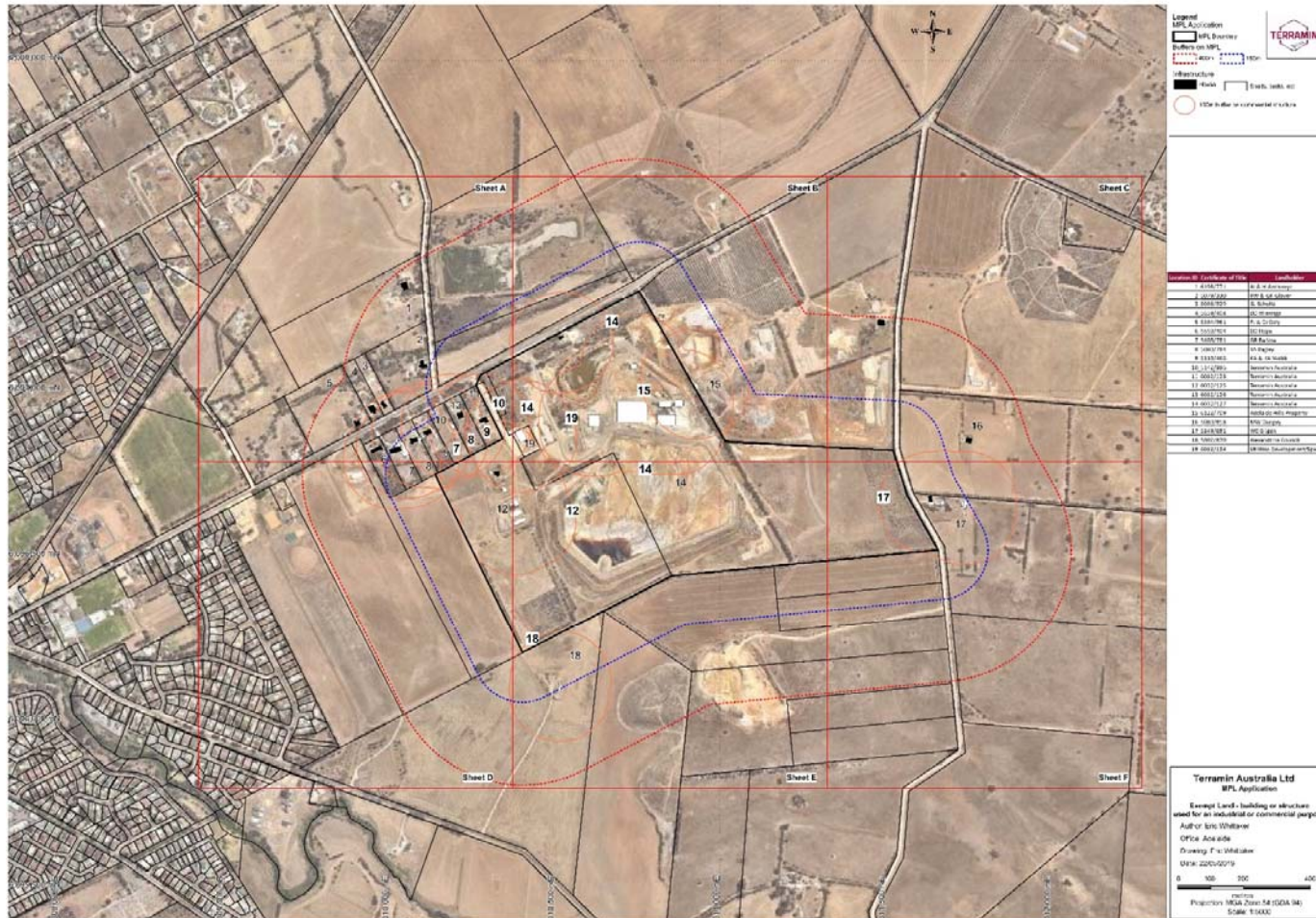


FIGURE 22-3 | EXEMPT LAND BASED ON SECTION (9)(1)(D)(II)(A)