

IN THE WARDEN'S COURT
HOLDEN AT ST LEONARDS
ON 10TH MAY 1991
BEFORE J L McMAHON
CHIEF MINING WARDEN

WITHERS v CARTER & STRZELECKI

Amanda Ray Withers is the current lessee of Mining Lease No 449 granted under the Mining Act 1973, as amended to mine for sapphire, tin and zircon over about 23 hectares of land in the Glen Innes district. The current owners of the land are Mr Arthur Stanley Carter and Mr Josef Strzelecki.

On 29th January 1991 Ms Withers made an application to me to assess compensation under the Mining Act and on 30th April last I conducted an Inquiry at the Court House, Glen Innes with that intention. All three parties attended the hearing. Ms Withers deposed of some negotiations between herself and Messrs Carter and Strzelecki and said that she offered the sum of \$200 on an annual basis as compensation. She agreed also to comply with the conditions of the mining lease that at the end of the operation the area would be rehabilitated and the soil seeded.

Speaking on his own behalf and that of Mr Strzelecki, Mr Carter in a lengthy explanation of his attitude in effect outlined that he had no objection to the offer of \$200 per annum as compensation but was primarily concerned with the possibility of the lease holder knocking down significant trees. His attitude towards the trees was governed by his background in the USA as a young man and more recently by the extreme importance that Mr Carter saw in preservation of the trees generally ^{and} in the area in particular. He has plans later to develop the area as a tourist attraction which will necessitate preservation of trees. When called again to the witness box, the attitude of the landowners having been elicited, Ms Withers said that

she was willing not only to re-seed the area but also to plant trees of a species which would be likely to survive in the district, as required by the landowners, at the completion of her operations.

Compensation herein is assessed at \$200 per annum payable on 30th April 1992 and on the anniversary of that date, direct to Mr Carter on behalf of the landowners.