

Practice Direction 1/2016

July 2020

Version 2.2

Practice Direction

(Including Boundary Definition Notice under s386S of the *Mineral Resources Act 1989*)

Boundary identification for mining resource authorities

Purpose

This practice direction forms part of the practice manual maintained by the chief executive under section 202 of the *Mineral and Energy Resources (Common Provisions) Act 2014*. It provides guidance about ways to define the boundary of a resource authority (other than exploration permits) under the *Mineral Resources Act 1989*. It also serves as a boundary definition notice under section 386S of the *Mineral Resources Act 1989*.

Application

This practice direction outlines the requirements for identifying boundaries for a resource authority application (other than an exploration permit) under sections 386R and 386S of the Mineral Resources Act 1989 (MRA).

This practice direction is divided into Parts 1 to 3. The methods described in Part 1 of this guide provide the most flexible arrangements for boundary definition. You may use Part 1 unless you fall into one of the following categories, or are directed by a delegated officer, in which case you must use Part 2:

- all permits administered pursuant to the Small Scale Mining Code
- all mining claims **not** administered pursuant to the Small Scale Mining Code
- Palmer Goldfield Regional Park – Lot 1 on Plan CP907719
- the Homevale Resources Reserve – Mt Britton
- Lot 24 on Plan CP901151, Miclere, approximately 30 north of Clermont
- Lot 10 CLM109, Expedition Creek, approximately 20 km west of Clermont
- Lot 11 CLM130, Expedition Creek, approximately 20 km west of Clermont

Part 3 applies to all applicants.

Part 1

Section 386R of the MRA outlines the methods for defining the boundary of the *resource authority* being applied for. When defining the boundary it must be clear and unambiguous and accurately show where the boundary is located on the ground. The intent of this provision is to allow the applicant to find the most cost effective option of satisfying this regulatory requirement while at the same time, where appropriate, allowing the use of new technology to improve efficiency and reduce costs.

An applicant may use a variety of methods to achieve an appropriate boundary marking - such as physical monuments, GPS coordinates or a registered cadastral survey of the boundary. The applicant may also use a combination of descriptions together with satellite imagery and/or aerial photographs with references and bearings to key features (e.g. existing registered cadastral survey plans or connections to registered survey reference marks). When providing GPS coordinates, satellite imagery or other similar descriptions,

applicants should, where possible, also provide reference to a relevant landmark, cadastral corner or plan so as to give the assessing departmental officer, who may be unfamiliar with the location, a clear indication of where the boundary is to be defined. Other methodology may be accepted as long as, in the chief executive's opinion, the boundary and access definition meet the criteria identified in section 386R.



Important note:

A pre-lodgement meeting with the [relevant Mines Assessment Hub](#) staff is highly recommended to determine any specific boundary identification requirements for your application.

Methods of defining boundaries in an application

The following are examples of methods that may meet the criteria outlined in section 386R. An applicant may choose one of the examples or propose an alternate method in consultation with the relevant assessment hub.

The MRA requires an applicant to:

- define the boundary of the area of a proposed *resource authority* under sections 61(1)(e), 183(1)(e), 231C(b) and 245(g)
- define any land outside the boundary of the proposed *resource authority* area intended to be used to access the proposed *resource authority* area under sections 61(1)(f), 183(1)(h), 231C(c) and 245(h)(iii)
- define any surface area of land to be included in a proposed mining lease area under section 245(h)(i).

1.1. Survey Plan

An applicant may define the boundary by relying on a survey plan prepared by a cadastral surveyor registered with the Surveyors Board of Queensland. For further information on carrying out a cadastral mining survey, please refer to *Survey Requirements for Mining Tenure V3.0*. (available on the department's website).

1.2. Use coordinates alone

An applicant may define the boundary by using coordinates provided that the:

- coordinates are recorded using a Differential Global Network Navigation System (DGNSS);
- information includes details of equipment, differential correction method and positional accuracy statements. Refer to ICSM SP1 documents for determining positional uncertainty at <http://www.icsm.gov.au/publications/standard-australian-survey-control-network-special-publication-1-sp1>;
- coordinates are provided in latitude and longitude (GDA2020) in degrees/minutes/seconds (DMS) format to two decimal places or decimal degrees to six decimal places. Alternatively, provide coordinates where all survey points are known; and

- provide additional reference to a relevant landmark, cadastral corner or plan so as to give the assessing departmental officer a clear indication of where the boundary is to be defined.

OR

Provide a description with a combination of aerial photos and satellite imagery with references to existing cadastral survey plans or connections to survey reference marks, the combination of which achieves the accuracy required by the chief executive.

Record and store GPS readings as you go for later reference and use.



1.3. Physically mark out the boundary

An applicant may physically mark out the boundary as per the instructions in Part 2.

1.4. Restricted land for mining lease applications

An applicant for a mining lease may satisfy the requirement to define the boundary of any restricted land under section 245(1)(h)(ii) of the MRA by describing the location of the building, area or structure through coordinates or written description using references to *resource authority* (including other resource authorities) or cadastral boundaries, survey marks and topographical features.

Part 2

1. Boundary definition notice

The instructions in Part 2 serve as the boundary definition notice under section 386S of the MRA, which provides that the chief executive may make directions about the way in which the boundary of a proposed resource authority must be defined.

2. Physically mark out the land

The resource authority must be marked out before submitting an application. Refer to Part 3 for land access information.

An applicant must define the boundary by physically marking out the land by firmly inserting into the ground at each and every corner, a physical monument with the following characteristics:

- a PVC pipe supported by a star picket (filled with soil, rubble or concrete, or connected by some means e.g. wire, and any pipe must be capped), treated timber post, steel or concrete (ensure star pickets do not pose a safety hazard to people or animals due to height or top)
- must be white, to provide high visibility
- standing at a height that allows it to be readily visible above the surface (at least one metre but should be higher in creeks and rough terrain if visibility is obscured)

- each post must be engraved or in some way durably marked with at least one applicant's initials and surname (or company name or abbreviation) and the date the resource authority was marked out (see figure 1).



Figure 1 engraved details of applicant on physical monument

One of the corners must be a **datum post** for the area of the *resource authority* with the same characteristics and requirements specified in the above paragraph for physical monuments. The placement of the datum post should be readily visible and where possible close to any permanent survey or other survey mark (e.g. property corner).



Important note:

Under section 386U of the MRA, a person who installs a physical monument for the purpose of applying for the grant of a *resource authority* must remove the monuments within 5 business days if the application is not made, or if the application is rejected, refused, withdrawn or abandoned.


Part 3

1. Entry of land for boundary definition purposes

If it is necessary for a person to enter land for defining a boundary by installing physical monuments or taking GPS coordinates, the person may enter land subject to the requirements under section 386V and Schedule 1 of the MRA. You are required to give the landowner an entry notice 10 business days before the intended entry, or a shorter time acceptable to the owner.

2. Submitting an application

Regardless of which method is used, an application under sections 61(1)(g), 183(1)(i) and 245(1)(j) must be accompanied by a visual representation of the boundaries and land related to a *resource authority*. Examples of visual material that may be provided include a sketch, map or other graphic representation of the boundary of the proposed *resource authority*.



Where an applicant has defined the boundary by physically marking out the land the application must include:

- a shapefile or coordinates for each and every corner in latitude and longitude (GDA 2020), or
- a description of the boundary including a description of the corners in relation to the datum post and other *resource authority* (including other resource authorities) or cadastral boundaries, survey marks and topographical features.

3. Direction to define or further define the boundary of a proposed resource authority

Sections 386J and 386T of the MRA enable the chief executive to request an applicant to define or further define the boundary of a proposed *resource authority*. This may include the installation, movement or removal of physical monuments. A direction to define or further define the boundary may result in delays in the assessment of the application.

For this reason it is strongly encouraged that the applicant attends a pre-lodgement meeting with the relevant assessment hub to determine any special circumstances that need to be taken into consideration.

Situations where further definition may be required

The relevant assessment hub will determine any further boundary identification requirements depending on the information provided in the application and the circumstances of the case. Examples of matters that may be relevant and result in the need for further identification include (but are not limited to):

- the method or identification of the boundary is ambiguous and does not accurately show where the boundary is located on the ground or does not allow the boundary's location to be accurately worked out
- the density and proximity to other resource authorities
 - for example, a proposed mining permit that abuts several other mining permits or applications may require further definition and ground truthing for clarity and in order to minimize the risk of potential disputes
- the proximity of a proposed *resource authority* boundary to property boundaries or when there is a risk the density of property boundaries may result in the applicant and landowner needing a compensation agreement not being identified by the methodology employed
 - for example, a proposed *resource authority* away from the boundaries of a property may not require further definition, while one that crosses over several property boundaries may
- a proximity to environmentally sensitive areas, heritage areas or Aboriginal or Torres Strait Islander cultural areas.

Note: under section 386T of the MRA the chief executive may require a person to install, move and remove a physical monument.



4. Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Queensland Government should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

5. Authorisation

Approved by:

Executive Director
Divisional Support
November 2019