

Operational policy

Prescribed areas (excess and non-contiguous)

MIN/2015/1251

04 March 2021

Version 1.03

1. Purpose

This policy provides guidance to industry on the processes and criteria to be followed when identifying land (particularly the sub-blocks) an exploration permit will be subject to in the permit application under the requirement of the *Mineral Resources Act 1989* (MRA).

This policy is written to:

- provide guidance and clarity to both applicants and administering officers;
- promote consistency of tenure administration and regulation across the state; and
- increase the department's timeliness and efficiency of processing exploration permit documentation.

The information contained in this policy does not override legislative requirements and reflects current practices within the department. These practices may change from time to time with all changes to be published through a revised version of this policy.

2. Policy Determination

2.1 Application

This policy relates to the following sections of the MRA:

- s.127 Land subject to exploration
- s.131 Who may apply
- s.132 Exclusion of land from area of exploration permit if subject to other authority under Act
- s.133 Application for exploration permit
- s.137 Prescribed criteria for grant of exploration permit

and the Mineral Resources Regulation 2013:

- s.9 Prescribed areas – Act, ss 127 and 133

These sections will be considered when DNRME staff are assessing an exploration permit application for excess areas and non-contiguous sub-blocks.

2.2 Exploration permits over non-contiguous sub-blocks

Assessing an exploration permit application over non-contiguous sub-blocks will be based on the information the applicant supplied with the application. Applicants should ensure that sufficient relevant detail and supporting evidence is included with the application to allow proper assessment.

Separate areas described in the application generally may not be separated by more than 100 kilometres.

An exploration permit will only be granted over non-contiguous sub-blocks of land if the applicant submits that they meet one or more of the following criteria:

- The non-contiguous blocks are producing a commodity in a geological unit/s (or sequence) using a particular geological model even though the sub-blocks are separated from each other;
- The non-contiguous blocks are for the same mineral/s and have different geological models, but will utilise a central processing site when progression is made to a mining tenure;
- The non-contiguous blocks have different target commodities but form part of the same value added project with centralised infrastructure - such as limestone, coal, iron, and chromium for the production of steel or other refinery products;
- The non-contiguous blocks, when for different coal types in different portions of the same basin / sub-basin, will be used for blending for the export market; or
- A logical demonstrable reason that the non-contiguous blocks can be linked as an integral group for exploration and reporting purposes.

In exceptional circumstances, an exploration permit may be granted over non-contiguous sub-blocks of land where the above criteria are not met if:

- The applicant is the holder/applicant of the sub-blocks that separate the sub-blocks being applied for and granted; and
- The applicant provides sufficient justification/evidence that the proposed program of work can be undertaken over the non-contiguous sub-blocks in accordance with competent and efficient mineral exploration practice.

Failure to meet the criteria or provide evidence of an exceptional circumstance may result in the refusal of the application.

2.3 Land that exceeds the prescribed area (excess areas) – s.127(4)

Assessment of an exploration permit application over excess area will be based on the information the applicant supplied with the application. Applicants should therefore ensure that sufficient relevant detail and supporting evidence is included with the application to allow proper assessment.

As a general practice, the decision-maker will not request additional information, particularly for competing applications.

An exploration permit may be granted over excess area if the applicant submits that they meet one or more of the following criteria:

- The application area is applied for to conduct aerial geophysical, hyper spectral or remote sensing/imaging surveys;
- A new or significantly revised geological concept or technology is to be tested and explored; or
- Continuity of target.

Failure to supply information to justify the grant of an exploration permit over excess area may result in refusal of the application.

2.4 Conditional surrender

If the exploration permit has been applied for under a conditional surrender and the conditionally surrendered permits are a part of a project and have been approved by the department for project based administration, the applicant will not be required to make a submission regarding non-contiguous or excess areas.

Please refer to the **Conditional Surrender of exploration permits policy** and the **Project based permit administration policy**.

Document information

Availability: External

Location: Business Industry Portal

Owner and approver: Deputy Director-General, Georesources Division

Future Review date: 30 June 2022

Related documents: This policy should be read in conjunction with Conditional Surrender of exploration permit operational policy and Project-based permit administration policy.

Contacts: For help and information about this policy, please contact the Mineral Assessment Hub on (07) 4447 9230 or email mineralhub@resources.qld.gov.au or the Coal Assessment Hub on (07) 4936 0169 or email coalhub@resources.qld.gov.au.

Disclaimer

The purpose of this policy is to provide a framework for consistent application and interpretation of the legislation administered by the department. Policies may be applied flexibly where individual circumstances require an alternative application of policy. Where this policy, or part of this policy, is inconsistent with relevant legislation, the legislation will prevail to the extent of the inconsistency. 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.

Keywords

MIN/2015/1251; Resources; Policy Number 7/2012; March 2021; prescribed areas; excess; non-contiguous; MRA