

Customer Service **1300 728 500**

[www.wdrc.qld.gov.au](http://www.wdrc.qld.gov.au)

[info@wdrc.qld.gov.au](mailto:info@wdrc.qld.gov.au)



**8 December 2023**

# **Improved Regulatory Efficiency Feedback**

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**WESTERN DOWNS REGIONAL COUNCIL  
SUBMISSION**

1. **Question One:** Do you have any feedback on the proposed amendment to introduce a framework for rental flexibility in exceptional circumstances?

**RESPONSE:** Western Downs Regional Council supports the proposal for rental flexibility for resource authority holders in exceptional circumstances, including natural disasters, adverse economic conditions, or emergencies.

The resource industry is a critically important industry to the Western Downs region. It makes significant contributions to gross regional product and is the second largest employer in the region. Western Downs Regional Council acknowledges that industry and resource authority holders are sometimes impacted by circumstances outside their control, and at these times will benefit from additional support for affected operations, during a period of exceptional circumstances. Council supports the Queensland Government to exercise discretion to defer rent or apply alternative rent arrangements in exceptional circumstances.

Western Downs Regional Council also recognises that natural disasters (fires, floods) pose considerable risk to resource projects and the broader community, as demonstrated in recent weeks with significant bush fires in the region. It strongly recommends that industry and resource authority holders work proactively with local communities and the local government authority to strengthen disaster management activities on site to mitigate the impact of natural disaster on resource operations, and communities more broadly.

2. **Question Two:** Do you have any feedback on the proposed amendment to land release processes?

**RESPONSE:** Western Downs Regional Council acknowledges the benefits of Ministerial discretion in how and when land is re-released after being subject to an exploration permit. Council supports the opportunity for a competitive tender process of re-released land and supports the strategic release of land at an appropriate time to further the Queensland Government's commitment to facilitate critical mining opportunities and exploration of known deposits of critical minerals. The Western Downs Regional Council strongly recommends that community consultation and engagement with local government forms part of the strategic Ministerial decision-making process determining how and when land suitable for exploration is released.

The Western Downs Regional Council strongly recommends that community consultation and engagement with local government forms part of the strategic Ministerial decision-making process determining how and when land suitable for exploration is released. Land being re-released for

exploration will occur in the context of communities who have already had experiences with the mining industry and resource authority holders. Feedback provided to the Western Downs Regional Council is that some resource developers in the region have been more successful in building relationships and maintaining open communication with landholders and stakeholders than others. The negative impacts of this poor stakeholder engagement is often felt mostly in small, resource rich communities. Before land is re-released for exploration, the Minister should consider the needs of the communities who will be affected by this exploration such as community openness and sentiment to further resource development, suitability of existing physical infrastructure to support further development and capacity of social infrastructure to support further development. Engagement with community and local government in the early stages of land re-release can assist with identifying any potential problems of re-release early and moving forward in a way which mitigates adverse outcomes for local communities.

3. **Question Three:** Do you have any feedback on the proposed amendment to introduce the payment of local government rates and charges as mandatory conditions of tenure?

**RESPONSE:** Western Downs Regional Council supports the proposed amendment to include a mandatory condition requiring lease holders to pay all relevant local government rates and charges. Council also supports the amendment allowing the department to take action against all relevant authority holders if these fees and charges go unpaid.

4. **Question Four:** Do you have feedback on the proposed amendment to introduce the requirement for mining lease holders to keep the surface of their lease tidy as a mandatory condition of their tenure?

**RESPONSE:** Western Downs Regional Council acknowledges amendments to the mandatory condition to ensure holders of mining claims maintain a tidy surface area of their tenure and that this condition will apply to both mining claims and mining leases. It is recommended that the regulation imposed is proportional to the scale of the mining operation and does not unduly burden small-scale, hand mining activities or recreational mining activities.

5. **Question Five:** Do you have any feedback on the proposed amendment to coordinate fossicking permissions?

**RESPONSE:** Western Downs Regional Council acknowledges the needs for greater collaboration and coordination between fossickers and mining lease applicants to ensure commercial quantity and quality figures relevant to the application are not compromised by fossicking activities. However, care must be taken to ensure the permissions process is not unduly cumbersome to discourage or become prohibitive to recreational fossicking activities.

6. **Question Six:** Do you have any feedback on the proposed amendment to clarify confidentiality periods under the Resource Acts?

**RESPONSE:** Western Downs Regional Council acknowledges the benefits of amendments providing clarity to industry and communities about the confidentiality period for data and information provided to the department under reporting requirements, particularly as this reflects current departmental practice.

7. **Question Seven:** Do you have any feedback on the proposed amendment to streamline aerial surveying requirements?

**RESPONSE:** Western Downs Regional Council acknowledges that a uniform approach to entry notices and periodic entry reports of aerial surveying by resource authority holders does not capture the varying likelihood of ground impact of different survey types. Council also acknowledges the importance of supporting industry by reducing regulatory burden. However, the needs of landholders must also be supported, and Council strongly recommends that resource authority holders continue to provide advance notice to landholders when aerial surveying is planned to occur over their property and results of surveys to landholders

Western Downs Regional Council acknowledges that agriculture is both the largest industry and employer in the region and that the resource sector is the second largest employer in the region. Both industries are significant in the Western Downs region, making substantial contributions to gross regional product. Balancing the interests of resource authority holders, landholders and community stakeholders is key to both the agricultural and resource sectors' strength and the continued growth of the Western Downs economy.

Western Downs Regional Council acknowledges that a uniform approach to entry notices and periodic entry reports when resource authority holders undertake aerial surveying does not capture the likelihood of ground impact of varying survey types. Where aerial surveying will occur above 1000 feet altitude, the likelihood of ground impact is substantially less than that of aerial surveying occurring at lower altitudes. On this basis, support can be provided to the resource sector by reducing regulatory burden on resource authority holders by making these activities exempt from entry notices and periodic entry reports.

However, the needs of landholders must also be supported, and Council strongly recommends that resource authority holders are required to continue to notify landholders when aerial surveying will occur over their property. From a local government perspective, meaningful and ongoing engagement with stakeholders is critical to the success of resource operations in the Western Downs region. Feedback provided to the Western Downs Regional Council is that some resource developers in the region have been more successful in building relationships and maintaining engagement with land holders than others. There is concern that where stakeholder engagement and communication is poor between resource authority holders and landholders, then the provision of exemptions to resource authority holders will result in landholders being unaware of surveying activities occurring over their property. To protect the interests of landholders and ensure they remain informed of resource authority holder activities, Council strongly recommends that resource authority holders are still required to notify landholders when aerial surveying at or above 1000 feet will occur over their property even when an exemption for formal entry notice is applicable. Council urges that in instances where surveying

occurs at or above 1000 feet, the results of the survey are shared with the landholders in a timely manner after completion of the survey.

8. **Question Eight:** Do you have any feedback on the proposed development plans amendment?

**RESPONSE:** Western Downs Regional Council acknowledges the benefits of the proposed development plans amendment and the proposed uniformity period of development plans for leases granted, leases awaiting grant or leases awaiting renewal as mineral thresholds change over time.

9. **Question Nine:** Do you have any feedback on the proposed amendments to improve the operation of the petroleum and gas (P&G) framework?

**RESPONSE:** Western Downs Regional Council acknowledges the opportunities to improve the operation of the petroleum and gas framework. Specifically, Council supports the requirement of resource authority holders to have a relevant environmental authority as a requirement of application for amalgamating petroleum leases. Council strongly recommends that where petroleum leases are proposed to be amalgamated, that disaster management for the project is also revisited to assess if additional measures are required.

Western Downs Regional Council supports the requirement for a relevant environmental authority as a requirement of application for amalgamating petroleum leases to ensure that any additional impacts on the environment have been considered, identified and managed by the resource authority holder.

Western Downs Regional Council also recognizes that natural disasters (fires, floods) pose considerable risk to resource projects and the broader community, as demonstrated in recent weeks with significant bush fires in the region. It strongly recommends that when proposing to amalgamate petroleum leases, resource authority holders work proactively with local communities and the local government authority to assess if the proposed amalgamation will require additional measures to manage risk from natural disaster. It is recommended that resource authority holders work closely with local stakeholders to strengthen disaster management activities and mitigate the impact of natural disaster on resource operations, and communities more broadly.

10. **Question Ten:** Do you have any feedback on the proposed amendments to correct minor and technical errors throughout the Resource Acts?

**RESPONSE:** Western Downs Regional Council supports updating legacy usage of the term 'local authority' to 'local government' to reflect current terminology. Western Downs Regional Council has no further feedback on the correction of minor or technical errors identified in the Act.

11. **Question Eleven:** Do you have any further feedback on regulatory efficiency?

**RESPONSE:** Western Downs Regional Council has no additional feedback on regulatory efficiency.

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