

**To: Department of State Development, Local Government,  
Infrastructure and Planning**

**Re: Updates to State Code 23: Wind farm developments**

**Date submitted: 7 September 2023**

## **Introduction**

The Association of Mining and Exploration Companies (AMEC) appreciates the opportunity to make a submission on the proposed updates to *State Code 23: Wind farm developments* (the Code). AMEC is actively engaged on this matter to articulate the real and potential affects that will arise for the exploration and mining industry, in particular for junior explorers.

## **About AMEC**

AMEC is a national peak industry body representing over 550 mineral exploration and mining companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

AMEC's Queensland members, of which there almost 80, work in and for the resources industry, exploring, developing and producing minerals including Antimony, Bauxite, Coal, Cobalt, Copper, Gold, Graphite, Lead, Lithium, Mineral Sands, Molybdenum, Nickel, Phosphate, Rare Earths, Silver, Tungsten, Vanadium and Zinc.

## **Why is AMEC making a submission on State Code 23?**

The updates to the Code are sound and supported by AMEC, as far as meeting the objectives of the update are concerned. This support however is only on the condition that the identification of an area where a wind farm (or solar farm for that matter) is to be constructed has undergone adequate assessment. Of key concern to AMEC currently with what is happening on the ground and what is being proposed through the Queensland Energy and Job Plan's (QEJP) Queensland Renewable Energy Zone Roadmap (QREZ Roadmap), which is also under consultation, is:

- The process to identify all land users within the construction area of the wind farm is the responsibility of the landholder, not the renewable energy proponent.
- The QREZ Roadmap currently does not consider geological value under the ground and is only looking at the resource industry as operating mines and gas production.
- There is no option being considered for a contemporary tenure solution that efficiently allows for multiple land use and sets a level playing field for co-existence.

AMEC believes a major oversight in the Queensland Government's approach to implementing their Queensland Energy and Jobs Plan (QEJP) is that it does not actively address or propose reforms to address the live issue of coexistence of renewable energy projects with resources and agriculture. Based on the current member experience it is evident that policy is not keeping pace with what is happening on the ground. Specifically, I refer to the current tensions being experienced because of the declaration of Restricted Area (RA) 451 to facilitate development of the MacIntyre Windfarm.

Policy and tools need to be created with haste to address this issue and facilitate co-existence of growth for all impacted if the broad policy objective of co-existence is to be achieved. While the Mineral Resource Act 1989 (MRA) and the Mineral and Energy Resources (Common Provisions ) Act

2014 (MERCPC) provide structure for explorers and landholders around access for minerals projects and co-existence, and the Planning Act provides structure around land access for renewable energy projects and landholders to co-exist; the legislation and associated processes do not work together in harmony to remedy the competing land uses between minerals explorers and renewable energy developers.

With this grey area becoming the basis for disputes, the notion of co-existence goes out the window and all parties, acting rationally, then seek to interpret the code and associated regulatory framework in a way that protects and/or maximises their own interests. Without swift intervention this will likely see conflicts end up in the Land Court, and the undesirable situation of a judicial decision becoming quasi-legislation might occur. An integrated and thoughtful framework that creates a pathway for co-existence of these uses will resolve this issue.

AMEC advocates that each department that is involved—namely the Department of State Development, Infrastructure and Planning, Department of Energy and Public Works, and the Department of Resources—collaborate to lead decisive action in addressing the issue of coexistence between renewable energy projects, resource tenures and agriculture through their respective administrative powers to develop a future-proofed policy, supported by pragmatic regulation and helpful tools. AMEC sees this as a whole of government responsibility as there is not one department solely responsible. As such it should be resolved with a government solution, in a way that ensures the most streamlined process through government is achieved.

### **Recommendations**

AMEC sees the pillars of the solution required to be:

- An integrated, whole of government policy that embeds a level playing field for engagement and consultation by all land users. The statutory requirements and supporting codes, etc currently used to gain land access by explorers, is recommended as a model upon which similar requirements could be developed for renewable energy proponents.
- Assessment of the geological values within an area that is identified as a potential QREZ or wind farm (or solar farm) development area, including material engagement with the Geological Survey of Queensland and a report from them at a minimum,
- It is recommended that the Queensland Government develop a new tenure solution to manage and address co-existence between resources, agriculture and renewable energy projects. This is not dissimilar to Western Australia's recently embedded diversification tenure solution.

Land access is fundamental to the resource development project lifecycle; the current framework that renewable energy projects will be developed puts current access frameworks at threat, and potentially leads to the sterilisation of land for other uses. Being able to deliver land use certainty is critical if the Queensland Government is to continue to be a jurisdiction that continues to attract investment. The current policy setting that are in play and being proposed, do not do this.

### **Conclusion**

AMEC supports the updated to the State Code 23: Wind Farm Development, on the condition that the recommendations made above are implemented by the Queensland Government.

### **For further information contact:**

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