Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

Submission No: 409

Submitted by: Central Highlands Regional Council

Publication:

Attachments:

Submitter Comments:

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22 May 2025

Ms Stephanie Galbraith
Committee Secretary
State Development, Infrastructure and Works Committee
Parliament House
BRISBANE 4000

Email: SDIWC@parliament.qld.gov.au

Dear Ms Galbraith

Submission to the State Development, Infrastructure and Works Committee & Renewable Energy Planning Group

Please accept this submission to your Committee on behalf of the Central Highlands Regional Council in relation to the Planning (Social Impact and Community Benefit) and Other Legislation Bill 2025 & Draft Development Assessment Rules.

SUMMARY

Central Highlands Regional Council (CHRC) welcomes the opportunity to provide feedback on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (The Bill) and the draft Development Assessment (DA) Rules. CHRC's grounds of submission contained herein are focused on matters that regional local governments may encounter because of the proposed Bill progressing.

CHRC supports common sense reforms that provide direct local government and general community participation in all planning processes to ensure transparency and local input to decisions, particularly for large-scale renewable projects. CHRC supports reforms that provide genuine community benefits from large renewable energy projects, benefits that are mandated and measurable. CHRC also supports sensible changes to statutory distances between projects and adjoining properties and 'clean up' bonds to provide certainty about remediation at the cessation of the activity.

GROUNDS OF SUBMISSION

CHRC provides the following grounds of submission in response to The Bill:

Insufficient ability for local governments to impose conditions relating to infrastructure

It is noted that under The Bill:

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The State Assessment and Referral Agency (SARA) would become the assessment manager of wind farms and large-scale solar farms, and local governments would become a referral agency only.

The Social Impact Assessment (SIA) and subsequent Community Benefit Agreement (CBA) is intended to provide local government and the community with input prior to lodgement.

As local government is ultimately responsible for resourcing and maintaining local infrastructure networks, Council should have the ability to place conditions for approval to address any additional demand and impact on our networks (i.e. roads, water supply, sewage, community facilities etc.).

There are concerns that SARA will not have the same appreciation for and understanding of these issues as the local government (and their "boots-on-the-ground" officers) and therefore will not take on board the recommended conditions put forward by the local government.

It appears the SIA and CBA is being put forward as a way to assure the community and local government that off-site impacts (infrastructure and social impacts) will be appropriately dealt with. We are concerned that:

These documents will not adequately address the impacts on a local government's infrastructure network and the flow-on effects on ratepayers.

The SIA and CBA will occur before the detailed reports and plans become available at the development application lodgement and information request stages. This information is key to appropriately understanding impacts and potential solutions.

If a local government cannot come to an agreement (CBA) regarding infrastructure provision or mitigation that the mediation process and uncontested legislation will not support reasonable requirements by the local government to require the applicant to do so via the CBA process.

The Chief Executive can bypass the SIA and CBA. When combined with local governments having no ability to make conditions (advice agency only) on large-scale solar farms or wind farms, it further reduces the ability of local governments to ensure that impacts on local infrastructure is appropriately addressed.

Impact on under-resourced regional local governments to monitor and enforce compliance of Community Benefit Agreements

The CBA fact sheets state that possible examples of matters that could be included in the CBA include, but are not limited to:

- local infrastructure, for example, roads, community facilities etc
- training programs to upskill members of the community
- funding to contribute to improve programs or initiatives for health or wellbeing in the community
- provision of community facilities, services or housing
- support for local businesses to benefit from projects
- environmental conservation projects.

Local governments often struggle with the responsibility of compliance and have limited resources to do anything more than react to compliance complaints.

As a party of the CBA, particularly if conditioned under the development permit, local government officers would be required to enforce all components of the CBA including potentially non-planning matters such as training programs or other initiatives and uptake of community facilities or services.

This is outside the purview of local government officers (particularly planning and compliance officers) and would require additional resourcing, which may not be available. It is strongly suggested that if the State wishes to use CBAs in this manner, the State provide resources to monitor compliance with the CBA, in consultation with local government staff.

An argument could also be made to the extent that a development condition to comply with the CBA would be considered reasonable and relevant if the CBA included more ephemeral social matters such as upskilling local community members.

ELABORATION OF MATTERS AND GENERAL GROUNDS OF SUBMISSION

In general, CHRC believes local government should have statutory input into the assessment process and decision making for renewable energy facilities – not just be part of a reference group as proposed in the draft Social Impact Assessment guidelines. Local government is responsible for infrastructure and service delivery and on the frontline dealing with local concerns.

Overall, the draft legislation needs to be much clearer about SIAs and CBA conditions and mechanisms for ensuring compliance for SIAs and CBAs. Indeed, the Bill and Draft DA Rules seem vague on what constitutes a “socially significant impact”, which risks applications being rubber-stamped without proper, on-ground assessment of potential impacts.

CBAs need to be legally binding for the life of the project, including through sale/ownership transfer, and clear guidelines are needed on minimum benefits payable, for example, dollars per megawatt per year. A good reference is the New South Wales Department of Planning Housing and Infrastructure’s Benefit Sharing Guideline (Nov 2024) for large-scale renewable energy projects.

See: https://www.planning.nsw.gov.au/sites/default/files/2024-11/benefit-sharing-guideline.pdf

CHRC understands the definition of a prescribed renewable energy facility is proposed to be a facility that generates 1 megawatt (MW) or more of electricity or energy from solar energy, or the total area used for solar panels and structures for mounting solar panels, including any land between the solar panels and structures, is 2 hectares (ha) or more. Renewable energy facility applications can often include other components that are separately defined under the Planning Regulation 2017, such as substation, major electricity infrastructure and battery energy storage systems (BESS). Therefore, the definition of a prescribed renewable energy facility should be clear about all components – panels, stands, cables, batteries, substations and so on. This will ensure all parts are collectively assessed as part of the SIA and CBA.

CHRC does not support any increase in threshold size beyond 1MW. There are sound reasons for this to remain. Indeed, a smaller threshold of say 0.5MW should be considered, given solar farms need approximately 2 to 3ha per MW, depending on panel efficiency and geographical location.

The State Government should consider having local governments assess small-scale projects, up to 0.5MW, while the State Government assesses larger projects defined as prescribed renewable energy facilities.

Council recommends the time for the public notification period be increased to 30 business days given the complexity of these types of proposals. It would allow the public to properly consider the application material and provide a submission.

A key issue for councils, particularly smaller councils, is they often lack the expertise and staff to undertake compliance. Most are struggling to deal with non-complying activities now. This extends to the resourcing, technical and financial capacity of local governments to engage legal counsel to review CBAs.

CHRC supports local governments being able to access resourcing and funding from State government to support the review of CBAs and ultimately their compliance.

Prescribed amounts local governments have access to may be calculated based on a project footprint (ha), output (MW) or quantity of solar panels or wind turbines.

CHRC recommends that template Community Benefit Agreements and additional guidance / supplementary materials be made available to ensure consistency across the State in how agreements are drafted. Finer details of what is negotiated can remain open, but basic principles for CBAs should be consistent across the State. Having standard templates will save time and costs, particularly for smaller councils.

Thank you for allowing CHRC to make this submission.

Should you or Committee Members require any further information, please contact:

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