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

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QELA Submission

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

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QELA, a not for profit organisation, consults with and educates interested professionals and government representatives about planning, development and environmental laws that apply, or are proposed to apply, in Queensland.

QELA provides a collegiate forum for multi-disciplinary interaction and collaboration.

Introduction

1. QELA provides this submission in response to the call for submissions for the State Development, Infrastructure and Works Committee's inquiry into the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025.

2. QELA is grateful for the opportunity to provide this submission.

3. In summary, QELA is supportive of the intent behind the amendments, and in particular does not have any comments to make on the Economic development amendment which clarifies the procedural requirements for appointment and removal of the chief executive, acting chief executive and board members.

4. QELA is also generally supportive of the Brisbane Olympic and Paralympic Games amendments, acknowledging the need for expedited pathways for the delivery of venues and critical infrastructure due to the timeframes involved.

5. However, there is some constructive feedback provided in this submission in relation to:

   (a) the proposed introduction of a "community benefit system" by requiring a proponent to conduct a Social Impact Assessment and enter into a Community Benefit Agreement with the relevant local government before lodging particular development applications; and

   (b) the proposal to deem any development (other than building work under sections 53DE and 53DF pursuant to clause 66 of the Bill) for an authority venue, other venue or village or games-related transport infrastructure as being lawful, without compliance or approvals under the *Planning Act 2016* or other relevant Acts listed in section 53DD pursuant to clause 66 of the Bill.

6. QELA is cognisant of the delay, cost and legal technicality that has the potential to result from the requirement to prepare a community benefit agreement and social impact assessment in advance of certain development applications. The proposed requirements add another level to an already multi-layered planning assessment and could be required in any event as part of the development application process itself.

7. Further, while QELA acknowledges the imperative of the venues and villages identified by the 2032 Delivery Plan being delivered on time, QELA considers that only in the rarest of circumstances should an assessment which puts to one side heritage and environment considerations occur. Whether due to delivery timeframes and other matters the point has been reached where such a truncated assessment must occur is a matter for others.

Community benefit agreements and social impact assessments for renewable energy projects

8. QELA supports the intent of the Bill to the extent it seeks to ensure renewable energy projects, both wind and solar, are assessed for their social impacts and community benefits. Each local government area where such an application is made is likely to be subject to a different range of economic, community and planning considerations. For that reason, local governments acting as assessment managers are best placed to determine precisely what supporting material is required in order to demonstrate that a particular proposal ought to be approved in the exercise of the planning discretion pursuant to section 60 of the *Planning Act 2016*.

9. The ability for a community to have their say is already provided for under the legislation, because the assessment manager is required to have regard to the common material, including any submissions made in relation to a development application by members of the local community, pursuant to section 45(5)(a)(ii) of the *Planning Act 2016* and regulation 31(1)(g) of the Planning Regulation 2017.

10. The need to prepare a social impact assessment report and enter into a community benefit agreement for a development application involving development which requires social impact assessment has the potential to result in further expense and delay in delivery of projects, noting that there is already a pathway identified in the current assessment framework to extend the community benefit provisions to other land uses in future if they are identified as having potential social impacts on communities. Further, the variety of projects with potential "social impacts" is very broad, and in the experience of QELA members, the nature and extent of any social impact is best assessed on a case-by-case basis.

11. In particular, the additional preliminary step of negotiating a community benefit agreement and undertaking a social impact assessment does not guarantee that the development application will be approved. It has the potential to result in local governments, the community, developers and their various consultants expending substantial time and cost in pursuing a development which is ultimately not going to proceed. This additional time and cost will also be borne by the relevant stakeholders where a developer makes a change during the course of the development application, particularly pursuant to clause 11 of the Bill, when an amended social impact assessment report and community benefit agreement are required to be prepared and submitted.

12. Proposed section 106X is also of concern to QELA, because it specifically identifies that a change to a social impact assessment report for a development application or change application is not a change to the application. That would mean that a development application which is made before a community benefit agreement and social impact assessment report are changed can proceed to be assessed and decided on the basis of a completely different version of each document. Again, this appears to make the early provision of the documents in advance of the development application being submitted relatively arbitrary or preliminary in nature. It also has the potential to result in approval of the development which does not come with the benefits originally agreed with the community.

13. A preferable course could be to retain the power to impose specific conditions of approval which require compliance with a community benefit agreement or social impact assessment in section 65AA pursuant to clause 15. This approach would encourage the preparation of such documents where they assist in meeting planning outcomes sought by the relevant controls, given Queensland's performance based planning system. It would allow proponents

and local governments flexibility to undertake these assessments and agreements where they may assist in actually meeting the relevant assessment benchmarks, but ensure that time and public and private resources are not wasted in preparing the documents.

14. It is often the case that, where local planning schemes require social impacts to be assessed, such an assessment is delivered in support of the development application during the assessment process. Each development application differs in terms of its intensity, location, appearance, technical issues (such as good quality agricultural land and ecological issues which may be raised), proposed life of the development and many other matters as well as social and community impacts. In QELA's view, this makes a one-size-fits-all approach to assessment of these matters less preferable than one which is driven by each local government through its adopted planning scheme and assessed by the assessment manager, with each decision made dependent on the merits of each individual case.

15. Noting the above emphasis on the importance of local decision-making, the implementation of a threshold for solar farms for a State assessment is supported. To the greatest extent possible (noting the technical assessment support the State has access to is often likely to exceed that of an ordinary regional Council) QELA supports decisions being left to the relevant local government. The ability of local governments to assess such applications may differ between local government areas. A threshold should be selected which enables local governments the greatest opportunity to undertake the assessment whilst deferring those largescale projects requiring substantial expert analysis to the State. Even where SARA is the assessment manager, it is critical that the decision is driven locally.

16. In terms of litigation potential, clause 30 provides a separate declaratory jurisdiction for matters related to social impact assessment reports and community benefit agreements. QELA understands from the Explanatory Notes that the intent of the further section is to limit who can bring declaratory proceedings about these matters. This limitation is supported to ensure that undue delay and expense does not result from Court proceedings in relation to social impact assessment reports or a community benefit agreement.

17. QELA notes the importance of clear transitional provisions in ensuring fairness to development applications for wind or solar farms that have not yet been decided.

Economic development amendments

18. QELA has no comments on the Economic Development Act amendments, noting the Governor in Council would be empowered to remove the CEO or Acting CEO of Economic Development Queensland at any time.

Brisbane Olympic and Paralympic Games amendments

19. As submitted above, it is important that the legislative framework still requires the delivery of authority venues, other venues or villages and game-related transport infrastructure to comply with the relevant legislation concerning the protection of heritage and environmental values if at all possible, subject to delivery timeframes for the 2032 Olympics being met.

20. Otherwise, the identification of legacy uses for each venue in Schedule 1 is welcome, however it is noted that there do not appear to be any operative provisions of the Act which actually require the legacy uses to be pursued by the authority after the Games have concluded. That may be the subject of further amendments at a later date. It is important that there is a legislative framework that practically works to ensure an appropriate transition to legacy uses in due course.