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

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State Development, Infrastructure and Works Committee
Parliament House
George Street,
Brisbane QLD 4000

Attention: The Hon. Mr. Jim McDonald MP, Chair
Via: Online submission

SUBMISSION TO *PLANNING (SOCIAL IMPACT AND COMMUNITY BENEFIT) AND OTHER LEGISLATION AMENDMENT BILL 2025*

Dear Members of the Committee,

Renewable Energy Partners would like to thank the State Development, Infrastructure and Works Committee (SDIWC) for the opportunity to submit an industry member's views on the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025* (the Bill).

About Us

Renewable Energy Partners (REP) was established in 2016 with the origination of a 250MW solar farm in Queensland. Since that time the business has expanded into wind, pumped hydro, and battery energy storage systems (BESS). We currently have 1800 MW of solar, 5400 MW of wind, 750 MW / 22,000 MWh of hydro, and 25,000 MWh of BESS in our project pipeline – two projects are under construction, seven projects under development, and eight projects in the origination phase with active resource measurement campaigns underway.

While REP has maintained a focus on the origination and development of projects, we partner with development financiers and renewable energy investors to ensure quality projects get built to meet market demand, contribute to the Queensland Government's energy transition, and keep consumer electricity prices low in the National Electricity Market.

We also actively partner with landholders, Traditional Owners, Local Government, local businesses, and community groups to ensure project benefits are distributed equitably and in a fiscally responsible manner.

REP is an active member of the Queensland Renewable Energy Council (QREC) and the Clean Energy Council (CEC) and have lent our contributions and support to QREC and CEC's respective submissions to the aspects of the Bill that relate to renewable energy development projects' planning approvals (i.e. not anything related to the 2032 Olympics, albeit we remain excited about it). While QREC and CEC's submissions delve into very specific detail, we provide our feedback in alignment with the high-level concerns being raised by industry, and where possible, outline examples of how the Department's objectives may or may not be achieved despite the best intentions of the Bill.

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Introduction

We were disheartened to read the negative context that set the auspices for the Bill's introduction.[1] There have been many positive impacts of large-scale renewable energy projects such as:

- Beneficial business partnerships with landholders via individual landholder agreements that diversifies their revenue while enabling them to *continue* their agricultural operations;
- Benefits to Traditional Owners via relevant agreements under the Native Title Act (Qld and Commonwealth) and/or Aboriginal Cultural Heritage Act (Qld) with tailored benefit sharing to the Traditional Owner Group; cultural heritage conservation, preservation and enhancement; and, in many instances, a re-connection to Country;
- Contribution toward decarbonization and technological transition of the Queensland electricity system; and,
- The fact that all Queenslanders are the ultimate beneficiaries wherein generation, transmission, distribution, and power offtakes remain largely in public ownership (via the Queensland Government-Owned Corporations such as CleanCo, CS Energy, Stanwell, Powerlink and Energy Queensland).

While we understand the concern over potential loss of prime agricultural land to renewable energy, both the renewable energy industry and primary (agricultural) industry – without State Government intervention – have thus far managed to find a way to achieve each other's objectives in a commercially and economically beneficial way. Through principles of consultation, collaboration, consent, and co-operation, we co-exist.

We also recognize and acknowledge the regional communities' and, therefore, the State Government's concern over potential impacts to communities' housing markets from accommodating workers; mitigating and remediating potential construction phase impacts; and wind farm decommissioning requirements. We were pleased these matters were addressed in State Code 23 ver. 3.0 (and subsequent versions) introduced by the previous government, and we look forward to continuing to work through these concerns with regional communities, Local Government, and the current State Government to ensure Queenslanders are better off in the long term.

1. Community Benefit Agreements with Local Government

REP, along with the renewable energy industry, strongly supports fair and transparent processes that deliver real benefits for communities hosting renewable energy projects. We also support the principle of Community Benefit Agreements (CBAs) that are co-designed with Local Governments and reflect regional and local priorities.

This commitment is already evident in the *Queensland Renewable Energy Developer & Investor Toolkit*[2]—an industry-led initiative developed proactively in the absence of a mandatory Code of Conduct. The Toolkit sets clear expectations for developer engagement, with a strong emphasis on early communication, openness, and timely information-sharing. It also provides practical guidance on Community Engagement and Benefit Sharing, and while tailored for renewable energy developers, this publicly available guide can also help ensure Local Governments and Community Groups are informed and supported throughout project development.

While REP and the industry support the spirit and intent of CBAs, the proposed legislative 'gateway' requirement – which mandates entering a CBA with Local Government *before* lodging a Development Application – is highly problematic. It is impractical, introduces significant risk and uncertainty for investors and developers, and

[1] Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations, Hon. Jarrod Bleijie MP's First Reading Speech (1 May 2025).

[2] Available: https://qrec.org.au/wp-content/uploads/2025/05/Queensland-Renewable-Energy-Developer-Investor-Toolkit_FINAL-TOOLKIT.pdf (Accessed 18 May 2025).

undermines proactive and leading-practice community engagement initiatives already undertaken by renewable energy proponents in Queensland.

REP recommends that **entering a CBA be made a condition of Development Approval, not a pre-requisite to Development Application**. This approach better reflects the reality that not all projects proceed to a DA and align, in our experience, with best regulatory practice (where an approval generally always contain conditions that must be met prior, during, and after the proposed undertaking).

Entering a CBA so early in the development phase places Councils and developers into a 'hard bargaining' situation, with many Local Governments already operating under considerable stain given their relatively limited local capability and capacity to adequately assess and approve a CBA. Given the exceptionally low 1MW threshold for a renewable energy project to be deemed large-scale, Councils may find themselves substantially burdened and inadvertently creating delays and inconsistent outcomes in the CBA process, and ultimately, hindering the Queensland Government's energy transition.

We suggest a **suitable alternative**, aligned with State's intent for early indicative support – as outlined in the Explanatory Notes of the Bill[3] – involving securement of **preliminary letter(s) of support (or similar) from Local Government(s)** after a Social Impact Assessment (SIA) is completed and understood, and **making an executed CBA a *condition* of Development Approval**. This approach sustains the already established integrity of community engagement processes within the sector and continues to empower Local Government and community engagement early and often, mitigate risk, and provide practical flexibility to project development.

A preliminary letter of support would ensure that Councils are only required to invest their scarce time and resources in projects that have a genuine chance of proceeding, with their assessment being commensurate with the maturity of the project development.

2. Community Benefit Agreement – Parameters to Ensure Consistency

Appreciating the Bill is still in the consultation phase, CBAs appear to be of a relatively fixed nature. Practically speaking, a community's needs will continue to evolve over the lifespan of a renewable energy facility, typically around 25-30 years. While monetary benefits are quantifiable (and usually equitable and fiscally responsible), the non-monetary benefits being rigidly defined at the front-end of a project presents a risk to planning assessment and approval, as the benefit or need may become outdated or misaligned with community priorities. CBAs need to contain a reasonable degree of flexibility to accommodate changing needs, and any changes should not trigger a 'reset' in the planning assessment and approval phase.

While engagement between developers and Councils would ordinarily commence with relationship- and trust-building, each party requires a reasonable degree of certainty. Local Governments cannot arbitrarily amend an agreed CBA while the project awaits assessment approval; similarly, Local Governments need assurance that developers will not enter a CBA to fulfil the pre-requisite to a Development Application, but then subsequently seek unjustified amendments.

To support consistency and fairness across projects, REP encourages the State Government to develop a **CBA regulatory guideline**, drawing on examples from other states like NSW (as much as it pains us to say this). This should ensure that any financial contributions are proportionate to the specific impacts identified through the Social Impact Assessment (SIA).

Finally, REP endorses QREC's recommendation for:

[3] Available: https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0426/5825t426.pdf (Accessed: 18 May 2025).

- clear guidelines being established for CBAs prior to any passing of the Bill;
- aligning new legislative requirements with existing frameworks (such as the *Energy (Renewable Transformation and Jobs) Act 2024* and the *State Development and Public Works Organisation Act 1971*); and,
- introducing guardrails to ensure robust and transparent development and application of CBAs by Local Governments that ensures CBAs have well-understood scope definition, prevent CBA commitments that disproportionately impact project viability, and protect consumers from higher electricity cost pass-through.

3. Community Benefit Agreement – Fund Structure, Distribution Reporting, and Infrastructure Agreements

REP supports the proposed requirement for **Local Governments to report publicly on the receipt and use of CBA funds through their annual financial statements**. This ensures transparency and accountability, with a clear link between community outcomes and the use of funds. At the same time, we urge the State Government to **protect commercially sensitive information** contained in CBAs to maintain confidentiality where appropriate once a DA is published.

4. Engagement with Traditional Owners

The Bill and all related materials available online do not distinguish how CBAs will interact with an Indigenous Land Use Agreement's (ILUA) Ancillary Agreement[4] which has potential to further disenfranchise Traditional Owners, given there is no requirement for an ILUA to be entered into prior to a Development Application.

In our experience, any given Development Approval will contain an approval condition that 'Native Title must be addressed' – which usually entails entering an ILUA[5] and/or a CHMA[6]. This reinforces our recommendation in Section 1, above, for a CBA being a condition of Development Approval. It not only ensures consistency and flexibility throughout project development but **provides for equitable treatment of Traditional Owners** as well, while ILUAs and/or CHMAs and CBAs are being negotiated in conjunction with one another.

5. Mediation

We refer you to QREC's submission on this matter. Our main concern is the mediation process still requires an independent, third-party arbitration to prevent a protracted process. Furthermore, the ruling or findings of any mediator are not binding, and there is strong potential for development projects to be unable to achieve a CBA nor a DA, stuck in stalemate and red tape. Accordingly, there **needs to be a statutory pathway for project progression** if unreasonable delays occur due to disagreement, while also **balancing the need for natural justice**.

6. Transitional Provisions and Project Amendments

REP's development projects have yet to reach the point of preparing and submitting a Development Application, and so transitional provisions and project amendments do not currently have any bearing on our projects at this stage. However, much like the rest of the industry, we are awaiting the dust to settle before commencing the requisite technical and socio-economic studies.

With the introduction of the Bill, the review process both as an individual organisation and as an industry participant via QREC and CEC, our development work – planning approvals, namely – have been significantly delayed and there exists substantial uncertainty to project timeframes for achieving Financial Close. Projects currently targeted for 2028-29 financial close and construction commencement are likely to be postponed to 2030 or later.

[4] To recap, an ILUA governs access, use and management of traditional lands and waters; an ILUA Ancillary Agreement is a confidential agreement that contains conduct and compensation arrangements between Traditional Owners and project proponents.
[5] Where Native Title has been determined.
[6] Where Native Title has not been determined, but there is a Registered Aboriginal Party for cultural heritage purposes.

7. Third Party Appeal Rights vs. Have Your Say

As we have seen in recent times with public submissions to EPBC Public Environment Reports for wind farm projects, third parties from all over Australia submit – albeit with varying degrees of rigour – all kinds of submissions to stymie project development and adversely influence the approval process.

The other area of concern is the potential for incumbents (e.g. GOCs, existing renewable energy power stations, non-renewable energy) or competitors (e.g. regionally neighbouring developers) to start litigating against each others' projects, even without standing or nexus other than competition within the National Electricity Market.

On this basis, our recommendation would be to **limit the standing of third parties and restrict it to bona fide Queenslanders**.

While we appreciate the need for Queenslanders to have their say on matters that affect their communities and regions, we fear that third party appeal rights to Development Applications will create **very serious delay with projects tied up in the Queensland Planning and Environment Court**. In the alternate, limiting it to a 'Have Your Say' process may be more appropriate, where the Assessment Manager can consider Queenslanders' feedback when giving their assessment and approval.

8. Multi-Party CBAs

While the *Community Benefit Agreement Fact Sheet*[7] mentions there is provision in the Bill for a CBA to be entered into by multiple parties or provides for multiple developments, we do have some concerns that local governments might leverage competition between proponents to secure services or infrastructure that traditionally falls within the remit of the State Government. Taken to an extreme, such multi-party CBAs (or perhaps, even a single-party CBA, if the project is large enough) creates the unintended consequence of the renewable energy sector becoming a provider of social and infrastructure services, and/or reduces the incentive for State Government to support communities. This not only shifts responsibility away from where it belongs, but could push up project costs, leading to higher electricity prices for Queenslanders – this sits at odds with the State Government's stated commitment to delivering affordable and reliable energy.

There's also a practical issue with capturing cumulative social impacts—especially in regions with multiple concurrent or future projects. At early stages, it's near impossible to accurately assess broader impacts when there's uncertainty around other developments in the pipeline. Cumulative assessment requires coordination and visibility across projects, which simply doesn't exist at the pre-lodgement stage. This highlights a core flaw in relying on project-specific CBAs: the current approach offers no regulatory mechanism or incentive to encourage collaboration between developers, or to support pooled funding models that could deliver genuine regional benefits.

Given the strong potential for unintended consequences and complexities of multiple counterparties negotiating a Multi-Party CBA, **very clear guidance and linkage back to regional development plans will be required to ensure Multi-Party CBAs are fiscally responsible and equitable for regions and communities**.

9. The Queensland Government's Energy Transition

We applaud the practical aspects of the 5-year, $1.4 billion Electricity Maintenance Guarantee to ensure affordable, reliable and sustainable power generation for Queensland. However, the fact remains that the coal-fired power stations owned by the Queensland Government-Owned Corporations will not last forever.

[7] Available: https://www.planning.qld.gov.au/__data/assets/pdf_file/0015/100356/factsheet-community-benefit-agreement.pdf (Accessed: 18 May 2025).

According to AEMO's planning and forecasting data[8], Callide B (700 MW) is due for closure in 2031; Gladstone (1680 MW) in 2035; Tarong (350 MW) and Tarong North (443MW) in 2036-37; Kogan Creek (750 MW) in 2042; and Stanwell (1460 MW) in 2043-46 – this is 2380 MW over the next ten years, with a total of 5383 MW over the next 20 years[9].

If the Queensland Government are to replace coal-fired power stations with renewable energy and storage (say), then this will require three to four times this amount to ensure Queensland's goals of affordable and reliable power is maintained.

Legislating an additional engagement process, in the form of a CBA, not only creates significant uncertainty in the project development process through counter-party risk, it also adds an inordinate amount of time to development schedules, ultimately pushing out final investment decisions, financial close, notice to proceed to construction and commercial operations dates for new projects. In our estimates, the requirements of the Bill adds another 12 to 24 months to development – any project slated for an operational start of 2030, could easily occur in 2032 or later.

10. Consultation Process on the Bill

While we appreciate being given the opportunity to review and provide feedback on the Bill, the timeframes have been exceedingly short. Providing feedback has necessitated reading Records of Proceedings, the Explanatory Notes, consultation materials, fact sheets, draft guidelines, and the proposed Development Assessment Rules which has ultimately changed our organization's focus from core business – being, planning approvals for renewable energy development – to industry collaboration and regulatory engagement on matters related to leading practice development principles that are *already* being undertaken across the sector i.e. we are providing feedback on *new legislation* that seeks to govern and administer *current* business and industry practices.

To that end, we endorse QREC's recommendation that SDIWC seek a formal Impact Analysis Statement in accordance with *Queensland Government Better Regulation Policy* to evaluate whether new legislation is required or whether existing frameworks can be strengthened (we suggest the latter); understand the likely economic, social and administrative impacts of the proposed amendments (both beneficial and non-beneficial); and analyse potential impacts on energy reliability and affordability (if at all).

Conclusion

Once again, we thank the SDIWC for the opportunity to submit our views and feedback on the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025*.

We understand the context behind the Bill, recognize its spirit and intent, and also wish to strongly point out this *new* legislation seeks to govern and administer *existing* business and industry practices, while adding more counter-party risk, creating further complexity, prolonging development timeframes, and generating other unintended consequences without necessarily improving the achievability or benefit of affordable, reliable and sustainable power supply to Queenslanders.

We support and endorse the details of QREC and CEC's submission to the Bill, and kindly reiterate that:

- Entering a CBA should be a condition of Development Approval, not a pre-requisite to Development Application – which also puts CBAs on par with the timing of executed Native Title Agreements and therefore equitable treatment of Traditional Owners;

[8] Available: https://aemo.com.au/energy-systems/electricity/national-electricity-market-nem/nem-forecasting-and-planning/forecasting-and-planning-data/generation-information (Accessed: 18 May 2025).

[9] These figures exclude Callide C whose closure date is yet to be notified.

- Local Governments / Councils could provide a preliminary letter of support (or similar) after the SIA is completed, to ensure commensurate and appropriate levels of engagement and commitment from each party as the development project is progressed;
- A CBA regulatory guideline should be developed to ensure any financial contributions are proportionate to specific impacts, and guardrails provided to ensure well-understood definition of CBA scope, prevent commitments that disproportionately impact project viability, and protect consumers from higher cost pass-throughs;
- Local Governments / Councils report publicly on the receipt and use of CBA funds through their annual statements and financial reporting;
- Mediation processes needs a further statutory pathway for project progression that also balances the need for natural justice;
- The 'Have Your Say' process (preferred) may be more appropriate for timely development – whereas if Third Party Appeal Rights are still stipulated (non-preferred), then these need to limit the standing of third parties, restrict it to bona fide Queenslanders and be cognizant of vested interests;
- A Multi-Party CBA regulatory guideline, with clear linkage to regional development plans, to be prepared and co-designed with industry.

In conclusion, we recognize and acknowledge regional and local communities' concerns, and will continue to develop renewable energy projects in line with leading practice and State Government requirements. We look forward to working with the current Queensland Government on their energy transition and delivering affordable, reliable and sustainable power supply to Queenslanders.

Yours sincerely,

Bond Watson
General Manager – Wind
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[redacted]