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

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Queensland Department of State Development Infrastructure and Planning
Via renewablesplanning@dsdilgp.qld.gov.au

SUBMISSION ON INTRODUCTION OF NEW PLANNING AND ASSESSMENT PROCESS FOR LARGE SCALE RENEWABLE ENERGY DEVELOPMENT IN QLD (INCLUDING SIA AND CBA)

Queensland's planning system must support investment certainty. Renewables and storage are essential to regional growth, energy security, and economic competitiveness. Integrity means aligning with whole-of-government priorities to deliver the best outcomes for Queenslanders.

These three principles sit at the heart of the Clean Energy Council's response to the proposed planning reforms for large-scale renewable energy development in Queensland. As the peak body for Australia's clean energy industry, representing around 1,000 member organisations, we welcome the opportunity to provide feedback on these reforms, including the introduction of Social Impact Assessments (SIAs) and Community Benefit Agreements (CBAs). We support reforms that strengthen community outcomes, maintain investor confidence, and ensure efficient, fair planning systems that are fit for purpose.

Queensland has a proud legacy of powering Australia through its energy and resource towns, agricultural producers, and increasingly, its renewable energy. With more than 8 GW of committed renewable generation and storage now under construction or financially closed, Queensland is on track to play a pivotal national role in the energy transition. This momentum must continue to ensure affordable, reliable power for homes, farms, and businesses.

CEC supports the intent of these reforms. We acknowledge the need to lift engagement standards and ensure host communities are meaningfully involved and benefit from renewable development. We've taken proactive steps to lift industry practice through our Best Practice Charter and support for stronger landholder and community partnerships.

However, without clear transitional provisions, scalable pathways, and proportionate expectations, the reforms may delay critical infrastructure, deter investment, and fall short of their intended goals.

This is not just an energy story, it's an economic one. Renewable projects underpin regional jobs and investment, and can coexist with agriculture, resource operations,

and local communities when supported by well-designed policy. Many farmers are already engaging with renewables to manage energy costs and diversify income. The planning system should enable, not constrain these partnerships through fair, consistent, and locally responsive rules.

This submission is informed by consultation with Clean Energy Council members and is closely aligned with the priorities outlined in the Ministerial Charter Letters for Treasury, Planning, Local Government, Regional Development, and the Integrity portfolios.

Our recommendations are practical, achievable, and designed to help deliver on these objectives. With targeted improvements, Queensland has an opportunity to lead the nation in building a planning system that delivers:

- Timely and coordinated decision-making based on economics;
- Genuine community engagement and benefit;
- Investor confidence in a globally competitive renewable energy development pipeline.

A summary of shared Queensland Government priorities across these portfolios, and how they are supported by CEC's recommendations is provided in Appendix 1 following our detailed submission.

With targeted improvements to the proposed reforms, Queensland could remain the most attractive destination for renewable energy investment in the country - delivering enduring benefits for regional economies, local communities, and future generations.

The Clean Energy Council stands ready to support this work and contribute constructively to a planning system that strengthens community outcomes, upholds investment confidence, and reflects Queensland's whole-of-government priorities.

Kind regards,

Tracey Stinson
QLD State Director

Introduction

Queensland currently leads the nation in committed renewable energy and storage projects, with 31 assets now at financial close or under construction totalling around 8 GW / 8 GWh and $10.8 billion in investment (Clean Energy Council Quarterly Investment Report – Q4 2024). These projects are essential to replace ageing coal-fired power, maintain energy security, and achieve the lowest-cost pathway to decarbonisation.

CEC supports the Queensland Government's intent to lift engagement standards and ensure host communities benefit from renewable energy. We also support more consistent planning legislation and welcome clearer expectations for impact assessment. However, as currently drafted, the reforms are likely to deter further investment and slow the renewable energy build out while increasing electricity costs and not necessarily delivering broader community benefits.

The CEC is concerned about the following aspects of the proposed reform:

1. Risks to ongoing investment in regional Queensland due to increased complexity and time delays and associate impacts on reliability and electricity costs
2. Unprecedented retrospective application of new requirements without fair transitional arrangements
3. Introduction of compulsory CBA with local government as the single gateway to have projects assessed may create undue influence and perceived corruption risks
4. Lack of detail in SIA and CBA requirements that will create inconsistency and resourcing constraints for local government
5. Lack of due process through insufficient time for genuine consultation with industry and no Regulatory Impact Assessment
6. Lack of dispute resolution processes and time frames
7. Very low threshold for large scale solar
8. Third party appeal rights

With targeted improvements, the framework can achieve its objectives while safeguarding investment certainty and delivery confidence. Our recommendations are shaped by industry consultation and aligned with Queensland's broader strategic priorities including efficient planning, regional development, energy reliability, and public trust. With the right settings, Queensland can remain the national leader in clean energy investment delivering lasting benefits for households, businesses, and communities. Appendix 1 outlines the key areas of concern and where these reforms appear to be inconsistent with stated QLD Government priorities.

Recommendations

1. Consult with industry to formalise and publish statutory assessment timeframes under the SARA process to provide clarity and certainty
2. Publish a staged implementation schedule outlining when each reform component will commence including regulations and supporting documentation
3. Align renewable energy planning reforms with broader state energy system, emissions and infrastructure strategies to avoid policy and regulatory inconsistency and conflict
4. Align threshold for large scale solar with that of AEMO at 5MW to reflect material planning and impact significance, defined at the point of connection to align with grid classification of semi-scheduled generators. Allow projects above 5 MW that are not grid-connected (e.g. remote mines, microgrids) to seek an exemption or higher planning threshold to support regional reliability and diesel displacement
5. Demonstrate close coordination with Treasury and Energy Department to ensure planning reforms support rather than deter increased renewable energy investment
6. Mandatory CBAs should not be a pre-lodgement requirement for renewable energy projects. Planning obligations should be proportionate to risk and impact and aligned with obligations placed on comparable sectors. For example, CBAs are not required pre-lodgement for large-scale energy projects such as gas. Benchmark renewable energy planning obligations against those required by other sectors to ensure consistency
7. Publish a cross-agency implementation framework that sets clear roles, accountabilities and alignment across state government departments to enable industry to navigate the planning approval process with clarity and certainty
8. Consult with industry to publish clear transitional guidelines that allow projects already submitted to notified under existing rules to proceed without the need to restart under the new rules
9. Permit conditional or staged lodgement of development applications concurrently as SIAs and CBAs are being completed
10. Define minor amendments with specific practical criteria to ensure that routine or beneficial changes (e.g. Turbine location adjustments, layout refinements) do not trigger full reassessment
11. Clarify whether the new SIA/CBA requirements apply only to the amended portion of a project or to the entire development. Projects that have already received Development Approval should be fully exempt from retrospective application of the new planning requirements (e.g. SIAs and CBAs)
12. Establish a maximum cap or ceiling for CBA contributions that councils can request, co-designed with industry and local government. This should guide expectations and reduce the risk of excessive or uncapped demands Contributions exceeding this reference rate must be clearly justified by the SIA findings to avoid disproportionate outcomes

13. Introduce non-binding guidance encouraging proximity-based allocation of CBA funds (e.g. a defined percentage within a 30-50km radius of the project) to ensure directly affected communities receive benefits
14. Develop a whole of project benefit cost approach that recognises the multiple and cumulative contributions made through cultural heritage management plans, neighbour agreements, sponsorships and community benefit agreements with a range of stakeholders
15. Support flexible delivery models to allow developers to co-design outcomes with communities while still co-contributing to region-wide legacy infrastructure
16. Promote the use of Community Reference Groups or similar mechanisms where councils are administering benefit funds, to advise on fund priorities, strengthen local input, and build transparency and trust in benefit allocation processes
17. Clarify what constitutes a “reasonable” agreement, what triggers the need for mediation and the process if mediation is unsuccessful
18. Set a consistent method for the calculation of council fees for administration and mediation to support fair cost recovery and predictability
19. Encourage integrated planning pathways that enable Traditional Owners and First Nations group to be engaged early and meaningfully as part of community benefit discussions
20. Support co-designed benefit-sharing models with First Nations stakeholders that reflect cultural priorities and respect local governance structures
21. Develop a dedicated guidance note on First Nations engagement within the CBA framework, including examples and protocols for meaningful consultation and shared decision making
22. Avoid duplication of benefit commitments, recognising that First Nations communities often face multiple overlapping consultation requests and regulatory processes
23. Work with First Nations representative bodies to define and shape clear, consistent and culturally safe engagement in renewable energy development
24. Publish state-wide templates for CBA negotiation, delivery and dispute resolution
25. Publish model templates for SIAs and CBAs including recommended clauses, structure and compliance and reporting expectations
26. Develop a step-by-step implementation guide including timeframes, responsibilities, decision points and supporting flow diagrams
27. Enable structured regional-scale planning pathways for projects spanning multiple local government areas, with mechanisms to support shared community benefit outcomes and to reduce duplication
28. Clarify how First Nations engagement and benefit-sharing interacts with council-led CBA negotiations
29. Encourage cross-council collaboration to coordinate community engagement and benefit sharing, particularly for regions experiencing multiple developments. Address strategic impacts such as Over Size Over Mass

(OSOM) transport routes through Renewable Energy Zone (REZ) planning and coordination, not individual project CBAs

30. Allow lodgement of development applications where a draft CBA is in place and proponents have demonstrated reasonable efforts to negotiate in good faith, (like NSW Voluntary Planning Agreements)
31. Introduce a defined timeframe for mediation, after which an unresolved matter may be escalated for review and decision
32. Establish an independent escalation mechanism or expert panel to assess the reasonableness of negotiation efforts and recommend a fair resolution path if mediation is unsuccessful
33. Provide clarity on how ancillary infrastructure (e.g. Battery co-location, substations) is treated in area calculations, and whether cumulative impacts are considered
34. Limit appeal standing to Queensland residents or entities

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1 Risk to investment through time delays

Queensland is currently one of Australia's leading destinations for large-scale renewable energy investment. In the final quarter of 2024, the state secured $2.2 billion in financially committed generation projects and led the country in battery storage, with 370 MW / 936 MWh reaching financial close including the 222 MW Woolooga Battery, one of the largest of its kind nationally (Clean Energy Council Quarterly Investment Report – Q4 2024).

This momentum reflects strong investor confidence, but that confidence relies on clear and consistent policy, planning, and delivery certainty. Queensland now has more than 4,400 MW of generation and 2,900 MW of storage under construction or financially committed. These are real projects, backed by capital and timelines. Their delivery depends on a planning system that is timely, consistent, and investment ready.

If planning reforms increase complexity or uncertainty, Queensland risks losing its national edge. Delays at this stage could stall critical infrastructure, slow the electrification of mining and industry, and reduce the competitiveness of Queensland exports. For global investors, uncertainty is a signal to redirect capital elsewhere.

The risk is broader than reliability, it's about regional opportunity. Queensland stands to gain up to $4 billion in direct payments to landholders and contributions to local councils and communities from large-scale renewable projects by 2050 (Billions in the Bush, 2024). These benefits fund community infrastructure, diversify farmer incomes, and support place-based partnerships, including with First Nations groups. For many farmers, renewable energy provides a stable secondary income and helps offset rising input costs such as electricity for irrigation and processing. Planning delays and investment risk put those benefits in jeopardy.

In their current form, the pre-lodgement requirements risk introducing avoidable delays and procedural uncertainty particularly for projects already well advanced under existing frameworks. Requiring finalised SIAs and CBAs prior to development application lodgement adds complexity and time to the front end of project development. This is especially problematic for projects that do not reach full design maturity until later stages.

Without targeted changes, the reforms may act as a bottleneck delaying critical energy infrastructure, increasing costs, and reducing Queensland's competitiveness as a destination for renewable energy capital investment.

Since 2020, clean energy has delivered $40 billion of investment across Australia, including almost $12 billion here in Queensland. Queensland has, to date, been considered an investment destination of choice for clean energy through both its willingness to create local jobs and economic opportunities, understanding the need to replace aging coal and secure the energy grid, and through our abundant access to renewable energy.

Retrospective legislation, burdensome red tape, and ill or absently defined and ambiguous processes place not only Queensland's energy security, but jobs and investment opportunities at risk. In its current form, this legislation will be a major impediment to Queensland taking full advantage of this once in a generation opportunity.

Impact on Reliability, Cost and Emissions Outcomes

As a Planning Bill, this reform cannot be separated from the wider industry affects it will deliver. Coal fired power stations are aging, and gas is very expensive and puts upwards pressure on power bills. The lowest cost pathway to replace our retiring coal fleet is renewables. Legislative and regulatory roadblocks, and delays in the roll out of renewables, will flow on to higher consumer energy bills.

Planning reforms that make it harder to develop large-scale wind, storage, and long-duration energy assets in Queensland risk undermining the National Electricity Objective (NEO), which is set out in legislation under the National Electricity Law. The NEO states that decisions must:

"promote efficient investment in, and efficient operation and use of, electricity services for the long-term interests of consumers of electricity with respect to:
• price, quality, safety, reliability and security of supply of electricity; and
• the reliability, safety and security of the national electricity system; and
• the achievement of targets set by a participating jurisdiction…for reducing Australia's greenhouse gas emissions" (National Electricity Law, s7; AEMC, 2025).

Queensland's wind resources are uniquely and strategically valuable. They tend to generate when wind output in southern states across the NEM is low, which improves whole-of-system reliability and helps avoid costly shortfalls. This spatial diversity is not just beneficial it's necessary for delivering a reliable, lower-cost energy system. Any planning changes that create delays or uncertainty in wind development will have national consequences, increasing the cost and complexity of maintaining reliability across the NEM. They would also erode investment confidence in one of Australia's most strategically important renewable energy markets.

While the reforms do not formally extend to large-scale energy storage including grid-scale batteries and pumped hydro, the current uncertainty has already begun to destabilise investment confidence in these technologies. Investors are increasingly concerned that potential future application of this reform agenda across further energy technologies could introduce additional delays and create unclear obligations. If large-scale energy storage including grid-scale batteries and pumped hydro is slowed down by planning reforms, the power system loses critical tools for replacing coal-fired generation and managing peak demand. Queensland has an opportunity to maintain its competitive advantage, but only if the planning framework remains responsive, consistent, and focused on long-term energy security and system resilience.

Recommendations

- Consult with industry to formalise and publish statutory assessment timeframes under the SARA process to provide clarity and certainty
- Publish a staged implementation schedule outlining when each reform component will commence including regulations and supporting documentation
- Align renewable energy planning reforms with broader state energy system, emissions and infrastructure strategies to avoid policy and regulatory inconsistency and conflict.
- Demonstrate close coordination with Treasury and Energy Department to ensure planning reforms support rather than deter increased renewable energy investment
- Mandatory CBAs should not be a pre-lodgement requirement for renewable energy projects. Planning obligations should be proportionate to risk and impact and aligned with obligations placed on comparable sectors. For example, CBAs are not required pre-lodgement for large-scale energy projects such as gas. Benchmark renewable energy planning obligations against those required by other sectors to ensure consistency
- Publish a cross-agency implementation framework that sets clear roles, accountabilities and alignment across state government departments to enable industry to navigate the planning approval process with clarity and certainty.
- Consult with industry to publish clear transitional guidelines that allow projects already submitted to notified under existing rules to proceed without the need to restart under the new rules

2 Retrospectivity and Transitional Arrangements

The CEC urges the Queensland Government to provide greater clarity and fairness on transitional arrangements for renewable energy projects already in progress. In particular, the unprecedented step of retrospectively applying new requirements to existing proposals further undermines investor confidence and delays and jeopardises previously committed community benefits.

The lack of transitional provisions, indicative timeframes, or a clear pathway for progressing applications where good-faith engagement has occurred on existing proposals is unwarranted. Uncertainty around how and when the new Social Impact Assessment (SIA) and Community Benefit Agreement (CBA) requirements apply is already affecting investor confidence and project delivery timelines.

This is especially critical for proponents who have made substantial commitments under the current framework, including grid connection agreements, council engagement, and land access negotiations, and are now facing the possibility of being required to restart the process under the new rules. Without a clear and fair transition,

this effectively introduces retrospective regulation, undermining the confidence of investors and developers who acted in good faith.

For projects seeking amendments to existing approvals, the lack of definition around what constitutes a “minor” versus “non-minor” change poses legal and procedural risks. Proponents responding to evolving grid requirements, technology improvements, or environmental feedback should not be penalised for making responsible design updates. At a minimum, any project that has already received Development Approval should be exempt from retrospective requirements. These projects have passed rigorous planning scrutiny and are already progressing under existing commitments with local councils and communities. Requiring them to recommence negotiations under new rules would be disproportionate and undermine regulatory certainty.

This lack of clarity also conflicts with standard regulatory practice in other industries. In mining, infrastructure and housing, transitional protections and clear amendment protocols are routine, protecting project integrity while supporting regulatory reform. Renewable energy projects should be afforded the same certainty.

Recommendations:

- Publish clear transitional guidelines that allow projects already submitted to notified under existing rules to proceed without the need to restart under the new rules
- Permit conditional or staged lodgement of development applications concurrently as SIAs and CBAs are being completed.
- Define minor amendments with specific practical criteria to ensure that routine or beneficial changes (e.g. turbine location adjustments, layout refinements) do not trigger full reassessment
- Clarify whether the new SIA/CBA requirements apply only to the amended portion of a project or to the entire development. Projects that have already received Development Approval should be fully exempt from retrospective application of the new planning requirements (e.g. SIAs and CBAs)
- Establish a maximum cap or ceiling for CBA contributions that councils can request, co-designed with industry and local government. This should guide expectations and reduce the risk of excessive or uncapped demands Contributions exceeding this reference rate must be clearly justified by the SIA findings to avoid disproportionate outcomes

3 Community Benefit Agreements (CBA) open to undue influence

CEC supports early, place-based engagement with local government as essential to project success and long-term regional benefits. Councils can play a vital role in aligning projects with planning priorities, building community trust, and helping deliver legacy infrastructure outcomes.

However, the current framework introduces material risk for developers and councils alike. Without a clear resolution pathway, stalled CBA negotiations can indefinitely delay project progress particularly when councils are unwilling to engage or interpret requirements inconsistently. This challenge is amplified for projects spanning multiple LGAs or delivering cumulative regional benefits.

Members have also raised serious concerns about the absence of guidance on contribution scale and structure. Without clear parameters, councils may assume prohibitively high, fixed per-MW contributions, creating financing uncertainty and creating unviable expectations. Establishing a transparent, suggested ceiling per megawatt of installed capacity for wind and solar, co-designed with industry and councils, would help reduce risk and ensure a pragmatic approach. This is in effect in New South Wales and could be adapted to Queensland's context. Currently, there is no maximum cap or limit on CBA contributions in Queensland, and councils may seek significantly higher contributions than the NSW benchmark of $1,050 MW for wind and $850 MW for solar, particularly if assessments are tied to broad or subjective impact categories. Without clearer valuation methodologies, this may result in disproportionate expectations and risk creating both commercial and perceived integrity issues. It's critical that benefit expectations are transparent, proportionate, and grounded in evidence, such as the SIA findings.

Impacts spanning multiple LGAs such as transportation impacts along Over Size Over Mass (OSOM) routes from ports to project sites, should be considered strategically across Renewable Energy Zones (REZs) rather than attributed solely to individual project-level CBAs. This would avoid duplication, encourage region-wide coordination, and more fairly assign responsibility for broader network and infrastructure impacts.

Queensland's planning framework must better support regional-scale coordination, particularly for large-scale projects that span multiple LGAs or where communities are already managing cumulative development impacts. In its current form, the system risks duplication, inconsistent outcomes, and missed opportunities for shared regional planning and benefits.

Greater structured collaboration between developers and neighbouring councils is essential to reduce inefficiencies and unlock long-term legacy scale benefits. CEC recommends the Department explore how planning pathways can actively enable and incentivise coordinated, region-wide community benefit outcomes, not just individual council negotiations.

The Clean Energy Council supports an inclusive planning system that ensures First Nations communities are equitably engaged and benefit meaningfully from renewable energy development. Under the current framework, Community Benefit Agreements (CBAs) are negotiated exclusively with local governments. This risks unintentionally

sidelining Traditional Owners and missing the opportunity for a more integrated, culturally appropriate approach to co-ownership and shared benefits.

Social licence cannot be bought – it is built through trust and relationships. Benefit funds are most effective when designed collaboratively between developers and local communities to deliver outcomes that are locally meaningful and enduring. In practice, the process of building trust is just as important as the benefits themselves. The strongest models are co-designed, place-based, and responsive to local community needs.

Member feedback has highlighted the need for clearer guidance on how CBA funds are to be structured, allocated, and attributed. In large or regional LGAs, there is concern that funding may be absorbed by central towns rather than reaching the communities most directly impacted by project activity.

Given that much of the rollout of renewable energy will involve First Nations land, it is important that any negotiation of community benefit agreements includes free, prior and informed consent by First Nations people and that benefits extend to the needs of these rights holders. Clarifying whether benefits delivered through Cultural Heritage Management Plans can be recognised as part of broader community benefit contributions would also help to ensure consistency and inclusion across projects.

Recommendations:

- Establish a transparent rate or methodology for CBA contributions, co-designed with industry and local government to guide expectations and reduce the risk of excessive or uncapped demands
- Introduce non-binding guidance encouraging proximity-based allocation of CBA funds (e.g. a defined percentage within a 30-50km radius of the project) to ensure directly affected communities receive benefits
- Develop a whole of project benefit cost approach that recognises the multiple and cumulative contributions made through cultural heritage management plans, neighbour agreements, sponsorships and community benefit agreements with a range of stakeholders
- Support flexible delivery models to allow developers to co-design outcomes with communities while still co-contributing to region-wide legacy infrastructure
- Promote the use of Community Reference Groups or similar mechanisms where councils are administering benefit funds, to advise on fund priorities, strengthen local input, and build transparency and trust in benefit allocation processes
- Clarify what constitutes a “reasonable” agreement, what triggers the need for mediation and the process if mediation is unsuccessful
- Set a consistent method for the calculation of council fees for administration and mediation to support fair cost recovery and predictability

- Encourage integrated planning pathways that enable Traditional Owners and First Nations group to be engaged early and meaningfully as part of community benefit discussions
- Support co-designed benefit-sharing models with First Nations stakeholders that reflect cultural priorities and respect local governance structures
- Develop a dedicated guidance note on First Nations engagement within the CBA framework, including examples and protocols for meaningful consultation and shared decision making
- Avoid duplication of benefit commitments, recognising that First Nations communities often face multiple overlapping consultation requests and regulatory processes
- Work with First Nations representative bodies to define and shape clear, consistent and culturally safe engagement in renewable energy development

4 Lack of detail and guidance on SIA and CBA requirements

The development of model terms for Social Impact Assessments (SIAs) and Community Benefit Agreements (CBAs), including template clauses, benefit attribution guidance, and example reporting formats needs to be provided to support the efficient implementation of the reforms. A clear, step-by-step explanatory guide, including visual flowcharts of the planning process with indicative expected timeframes, would further help proponents and councils understand expectations, roles, and sequencing.

The Clean Energy Council encourages the Department to develop a suite of standardised tools to help build capability, promote best practice engagement, and ensure the planning framework is accessible and navigable for all stakeholders.

Without structured guidance, CBAs risk becoming variable, difficult to enforce, or misaligned with a project's scale or local context. A transparent valuation methodology and clearer process documentation would significantly enhance certainty for communities, councils, and developers alike.

Recommendations:

- Publish state-wide templates for CBA negotiation, delivery and dispute resolution
- Publish model templates for SIAs and CBAs including recommended clauses, structure and compliance and reporting expectations
- Develop a step-by-step implementation guide including timeframes, responsibilities, decision points and supporting flow diagrams
- Enable structured regional-scale planning pathways for projects spanning multiple local government areas, with mechanisms to support shared community benefit outcomes and to reduce duplication
- Clarify how First Nations engagement and benefit-sharing interacts with council-led CBA negotiations

- Encourage cross-council collaboration to coordinate community engagement and benefit sharing, particularly for regions experiencing multiple developments

5 Lack of Due Process – Regulatory Impact Assessment needed

The CEC notes that the proposed regulatory changes satisfy several criteria that should have been subject to a Regulatory Impact Assessment (RIA) prior to public consultation. We note that the purpose of the Better Regulation Policy is to help ensure that the introduction or amendment of regulation avoids unnecessary burden on affected stakeholders. Without RIA, the regulatory changes may fail to achieve stated objectives and effectiveness, while creating unintended consequences on investment, competition and consumer electricity prices.

The impact of the proposed reforms to communities, local councils and renewable energy proponents alike is significant with respect to the breadth, proportionality, degree of uncertainty, and level of community concern for the changes. For example, transitional arrangements that retrospectively impose the SIA and CBA obligations on renewable energy projects that are significantly progressed through the planning application process is unnecessary. This retrospective application will add considerable delay and cost to those projects and is unlikely to produce any additional benefits to local councils and the community. This delay and cost is onerous given that many of the projects in the planning pipeline will have already agreed with local councils and/or neighbour communities on benefit sharing arrangements, and/or have undertaken social impact assessment in a manner that may be inconsistent with the proposed SIA requirements but nonetheless satisfies the requirement to do so.

A critical step in the RIA process is to clearly articulate the problem that needs to be resolved, and whether proposed regulatory changes will resolve that problem. Without a framework and appropriate legal instruments to ensure consistency in approach, community benefit agreements may create real and perceived risks of coercive behaviour and corruption.

Our submission outlines several other ways in which impacts on the renewable energy sector are substantial and, in our view, could have achieved resolution or refinement had more timely and fulsome consultation occurred with industry in accordance with the Queensland Government's Better Regulation Policy. While we support the introduction of SIA and guidance on community benefit arrangements, we also strongly support due process and good regulatory practice.

6 Dispute Resolution Processes

The Clean Energy Council supports the inclusion of mediation provisions in the proposed reforms as a constructive step toward resolving disputes and supporting localised agreement-making. Mediation can provide a valuable platform to strengthen

trust, identify common ground, and unlock shared benefits for councils, communities, and project proponents.

However, as currently drafted, the reforms lack a clear mechanism for what happens if mediation fails. Without a defined resolution pathway or time limits, projects risk being indefinitely delayed, even where developers have engaged constructively and in good faith. This uncertainty presents a significant risk to project timelines, financing, and regional development outcomes.

We are particularly concerned that the current structure gives councils the ability to delay lodgement of development applications by withholding agreement, without consequence or review. While most councils will negotiate in good faith, there must be safeguards in place to ensure that isolated disputes do not undermine the broader intent of the planning system.

These measures would preserve the role of councils in shaping local outcomes while providing developers with a fair and reliable process to progress projects. A transparent and time-bound approach to mediation would build confidence in the planning framework and ensure the reforms enable, rather than delay, Queensland's renewable energy rollout.

Recommendations:

- Allow lodgement of development applications where a draft CBA is in place and proponents have demonstrated reasonable efforts to negotiate in good faith, (like NSW Voluntary Planning Agreements)
- Introduce a defined timeframe for mediation, after which an unresolved matter may be escalated for review and decision
- Establish an independent escalation mechanism or expert panel to assess the reasonableness of negotiation efforts and recommend a fair resolution path if mediation is unsuccessful

7 Threshold for 'Large-Scale' Solar Projects

The proposed threshold of 1 MW or 2 hectares captures projects well below what is typically considered utility-scale across Australia. Without a clear policy rationale, there is a risk that this places disproportionate regulation on small-scale commercial, agrivoltaics, and community energy projects, the very developments that often deliver local resilience, innovation, and regional benefit.

New South Wales applies State Significant Development triggers at 30 MW or 10 hectares in sensitive areas. Victoria generally applies more intensive scrutiny above 5 MW.

The 5 MW threshold is widely regarded as a practical benchmark for utility-scale solar, aligning with AEMO's threshold for semi-scheduled generators. This is important, as

projects over 5 MW must undergo full grid connection processes, adding significant cost, complexity, and time. Using 5 MW at the point of connection as the planning threshold would ensure national alignment and reflect the material difference in planning and system impact between small-scale and utility-scale solar. It would also allow proponents to optimise their project design, for example, through DC overbuild, battery co-location, and reactive power management, without being captured by disproportionate planning obligations.

Additionally, many smaller-scale solar projects in Queensland such as those supporting remote mining operations, agricultural productivity, or community microgrids, are not grid-connected and should not be subject to the same level of planning scrutiny. These types of projects are critical to improving reliability in remote regions and reducing diesel reliance. We recommend that where projects are off-grid, the threshold be raised or an exemption process be made available (e.g. up to 30 MW) to enable cleaner, faster, and more reliable energy solutions in rural and regional Queensland.

The following recommendations would bring QLD into line with national practice, reduce unnecessary red tape for low-impact projects, and help Councils and the State focus assessment resources on developments with the greatest potential community and environmental impact:

Recommendations:

- Align threshold for large scale solar with that of AEMO at 5MW to reflect material planning and impact significance, defined at the point of connection to align with grid classification of semi-scheduled generators. Allow projects above 5 MW that are not grid-connected (e.g. remote mines, microgrids) to seek an exemption or higher planning threshold to support regional reliability and diesel displacement
- Provide clarity on how ancillary infrastructure (e.g. Battery co-location, substations) is treated in area calculations, and whether cumulative impacts are considered.

8 Third-Party Appeals

The CEC does not oppose renewable energy projects being subject to third-party appeal rights. Currently, third-party appeals are available to anyone who makes a properly made submission which could come from an interested party anywhere. It does not make sense that anyone who made a properly made submission outside Queensland can seek an appeal of a renewable energy project irrespective of the wishes of the host community, or broader Queensland population.

CEC's view is that it is critical that Queensland communities are empowered through these reforms, and allowing third-party appeals from actors outside Queensland

dilutes that power. Our view is that eligibility for a third-party to apply for a review of a renewable energy project on its merits should be limited to the Queensland jurisdiction.

Recommendations:

- Limit appeal standing to Queensland residents or entities

Conclusion

The CEC supports the planning reform objectives of bringing renewable energy developers and regional communities together earlier in the project lifecycle to reduce conflict, improve outcomes, and restore public confidence. However, the bill requires substantial amendments to ensure these are achieved without adding unreasonable time delays and costs that will erode investor confidence and jeopardise the once in a generation opportunities presented by renewable energy development for regional Queensland.

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Appendix 1 Table of key concerns and potential inconsistencies with QLD Government commitments

Reform Area	What's Proposed	Key Concern	CEC Recommendation	Alignment with Ministerial Portfolio Priorities
Working in Partnership with Local Government and Resourcing	Local governments required to negotiate and administer CBAs without structured guidance or support for additional resourcing.	Inconsistent expectations across LGAs Administrative burden, especially for smaller councils Delays for multi-LGA projects due to lack of coordination Risk of inequitable or unregulated fee structures for both administration and mediation	Develop standardised CBA templates and planning-aligned guidance Establish consistent, transparent fee-setting approaches for councils and mediation services Provide clear, scalable engagement pathways for multi-council projects Support local governments to participate confidently and consistently	The Hon. Ann Leahy MP – Minister for Local Government The Hon. Jarrod Bleijie MP – Deputy Premier, Minister for State Development, Infrastructure and Planning The Hon. Dale Last MP – Minister for Regional Development and Manufacturing
Community Benefit Fund Structure and Distribution	Mandatory CBAs with no mandatory dispute resolution mechanism, no contribution ceilings or reference framework, and conflicting statements	Perceived or real coercion in negotiations Anti-competitive conduct and lack of proportionality Exposure of commercially sensitive terms without clear confidentiality rules	Co-design a transparent, auditable CBA framework including: • Optional reference rates to guide contribution expectations • Proportionality and competitive neutrality safeguards	The Hon. Deb Frecklington MP – Attorney-General and Minister for Justice and Integrity The Hon. Ann Leahy MP – Minister for Local Government

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Reform Area	What's Proposed	Key Concern	CEC Recommendation	Alignment with Ministerial Portfolio Priorities
	regarding whether agreements will be kept confidential or made public.	Risk of international investors breaching anti-bribery or anti-corruption laws Deters global capital and undermines public trust in the planning process	• Defined confidentiality protocols and publication rules • Planning-aligned templates • Clearer, independent dispute resolution and mediation pathways	The Hon. Dale Last MP – Minister for Regional Development and Manufacturing
Threshold for 'Large-Scale' Solar Projects	Projects over 1 MW or 2 hectares are subject to the full planning assessment pathway, including SIAs and CBAs	Captures small-scale, low-impact and community projects Adds unnecessary compliance costs and red tape Misalignment with national thresholds (e.g. AEMO 5 MW) Risks stalling innovation and regional energy uptake Diverts limited planning resources away from higher-impact projects	Raise the threshold to 5 MW to align with other jurisdictions across Australia. Clarify how land-based thresholds apply (e.g. agrivoltaics, spacing) Exempt low-impact and community-scale projects from unnecessary process layers	The Hon. David Janetzki MP – Treasurer and Minister for Energy The Hon. Jarrod Bleijie MP – Deputy Premier, Minister for Planning The Hon. Ann Leahy MP – Minister for Local Government
Transitional Provisions and Project Amendments	No transitional provisions for projects already	Retrospective regulation creates uncertainty and sets a damaging precedent	Introduce transitional arrangements to protect in-progress projects	The Hon. David Janetzki MP – Treasurer and Minister for Energy

Reform Area	What's Proposed	Key Concern	CEC Recommendation	Alignment with Ministerial Portfolio Priorities
	under development prior to the introduction of new planning requirements.	Threatens viability of projects with significant sunk costs Undermines Queensland's competitiveness and investor reputation Delays critical infrastructure needed to replace retiring coal generation	Ensure new requirements apply only to future projects not yet initiated under prior frameworks Establish a consistent and fair pathway for minor amendments to existing projects	The Hon. Dale Last MP – Minister for Regional Development and Manufacturing The Hon. Deb Frecklington MP – Attorney-General and Minister for Integrity
Third-Party Appeals – Queensland Standing	Expanded third-party appeal rights without clear guidance on who has standing or the scope of allowable objections.	Risk of misuse or vexatious objections Delays to project approvals and greater legal uncertainty Undermines delivery confidence for time-sensitive infrastructure Potential for appeals to be used in ways unrelated to planning merit	Define clear criteria for who can appeal and under what circumstances Co-design a balanced and transparent appeals model with government Ensure the system protects genuine community interests while maintaining efficient, evidence-based assessment of major projects	The Hon. Deb Frecklington MP – Attorney-General and Minister for Justice and Integrity The Hon. Jarrod Bleijie MP – Deputy Premier, Minister for Planning and State Development

Reform Area	What's Proposed	Key Concern	CEC Recommendation	Alignment with Ministerial Portfolio Priorities
Regulatory Integrity and Process (RIA)	Major regulatory changes introduced without a formal Regulatory Impact Assessment (RIA), contrary to Queensland Government Better Regulation Policy.	Lack of structured assessment of regulatory burden, impacts, and alternatives. Missed opportunity to identify and mitigate unintended consequences.	Conduct an ex-post RIA or consult with industry to validate assumptions, address risks, and demonstrate regulatory best practice.	The Hon. Deb Frecklington MP – Attorney-General and Minister for Integrity The Hon. Jarrod Bleijie MP – Minister for Planning The Hon. David Janetzki MP – Treasurer and Minister for Energy