

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

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

From: Cubico Sustainable Investments

Date: 20 May 2025

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

1. Introduction

Cubico Sustainable Investments (Cubico) welcomes the opportunity to provide feedback on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (the Bill). As a global renewable energy investor, developer and long-term owner-operator, Cubico has a strong and ongoing presence in Queensland, including advanced wind and solar developments such as the Middle Creek, Marmadua and Wambo Energy Hubs in the Western Downs region.

We commend the Queensland Government's leadership in strengthening the Social Impact Assessment (SIA) and Community Benefit Agreement (CBA) framework. The proposed changes reflect best practices in stakeholder engagement and social accountability—principles we already are proud to embed in our development approach.

In our projects Cubico has proactively adopted many of the practices now being formalised through this legislation. We have conducted early and ongoing consultation with local landowners, Traditional Owners, councils, and community groups; assess social impacts; and developed tailored community benefits initiatives. These include workforce development partnerships, local sponsorship programs, and focuses on local procurement. By integrating these measures from the outset, we have found that project outcomes are more robust, resilient, and well-received.

2. Feedback on the Proposed Bill

Transitional Arrangements for wind farms in the planning system

We encourage the Government to consider transitional provisions that allow renewable energy projects already well advanced in their planning assessment—such as Cubico's **Marmadua Energy Park** and **Middle Creek Energy Hub**—to continue progressing with certainty and minimal disruption. These projects are currently subject to proposed Ministerial call-in and under the new Amendment Bill would potentially go back to the start of the State Planning process.

Clear transitional guidelines would help avoid unnecessary delays and costs, while maintaining the confidence of both communities and investors, and supporting the ongoing delivery of Queensland's renewable energy pipeline. Projects already well advanced in the development assessment or call-in process have undergone State assessment over several months and, in many cases, have proactively addressed the SIA and CBA requirements. Requiring these projects to revisit assessments or duplicate efforts could be unnecessary and counterproductive. Recognising the substantial work and community engagement already completed will help ensure continuity, reward proactive

planning, and facilitate the timely delivery of clean energy infrastructure—aligned with the intent of the proposed reforms.

Third-Party Appeal Rights and Legal Uncertainty

The proposed broadening of third-party appeal rights, particularly in relation to undefined or subjective criteria around “community benefit” or “social impact,” presents a significant threat to project certainty.

Unlike the mining sector—where clear pathways for objection and assessment are established under resource legislation—renewables currently face more fragmented and uncertain governance, with less clarity on appeal mechanisms, criteria for assessment, or protections for merit-based approvals. This asymmetry is concerning given the time-critical nature of the energy transition and the different risk-return profile of renewables relative to extractive industries.

The risk of vexatious or ideologically driven third-party challenges, particularly in regions with a legacy of polarisation, could delay or derail projects that have otherwise demonstrated strong community support. For investors, this adds a layer of uncertainty that is difficult to quantify or mitigate—and may lead to the reallocation of capital away from Queensland.

Consistency across all Energy Infrastructure Projects

The Bill introduces mandatory social impact assessments and community benefit expectations for renewable projects. A consistent approach across renewable, mining, and infrastructure sectors would be welcomed to ensure fairness and regulatory balance.

While Cubico fully supports the principle of meaningful community engagement and benefit-sharing—and has voluntarily implemented substantial benefit programs—these expectations should be accompanied by clear, consistent, and sector-specific guidance. At present, there is a lack of clarity on what constitutes a “satisfactory” community benefit, how such benefits are to be assessed, and how these expectations will interact with existing planning codes, benefit frameworks, or council requirements.

Without greater alignment, the risk is that the renewable sector will be held to an inconsistent and ultimately more onerous standard than other major industries, which may erode investor confidence at a time when accelerated deployment is essential.

Appeal Process and Local Relevance

Cubico has significant concerns regarding the proposed broadening of appeal rights, particularly where these allow objections from individuals or entities located outside the region where the project is proposed. We believe that there should be clear and enforceable guidelines that limit the scope of appeals to stakeholders within a relevant geographic proximity—such as a 5km radius from the project footprint. This ensures that genuine local concerns are heard and addressed, while mitigating the risk of strategic or ideologically motivated objections from distant parties who do not reside in or contribute to the affected community.

Allowing submissions and appeals from individuals or organisations located in other states—or from parts of Queensland far removed from the project site—introduces serious concerns for project certainty and investor confidence. The potential for projects to be delayed or debated in the Planning and Environment Court by non-local actors undermines the principle of local representation and decision-making. It also adds a layer of risk and cost that is particularly detrimental to the time-sensitive development schedules associated with renewable energy infrastructure.

Further, Cubico believes that once a Community Benefit Agreement (CBA) has been negotiated and agreed upon between the proponent and the relevant local Council, that agreement should be considered final. The introduction of a new avenue for appeal or objection to the CBA—particularly by third parties with no direct stake in the local community—undermines the integrity of the local government planning process. The CBA is intended to reflect a consensus between the project and the community through its democratically elected representatives. As such, no further objections should be permitted once the Council has endorsed the agreement as part of the development assessment process.

Clear limits and safeguards around who can object, under what grounds, and at what stage of the process, are essential to ensure Queensland remains a secure and attractive destination for renewable energy investment.

3. Recommendations

To address these concerns and preserve the integrity and momentum of Queensland's renewable energy pipeline, we respectfully recommend:

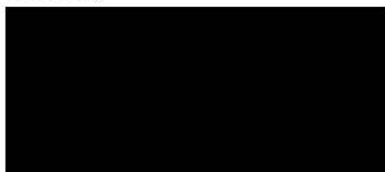
- Transitional protections for projects that have commenced formal planning or approvals under the current framework (e.g. lodged DA, advanced landholder consultation).
- Development of clear, sector-specific guidelines for social impact assessment and community benefit expectations, co-designed with industry, local government, and community representatives.
- A risk-based approach to third-party appeal rights, with safeguards against vexatious claims and clear thresholds for public interest.
- Greater alignment between planning frameworks for renewables and the mining/resources sector, ensuring equity in governance and approval certainty.
- Commitment to consult ongoing with industry and investors to monitor the implementation impacts of the Bill and support confidence in long-term renewable development.

4. Conclusion

Cubico remains committed to delivering high-quality renewable energy projects that bring lasting benefits to Queensland communities. We support the intent of the Bill in strengthening the social licence of energy development—but emphasise the need for measured, consistent, and investor-aware implementation.

We look forward to working constructively with the Queensland Government to shape a planning system that delivers for both communities and the clean energy future.

Sincerely,



Alex Godina
Head of Development, Australia
Cubico Sustainable Investments