

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

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| Submission No: | 478 |
| Submitted by: | AgForce Queensland Farmers Limited |
| Publication: | Making the submission and your name public |
| Attachments: | See attachment |
| Submitter Comments: | |



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Ref: MA/AF/MA25003

20 May 2025

Queensland Parliament
State Development, Infrastructure and Works Committee

By Email: sdiwc@parliament.qld.gov.au

Dear Sir / Madam

Re: Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$11.2 billion in on-farm value of production in 2022-23. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,000 farmers, individuals and businesses provide support to AgForce through membership. Our members own and manage around 55 million hectares, or a third of the state's land area. Queensland producers provide high-quality food and fibre to Australian and overseas consumers, contribute significantly to the social fabric of regional, rural and remote communities, as well as deliver stewardship of the state's natural environment.

Thank you for the opportunity to provide comment on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025.

AgForce has a strong policy position on representing members' interests in the protection of land use and is supportive of efforts by all authorities, at federal, state and local levels, that enable the effective coexistence of agriculture with other forms of land use. Please see Appendix 1 where the Land Use Protection Principles of AgForce members, as endorsed by the AgForce Queensland Farmers' Limited Board, are presented as an overall expectation of what broadacre agricultural industry commits to when seeking coexistence with other sectors.

AgForce has not made comment on all sections and solely focuses on the amendments proposed concerning renewable energy projects.

1. SOCIAL IMPACT ASSESSMENT

AgForce supports the requirement for wind farms and large-scale solar farms to undertake social impact assessment. AgForce would however, like to see more attention provided specifically to neighbouring landholders to the project. We see that neighbouring landholders are more likely to experience direct impact from exposure to hazards and risks from renewable energy projects and by environmental factors such as dust and noise pollution as listed in the Draft Social Impact Assessment Guidelines.¹

2. COMMUNITY BENEFIT AGREEMENT (CBA)

AgForce supports the requirement for proponents to enter into a community benefit agreement with the relevant local government.

3. IMPACT ASSESSABLE – MANDATORY PUBLIC NOTIFICATION

AgForce supports the State Assessment and Referral Agency (SARA) assessing wind farms and large-scale solar farms and the requirement for public notification as this allows communities to participate in the development process.

4. THIRD-PARTY APPEAL RIGHTS

AgForce has concerns over whether qualifying criteria should be implemented so that who has third party appeal rights are limited in some regard to individuals/companies who may be directly impacted by the project, e.g. neighbouring landholders. This would reduce the amount of frivolous and vexatious claims before the Planning and Environment court.

STATE CODE 26 – SOLAR FARM DEVELOPMENT

AgForce has similar concerns regarding acoustic amenity and decommissioning as was raised in our submission to State Code 23.²

AgForce would like some consideration afforded to reducing negative financial impacts on neighbouring landholders to solar farms. Should a solar farm be located in close visual proximity to a neighbouring property's boundary or homestead, compensation should be afforded to the neighbouring landholder for loss in equity to their land as this could have devastating impacts on borrowing capacity and their ability to run their agricultural operation to its potential. AgForce would also request neighbouring landholders be afforded consideration within Performance Outcomes 13-15 as they will also be subject to negative impacts on their visual amenity and potential experience of glint and glare should the solar farm be located close to their boundary.

Regarding Performance Outcomes 7-9 AgForce would like to see consideration afforded to how liability can be determined should the solar farm become non-compliant with the Reef Protection Regulations once operational. Even if a landholder has done their due diligence in their Conduct and Compensation Agreement (CCA) there is still a real risk of a scenario where there is a lack of ground cover under the solar farm where sediment run off occurs and is deemed to be in breach of the Reef Protection Regulations.

This would be an unfair liability for the landholder of the project site to bear (if they are different to the solar farm developer/owner – i.e. where a grazier leases a portion of their land to the project developer).

¹ https://www.planning.qld.gov.au/data/assets/pdf_file/0011/100361/social-impact-assessment-guideline.pdf

² <https://www.agforceqld.org.au/knowledgebase/article/AGF-01846/>

In regard to Performance Outcome 12 AgForce would like to see that noise monitoring continues once the project is operational and that the predicted acoustic levels are not the sole determinant of whether the project is compliant with the Regulation being, *Environmental Protection (Noise) Policy 2019*.

Whilst we appreciate that Performance Outcome 28 mentions that decommissioning plans should be secured by bonds or financial guarantees, AgForce would like to see some criteria that these bonds or financial guarantees are obtained from reputable financial institutions.

AgForce thanks the State Development, Infrastructure and Works Committee for the opportunity to provide feedback and looks forward to continued engagement to ensure better practices for all stakeholders involved.

If you have any questions or require further information please contact Anna Fiskbek, Policy Advisor by email [REDACTED] or mobile: [REDACTED].

Yours Sincerely

[REDACTED]

Michael Allpass
General Manager - Policy & Advocacy

Third Party Access to Farming and Grazing Lands Across Queensland

1. Access

- 1.1. Process for access shall include landholder negotiations. No access prior to activities being agreed or determined and compensated.
- 1.2. Full and frank disclosure of all likely impacts and liabilities associated with a project must be made to the landholder.
- 1.3. Landholder negotiations shall be carried out in a manner that minimises time and financial impacts on the land holder e.g. not to clash with planting harvesting or mustering activities.
- 1.4. Access roads and tracks must be maintained, or improved where necessary, at the proponent's cost so that they are fit for purpose, support safe road use and minimise impacts on the environment and surrounding lands.
- 1.5. Users of roads and tracks must operate in accordance with workplace health and safety (e.g. safe speed limit for conditions).
- 1.6. Landholders to have legal and relevant specialist representation fully funded by the proponent as incurred.

2. Impact on Agricultural Land Uses

- 2.1. Agriculture is essential to our economy, food security and integral to our communities.
- 2.2. Agriculture must be protected from development that compromises productivity, sustainability and accessibility.
- 2.3. Where the long-term costs of a project exceed the long-term benefit from existing land use, the project should not be approved.
- 2.4. Land uses that could have a detrimental impact on an existing agricultural land use or the health or safety of people in agricultural areas should require assessment by an independent, statutory authority.
- 2.5. The independent statutory authority should be comprised of members representative of rural interests / with practical experience in assessing the impacts to rural operations/grazing/farming businesses.
- 2.6. The authority should have strong governance standards that ensure transparency and accountability to all stakeholders.
- 2.7. The assessment process should require the project proponent to fund independent investigation of the project's potential impacts by experts chosen by the authority.
- 2.8. The independent experts' reports should be made publicly available alongside the project proponent's plans for the project and own assessment of likely impacts.
- 2.9. To be properly made and considered by the authority, submissions should not need to be supported by the submitter's own evidence, it being important that a submitter's financial resources should not prevent the authority's ability to consider and address legitimate concerns.
- 2.10. The authority's decisions should be supported by reasons and published publicly.
- 2.11. Appeals from the authority's decisions should be considered by a court in which submitters can be heard at relatively low cost with principles similar to the Land Court, e.g. not bound by the rules of evidence, may inform itself in the way it considers appropriate and must act according to equity, good conscience and the substantial merits of the case without regard to legal technicalities and forms or the practice of other courts.

3. Compensation

- 3.1. Landholder must be involved in assessment of impacts and calculation of compensation.
- 3.2. Compensation must include payment for landholders' time calculated at commercial rates and payment for any negative impact on the peaceful enjoyment of land.
- 3.3. Compensation must encompass the loss/impact on natural capital and livestock/crop production losses.
- 3.4. Material change in circumstances and/or unexpected consequences must trigger ability of landholder to re-negotiate compensation.
- 3.5. Impacted neighbours must be compensated.

4. Compliance

- 4.1. Compliance is a regulatory role that shall require landholder contact and on-ground inspections at not more than 6-month intervals.

- 4.2. Landholders should have the right but not the responsibility to compel regulator investigation and enforcement of compliance.
- 4.3. Proponents and regulators must proactively identify, disclose and manage cumulative impacts.
- 4.4. Non-compliance should be immediately reported to the landholder and should trigger cease work.
- 4.5. All projects must have comprehensive monitoring and transparent reporting.

5. Rehabilitation

- 5.1. Land needs to be progressively rehabilitated and revegetated.
- 5.2. All plants and other materials used in rehabilitation must have demonstrated safe practices for biosecurity including appropriate permits, forms and checklists.
- 5.3. Rehabilitation and revegetation must achieve pre-existing conditions, or better.
- 5.4. There should be financial assurance for rehabilitation and revegetating for farming and grazing land use.
- 5.5. Rehabilitation must be up to date and financial assurance re-assessed prior to additional approvals or tenures being granted or renewed.

6. Biosecurity

Proponents must comply with the landholders' farm biosecurity plan.