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

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Mr Jim McDonald MP
Chair, State Development, Infrastructure and Works Committee
Queensland Parliament
Via email: SDIWC@parliament.qld.gov.au

Dear Committee Chair and Members,

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

Townsville Enterprise is the peak advocacy, economic development body and destination management organisation for Townsville North Queensland. We represent the five major local government areas of Townsville, Burdekin, Charters Towers, Hinchinbrook and Palm Island and aim to attract both government and private investment to the region.

For more than 30 years, Townsville Enterprise has played a critical role in the economic development of the region through strong political advocacy, investment attraction, tourism development, and by promoting Townsville North Queensland as an attractive place to live, visit, and invest. We are a not-for-profit organisation funded by over 300 members across the region – both private businesses and local government.

Our purpose is to secure the future of Townsville North Queensland.

Townsville Enterprise would like to thank the Committee for the opportunity to provide its views on the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025* (the Bill) and its proposal to introduce a community benefit system into the Queensland planning framework and subsequently empower local governments to have a greater role in decision-making and enable positive legacy benefits for communities.

In particular, our submission will focus on Chapters 1-3 of the Bill, and provide our in-principle support for the proposals to amend the *Planning Act 2016*, *City of Brisbane Act 2010*, *Local Government Act 2009, Planning and Environment Court Act 2016*, and *the Building Act 1975* to:

- require a proponent to conduct a Social Impact Assessment (SIA) and enter into a Community Benefit Agreement (CBA) with the local government before lodging a development application, with both documents submitted to the assessment manager as part of a properly made application;
- provide for the Planning Regulation 2017 to prescribe the uses which require a SIA and CBA prior to lodging a development application;
- provide a reserve power for the chief executive of the department administering the *Planning Act 2016* to allow a development application to be lodged with an

assessment manager without a SIA and/or CBA, as well as the authority to impose conditions for social impacts; and

- provide transitional provisions to clarify how the Planning Act and subsequent Planning Regulation amendments apply to a development application that has been made, or lodged, but not decided.

At the outset, we would like to make a general point that across the renewables planning sector, there is a significant need for stronger coordination and streamlining of the Federal and State approval processes in order to increase productivity and promote investment flow. Inconsistencies and incompatibilities between the two levels of government and their respective approval processes, namely the *Planning Act 2016* in Queensland or the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Commonwealth, further complicate the already arduous approvals processes and undercut Australia's ability to compete internationally for investment capital and to progress the energy transition to net zero, for which there is bipartisan support.

Additionally, we would like to acknowledge the consultation version of the draft *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025,* which was tabled during the Bill's Explanatory Speech. We understand that this draft regulation indicates that wind farm and large-scale solar farm proponents will be required to undertake SIA and enter into a CBA with the local government before lodging a development application. Given the significance of these projects to the North and North West Region, centred on the Flinders Renewable Energy Zone (REZ), we have a keen interest in ensuring any regulatory changes are fit for purpose for both industry and the local government bodies they seek to benefit. In this aim, we would encourage the Committee to undertake additional consultation with key stakeholders to ensure the proposed regulation is workable as it stands.

Relating to New section 106U (Regulation about pre-existing applications)

New section 106U (Regulation about pre-existing applications) enables the regulation to specify the process for administering a development application, or change applications after an application is made but before it is decided, and is now development requiring social impact assessment. This section applies for development applications made but not yet decided, relevant to section 60.

We would like to draw attention to the significant costs and time that has been invested in the past by local governments and developers alike in planning, evaluating and assessing pre-existing applications, and to empower these local governments to retain ownership of these current applications if they so choose. One avenue for doing this would be by inserting a subsection into s.106U of the Bill, or ss.51l or 51J of the Regulation, excluding s.51I of the Regulation from applying in circumstances where the assessment manager (if the assessment manager is the relevant local government) opts to retain ownership and continue assessing the application.

Relating to New section 106ZB (Referral to mediation)

New section 106ZB (Referral to mediation) provides the chief executive, on request, may refer the entities to mediation to seek to reach an agreement where the local government and another entity have been unable to agree on a community benefit agreement. It prescribes that a mediation request is only possible if made by the local government and the other entity (developer).

In the interest of preventing unnecessary and indefinite CBA negotiation delays, as well as protecting Queensland's reputation as an attractive energy investment destination, it is recommended that the Bill includes provisions that put in place minimum negotiation periods for CBAs, and provides an avenue for either party in a negotiation to unilaterally request mediation upon conclusion of the minimum negotiation period if an agreement has not been mutually reached. Additionally, we support suggestions that, if a new or amended CBA is required due to changed circumstances or a changed application, that either party be allowed to unilaterally request mediation, without the application of a minimum negotiation period. It is of note that similar provisions currently exist in Queensland's resources framework regarding the negotiation of conduct and compensation agreements.

Relating to New section 106ZJ (Limitation on appeal rights)

New section 106ZJ (Limitations on appeal rights) limits the appeal rights of a person other than the applicant. This clause limits that a person, other than the applicant, may not appeal against a condition of the development approval related to social impacts or a failure to impose a condition on a development approval.

Townsville Enterprise supports the limitations being placed on appeals relating to social impact assessments and CBAs under this new section 106ZJ and in general supports the Clean Energy Investor Group's (CEIG) recommendation that appeal rights be proportionate and restricted to parties with a clear, direct interest in the project. This should include directly-affected parties like landholders, neighbours and regional communities. We agree that there may be a need for further amendments to be made to the *Planning and Environment Court Act 2016* to ensure appeal rights are proportionate and restricted to parties with a clear, direct and regional interest in projects, and would encourage the Committee to consider this.

Summary of key points

1. Townsville Enterprise supports the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025* in principle;
2. Townsville Enterprise believes there is a need for State and Federal renewable energy project approval processes to be streamlined in order to increase productivity and promote investment flow;

3. Townsville Enterprise encourages the Committee to commence an additional consultation process with key stakeholders relating to the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025*;
4. Townsville Enterprise suggests that transitional provisional amendments be made to the Bill to enable local governments to retain control over pre-existing applications where they so choose;
5. Townsville Enterprise suggests that, in the interest of progress and preventing uncertain project delays, defined CBA minimum negotiation periods (circa 3 months) and the ability for both parties to unilaterally request mediation be introduced; and
6. Townsville Enterprise supports suggestions that the Committee consider that the *Planning and Environment Court Act 2016* be amended to ensure appeal rights are proportionate and restricted to parties with a clear, direct and regional interest in projects only.

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