

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

Submission No: 506
Submitted by: Lockyer Valley Regional Council
Publication:
Attachments:
Submitter Comments:



Lockyer Valley Regional Council
26 Railway Street, PO Box 82, Gatton Qld 4343
All official correspondence to be addressed to the CEO
Telephone 1300 005 872 | Facsimile (07) 5462 3269
Email mailbox@lvrc.qld.gov.au | www.lockyervalley.qld.gov.au

Our Ref: 5035183
Enquiries: Prudence Earle
Contact: 5462 0620

20 May 2025

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

Email: SDIWC@parliament.qld.gov.au

Dear Committee Members

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

Lockyer Valley Regional Council welcomes the opportunity to provide feedback on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 and supporting material. The following submission outlines Council's key concerns and recommended changes to the proposed legislative amendments.

1. Proposed definition of 'Renewable energy facility' – exclusion where electricity or energy is used mainly on the premises (*Planning Regulation 2017, Schedule 24*)

Section 21 of the draft Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025 ('the Draft Regulation') proposes an amendment to the definition of 'renewable energy facility' to exclude 'the use of premises for the generation of electricity or energy to be used mainly on the premises'. The use of the term 'mainly' is problematic; it is subjective and creates uncertainty for both the public and Council.

Council recommends using a definitive threshold to avoid capturing solar systems designed for use onsite. For example, the definition for 'renewable energy facility' could be amended as follows:

- (a) means the use of premises for the generation of electricity or energy from a renewable energy source, including, for example, sources of bioenergy, geothermal energy, hydropower, ocean energy, solar energy or wind energy; but
- (b) does not include—
 - (i) the use of premises for the generation of electricity or energy **where at least 75% of the electricity or energy generated is to be used** ~~mainly~~ on the premises; or
 - (ii) a wind farm.



2. Definition of ‘Prescribed renewable energy facility’ – thresholds (*Planning Regulation 2017, Schedule 24*)

Section 21 of the Draft Regulation proposes a definition for ‘prescribed renewable energy facility’ based on minimum generation capacity or minimum land area. The proposed thresholds, being 1MW or 2ha, are low and will unnecessarily capture small scale facilities.

Regulating facilities based on thresholds encourages developers to design smaller projects to avoid lengthy regulatory processes. This approach can lead to more fragmented energy infrastructure and increase the impact on communities as they are affected by multiple, smaller developments.

Council suggests increasing the thresholds to ensure only large-scale facilities require Social impact assessments and Community Benefit agreements. This will streamline approvals for smaller facilities and reduce unnecessary regulatory requirements that could lead to large numbers of smaller, fragmented renewable energy facilities.

3. Assessment managers for Renewable energy facilities (solar energy) and Battery storage facilities (*Planning Regulation 2017, Schedule 10*)

Section 13 of the Draft Regulation proposes the State government is the Assessment Manager for all Renewable energy facilities generating electricity or energy from a source of solar energy. No other agencies or authorities are identified as being a Concurrence Agency or Advice Agency.

Renewable energy facilities, even those of a small scale, require battery storage. The proposed amendment to the Regulation will result in Renewable energy facilities with battery storage devices requiring two separate development applications — one to the State government for the Renewable energy facilities and another to Local government for the Battery storage facility. This process is inefficient and increases red tape.

A simple solution is to designate State government as a Concurrence agency and retain Local government as the Assessment manager. This would allow for a single, integrated assessment process. The State government could continue to regulate the assessment level, impose conditions of approval and direct Councils to refuse an application, if necessary. This approach aligns with how other State interests are addressed under the *Planning Regulation 2017*.

4. Battery storage facilities and Renewable energy facilities (*Planning Regulation 2017*)

Battery storage facilities are essential elements of Renewable energy facilities, with battery storage devices sized to match or exceed the generating capacity of the Renewable energy facility.

The Draft Regulation does not reflect Battery storage facility as being a separately defined land use under the *Planning Regulation 2017*, which can be part of a Renewable energy facility or operate independently.

Battery storage facilities significantly alter the risk profile of a development site due to the potential consequences of system failure, including fire or explosion. Although these facilities occupy less land than solar facilities, their potential impact on surrounding land uses—particularly in failure scenarios—warrants their classification and assessment as a distinct land use.

The Draft Regulation requires an applicant to submit two separate development applications — one to the State government for the Renewable energy facility and another to Local government for the Battery storage facility. This creates unnecessary complexity in the assessment process.

To streamline approvals and ensure risk is addressed, Battery storage facilities should be included in the scope of the Bill by, for example, amending the definitions for both Renewable energy facility and Battery storage facility to ensure where battery storage devices are ancillary to a Renewable energy facility, they are regulated and assessed a part of the Renewable energy facilities. This will allow State government to assess large-scale, potentially hazardous infrastructure under an integrated planning framework.

5. Local government as Advice agency for Renewable energy facilities (solar energy)
(Planning Regulation 2017, Schedule 10)

The Draft Regulation proposes no Advice agencies for Renewable energy facilities generating electricity or energy from a source of solar energy.

Renewable energy facilities can have impacts that cross local government boundaries, particularly due to glint, glare, traffic and construction activity. Glint and glare can affect properties up to 1.5 km away. Construction and traffic impacts may also extend across local government boundaries due to transportation of workers, construction materials and waste.

Including adjoining Local governments as an Advice agency where within 1.5km of a proposed facility will ensure cross-boundary impacts are considered.

Should you require any further information about the above suggestions please contact me on [REDACTED] or Prudence Earle, Council's Senior Strategic Planner on [REDACTED] or [REDACTED]

Yours faithfully

Annette Doherty
MANAGER PLANNING, POLICY AND COMMUNITY WELLBEING