

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

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Attention: Committee Secretary
Department of State Development, Infrastructure and Planning
Parliament House
George Street
Brisbane QLD 4000
Via Email – SDIWC@parliament.qld.gov.au

Dear Sir / Madam,

RE: Submission regarding *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025*

SLR appreciates the opportunity to provide feedback on the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (the 'Bill').

SLR supports changes that lead to improved planning outcomes, and which will ensure renewable energy projects benefit local communities. We appreciate the Government's efforts to formalise community input through Social Impact Assessments and Community Benefit Agreements.

The Bill will provide for transparency and consistency in the assessment of renewable energy projects. Still, we see ways it could be improved to ensure it will work better in practice. Our suggestions focus on the clarification of powers for the Chief Executive, improved coordination across the tiers of government and improving how the Bill works during the assessment process.

We ask that the Queensland State Government also acknowledge SLR's previous submission (dated 5 March 2025) which detailed the need for greater consistency in the assessment of standalone Battery Energy Storage Systems (BESS).

Regards,

SLR Consulting Australia



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Encl.



Submission

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

Prepared by:

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30 May 2025

Revision: 1.0

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1.0 Introduction

The Australian energy market is undergoing an unprecedented transformation on the journey to a 100% renewable electricity grid. This transformation is driving the rapid uptake of renewable energy technologies, with solar farms playing a central role in delivering clean, reliable power to communities across the country.

In Queensland, the state government has demonstrated a progressive commitment to renewable energy development. The proposed regulatory amendments, draft State Code 23 and accompanying statutory Social Impact Guideline will ensure that solar farm projects are assessed through a transparent, balanced, and accountable planning framework under the *Planning Act 2016*. This framework must be designed to support efficient project delivery while maintaining rigorous standards that reflect the interests of both proponents and the broader community.

As the renewable energy sector continues to evolve, the Queensland Government should continue to review and refine its policy to ensure the policies remain fit-for-purpose. This forward-thinking approach is essential to unlocking the full potential of solar energy and achieving the state's vision for a sustainable future.

SLR has supported numerous clients in the development of solar farm projects across the Asia-Pacific region. Through a multidisciplinary approach, SLR has developed an insight into the regulatory environment and investment risks that influence project viability.

SLR's portfolio of Renewable Energy projects represent significant investment in the state's clean energy future and SLR (along with its clients) are well-positioned to contribute to Queensland's renewable energy targets.



2.0 Queensland's Draft Social Impact Assessment (SIA) Guideline Version 2

2.1 Review

The Draft SIA Guideline Version 2 represents substantial progress in Queensland's regulatory approach. The expanded scope through integration with the Planning Act addresses previous gaps where developments fell outside comprehensive assessment requirements. Community Benefit Agreements (CBA) provide legal certainty for negotiated outcomes, moving beyond voluntary arrangements to enforceable commitments that ensure those benefits are delivered throughout project lifecycles.

Enhanced stakeholder engagement requirements and clearer local government roles will significantly improve consultation quality and accountability. Local governments now have defined responsibilities in these circumstances, creating more direct accountability to affected communities and leveraging their detailed knowledge of local circumstances and needs.

The dual compliance framework appropriately balances flexibility with accountability, acknowledging both EIS and Planning Act pathways while maintaining rigorous standards. Strengthened monitoring mechanisms address previous implementation weaknesses where management measures were poorly implemented or abandoned after approval.

These changes bring Queensland into alignment with contemporary best practice.

2.2 Industry Perspective and Support for Enhanced SIA Framework

Many proponents have conducted comprehensive SIAs voluntarily for years, recognising the business benefits of early community engagement and impact management. These forward-thinking companies understood that addressing community concerns early reduces project risks, approval timeframes, and operational challenges. The updated guideline essentially formalises existing best practice while ensuring all developers meet consistent standards, preventing competitive disadvantage for responsible developers.

Conversely, developers who haven't embraced comprehensive SIA practices have often faced significant community opposition, contributing to local government advocacy that has now helped drive these regulatory improvements. While expanded requirements may initially appear onerous, they represent natural evolution that will ultimately reduce approval timeframes through clearer expectations, minimise community opposition through transparent benefit mechanisms, and improve project sustainability through stronger community partnerships.

The 2018 Guideline already provides the foundation for most proactive social impact assessments undertaken in Queensland, meaning experienced practitioners should be comfortable with the content and expectations. This update represents progressive alignment with NSW, where proportionate SIA has been required for State Significant Development since 2021, again bringing Queensland's framework in line with contemporary best practice.

The Draft SIA Guideline Version 2 represents significant advancement in Queensland's approach to social impact assessment and community benefit-sharing. Adding structured monetary benefit-sharing rates similar to NSW's approach would complete this progressive reform package by providing certainty, transparency, and proportional community benefits.

2.3 Recommendation 1: Structured Benefit-Sharing Framework

The combination of enhanced SIA processes with guaranteed community benefits will ensure regional communities receive fair benefits from developments while maintaining flexibility needed for diverse project types and community contexts. This balanced approach recognises



both the need for continued economic development and legitimate expectations of communities that host major projects.

Having undertaken several projects in NSW, SLR would strongly encourage the adoption of structured benefit-sharing rates to maximise the guideline's effectiveness. NSW requires solar developments to contribute \$850 per MW per annum and wind developments \$1,050 per MW per annum for projects on rural zoned land. This represents a significant policy shift from voluntary to mandatory community investment.

This structured approach provides certainty for developers in project planning and financial modelling, eliminating current uncertainty around community benefit expectations. Communities gain transparency about expected benefit levels, moving beyond vague commitments to specific, quantifiable outcomes. The framework ensures consistency across projects, reducing negotiation complexity while delivering proportional benefits scaled to project size and actual community impact.

We recommend Queensland adopt similar rates adjusted for local conditions. These rates should be CPI-indexed to maintain real value, applied over the operational life of projects to ensure ongoing community benefit, and distributed through CBAs with proper governance oversight including mandatory community representation.

The benefits extend beyond individual projects. Structured rates facilitate regional planning and cumulative impact management by providing predictable benefit streams that can be coordinated across multiple developments. This enables strategic community investment in infrastructure, services, and economic development initiatives that would be impossible through ad-hoc project-by-project arrangements.

2.4 Recommendation 2: Guidance Material and Templates

Industry would benefit from templated CBA's and clear guidance materials. This would address current uncertainty around expectations and process. While agreement details should remain flexible, consistent principles and tools would promote transparency, streamline negotiations, and support more efficient project delivery—especially in regions with limited development activity.

3.0 State Code 26: Solar Farm Development

3.1 Review

The draft State Code 26 for Solar Farms establishes a structured and transparent planning framework that reinforces the Queensland Government's commitment to renewable energy development. By providing clear and consistent guidance, the Code aims to streamline the development assessment process, reduce regulatory uncertainty, and support timely investment in clean energy infrastructure.

For stakeholders—including developers, assessment managers, and communities—the Code offers several potential benefits:

- For developers, it provides greater clarity on planning expectations, helping to reduce delays, lower project risk, and improve investment confidence.
- For assessment managers, it offers a consistent basis for decision-making, reducing administrative burden and supporting more predictable outcomes.
- For communities, it ensures that solar farm developments are assessed against clear criteria, promoting transparency, environmental protection, and alignment with local values and land use priorities.



Overall, the Code represents a proactive step toward integrating renewable energy into Queensland's planning system in a way that balances economic, environmental, and social considerations.

3.2 Recommendation 3: SDAP State Code 26 Guideline

To ensure effective implementation, SLR encourages the development of a Guideline to support industry's use of the Code.

The Guideline is crucial to ensure transparency, consistency, and alignment with state energy goals. Currently, the Code relies solely on broad Performance Outcomes, which, while flexible, create uncertainty and complexity in assessments.

3.3 Recommendation 4: Inclusion of Acceptable Outcomes as measurable benchmarks

The lack of Acceptable Outcomes—clear, measurable criteria—adds ambiguity for both applicants and assessors.

SLR recommends that Acceptable Outcomes be introduced into State Code 26 to provide clear benchmarks for compliance, but still maintain flexibility by allowing alternative solutions where justified.

Acceptable Outcomes should reflect best practice standards for solar farm development, be evidence-based and align with environmental and land use planning principles.

3.4 Recommendation 5: Ancillary Development

Additionally, the draft Code does not provide adequate assessment criteria for ancillary infrastructure associated with solar farms, such as substations, inverters, and battery energy storage systems (BESS). These components are integral to the operation of solar farms and can have significant environmental, visual, and operational impacts. However, their exclusion from the assessment framework creates a regulatory oversight.

Without clear guidance or performance benchmarks for ancillary infrastructure, there is potential for delays, increased costs, and uncertainty in the approval process. A lack of guidance may also undermine the ability to comprehensively assess the cumulative impacts of the development footprint.

Incorporating specific provisions for ancillary infrastructure within the Code would promote a more holistic approach to assessment, ensuring that all components of solar farm developments are subject to appropriate scrutiny and aligned with broader planning and environmental objectives.

4.0 Legislative amendments

4.1 Review

The implementation of the changes would result in all existing applications, seeking approval for a Solar Farm Use, to be deemed '*not properly made*'. These applications would require re-submission to a different regulator, be subject to Impact Assessment and need to be accompanied by a SIA and CBA.

Furthermore, this approach appears to conflict with section 45(7) of the Planning Act, which states that development applications must be assessed against the planning instruments in effect when the application was '*properly made*'. This provision reflects a long-standing position that would protect projects from retrospective regulatory changes.



Existing projects, which have been designed and assessed under existing planning instruments, would now be subject to new requirements that were not in effect at the time of the lodgement. This is not be considered reasonable and impose significant compliance and financial burdens on proponents who followed due process under the existing rules for what is deemed '*properly made*'.

4.2 Recommendation 6: Legislative requirement for future Applications

While we acknowledge the need to strengthen assessment processes, the requirement for a SIA or CBA should not apply retrospectively to development applications already deemed '*properly made*'. These applications were lodged in accordance with the planning instruments in effect at the time.

SLR would support the inclusion of SIA and CBA requirements for future development applications, provided these requirements are clearly prescribed in the Planning Regulation and DA Rules.

This approach ensures that proponents are informed of their responsibilities upfront, continues to promote positive outcomes for the community, and safeguards the integrity of Queensland's planning system by adhering to core legislative principles.

5.0 Standalone BESS within the Planning Framework

5.1 Review

Based on recent experience, local governments do not have sufficient resources to be able to properly assess standalone BESS projects nor define suitable conditions to address the impacts and risks.

A comprehensive review of Queensland's state planning policy is essential to formally recognise the role of standalone BESS in the state's renewable energy future. This review would establish a clear and consistent approval pathway for standalone BESS developments.

Due to the recent shift to renewable energy for Queensland, many local governments have yet to recognise the land use definition of a standalone BESS within the local Planning Scheme framework. There has been inconsistency in land use definitions applied to these developments where some local governments consider standalone BESS as an '*undefined use*' and others as '*major electricity infrastructure*'. The inconsistency in the land use definitions results in different categories of assessments and assessment benchmarks being applied to these applications. This creates further uncertainty for proponents.

To address these challenges, SLR recommends that the State Government pursue reforms like those currently in play for solar farms. These reforms should include the development of state-wide, BESS-specific assessment benchmarks, amendments to the Planning Act and Planning Regulation to ensure consistent categories of assessment, and provisions for the State to act as the assessment manager for BESS projects above a determined threshold.

5.2 Recommendation 7: Include standalone BESS into the definition of a *Renewable Energy Facility*

Based on the current Queensland Planning Regulation, whilst BESS could be recognised as ancillary to renewable energy facilities, a standalone BESS facility is not included within the definition of a "*Renewable Energy Facility*" under the Planning Regulation 2017.

To ensure consistency in planning outcomes and reduce regulatory ambiguity, it is recommended that standalone BESS also be included within the definition of a "*Renewable Energy Facility*" under Schedule 24 of the Planning Regulation. BESS are essential to the



operation and efficiency of renewable energy projects, enabling energy storage, load balancing, and grid stability.

Including a standalone BESS facility within this definition would also resolve titling challenges. It would allow associated reconfiguration (for the purposes of titling and operational management) to be considered as 'exempt subdivision' under the Regulation. Due to the inconsistency in the definition of Renewable Energy Facility, regional planning frameworks do not currently support the titling arrangements for BESS.

This gap creates uncertainty around the long-term use and management of land identified for standalone BESS facilities. This approach would also support orderly land use and be in keeping with regional planning principles.

5.3 Recommendation 8: Legislative amendments to establish a consistent planning framework for BESS assessment

Given the complexity and need to balance planning and environmental factors, it is recommended that the State take responsibility for assessing large-scale BESS developments. This would ensure a consistent, coordinated approach and align Queensland's planning framework with its renewable energy goals.

To implement this, a legislative amendment to Section 21 and Schedule 10 of the Planning Regulation would be required to assign the State Government as the assessing authority for BESS projects above a determined threshold.

Section 21 Amendment

Similar to windfarms, the following is a suggested inclusion for Section 21 of the Planning Regulation with regard to BESS:

For a development application for –

- (a) a material change of use for battery storage facility and no other assessable development, the assessment manager is the chief executive officer; or*
- (b) a material change of use for a battery storage facility and other assessable development –*
 - (i) if the other assessable development is prescribed assessable development only, the assessment manager is the chief executive; or*
 - (ii) otherwise – the assessment manager is the entity decided by the Minister.*

Schedule 10 Amendment

The following are suggested changes to Schedule 10 to reflect the proposed amendments to Section 21 as noted above to identify the assessment benchmarks that would be applicable:

Part 22 Battery Storage Facility

Division 1 Assessable development

36 Assessable development – material change of use for battery storage facility

A material change of use of premises for a battery storage facility to the extent the facility:

- (i) converts electricity into stored energy; and*
- (ii) releases stored energy as electricity;*

Division 2 Assessment by assessment manager



Table 1 – Assessable development under s 36	
Column 1	Column 2
1 <i>Category of assessment</i>	<i>Impact assessment</i>
2 <i>Assessment benchmarks</i>	<i>If the chief executive is the prescribed assessment manager—the State development assessment provisions</i> <i>If the development is in a priority development area—the relevant development instrument under the Economic Development Act for the priority development area</i>
3 <i>Matters code assessment must have regard to</i>	–
4 <i>Matters impact assessment must have regard to</i>	–
5 <i>Fee for development application, if the chief executive is the assessment manager</i>	13,715 fee units

To facilitate assessment of the proposed battery storage facility, a new State code would need to be developed for BESS development to provide appropriate and consistent assessment benchmarks.

5.4 Recommendation 9: Amendments to Local Planning Instruments

A standardised category of assessment and assessment benchmarks is also required to ensure consistency for assessment across each local government area. At the local level, there is an opportunity—independent of Planning Regulation amendments—to review and update local planning instruments to incorporate a BESS definition as would be provided for in the Planning Regulation. This would ensure the land use is appropriately recognised and assessed.

A standardised category of assessment and consistent assessment benchmarks would support uniform decision-making across local government areas for BESS below an agreed threshold.

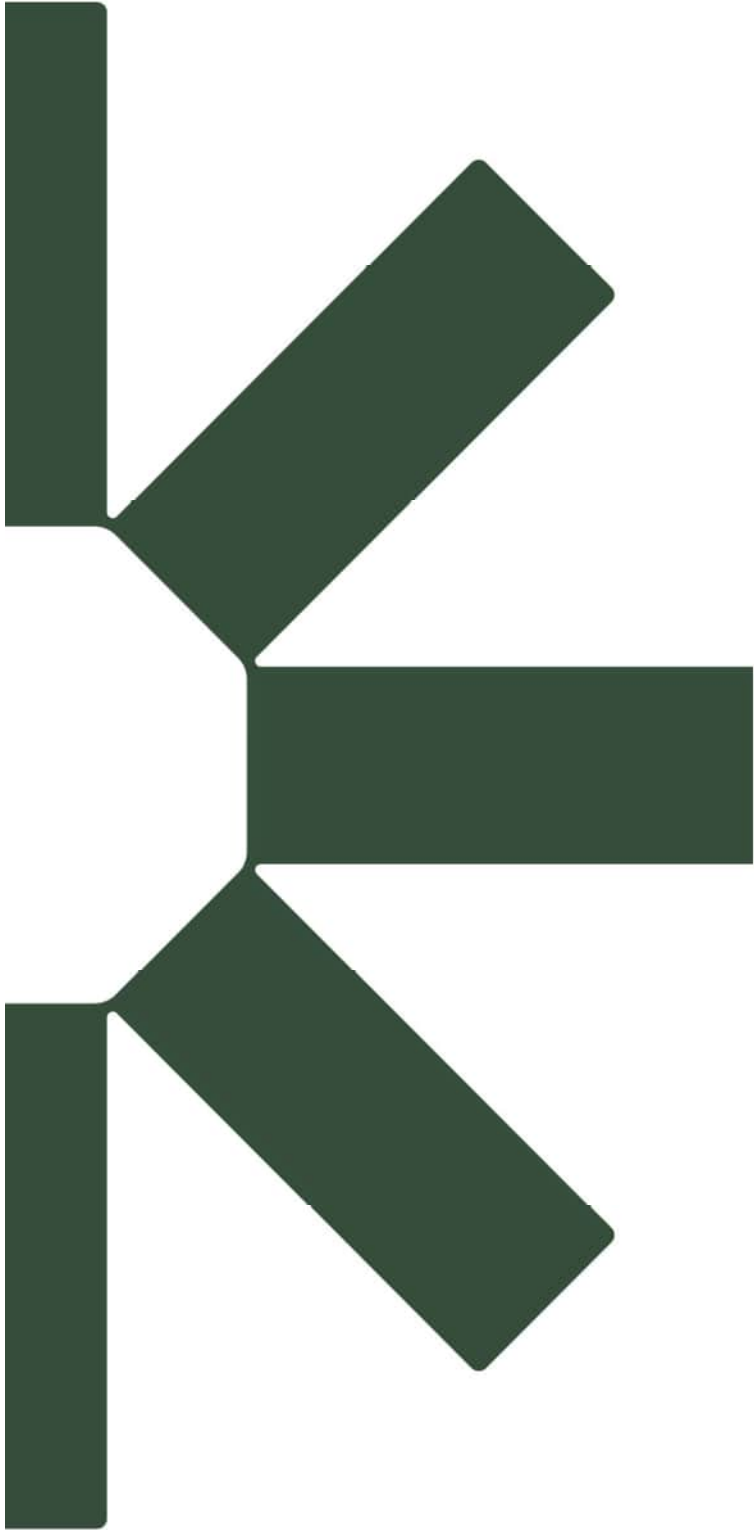


6.0 Conclusion

We are supportive of the proposed reforms and encourage their implementation, with consideration given to the recommendations outlined in this submission. These changes present an opportunity to streamline assessment processes, enhance consistency across jurisdictions, and align the planning framework with the State's broader energy and sustainability objectives.

SLR are well positioned to assist in furthering the above recommendations including assessment benchmarks drafting or review and welcome the opportunity to discuss this matter further.





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