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

Explanatory notes for SL 2025 No. 80

made under the

City of Brisbane Act 2010
Economic Development Act 2012
Local Government Act 2009
Planning Act 2016

General Outline

Short title

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

Authorising law

- Section 17 of the *Acts Interpretation Act 1954*
- Section 252 of the *City of Brisbane Act 2010*
- Section 33 of the *Economic Development Act 2012*
- Section 270 of the *Local Government Act 2009*
- Sections 16, 43, 44, 45, 48, 51, 68, 69, 106T, 106U, 106W, 106Z, 106ZE and 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

The Queensland Government committed to *"amend laws to ensure renewable energy projects are impact assessable with approval processes consistent with other land uses like mining and agriculture."*

The *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025* (Act) was passed on 25 June 2025, introducing a new community benefit system to Queensland which strengthens consideration of social impacts and community benefit in planning decisions for specific development types and ensures benefits to host communities.

While the Act introduces the community benefit system, the policy intent of the Amendment Regulation is to operationalise the policy intent of the Act. This includes prescribing development to which the new system applies, providing for how the social impact assessment is to be undertaken and how development assessment is to occur.

Amendments to the *Planning Regulation 2017* (Planning Regulation):

- prescribe development the community benefit system, including social impact assessment, applies to: all wind farms and solar farm development that has a maximum instantaneous electricity output of 1MW or more
- prescribe solar farm development as impact assessable
- prescribe the Chief Executive as assessment manager for solar farm development that has a maximum instantaneous electricity output of 1MW or more
- introduce a new fee for solar farms assessed by the State Assessment and Referral Agency (SARA)
- give effect to updated State Development Assessment Provisions (SDAP) for the new State Code 26: Solar farm development and updated State Code 23: Wind farm development
- give effect to updated Development Assessment Rules (DA Rules)
- prescribe the new SIA Guideline to which social impact assessment must be carried out
- provide that the Department is the public sector entity which may enter into community benefit agreement (CBA) with a proponent
- introduce the new land use definition of a solar farm to include development ancillary to a solar farm (such as workforce accommodation), consistent with the existing wind farm definition; and clarify that Battery Energy Storage System (BESS) is included in the definition where ancillary to the solar farm or wind farm
- provide that pre-existing wind farm applications and solar farm applications that have a maximum instantaneous electricity output of 1MW or more will not be taken to be properly made
- provide that a development application subject to a call-in or direction by the Planning Minister will paused until a social impact assessment and community benefit agreement is provided; or unless an exemption is provided by the Chief Executive stating this is not required.

Consequential amendments to the *City of Brisbane Regulation 2012* (City of Brisbane Regulation) and *Local Government Regulation 2012* (Local Government Regulation) are included to ensure that Local Government annual reporting provides financial information about contributions made under a CBA.

Consequential amendments to the *Economic Development Regulation 2023* (Economic Development Regulation) are also necessary to reflect the intent that large scale solar farms and wind farms in a Priority Development Area (PDA) are impact assessable by SARA, and the relevant development instrument for the PDA and the SDAP applies in development assessment.

Achievement of policy objectives

Prescribing when the Community Benefit System applies

New section 106T of the Act provides that the Planning Regulation may make a regulation prescribing development that is a material change of use of premises to be development for which social impact assessment is required.

The Amendment Regulation amends the Planning Regulation to prescribe that development for which social impact assessment is required applies to wind farm and solar farm that has a maximum instantaneous electricity output of 1MW (large-scale solar farm). This is achieved by the insertion of new section 51F that allows development types requiring social impact assessment to be specified.

The Amendment Regulation also inserts section 51L and 51M which outlines that an applicant may request that the Chief Executive decide that a social impact assessment report or community benefit agreement is not required. The sections include how this process may occur and considerations the Chief Executive must have when making their decision under section 106ZE of the Planning Act including:

- the location, nature and scale of the development requiring social impact assessment
- any assessment of the social impact carried out by the applicant
- whether the applicant has engaged with the local government, and the community in the locality of the development
- whether the applicant and a public sector entity have engaged in a mediation process
- whether the chief executive has previously given or been asked to give a notice under section 106ZE(1) of the Act
- any other matter the chief executive considers relevant.

Making solar farm development impact assessable and prescribing the assessment manager for solar farm development

The Amendment Regulation amends the Planning Regulation to prescribe the Chief Executive as the assessment manager for large-scale solar farm development or solar farm development in a PDA and make all solar farm development impact assessable.

Sections 43-45 and 48 of the Planning Act establish the power of the Planning Regulation to:

1. categorise development as either prohibited, assessable or accepted development,
2. specify categories of assessment, being code or impact assessable development,
3. specify assessment benchmarks against which assessable development will be assessed, and
4. prescribe a person to be an assessment manager for a development application.

The Amendment Regulation inserts a new Part 14A into Schedule 10 of the Planning Regulation and establishes that:

- solar farm development is assessable development
- solar farm development is impact assessable
- large-scale solar farm development is assessable against the new SDAP State Code 26: Solar farm development
- all solar farm development in a Priority Development Area (PDA) must also be assessed against the relevant development for the PDA under the Economic Development Act 2012 (Economic Development Act).

The Amendment Regulation amends Section 21 of the Planning Regulation to make the Chief Executive the assessment manager for a ‘relevant solar farm’ (defined in schedule 24) which means the following:

a. a solar farm that has a maximum instantaneous electricity output of 1MW or more; or
b. a solar farm in a Priority Development Area.

It also provides that the Planning Minister may decide the assessment manger in instances where a solar farm application contains other assessable development.

New solar farm land use term for local planning schemes

Section 16 of the Planning Act provides that the Planning Regulation can prescribe requirements for the contents of a local planning instrument, which includes use terms in schedule 3.

A 'solar farm' is a new use term to be included in schedule 3. To facilitate these changes, a definition for ***solar farm*** is proposed and included in Schedule 24 through the Amendment Regulation. The definition includes development ancillary to the use, including workers accommodation and facilities or devices for storing and releasing energy, such as Battery Energy Storage Systems.

Prescribing the new process for social impact assessment

Section 106W of the Act provides for requirements for Social Impact Assessment (SIA) reports including that they must comply with requirements prescribed by regulation.

The Amendment Regulation amends the Planning Regulation to specify in new section 51J that SIA reports must be prepared in accordance with the process and includ the matters stated in the SIA Guideline (July 2025) made by the chief executive under section 106W of the Act.

The Amendment Regulation also provides that:

- that a Community Benefit Agreement (CBA), SIA and other relevant documents must be made publicly available by amending schedule 22 of the Planning Regulation
- that planning and development certificates must include copies of the SIA report, CBA and any other relevant details by amending schedule 23 of the Planning Regulation.

Requirements for pre-existing applications

Section 106U of the Planning Act provides that the Planning Regulation may make a regulation about pre-existing applications for development for which SIA is required under section 106T of the Planning Act.

The Amendment Regulation prescribe the processes for pre-existing applications (defined in new section 51G) for wind farm and large scale solar farm applications (i.e. applications made but not decided on commencement).

The Amendment Regulation inserts new part 5B, division 2 into the Planning Regulation including new section 51G, 51H and 51I that includes requirements for pre-existing development or change applications for wind or large scale solar farms that have not been decided.

The provisions specify affected pre-existing applications for wind and large scale solar farms farm that have not been decided will be taken to be not properly made and therefore not accepted. As a result, applications will be required to be remade and be subject to the community benefit system process.

Solar farms with a maximum instantaneous electricity output of less than 1MW of electricity will continue to be assessed by local government, however will become impact assessable.

New section 51I will prescribe that where an existing application is subject to Ministerial call in or direction the process for administrating the pre-existing application will be paused and restarts on the day an applicant provides a social impact assessment and community benefit agreement or is given notice that these are not required, in accordance with section 106ZE of the Act.

Where an application is stopped during the decision period under chapter 3 of the Act or the development assessment rules for making a decision on the pre-existing application, an application restarts from the beginning of the decision period.

Introduce new fees for solar farms assessed by the State Assessment and Referral Agency

Section 51 of the Planning Act provides for a development application to be accompanied by the required fee. The Amendment Regulation amends the Planning Regulation to introduce new fees for solar farms assessed by SARA, where the chief executive is the assessment manager or a referral agency through the new Part 14A in Schedule 10 of the Planning Regulation.

A fee for solar farm development of 13,715 fee units is provided.

Update to the date of the SDAP

The SDAP provides assessment benchmarks for the assessment of development applications by the SARA.

The Amendment Regulation will give effect to updates made to the SDAP that will introduce a new State Code 26: Solar farm development and updated State Code 23: Wind farm development, used where SARA is the assessment manager or referral agency.

The updated version of SDAP is given effect by amending the definition of SDAP in Schedule 24 of the Planning Regulation to reflect the date the SDAP has been made by the Planning Minister.

Give effect to updated Development Assessment Rules (DA Rules).

The DA Rules are established and amended under section 68 and 69 of the Planning Act and must be prescribed in the Planning Regulation to have effect.

Section 44 of Planning Regulation is amended through the Amendment Regulation to give effect to the updated version of the DA Rules.

The DA Rules are being changed to clarify:

- application processes and timeframes for development prescribed by regulation as being subject to SIA
- specific new public notification requirements for development applications subject to social impact assessment (wind farm and large scale solar farm development)

- amending substantially different development considerations to have specific reference to social impacts. The amended DA Rules are published on the Department of State Development, Infrastructure and Planning (DSDIP) website.

The updated version of the DA Rules is given effect by amending the definition of the DA Rules in Schedule 24 of the Planning Regulation to reflect the date the DA Rules has been made by the Planning Minister.

Changes to the City of Brisbane Regulation 2012

The Amendment Regulation inserts a new section 181A into the City of Brisbane Regulation that provides that the annual report for a financial year must include the total amount of financial contributions made to the local government and the total amount spent by a local government in the financial year in relation to:

- a community benefit agreement under the Planning Act; or
- a relevant condition of a development approval imposed for development requiring social impact assessment; or
- a condition of a development approval imposed under a direction of the chief executive under the Planning Act relating to a community benefit agreement, or
- a relevant agreement mentioned in the Planning Act requiring social impact assessment.

The reporting requirements will add to existing reporting requirements to ensure transparency in financial reporting by local governments related to the new social benefit system implemented by the Act.

Changes to the Economic Development Regulation 2023

Section 33 of the Economic Development Act provides that the Economic Development Regulation can identify development that is PDA accepted development.

The Amendment Regulation inserts Part 1B Categories of development into the Economic Development Regulation. The insertion specifies that wind and solar farms are accepted developments in PDAs for the purpose of the Economic Development Act. Assessment will still be required under the Planning Act.

The changes remove the potential for duplicate permissions to be required for wind and solar farm development under the Economic Development Act and Planning Act simplifying and increasing certainty in the planning framework.

Changes to the Local Government Regulation 2012

The Amendment Regulation inserts a new section 189A into the Local Government Regulation that provides that the annual report for a financial year must include the total amount of financial contributions made to the local government and the total amount spent by a local government in the financial year in relation to:

- a community benefit agreement under the Planning Act; or
- a relevant condition of a development approval imposed for development requiring social impact assessment; or

- a condition of a development approval imposed under a direction of the chief executive under the Planning Act relating to a community benefit agreement, or
- a relevant agreement mentioned in the Planning Act requiring social impact assessment

The reporting requirements will add to existing reporting requirements to ensure transparency in financial reporting by local governments related to the new social benefit system implemented by the Act.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Planning Act to establish an efficient, effective, transparent and accountable system of land use planning and development assessment. The Amendment Regulation supports Planning Act objectives including those in the Act, to deliver consistency in development assessment across Queensland and provide for greater transparency and accountability for renewable energy projects.

The Amendment Regulation is consistent with the objectives of the Economic Development Act including to facilitate economic development, and development for community purposes in the State.

The Amendment Regulation is consistent with the main objectives of the *City of Brisbane Act 2010* (City of Brisbane Act), that is to ensure there is a local government in Brisbane, that is accountable, effective, efficient and sustainable.

The Amendment Regulation is consistent with the main objectives of the *Local Government Act 2009* (Local Government Act), that is to ensure there is a system of local government in Queensland, that is accountable, effective, efficient and sustainable.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The changes to the regulations are the most appropriate way of achieving the policy objectives of the amendment. This is because:

- the Planning Regulation provides for operational matters such as the level of assessment, the assessment manager, the matters development is assessed against and SARA fees
- the Planning Regulation must prescribe and give effect to statutory instruments the DA Rules, SDAP and SIA Guideline
- financial reporting requirements require for local government require specification in the Local Government Regulation and City of Brisbane Regulation
- the Economic Development Regulation is the only way to specify categories of development under the Economic Development Act.

Benefits and costs of implementation

The Amendment Regulation operationalises the new community benefit system introduced by the Act, ensuring social licence is built prior to a development application made and benefits are delivered to host communities.

The Amendment Regulation operationalises the Act, including introducing a new fee for solar farms assessed by SARA as permitted under the Planning Act to enable some cost recovery.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles, including that sufficient regard to rights and liberties of individuals; and the institution of Parliament.

For proponents of pre-existing development applications made but not decided on commencement, the Amendment Regulation provides certainty that the development application is not taken to be properly made and the community benefit system applies.

This is consistent with the policy intent that social licence is built with host communities and community benefit agreements reached to ensure benefits to local communities.

However, the Act recognises there may be circumstances in which a social impact assessment or community benefit agreement may not be required and provides a head of power for the Amendment Regulation to prescribe the matters considered, and the notice to be given, by the Chief Executive in an exemption from the community benefit system.

In this way, the Amendment Regulation has sufficient regard to the rights and liberties of individuals.

The Amendment Regulation also has sufficient regard to the institution of Parliament as all matters prescribed are within the head of power provided under the City of Brisbane Act, Local Government Act, Economic Development Act and Planning Act.

Consultation

Public consultation on the draft amendments to the DA Rules, SDAP and the draft Amendment Regulation occurred from Tuesday 6 May to Tuesday 3 June 2025. In response to feedback, amendments were made to the Amendment Regulation where appropriate, including clarifying land use definitions.

A Summary Impact Analysis Statement has been prepared under the *Queensland Government Better Regulation Policy* and approved by the Deputy Premier, Minister for State Development, Infrastructure, and Planning and Minister for Industrial Relations. A copy will be provided on the Department of State Development, Infrastructure and Planning website.