



Queensland

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

## Subordinate Legislation 2025 No. ...

made under the

*City of Brisbane Act 2010*

*Economic Development Act 2012*

*Local Government Act 2009*

*Planning Act 2016*

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Consultation version - May 2025

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

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025*.

### 2 Commencement

This regulation commences on [insert date].

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*Drafting note—*

Date to be confirmed.

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## Part 2 Amendment of City of Brisbane Regulation 2012

### 3 Regulation amended

This part amends the *City of Brisbane Regulation 2012*.

### 4 Insertion of new s 181A

After section 181—

*insert—*

#### **181A Particular financial contributions under Planning Act**

(1) The annual report for a financial year must contain the following information—

(a) the total amount of financial contributions made to the council in the financial year under—

- (i) a community benefit agreement under the Planning Act; or
  - (ii) a condition of a development approval imposed under the Planning Act, section 65AA(3); or
  - (iii) a condition of a development approval imposed under a direction of the planning chief executive under the Planning Act, section 106ZF(2); or
  - (iv) an agreement mentioned in the Planning Act, section 65AA(7);
- (b) the total amount of financial contributions made to the council under an instrument mentioned in paragraph (a) that were spent by the council in the financial year and the purposes for which the contributions were spent.

(2) In this section—

*development approval* means a development approval under the Planning Act.

*planning chief executive* means the chief executive of the department in which the Planning Act is administered.

## Part 3

## Amendment of Economic Development Regulation 2023

### 5 Regulation amended

This part amends the *Economic Development Regulation 2023*.

### 6 Insertion of new pt 1B

After part 1A—

*insert—*

## **Part 1B                      Categories of development**

### **2C   PDA accepted development—Act, s 33**

For section 33(4)(a) of the Act, the following development is PDA accepted development—

- (a) a material change of use of premises for a renewable energy facility, as defined under the *Planning Regulation 2017*, to the extent the facility is for the generation of electricity or energy from a source of solar energy;
- (b) a material change of use of premises for a wind farm as defined under the *Planning Regulation 2017*.

## **Part 4                      Amendment of Local Government Regulation 2012**

### **7                      Regulation amended**

This part amends the *Local Government Regulation 2012*.

### **8                      Insertion of new s 189A**

After section 189—

*insert—*

#### **189A Particular financial contributions under Planning Act**

- (1) The annual report for a financial year must contain the following information—

- (a) the total amount of financial contributions made to the local government in the financial year under—
    - (i) a community benefit agreement under the Planning Act; or
    - (ii) a condition of a development approval imposed under the Planning Act, section 65AA(3); or
    - (iii) a condition of a development approval imposed under a direction of the planning chief executive under the Planning Act, section 106ZF(2); or
    - (iv) an agreement mentioned in the Planning Act, section 65AA(7);
  - (b) the total amount of financial contributions made to the local government under an instrument mentioned in paragraph (a) that were spent by the local government in the financial year and the purposes for which the contributions were spent.
- (2) In this section—

*development approval* means a development approval under the Planning Act.

*planning chief executive* means the chief executive of the department in which the Planning Act is administered.

## Part 5

## Amendment of Planning Regulation 2017

### 9 Regulation amended

This part amends the *Planning Regulation 2017*.

**10 Amendment of s 21 (Assessment manager for development applications—Act, s 48)**

- (1) Section 21(2)(a) and (b) and (3)(a) and (b), after ‘material change of use’—

*insert—*

of premises

- (2) Section 21—

*insert—*

- (3A) For a development application for—

- (a) a material change of use of premises for a relevant renewable energy facility and no other assessable development, the assessment manager is the chief executive; or

- (b) a material change of use of premises for a relevant renewable energy 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.

- (3) Section 21(4), ‘subsection (2) or (3)’—

*omit, insert—*

subsection (2), (3) or (4)

- (4) Section 21(5)—

*insert—*

***relevant renewable energy facility*** means—

- (a) a prescribed renewable energy facility; or

- (b) a renewable energy facility for the generation of electricity or energy from a



source of solar energy, other than a  
prescribed renewable energy facility, if the  
facility is in a priority development area.

- (5) Section 21(3A) to (5)—  
*renumber* as section 21(4) to (6).

**11 Amendment of s 44 (Development assessment  
rules—Act, ss 68 and 69)**

Section 44(1) and (2), ‘22 July 2024’—

*omit, insert—*

[insert date]

*Drafting note—*

Date to be confirmed.

**12 Insertion of new pt 5B**

After part 5A—

*insert—*

**Part 5B**

**Development requiring  
social impact  
assessment**

**Division 1**

**Preliminary**

**51F Development requiring social impact  
assessment—Act, s 106T**

For section 106T(1) of the Act, the following  
development is prescribed to be development for  
which social impact assessment is required—

- (a) a material change of use of premises for a prescribed renewable energy facility;
- (b) a material change of use of premises for a wind farm.

## Division 2 Pre-existing applications

### 51G Purpose and application of division—Act, s 106U

- (1) For section 106U of the Act, this division provides for the effect of the enactment of section 51F on the process for administering the following applications (each a *pre-existing application*)—
  - (a) a development application for development mentioned in section 51F made, but not decided, before the relevant day;
  - (b) a change application relating to development mentioned in section 51F made, but not decided, before the relevant day.
- (2) However, this division does not apply in relation to a change application for a minor change to a development approval.

### 51H Definitions for division

In this division—

*pre-existing application* see section 51G(1).

*relevant day* means the day section 51F commences.

### **51I Pre-existing applications—generally**

- (1) On the relevant day—
  - (a) if the pre-existing application is a development application that is a properly made application—the application is taken not to be a properly made application, and is taken not to have been accepted, under section 51 of the Act; and
  - (b) if the pre-existing application is a change application that has been accepted under section 79(4) of the Act—the application is taken not to have been accepted under section 79(4) of the Act; and
  - (c) if the pre-existing application was made to the chief executive as the assessment manager or responsible entity for the application—the process for administering the application restarts from the start of the confirmation period under the development assessment rules.
- (2) This section does not apply if section 51J applies in relation to the pre-existing application.

### **51J Pre-existing applications subject to Ministerial call in or direction**

- (1) This section applies if—
  - (a) before the relevant day, the pre-existing application was called in by the Minister under chapter 3, part 6, division 3 of the Act; or
  - (b) before the relevant day—
    - (i) the Minister gave a direction under section 95(1)(b) of the Act to not decide the pre-existing application within a stated period; and

- 
- (ii) the stated period had not ended.
  - (2) Subsection (3) applies if, before the relevant day, the Minister gave the applicant a notice stating that the process for administering the pre-existing application—
    - (a) stops on the relevant day; and
    - (b) restarts on the day the applicant gives the decision-maker for the application—
      - (i) a social impact assessment report for the application that complies with section 106W(1) of the Act, or a notice given by the chief executive under section 106ZE(1)(a) of the Act stating that a social impact assessment report is not required for the application; and
      - (ii) each community benefit agreement for the application required under section 106Z(1) of the Act or entered into under section 106Z(2) of the Act, or a notice given by the chief executive under section 106ZE(1)(b) of the Act stating that a community benefit agreement is not required for the application.
  - (3) The process for administering the pre-existing application—
    - (a) stops on the relevant day; and
    - (b) restarts on the day stated in the notice under subsection (2)(b); and
    - (c) if the notice states that the process for administering the application restarts from a point in the process stated in the notice—restarts from the stated point.
  - (4) If subsection (3) does not apply, the process for administering the pre-existing application

continues as if section 51F had not been enacted.

(5) In this section—

***decision-maker*** means—

- (a) if subsection (1)(a) applies—the Minister;  
or
- (b) if subsection (1)(b) applies and the  
pre-existing application is a development  
application—the assessment manager; or
- (c) if subsection (1)(b) applies and the  
pre-existing application is a change  
application—the responsible entity.

### **Division 3                      Social impact assessment reports and community benefit agreements**

#### **51K Requirements for social impact assessment reports—Act, s 106W**

- (1) For section 106W(1)(b) of the Act, a social impact  
assessment report for a development application  
or change application must—
  - (a) be prepared in accordance with the process  
stated in the SIA guideline, including the  
process for assessing the social impact of  
the development requiring social impact  
assessment the subject of the application;  
and
  - (b) include the matters stated in the SIA  
guideline.
- (2) In this section—

***SIA guideline*** means the guideline made by the  
chief executive under section 106W(2) of the Act.

### **51L Public sector entities for community benefit agreements—Act, s 106Z**

For section 106Z(2) of the Act, the department is prescribed.

## **Division 4 Notices given by chief executive**

### **51M Procedures for giving notices—Act, s 106ZE**

- (1) For section 106ZE(4) of the Act, this section prescribes procedures for the giving of a notice under section 106ZE(1) of the Act in relation to a development application or change application.
- (2) The applicant for the development application or change application may, by notice given to the chief executive, ask the chief executive to give the applicant a notice under section 106ZE(1) of the Act in relation to the application.
- (3) After receiving the request, the chief executive may, by notice given to the applicant, ask the applicant for stated further information in relation to the request.
- (4) After considering the request, the chief executive must, within the relevant period, give the applicant—
  - (a) a notice under section 106ZE(1) of the Act in accordance with the request; or
  - (b) notice that the chief executive has decided to refuse the request.
- (5) In this section—

***relevant period*** means—

  - (a) if the chief executive asks the applicant for further information under subsection

- (3)—30 business days after the day the chief executive receives the information; or
- (b) otherwise—30 business days after the day the request under subsection (2) is received.

**51N Matters that may be considered in making particular decisions—Act, s 106ZE**

- (1) For section 106ZE(4) of the Act, this section prescribes the matters the chief executive may consider in deciding, under section 106ZE(2) of the Act, whether it is appropriate in the circumstances for a development application or change application to be made without—
  - (a) a social impact assessment report; or
  - (b) a community benefit agreement.
- (2) For subsection (1), the matters are as follows—
  - (a) the location, nature and scale of the development requiring social impact assessment that is the subject of the development application or change application;
  - (b) the social impact of the development, including any assessment of the social impact carried out by the applicant;
  - (c) whether the applicant has engaged with the local government, and the community in the locality of the development, about the development application or change application, including the outcomes of the engagement;
  - (d) whether the applicant and a public sector entity have engaged in a mediation process in relation to the development application or change application, including the outcomes of the mediation process;

- (e) whether the chief executive has previously given a notice under section 106ZE(1) of the Act in relation to the development application or change application;
- (f) any other matter the chief executive considers relevant.

**13 Amendment of sch 10 (Development assessment)**

(1) Schedule 10—

*insert—*

**Part 14A Renewable energy facilities**

**Division 1 Assessable development**

**21A Assessable development—material change of use for particular renewable energy facilities**

A material change of use of premises for a renewable energy facility is assessable development to the extent the facility is for the generation of electricity or energy from a source of solar energy.

**Division 2 Assessment by assessment manager**

Table 1—Assessable development under s 21A	
Column 1	Column 2
1 Category of assessment	Impact assessment



**Table 1—Assessable development under s 21A**

Column 1	Column 2
2 Assessment benchmarks	If the chief executive is the prescribed assessment manager—the State development assessment provisions If the development is in a priority development area—the relevant development instrument under the Economic Development Act for the priority development area
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—
5 Fee for development application, if the chief executive is the assessment manager	[to be confirmed]

*Drafting note—*

Fee to be confirmed.

- (2) Schedule 10, part 21, division 2, table 1, item 2, column 2, after ‘The State development assessment provisions’—

*insert—*

If the development is in a priority development area—the relevant development instrument under the Economic Development Act for the priority development area

**14 Amendment of sch 22, s 1 (Documents local government must keep available for inspection and purchase)**

Schedule 22, section 1(1)—

*insert—*

(wa) if the local government is a party to a community benefit agreement for a development application or change application—

- (i) the community benefit agreement; and
- (ii) any social impact assessment report for the development application or change application given to the local government;

(wb) each copy of a community benefit agreement given to the local government under section 106Z(3) of the Act;

**15 Amendment of sch 22, s 3 (Documents local government must or may publish on website)**

Schedule 22, section 3(1), after ‘(r) to (v),’—

*insert—*

(wa), (wb),

**16 Amendment of sch 22, s 5 (Documents assessment manager must keep available for inspection and purchase)**

Schedule 22, section 5(2)—

*insert—*

(cc) if, under section 106ZF(3)(b) of the Act, the assessment manager is given a copy of a notice given under section 106ZE(1) of the Act—the copy;

**17 Amendment of sch 22, s 11 (Documents chief executive must keep available for inspection and purchase)**

Schedule 22, section 11(1)—

*insert—*

- (rf) each community benefit agreement that the department is a party to;
- (rg) each notice given by the chief executive under section 106ZE(1) of the Act;
- (rh) each report prepared by the chief executive and tabled in the Legislative Assembly under section 106ZH of the Act;

**18 Amendment of sch 22, s 13 (Documents chief executive must or may keep on website)**

- (1) Schedule 22, section 13(1)(a), before '(v) or (y)'—

*insert—*

(rd) to (rh),

- (2) Schedule 22, section 13(5)(b), '(r) to (u)'—

*omit, insert—*

(s) to (u)

**19 Amendment of sch 23, s 2 (Standard planning and development certificates)**

- (1) Schedule 23, section 2(1)—

*insert—*

(da) a copy of any social impact assessment report for an application for a development approval in effect for the premises, if the local government has been given a copy of the report; and

- (2) Schedule 23, section 2(1)—

*insert—*

(ka) a copy of any community benefit agreement applying to the premises that the local government—

- (i) is a party to; or
  - (ii) has received a copy of under section 106Z(3) of the Act; and
- (3) Schedule 23, section 2(1)(da) to (p)—  
*renumber* as schedule 23, section 2(1)(e) to (r).

**20 Amendment of sch 23, s 3 (Full planning and development certificates)**

- (1) Schedule 23, section 3(1)(a), ‘an infrastructure agreement’—  
*omit, insert—*
  - a community benefit agreement or an infrastructure agreement
- (2) Schedule 23, section 3(1), after paragraph (a)—  
*insert—*
  - (aa) if a community benefit agreement applies to the premises and the local government is a party to the agreement—
    - (i) details of the nature and extent of any obligations under the agreement that have not been fulfilled; and
    - (ii) details of any security required under the agreement, including whether any payment required to be made under the security has been made; and
- (3) Schedule 23, section 3(1)(aa) to (c)—  
*renumber* as schedule 23, section 3(1)(b) to (d).

**21 Amendment of sch 24 (Dictionary)**

- (1) Schedule 24, definition *non-host lot*—  
*omit.*
- (2) Schedule 24—

*insert—*

***pre-existing application***, for part 5B, division 2, see section 51G(1).

***prescribed renewable energy facility*** means a renewable energy facility for the generation of electricity or energy from a source of solar energy if—

- (a) the facility generates 1MW or more of electricity or energy from a source of solar energy; or
- (b) the total area of land used for solar panels and structures for mounting solar panels, including any land between the solar panels and structures, is 2ha or more.

***relevant day***, for part 5B, division 2, see section 51H.

- (3) Schedule 24, definition *common material*, paragraph (a)(ii), after ‘application’—

*insert—*

, including a social impact assessment report or community benefit agreement for the application

- (4) Schedule 24, definition *common material*, paragraph (c), ‘an infrastructure agreement’—

*omit, insert—*

a community benefit agreement or infrastructure agreement

- (5) Schedule 24, definition *renewable energy facility*, paragraph (b)—

*omit, insert—*

(b) does not include—

- (i) the use of premises for the generation of electricity or energy to be used mainly on the premises; or

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Regulation 2025

Part 5 Amendment of Planning Regulation 2017

[s 21]

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(ii) a wind farm.

(6) Schedule 24, definition *State development assessment provisions*, ‘28 January 2025’—

*omit, insert—*

[insert date]

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*Drafting note—*

Date to be confirmed.


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ENDNOTES

- 1 Made by the Governor in Council on [Made by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of State Development, Infrastructure and Planning.

**Queensland Legislative Assembly**

Number: 5825T L28

 **01 MAY 2025** Tabled ☒  
By Leave ☐

MP: Hon Beizie

Clerk's Signature: 