

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

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Submitted by:	Ark Energy
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Member



20 May 2025

To the State Development, Infrastructure and Works Committee

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

Ark Energy thanks the State Development, Infrastructure and Works Committee (**SDIWC**) for the opportunity to provide a submission on the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025* (**Bill**).

Ark Energy is a renewable energy company that specialises in the development and operation of utility-scale renewable energy generation and storage facilities, and is an industry member of the Queensland Renewable Energy Council (**QREC**) and the Clean Energy Council (**CEC**).

With regards to the proposed amendments to the Planning Act 2016 and other legislation relating to renewable energy developments, Ark Energy acknowledges, subject to the comments below, the intention of introducing a community benefit system to:

1. ensure renewable energy proponents consult local stakeholders and properly assess the social impacts of a proposal, prior to lodging a development application (**DA**); and
2. delivery of positive legacy benefits to host communities in association with renewable energy developments.

Queensland is well positioned to attract significant investment through renewable energy development and become a competitive leader in the production of cleaner, cheaper energy.

Ark Energy agrees that participation in the assessment process for renewable energy developments by local stakeholders and communities is key to fostering a trusted and leading practice regulatory framework. We also support the delivery of legacy benefits to host communities, and for those benefits to be determined in consultation with local stakeholders to ensure they are contextually appropriate and meaningful.

However, Ark Energy considers that the amendments in their current form are unclear and will create unnecessary risks and are likely to add significant costs and delays to the lodgement of DAs. This will detract from the collective desire for timely delivery of optimal benefit programs to host communities through renewable energy developments.

Ark Energy generally supports the submissions on the Bill made by the QREC and the CEC in this regard.

On the current drafting of the Bill, Ark Energy, like the QREC and the CEC, considers the amendments in their current form do not achieve parity with requirements for developments in other industry sectors, but rather place additional requirements on renewable energy developments that will cause delay, cost and potential adverse outcomes for councils, communities and developers.

We also consider there are alternative ways to achieve the intended community benefit system outcomes without the same risks.

In particular Ark Energy submits the following for consideration.

Execution of a community benefit agreement as a condition of development consent

Generally requiring a proponent to execute a legally binding CBA before lodging a DA is impractical. Delivery of a CBA will be subject to DA approval, and prior to approval there is no certainty a project will proceed.

The Bill currently therefore creates impracticability and ambiguity for all parties.

This timing will likely result in significant additional costs, resourcing requirements and delays prior to lodgement, and also undermines the delivery of optimal CBAs.

To note:

- Development and negotiation of a CBA involving genuine co-design with local council and other community stakeholders, and particularly if multiple local government areas are involved, may take considerable time. This could either delay lodgement of a DA, or alternatively result in a sub-optimal CBA due to resourcing and time constraints.
- Requiring a CBA to be negotiated with council(s) prior to lodging a DA gives council(s) responsibility/control over when a DA is lodged. Risks with this include resourcing pressure on council(s), conflicts of interest and council(s) being the target of campaigns by opponents of renewable energy (developments).
- There is significant opportunity for collaboration between proponents for delivery of more substantial CBAs, and developers will be in a better position to collaborate post-approval.

Ark Energy considers that these risks can be avoided by decoupling the CBA from the Social Impact Assessment (SIA) and incorporating both into the State Development Assessment Provisions (SDAP).

The updated SDAP v3.2 State Code 23 – Wind farm development identifies ‘Community Impact’ must be considered and requires developers ‘*to identify, assess and mitigate impacts on surrounding communities*’. It mandates community consultation and the performance outcome, PO26 Community Engagement Report, as well as other measures to address community impacts such as workforce accommodation.

Updating State Code 23, and inclusion of similar performance outcomes in State Code 26, seems a logical way to consolidate ‘Community Impacts and Benefits’ by requiring:

1. an SIA report as a performance outcome for the DA; and
2. a CBA as a condition for approved applications, prior to commencement of construction activities.

In this framework a CBA that provides enduring benefits and leaves a positive legacy for host communities can be explored and progressed during early development, conditioned with development consent, and finalised after the development consent has been granted. Ark Energy considers that this would be a better framework to achieve the intention of the Bill.

Benefit agreement guidance

Ark Energy submits that more work needs to be considered in the Bill for CBA guidelines, and these will be required to facilitate efficient and timely development of consistent and fair agreements.

Ambiguity and uncertainty will increase the risk of the negotiation process being protracted and going to mediation and/or increasing the resourcing burden on the chief executive.

It is recommended that a CBA is made 'in accordance with guidelines' and these include:

- Circumstances under which a CBA may not be required.
- How SIA outcomes are to correlate to CBA deliverables.
- Clarification of all types of benefit-sharing that are eligible to be included.
- Metrics for calculating proportionate funding and contributions.
- Contribution caps.
- Distribution of benefits when multiple proponents and/or multiple councils are party to the agreement.
- How a CBA will directly benefit the impacted community/ies.
- Caps for any cost recovery from proponents for negotiation and mediation.
- Timeframes for negotiation and mediation.

Appropriate appeal rights

Similarly, Ark Energy submits that more work needs to be considered in the Bill for transparency and protection of interests of all parties genuinely connected to a project.

For parties' rights including appeal rights, Ark Energy reiterates the recommendation made by the QREC and the CEC for eligibility criteria, such as limiting submitters to a geographical area, to protect infrastructure investment from vexatious appeals by opponents who may not have a genuine connection to a project.

Ark Energy encourages the Queensland Government to consult industry proponents directly or via representative organisations such as the QREC and the CEC on further development of the regulatory framework.

We trust this submission to be of assistance. Should you require any further information or clarification, please contact Damian Vermey, Head of Development or Gavin Lee, General Manager Development, Queensland via [REDACTED]

Yours sincerely



Michael Choi
Chief Executive Officer
Ark Energy