

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of State Development, Infrastructure and Planning (DSDIP)
Name of the proposal	Planning (Wind Farms) Amendment Regulation 2025
Submission type <i>(Summary IAS / Consultation IAS / Decision IAS)</i>	Summary Impact Assessment Statement (IAS)
Title of related legislative or regulatory instrument	Planning Regulation 2017 (Planning Regulation)
Date	January 2025

Proposal type	Details
Minor and machinery in nature	<p><u>Updates to the State Development Assessment Provisions</u></p> <p>This proposal is procedural in nature as it is necessary to give effect to the changes made to the State Development Assessment Provisions (SDAP).</p> <p>Amendments to the SDAP are given effect by amending the definition of SDAP in Schedule 24 of the Planning Regulation. The proposal is therefore minor and machinery in nature, only consisting of updating the referenced date within the definition of SDAP in the Planning Regulation to reflect the Minister for Planning's approval date for the updated State Code 23: Wind Farm Development.</p> <p>The changes to the content in State Code 23 are also minor and machinery in nature, related to revisions to the existing wording of the purpose statement and the addition and revision of performance outcomes in the code. A separate IAS has already been prepared and progressed to support these changes and to assist the Minister for Planning's consideration of the updates to State Code 23.</p>
Impact analysis (below)	<p>Amend Schedule 10, Part 20 of the Planning Regulation</p> <p>Establishing that all wind farm developments are subject to impact assessment.</p>

What is the nature, size and scope of the problem? What are the objectives of government action?
<p>Identification of the problem including nature, size and scope of the problem</p> <p>Current assessment processes for renewable energy projects in Queensland, particularly wind farms, are not consistent with the processes for other similar land uses like mining, which involve greater consideration of social impacts and community benefit, as well as providing more opportunities for community input.</p> <p>With respect to planning approval processes, the majority of wind farms undergo code assessment by the State Assessment and Referral Agency (SARA), which involves 'bounded' assessment and does not currently require public consultation or provide third-party appeal rights. Only a small number of wind farm applications are subject to impact assessment, which is limited to circumstances where they are proposed in close proximity to sensitive land uses.</p> <p>This inconsistency in scope of assessment and transparency of assessment processes, has created challenges in relation to assessment of social and infrastructure impacts, and to a lesser extent, environmental impacts. Issues with current assessment processes for wind farms projects in Queensland include:</p>

- ***Environmental impacts:*** The current State code 23 regime falls short in evaluating the effects on sensitive habitats both on-site and in nearby areas. It provides limited consideration of acoustics for nearby sensitive uses or rural contexts. There is no thorough assessment or consideration of pest management or biosecurity, which can have long-term implications on local ecosystems. Additionally, the environmental assessment criteria are not adequately accounting for the cumulative impacts of multiple environmental issues, which can compound and lead to ecological impact and/or degradation.
- ***Community / Social impacts:*** A significant concern is the lack of community awareness and participation in the assessment process. The absence of mandatory public consultation and third-party appeal rights leaves local communities without a voice in the decision-making process. There is also no formal consideration of First Nations communities with respect to their concerns and perspectives on land use changes.
- ***Community benefit:*** The broader social and economic impacts on larger areas, such as local government areas or specific townships, are not considered. This lack of broader consideration leads to missed opportunities for addressing social impacts and integrating community benefit into the planning and development of wind farms, which could otherwise enhance local social and economic outcomes.
- ***Local government involvement:*** The full impacts on local infrastructure, such as roads and haulage routes used during the construction and operation of wind farms, are not currently adequately addressed. Local governments have input in the assessment process, but under a code assessment process, which is a 'bounded' assessment process, there is limited ability to assess and condition matters impacting local governments and local infrastructure networks.

Objectives of government action

Concerns have been raised by communities and local governments regarding wind farm developments being limited to code assessment under the Planning Act. The code assessment process does not provide for notification, submission or appeal processes, limiting the ability of the public and stakeholders to be aware of wind farm developments, or to be able to contribute to assessment and decision-making processes.

Concerns has also been raised by these stakeholders with respect to the impacts of wind farm developments, as described above. Code assessment is 'bounded', is subject to defined criteria, and does not allow for the general consideration or conditioning of the wider variety of environmental, community and social impacts being raised by concerns parties.

This is inconsistent with other types of renewable energy or similar scale projects in Queensland, which are generally subject to a higher level of assessment, or alternative assessment processes that allow for community and stakeholder involvement.

The objective of government action is to enhance community engagement and establish greater accountability and transparency in assessment and decision-making for wind farm proposals under the Planning Act. This includes enabling communities to participate more actively in development assessment with the broader goal of fostering sustainable development outcomes as the identified purpose of the Planning Act.

The Planning Regulation is amended from time to time to operationalise legislative changes or adjust policy settings in response to stakeholder feedback.

Establishing all wind farm developments as impact assessable in the Planning Regulation is the first stage of broader changes being considered for the Queensland planning framework with respect to the regulation of renewable energy developments. Further analysis of the impacts of any future regulatory changes will be carefully considered and assessed to effectively address known issues and ensure their effectiveness.

What options were considered?

Option 1: Maintain current assessment process (code assessment)

This option involves no change to the existing regulatory framework. Developers would continue to navigate the established pathways, with wind farm developments undergoing code assessment. Code assessment is a 'bounded' process where a development is approved if it demonstrates compliance with, or can be conditioned to meet, the outcomes of the relevant code. Public consultation is not required, and there are no third-party appeal rights. A majority of current wind farm applications are code assessable. Maintaining the current process does not address existing issues such as inconsistencies in assessment of different types of large-scale projects, lack of statutory public notification and third-party appeal rights, and limits on the ability to assess a range of social, infrastructure and environmental issues triggered by wind farms as identified in the above section.

Option 2: Implement the proposed amendments (impact assessment)

This option introduces immediate changes to the Planning Regulation, while preserving the ability for further regulatory changes in the future. Both aspects are described below.

Immediate Regulation amendments by the end of January 2025

The key components of this option are:

- **Make all wind farm developments subject to impact assessment:** Impact assessment is an 'unbounded' assessment under the Planning Act. In addition to the technical assessment, public consultation is mandatory, submissions must be considered in decision-making and submitters may appeal the decision. Impact assessment ensures that the community and stakeholders can contribute to the development assessment process based on the scope provided for under the Planning Act, and that concerns raised in submissions must be considered by decision-makers. To date mandatory public consultation, submission consideration and third-party appeal rights have not been afforded to local regional communities where a wind farm development is proposed, despite the potential social, economic and environmental impacts (as identified above), due to the bounded nature of code assessment. Making all wind farm developments subject to impact assessment requires an amendment to the Planning Regulation.
- **Retain SARA as assessment manager:** Maintaining its current role, SARA will continue to be the assessment manager (decision-maker) for development applications for wind farms under the Planning Act in Queensland.
- **Update SDAP:** Adopting an updated State Code 23 for wind farms enables refinement of the purpose statement of the code, as well as enhancements to the criteria for evaluating wind farm proposals. These changes facilitate the impact assessment process, noting changes to SDAP codes are a decision of the Planning Minister and given effect through a Planning Regulation amendment.

Further regulatory changes in stages (currently being considered)

- Following targeted consultation, further regulatory changes may be advanced, including Planning Act and Planning Regulation amendments. The policy and regulatory implications of any further changes to the Queensland planning framework will be considered and justified prior to determining if any further changes to the Queensland planning framework will be made to better regulate renewable energy projects. Further regulatory changes beyond the immediate regulation amendments proposed for the end of January 2025 are not within the scope of this IAS and are only described to provide insight on the overall approach being considered to address all concerns raised by the community and local governments.

Other Options?

There are only two categories of assessable development under the Planning Act, being code assessment and impact assessment. Only the impact assessment process includes public notification, consideration of submissions on planning grounds and third-party appeal rights.

Non-regulatory solutions, such as only updating the SDAP code were also considered. However, this has not been identified as a viable option, as changing the technical code does not introduce the public notification or third party appeal processes into assessment. It also does not allow the introduction of 'unbounded' to allow for consideration of wider impacts that cannot be quantified in an outcomes-based code format.

Summary

It is considered that option two is a balanced and considered approach that allows immediate, targeted action to address known issues with assessment of wind farms, followed by the potential for a later staged approach to consider broader changes to improve regulation of renewable energy projects holistically under the Queensland planning framework. The stages approach enables under option 2 allows for the swift implementation of essential reforms in the short-term, while reserving more complex issues requiring further policy consideration and consultation.

What are the impacts?

This summary IAS focuses on the options considered for the immediate Regulation amendments, focused on wind farms. The impacts of options are outlined below.

Option 1: Maintain current assessment process

- **Pros:**
 - Continuity for the renewables industry by maintaining current established procedures, allowing applicants to navigate familiar regulatory pathways without additional compliance obligations or costs to seek approval.
 - No change to the existing situation for those community members and stakeholders who do not currently have concerns with the regulation of wind farm projects.
- **Cons:**
 - Continued inconsistency in the scale and scope of assessment of wind farm developments.
 - Insufficient public participation due to the lack of mandatory consultation rights. Ongoing dissatisfaction of community members and stakeholders, such as local government, concerned with or impacted by wind farm projects.
 - Continued limitations on the extent to which the social, infrastructure and environment impacts of wind farms can be assessed and conditioned under the Queensland planning framework.
 - No third party appeal rights, resulting in no ability for the community or stakeholders to appeal decisions on wind farm approvals where there are planning grounds of concern.

Option 2: Implement the proposed amendments in a staged approach

- **Pros:**
 - Introduction of more comprehensive assessment processes for wind farm projects under the Queensland planning framework, more comparable with, but still less onerous than, resource projects that require additional considerations such as, a pre-development site location and approvals, inclusion of an environmental impact study that includes a social impact assessment, consideration of a community benefit framework and local government consultation.
 - Providing an opportunity for stakeholders and community members to have a defined role in development assessment of wind farms, consistent with current parameters for public consultation and third-party appeal rights under the Planning Act, enhancing transparency and accountability in development assessment decision-making.
 - No additional impact on local government, as the SARA will continue to be assessment manager for development applications for wind farms.
- **Cons:**
 - Potential increase in time and cost to obtain development approval for wind farms due to increasing the category of assessment from code assessment to impact assessment.
 - The renewable energy industry may perceive these changes as an increase in regulatory burden, possibly affecting the sector's feasibility, competitiveness and investment attractiveness.
 - There may be additional costs for SARA due to its role as the assessment manager (decision-maker) of impact assessable applications through the need to consider submissions in assessment, assess additional matters around impacts and the increased potential for appeals on decisions.

Analysis of Impacts

- Development Assessment Process – State Assessment Referral Agency: Wind farms are already assessed by SARA as the assessment manager (decision-maker), so the change in category of assessment from code assessable to impact assessable does not change the role of local government in assessment.

- Development Assessment Process - Applicants:

Stage 1 will apply to both new applications (not yet submitted) and any proposed non-minor amendments to an existing approval for a wind farm. While there will be some increased costs for applicants due to the additional requirements of impact assessment under the Planning Act (such as public consultation processes), these costs are considered limited and reasonable when compared to the community benefits resulting from improved assessment and management of impacts generated by wind farms.

There is no proposed change to the assessment fee for wind farm development applications proposed. The quantum of the additional cost for proponents due to the change to impact assessment is currently limited to any additional costs associated with meeting the public notification requirements under the Planning Act, such

as the costs of sending letters to the adjoining owners, placing notices on the land and publishing either in a newspaper or on a website.

Industry is familiar with the impact assessment process, as it is an existing level of assessment in the Queensland planning framework and is currently triggered for wind farms proposed adjoining sensitive uses. The current average time required for wind farm development assessment, from lodgement to decision, is approximately six months.

The change to an impact assessment process will add an additional 15 business days for the public notification period, plus additional days for administrative steps around the public notification period, resulting in a relatively minor increase in the overall timeframe.

- Appeal Costs – State Assessment Referral Agency: There may be additional costs for SARA as the respondent in any appeals to the Planning and Environment Court, given that wind farm developments will be impact assessable (enabling submitter appeals). However the change from code assessment to impact assessment is not a significant change in responsibility scope for the SARA, which already assesses and decides a range of both code and impact assessment applications.
- Appeal Costs – Applicant and Third Parties: Only some impact assessable developments are appealed. The potential for appeal is dependant on the specific details of each proposed development, such and identified grounds for approval or refusal, or specific conditions placed on an approval. The Planning Act has provisions giving the Planning and Environment Court the ability to limit appeals to valid planning matters and to award costs for frivolous or vexatious appeals.
- Volume of Wind Farm Development Proposals: The number of wind farms applications approved in Queensland each year is limited. A change in category of development from code to impact assessment may, in the short term, delay applications being submitted for assessment if applicants decide to wait until the new assessment process is in place. Three current applications with SARA for assessment are currently paused until mid-May 2025, reducing any immediate workload impact on SARA.

Summary

While the renewable energy industry may perceive these changes as an increase in regulatory burden, the changes are ultimately considered beneficial to achieve improved development and community outcomes for Queensland. The introduction of consistent and comprehensive assessment processes for wind farm projects, aligned with other renewable energy developments and resource-related land uses, will ensure a clear and consistent framework for applicants.

Mandatory public consultation and the inclusion of third-party appeal rights enhances transparency and accountability through existing established consultation and appeal processes under the Planning Act. This increased community engagement fosters trust in government decision-making and ensures that wind farm projects proceed only where impacts can be addressed or sufficiently mitigated, and are developed with broader social support, which can lead to smoother project implementation and long-term success.

Who was consulted?

The proposal to progress option 2 is based on known issues and impacts identified from existing wind farm developments, identified through ongoing liaison with key stakeholders as a part of existing development assessment processes. This information has supported the decision to proceed without consultation.

Targeted consultation will be undertaken when investigating potential further changes to address concerns raised by industry, communities and local governments regarding the regulation of renewable energy projects. A subsequent IASs will be prepared to support any relevant regulatory decisions progressed following that consultation.

The Energy Division within Queensland Treasury is currently engaging stakeholders through a consultation process for the Draft Renewables Regulatory Framework. Matters raised during these sessions will inform any future decisions regarding the regulation of renewable energy projects under the Queensland planning framework.

What is the recommended option and why?

Conclusion and recommended option

Recommended Option:

Option 2 - Planning Regulation Amendments to make wind farms impact assessable.

Making wind farms impact assessable through an immediate Regulation amendment will deliver swift implementation of initial, straightforward, tightly scoped changes to the Queensland planning framework where the consequence of change is known, overall benefit by managing impacts is identified, while reserving more complex issues to be informed by targeted consultation and further policy analysis.

The recommended option allows the alignment of government's broader policy objectives for energy and sustainability in subsequent stages and reflects the policy intent to establish a more transparent and accountable planning regulatory framework for wind farm projects in the short term.

Implementation:

- Making wind farms subject to impact assessment is a critical step in addressing known issues with the assessment and operation of renewable projects under the planning framework. This initial stage lays the foundation for a more comprehensive and inclusive framework to address known impacts now, without committing to or restricting the ability to explore future regulatory changes.
- Targeted consultation with stakeholders to allow for a more comprehensive and inclusive framework for all renewable energy projects in the future will ensure that the Queensland planning framework remains responsive to the needs of the community, local government and the renewable energy sector.

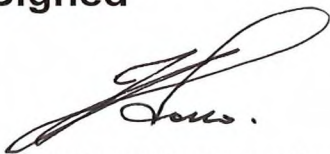
Compliance Support:

- DSDIP will collaborate with Queensland Treasury and other relevant agencies to provide guidance and support to stakeholders, ensuring an efficient transition to impact assessment. This support will include clear communication of the new requirements and ongoing assistance to navigate the updated assessment processes.

Evaluation Strategy:

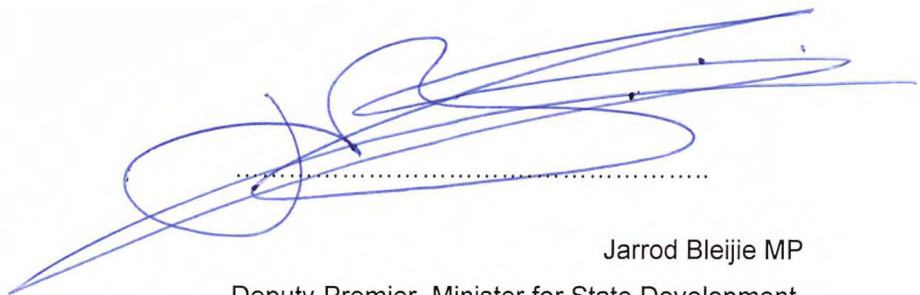
- DSDIP will actively monitor and evaluate the implementation of the amendments, through the existing State Assessment Referral Agency Key Performance Indicator Framework. This ongoing evaluation will allow for necessary adjustments and continuous improvement and provide data to determine the effectiveness planning processes to identify and manage impacts from wind farm developments.

Signed



John Sosso
Director-General

Date: 28.1.2025



Jarrod Bleijie MP
Deputy Premier, Minister for State Development,
Infrastructure and Planning and
Minister for Industrial Relations

Date:

28/1/25