

Amendments to the Planning Regulation 2017 and statutory instruments

This factsheet provides an overview of the proposed amendments to the Planning Regulation 2017 (Planning Regulation) and statutory instruments to support the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (the Bill)*.

For information regarding the proposed amendments in the Bill, please see the factsheet: *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 Overview*.

What supporting instruments are changing?

The Planning Act provides for a range of statutory instruments to do different things. As the Bill amends the Planning Act, amendments to statutory instruments are required to operationalise the Bill. A description of the instruments proposed to be amended is as follows:

Planning Regulation 2017	The Planning Regulation states the matters applying to development assessment by an assessment manager or referral agency, the rules and statutory instruments that operationalise the <i>Planning Act 2016</i> .
State Development Assessment Provisions (SDAP)	Some development applications are referred to the state government (the State Assessment and Referral Agency (SARA)) for assessment where it relates to a matter of state interest under the Planning Regulation 2017. SARA assesses the development application against the assessment benchmarks in the SDAP.
Development Assessment (DA) Rules	The DA Rules provide the procedures for all development applications in Queensland and explain how development applications are to be lodged, assessed and decided. The DA Rules also outline how public notification is required to be undertaken.
Social Impact Assessment Guideline	The existing <i>Social Impact Assessment Guideline (March 2018)</i> made by the Coordinator-General under the <i>Strong and Sustainable Resource Communities Act 2017</i> provides the matters that must be included in carrying out a social impact assessment.

Why do we need to amend the instruments?

While the Bill establishes a community benefit system, the Planning Regulation and the statutory instruments provide the operational details of what this means for carrying out a social impact assessment and what it means to make a development application for development where a social impact assessment is required.

Planning Regulation 2017	The Bill states the matters that the Planning Regulation will prescribe. Accordingly, the proposed amendments to the Planning Regulation prescribes the development to which the community benefit system applies. It also sets the level of development assessment, the assessment manager, and what the development is to be assessed against. It also gives effect to the latest version of other statutory instruments that are being updated including the DA Rules, SDAP and SIA Guideline.
SDAP	<p>A new <i>State code 26: Solar farm development</i> is required as the Planning Regulation will be amended to specify that solar farms are impact assessable and for large-scale solar farms prescribe the chief executive (SARA) as the assessment manager. The SDAP code will provide assessment benchmarks and matters SARA will assess large-scale solar farm applications against.</p> <p>Further information on the new SDAP code is provided in the factsheet: <i>Changes to solar farm development assessment</i>.</p>

DA Rules

The DA Rules are being amended to implement operational changes that will support the implementation of the Bill and ensure the functional and practical operation of development applications requiring SIA assessment.

SIA Guideline

The SIA Guideline is being amended to provide information on assessing and managing the social impacts of projects under the planning framework.

Further information on the SIA process is provided in the factsheet: *Social Impact Assessment*.

What are the amendments to supporting instruments?

The proposed amendments to these instruments are available for public consultation, concurrently with Parliamentary Committee consideration of the Bill. It is intended that commencement of the amendments to the Regulation and instruments will coincide with commencement of the Bill.

The below sections provide a brief overview of the amendments.

Proposed Amendments	
Planning Regulation	<p>The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Regulation 2025 (Amendment Regulation) proposes the following amendments to the Planning Regulation 2017:</p> <ul style="list-style-type: none"> • wind farm development and large-scale solar farm development is subject to the new community benefit system under the Bill • all solar farm development is impact assessable • large-scale solar farm development and solar farm development in a Priority Development Area is assessable by SARA (other solar farm development continues to be assessed by the relevant local government) • a Social Impact Assessment Report must be prepared in accordance with the SIA Guideline • the matters the chief executive (Director-General) of the department may consider in response to a request for a notice that a social impact assessment or community benefit agreement is not required • providing for transitional requirements for existing development applications • administrative changes to support the implementation of these amendments, including requirements to make social impact assessment reports and community benefit agreements publicly accessible • the following matters which are included in the Amendment Regulation without specific fee units and dates: <ul style="list-style-type: none"> ○ the development assessment fee for solar farm applications where the chief executive (SARA) is the assessment manager. It is proposed that the fee unit will be the same as a wind farm application under the Planning Regulation 2017, given both are impact assessable development ○ the specific date that the SDAP, DA Rules and SIA Guidelines has been made by the Minister. These instruments are currently in draft form for public consultation and have not been approved. <p>The Amendment Regulation also proposes changes to the following regulations:</p> <ul style="list-style-type: none"> • Economic Development Regulation 2014 – to provide that SARA is the assessment manager for wind farm and all solar farm development in a Priority Development Area and assessment should also be against the relevant development instrument under <i>Economic Development Act 2014</i> • Local Government Regulation 2012 and City of Brisbane Regulation 2012 – to provide that annual reporting should include the financial contributions made to the local government with regards to a community benefit agreement.

SDAP	<p>The SDAP are proposed to be amended to introduce a new State code 26: Solar Farm Development. New State code 26 that will provide assessment benchmarks for large-scale solar farms. The State code will ensure development for large-scale solar farms:</p> <ul style="list-style-type: none"> • are located, sited, designed, constructed, managed, operated, and maintained to minimise and manage adverse impacts to: <ul style="list-style-type: none"> – individuals and communities – the environment – infrastructure and services • are decommissioned in a timely and efficient manner that: <ul style="list-style-type: none"> – reuses, recycles and/or repurposes material to the greatest extent possible – rehabilitates the environment. • Existing State Code 23: Wind farm development will be retained in SDAP.
DA Rules	<p>The DA Rules will be amended to support and operationalise the amendments to the Bill, including providing for and further clarifying:</p> <ul style="list-style-type: none"> • application processes and timeframes for development prescribed by Regulation as being subject to SIA • specific public notification requirements for development requiring SIA (wind farm and large-scale solar farm development applications) • amending <i>substantially different development</i> considerations to have specific reference to social impacts.
SIA Guideline	<p>The Coordinator-General established a SIA Guideline in 2018. It is proposed that this existing SIA Guideline be amended to enable it to be applied as a statutory instrument under the Planning Act. The SIA Guideline will establish the requirements for SIA for any development prescribed in the Planning Regulation to be development requiring an SIA.</p> <p>The amendments to the existing SIA Guideline will maintain consistency and alignment with existing legislative frameworks by:</p> <ul style="list-style-type: none"> • ensuring that current statutory powers and processes under the <i>Strong and Sustainable Resource Communities Act 2017</i> remain unchanged • preserving the non-statutory powers and processes for non-resource projects during the development of an Environmental Impact Statement under the <i>State Development and Public Works Organisation Act 1971</i> and the <i>Environmental Protection Act 1994</i>. <p>The SIA Guideline will be a statutory document which:</p> <ul style="list-style-type: none"> • establishes the requirements for SIA for any development prescribed in the Planning Regulation to be development requiring a SIA • identifies the SIA will support the development and execution of a CBA. <p>The SIA Guideline will be amended to:</p> <ul style="list-style-type: none"> • make it clear that the guideline applies to renewable energy development under the Planning Act • provide the operation of the SIA process in the creation and execution of a CBA • clarify the role of the SIA report in the development application process • outline processes for the implementation of the SIA under the Planning Act • establish guidance material.

Further information

For further information please contact the Department of State Development, Infrastructure and Planning via renewablesplanning@dSDLGP.qld.gov.au.