

# Planning (Wind Farms) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 2

made under the

*Planning Act 2016*

## General Outline

### Short title

*Planning (Wind Farms) Amendment Regulation 2025*

### Authorising law

Sections 43 to 45 and section 284 of the *Planning Act 2016*

### Policy objectives and the reasons for them

The policy objective of the *Planning (Wind Farms) Amendment Regulation 2025* (Amendment Regulation) is to contribute to addressing the Government's commitment requiring all renewable projects to be impact assessable and subject to similar rigorous approval processes as other resource projects.

*Amending the category of assessment for wind farm developments in Queensland*

The Amendment Regulation is the first step to deliver the Government's commitment to require all renewable energy projects be impact assessable.

Prior to this amendment, wind farms were generally code assessable, other than in circumstances where they were proposed in proximity to a sensitive land use, making them impact assessable. Wind farm applications, whether code or impact assessable, were assessed by the State Government through the State Assessment and Referral Agency (SARA) in the Department of State Development, Infrastructure and Planning (DSDIP).

Code assessment is a 'bounded' assessment, meaning that development is approved if there is a demonstrated ability to comply with, or condition compliance with, the outcomes of the code. Public consultation is not required and third party appeal rights do not apply.

Impact assessable development is the highest level of assessment under Queensland's planning framework. In addition to the technical assessment, public consultation is mandatory, submissions must be considered in decision-making and submitters may appeal the decision.

Sections 43-45 of the Planning Act establishes 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, and
3. Specify assessment benchmarks against which assessable development will be assessed.

Section 284 of the Planning Act provides power to the Governor in Council to make a regulation.

Under the powers and functions of these sections of the Planning Act, this Amendment Regulation establishes that wind farms are:

1. Assessable development,
2. Impact assessable, and
3. Assessable against the SDAP State Code 23: Wind farm development.

#### *Update to the date of the State Development Assessment Provisions (SDAP)*

The State Development Assessment Provisions (SDAP) are a state planning instrument under the Planning Act that provides assessment benchmarks for the assessment of development applications involving the SARA. The SARA uses the SDAP to deliver a coordinated, whole-of-government approach to the state's assessment of development applications under the Planning Act.

Amendments to the SDAP are given effect by amending the definition of SDAP in Schedule 24 of the Planning Regulation. To give effect to any updates made to the SDAP, which are determined at the discretion of the Deputy Premier, Minister for State Development, Infrastructure and Planning (Planning Minister), amendments to this definition in the Planning Regulation must be made.

Applications for wind farms will continue to be assessed by the SARA against the SDAP, State Code 23: Wind farm development.

## **Achievement of policy objectives**

### *Amending the category of assessment for wind farm developments in Queensland*

The Amendment Regulation amends the existing provisions under Schedule 10, Part 21, Division 2 of the Planning Regulation to make all material changes of use for wind farms impact assessable.

By changing the category of assessment to impact assessment, applications for a material change of use for a wind farm will require public consultation, include the ability for community members and other parties to lodge a submission about the proposal which the assessment manager must take into account when determining the application, and allow the ability to bring about third party appeals.

Impact assessment applies to any new wind farm application or other change to an existing wind farm approval, but does not include a minor change to an existing wind farm approval.

### *Update to the date of the SDAP*

The Amendment Regulation amends the definition of SDAP in Schedule 24 of the Planning Regulation, which will give effect to the proposed changes to the SDAP.

The amendment is minor and consists of changing the SDAP date from ‘17 September 2024’ to the date of the new version of SDAP approved by the Planning Minister.

## **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 will deliver consistency in development assessment across Queensland and provide for greater transparency and accountability by ensuring public consultation and third party appeals with consideration for the potential impacts presented by wind farm development.

## **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**

There is no alternative way to achieve the policy objectives, other than the Amendment Regulation. The Planning Act permits a regulation to set the category of assessment, to categorise development, and to prescribe assessment benchmarks.

## **Benefits and costs of implementation**

The cost of implementing the amended regulatory framework will be met within existing budget allocations, and the resources used to manage the existing regulatory framework will continue to be used to administer the amendment to the planning framework.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Amendment Regulation has not been consulted outside government agencies as it has been progressed as a matter of urgency to ensure timely delivery of the Government commitment. The Amendment Regulation is consistent with the public commitments to make wind farms impact assessable.