Community Power Agency Submission

Draft Code of Conduct for Renewable Energy Developers (Qld)

31 October 2026

Executive Summary

Community Power Agency (CPA) thanks Queensland Treasury for the opportunity to comment on the draft Code of Conduct for Renewable Energy Developers (the Code) and welcomes its introduction.

The Code follows through on the commitment to a mandatory developer code, which CPA supported in our January 2025 submission on the Draft Renewables Regulatory Framework[1]. Tying social licence to the generation authority under section 180(2)(f) of the *Electricity Act 1994 (Qld)* gives the Code meaningful statutory force. The Code is an important step. Linking social licence directly to the generation authority gives Queensland a real lever. The Code will earn community trust if it connects to the work councils already do through SIA and CBA review, sets clear expectations rather than encouragements, and applies to all energy generation technology to even the playing field.

Regional communities hosting large scale energy developments will watch closely to see how this influences proponent practices on the ground. Our submission outlines 10 overarching caveats in the Draft Code of Conduct, which we have detailed further below:

1. The Code should be more specific on how compliance will be enforced when a generation authority holder or applicant does not abide by the expectations of conduct.
2. The Code needs to widen the scope of application to all energy generation technology to even the playing field in terms of expectations on community engagement and developer conduct.

[1] Community Power Agency (2025), *Feedback submission re: Queensland Draft Renewables Regulatory Framework*, s2.1 "Creating a mandatory Code of Conduct". cpagency.org.au/resources.

3. The Code should acknowledge the role of Local Government and other stakeholders in setting local expectations on developer conduct, not just Coexistence Queensland.
4. The Code needs to be clear that the applicant or generation authority holder is accountable for the conduct of its contractors in maintaining social licence obligations.
5. The Code should align its definitions of “affected community” and “areas of impact” with the planning frameworks, and the Guidelines for Social Impact Assessments.
6. The Code needs to set clearer expectations on the quality of community engagement and set minimum standards for genuine community participation.
7. The Code should require impact management plans that are proportionate and effective and have regard to mitigation measures set through Local Government SIA review as well as the State EIA review.
8. The Code should state clearly that community benefits are distinct from and additional to impact mitigation, landholder payments, and council rates or fees.
9. The Code needs to acknowledge Traditional Owners as rights-holders and First Nations provisions into the Code of Conduct in consultation with First Nations stakeholders.
10. The Code needs to embed the transfer expectations outlined in the Industry Guidance, so that the transferee must honour existing CBA, engagement, and impact management commitments.

About Community Power Agency

CPA is a not-for-profit organisation working with communities, government, and industry for a faster and fairer transition to clean energy. For more than a decade we have built capacity and improved practice in social licence, community engagement, benefit sharing, and community co-investment and co-ownership.

We have authored industry guidelines for the Victorian, Tasmanian and ACT governments, and specialist publications for the Clean Energy Council. CPA has also previously been engaged by various government departments to provide policy advice and drafting services on social criteria for the ACT reverse auctions, VRET and LTESA’s, Capacity Investment Scheme and Tasmanian Code of Conduct.

In Queensland we have worked with relevant state government departments to support community partnerships on large-scale renewables, and have also supported the co-design of a regional benefit sharing pilot with Western Downs Futures. We currently work directly with local governments on renewable energy community benefit system policy’s, Social Impact Assessment (SIA) reviews, Community Benefit Agreements (CBAs) and community investment strategies under the Planning Act.

This submission draws on that practice and builds on our earlier submissions on social criteria in renewable energy policy, referenced at the bottom of this document.

Detailed recommendations

Below sets out our detailed recommendations for Parts A-C of the Code by theme.

Part A

1. Specify how compliance with the Code will be assessed and enforced

While the Code implies that Regulator will assess developers on the basis of social licence criteria, page 3 in the Introduction, Section 1(3) of the Code states the Code "does not create standalone obligations" and will be considered "in a proportionate and practical way", and largely remains silent on what the social licence criteria for a generation authority are.

Without clear expectations, the Code cannot influence developer conduct. For the Code to meaningfully influence developer conduct and support best practices and generation of social licence for renewable energy, it should set out clear indicators of social criteria with clear links to the development planning process. This risk is that a code with unclear expectations becomes a reference document rather than a consistent standard.

In our January 2025 submission, we asked that compliance with the Code be assessable and enforceable from the earliest stages of project development, and that assessment be done by skilled assessors through an interactive process[2]. That included providing opportunities for pre-assessment meetings and providing early feedback for developers, enabling them to incorporate feedback in early stages of project development.

While the draft Code gives Coexistence Queensland an advisory role (2(6)), the Industry Guidance sets out a process for reporting, assessment and compliance. Neither the Code nor the Industry Guidance states where the generation authority application sits in the development lifecycle, or which social licence commitments will become conditions of an authority. When will conduct be assessed and what happens if commitments are not maintained after approval are considerable gaps in the design of the Code.

Recommendation: Clearly set out when the Regulator will assess conduct, including early pre-assessment, and clear social licence criteria for compliance.

[2] CPA (2025), Qld Draft Renewables Regulatory Framework submission, s1.1 and s2.1

2. Clarify the scope of application

The Code applies only to wind, solar, battery and hybrid generating plant. However the social licence criteria in section 180(2)(f) of the Electricity Act 1994 (Qld) refers to "generating plan", with no limit on technology. Any large energy infrastructure or resource project poses both risk of adverse impacts and potential opportunities for local communities, depending on technology, design, ownership and delivery models, and benefit sharing mechanisms utilised and its alignment with pertinent community needs on the ground. The Industry Guidance justifies the focus on renewables by pointing to their larger footprints, regional locations, and the recent pace and scale of development. We understand this, but social licence should not depend on technology. A community hosting a gas peaker or pumped hydro scheme deserves the same standard of engagement, impact management and benefit sharing as one hosting a wind farm. Applying the Code to renewables alone also suggests that renewable energy is uniquely risky to communities. That perception works against the trust the Code is trying to build in our energy mix. Where regions host a mix of energy and resource developments, uneven standards also make it harder to manage cumulative impacts and to treat communities consistently.

Section 2 states that the Code "does not apply to applications lodged but not decided before commencement" (2(3)). This scope of application therefore differs from the Planning (Social Impact Community Benefits and Other Legislation) Amendments, which applied to projects already in the planning system. This means that many projects now moving through Queensland will never be assessed against the Code, but may be subject to complete an SIA and CBA with their local government authority: 103 projects are currently at development approval stage according to the Queensland Electricity Generation Map[3] and won't be subject to the Code assessment.

Section 2(2) requires generation authority holders to include a Code compliance update in their annual report. While this is a valuable hook for new license applications, it is not clear whether it applies to all holders whose authority was granted before commencement of the Code. If the Code is not applied consistently to all generation authority holders in the State, how can we ensure compliance to expectations on community engagement and social licence for all renewable energy developers under the Energy Act's jurisdiction are being met.

Recommendations:

- Apply the Code to all energy and resource developments above a certain capacity so that they are required to demonstrate social licence and impact mitigation.
- Align the scope of application of the Code to the scope of application of the Planning (Social Impact Community Benefits and Other Legislation) Amendments by including projects that have already lodged development applications.

[3] Qld Gov (), https://electricity-generation-map.treasury.qld.gov.au/

- Confirm if 2(2) applies to all authority holders from commencement, regardless of when the authority was granted.

Fix the threshold inconsistency. Section 2(1) refers to 30 MW "or greater". Schedule 1 defines generating plants as "more than 30 megawatts".

3. Acknowledge the role of local government in alignment with the 2025 Planning Act Amendment

The Code names Coexistence Queensland as the only body the Regulator may seek advice from on whether the social licence criteria are met. Its advice is non-binding (6(3)).
Local governments are absent from this role. Yet under the Planning Act[4], councils review proponent SIA's and negotiate CBA's before a development application is lodged. Councils therefore hold the most direct, place-based knowledge of whether a proponent has engaged genuinely, whether impact measures are workable, and whether proposed benefit sharing mechanisms are aligned to local needs. Section 6(4) says only that the Regulator "may" treat SIA and CBA commitments as relevant.

This matters for consistency. A council may have conditioned specific mitigation measures through SIA review. If the Regulator does not consider them, the two systems can reach different views of the same project. The additional resource constraints on local government in the SIA development and CBA negotiations can be recovered through Council fees and charges or administration fees, however the additional labour on Coexistence Queensland to provide advice to the Regulator on every project proposed in Queensland will constrain their capacity. This Code and Guidance is silent on whether advisors sought out for insights into a generation authority applicant's social licence obligations are resourced adequately to contribute meaningfully to the Regulator.

Recommendations:

- Amend 6(4) to ensure that the Regulator **must** have regard to SIA, CBA and other Planning Act commitments where they exist.
- Add a provision allowing (or requiring) the Regulator to seek advice from the relevant local government(s) in the area of impact, alongside Coexistence Queensland.
- Queensland Government needs to consider resource constraints on Coexistence Queensland and local government staff with skills in community engagement and benefit sharing for large-scale renewables to enable them to give meaningful support to the Code's implementation.

[4] Queensland Government (2025), Planning

4. Assign ultimate accountability to authority applicants (not individuals)

We support the Code reaching contractors, subcontractors, agents and consultants. Engagement is often delivered by contracted teams, and poor conduct by any of them affects the whole project's social licence.

The reasonable steps in 5(2) are practical: contract terms, monitoring, and engagement log, and corrective action. We support them and welcome their inclusion.

Our concern is whether accountability lands on "any relevant persons" (5(1)). If the Code is read as assessing individuals, engagement consultants could carry the risk while the applicant or holder steps back.

Recommendation: State plainly that the authority applicant or holder remains accountable for meeting the social licence criteria, including for the conduct of anyone it engages.

5. Expand on the definition of affected communities and areas of impact to align with the Queensland SIA Guidelines

We support the test in 4(1)(d): "materially affected". It focuses the Code on people who live with a project, rather than anyone with an opinion about it.

However, the list in 4(1) is narrower than the Queensland SIA Guideline, which is more explicit about who must be engaged in social impact assessment. We suggest the Code name, or point to the Guideline for:

- Immediate neighbours, not only landholders within the area of impact
- Traditional Owners, native title holders and Aboriginal and Torres Strait Islanders parties as rights-holders
- Vulnerable people and groups
- Community organisations and service providers
- Local businesses and suppliers
- The distinction between the local study area, the host locality, and regional stakeholders.

The definition of "area of impact" in Schedule 1 covers physical, visual, noise, traffic, and amenity effects. It does not cover social impacts such as pressure on housing, health services, and the workforce. These often fall on nearby towns outside the physical footprint of a project. If the area of impact stays as drafted, those communities may sit outside the affected

community. This is an important inconsistency with the Code, where it requires developers comply with social licence criteria, but weighs only certain areas of impact and materially affected community. If a project impact, like traffic, affects a cohort of communities outside those materially affected, the Code is unclear as to whether those perspectives will be considered. The SIA Guidelines are very clear about the distinction of the local vs regional study areas, and social impact mitigation strategies, so the Code should align to this complimentary process.

Recommendations:

- Align 4(1) with the stakeholder categories in the Queensland SIA Guidelines
- Include social impacts in the definition of 'area of impact', or link it to the study area set in the project's SIA.

Part B

6. Set clear expectations around the quality of community and stakeholder engagement

Section 7(2) provides a clear definition of a genuine engagement. We agree with 7(3): giving notice alone is not genuine engagement and this is consistent with best practice guidelines.

However, the Code could go further to provide clarity and set clear expectations around community engagement in four ways:

i) **Refer explicitly to the IAP2 spectrum of engagement to set engagement standards** - Leading Australian guidance uses the IAP2 spectrum. For example, Victoria's renewable energy auctions and the Federal Capacity Investment Scheme both treat "involve" as the minimum. CPA has recommended the same floor to the Capacity Investment Scheme (2024)[5] and the WA Government (2025)[6].

ii) **Require reporting on the outcomes of engagement** - Instead of reporting on the frequency or occurrence of community engagement, proponents should be reporting on the outcomes of engagement. Specifically, proponents should demonstrate what they heard and how it shaped the project, the impact measures, or the benefit program.

iii) **Specify requirements for an engagement plan** - Section 6(2) relies on a Social Licence Suitability Report but does not set out its contents, how it interplays with the

[5] CPA and RE-Alliance (2024), CIS submission, recommendation 5(e)
[6] CPA (2025), WA Community Benefits Draft Guideline submission, Recommendation 1

Social Impact Assessment, or when a proponent is responsible for initiating a Social Licence Suitability Report. In our 2024 submission on the Capacity Investment Scheme[7], CPA and RE-Alliance set out a content list for an engagement plan. It covered social context and cumulative impacts, engagement to date, and how feedback was addressed, planned methods by project stage with IAP2 level, benefit sharing plans and governance, evaluation, and complaints management.

iv) **Encourage use of existing community and council plans and co-ordinated engagement –** We also note engagement fatigue in regions hosting many projects. The Code should encourage coordination with other proponents and use of existing community and council plans.

Recommendations:

- Set the IAP2 "involve" level as the minimum for genuine engagement.
- Require evidence of how feedback influenced the project.
- Define the contents, timing, and implementation of a Social Licence Suitability Report in the Code or Industry Guidance, in particular, how it differs from an SIA.

7. Require Impact Management Plans to be Proportionate and Effective, and aligned with impact management plans held by local government

CPA supports the requirement of proponents to follow a hierarchy of impact measures set out in Section 8(1): focussing first on avoidance, then mitigation, and where mitigation is not possible, to manage impacts through an agreed plan. However, we believe the draft Code in its current form can not ensure that the proposed impact measures are effective.

Under Section 8, 1(c) covers the impacts a community will live with, because they could not be avoided or fully mitigated. Social licence depends on people seeing these trade-offs as fair, and that depends on whether they have a real say in how they are managed. A plan written by a developer and handed to a community is no different to giving notice, which the Code itself says is not genuine engagement (7(3)). Co-design of impact mitigation plans with the affected community builds trust and social licence and treats the community as partners in the development process, not just receivers of a project. CPA's work through the Biodiversity Reference Group in the New England REZ, NSW, has seen much greater community participation and co-design in the management of environmental impacts of large-scale developments, where communities are equal stakeholders in designing solutions. Through SIA review under the Planning Act, Councils often set mitigation conditions. They manage the local roads, services and infrastructure that projects put under pressure, and they remain after project ownership changes. The Code of Conduct should require that impact plans and

[7] CPA and RE-Alliance (2024), CIS submission, Appendix A

mitigations are co-designed with the affected community and relevant local government to affect greater social licence outcomes in renewable energy development.

Throughout our work in Queensland, we have seen material social impacts clearly identified in SIA's without inclusion of adequate or effective measures to avoid, mitigate or manage these impacts. For example, an SIA may identify loss of trust and community cohesion as high risk social impacts, yet propose to mitigate these impacts using a website comments portal. This is not a proportionate and satisfactory plan to manage the impact. As part of meeting obligations of the Code, impact management plans should be assessed in terms of whether they are proportionate to the impact and in line with best practice.

Furthermore, the draft Code does not specify the relevant authority with whom the impact management plan referenced in Section 8(1)(c) must be agreed. Under the Planning Act Amendment (July 2025), Local Governments are agreeing on social impact mitigation and management plans, while the Queensland Government, Department of Environment, Tourism, Science and Innovation, assess environmental impact assessments and issue environmental authority's (EA) to major project proponents. To ensure regulatory cohesion, the Regulator should have regard to the agreed and binding impact management plans in place when assessing a generation authority.

While cumulative impact management is a widely acknowledged challenge for regions hosting multiple projects, section 8(3) is the first time cumulative impacts are mentioned in the Code, where developers are asked to take reasonable steps to minimise them "where possible", but only where a plant sits near another generating plant. In regions hosting several large-scale projects, the biggest impacts rarely come from one project alone. Pressure on housing, health and education, roads, and local workforce is felt across renewables, transmission, major construction, resource projects, all at the same time. We noticed that the Industry Guidance goes further with respect to the coexistence of multiple land uses, and the co-development or interactions with other projects. No single developer can manage that whole picture, and managing cumulative impacts needs regional planning, shared data and coordination through government convening.

Recommendations:

- Require that impact management plans under 8(1)(c) are co-designed with the affected community and relevant local government.
- Require the Regulator to consider whether measures are proportionate to the impact and likely to be effective not only whether they exist.
- Require the Regulator to have regard to mitigation measures set through council SIA review as well as the State EA review.
- The cumulative impact expectations in the Industry Guidance and the Code can be enhanced with respect to broader project pipelines, shared regional data and coordination so proponents have a way to address them.

8. Clarify the distinction between impact mitigation and sharing of community benefits

We support the intent of section 9, including the requirement for benefits to be proportionate to scale and duration, and to ensure fair outcomes for neighbours (Section 9(1)(d)). However, the Code as written conflates impact mitigation and benefit sharing, which risks undermining social licence outcomes. The mitigation of negative social impacts on a community or region is distinct from the sharing of benefits - financial and otherwise - from a development.

Additionality in the form of community benefit sharing is important because it represents the fundamental difference between compensating a community for a project's negative impacts and genuinely sharing the prosperity that the project generates. For this reason, CPA has consistently advocated that benefit sharing must be separate from, and additional to, impact mitigation, as well as separate from council rates and fees[8]. The Code should reflect this distinction so that sections 8 and 9 are assessed on their own terms.

Section 9(1)(c) asks whether benefits will deliver "lasting" outcomes and leave a "positive legacy". However, at the point of application, most community benefit funds have not started since the delivery of most CBAs begins during construction. As such, the Regulator cannot assess applications on the basis of legacy outcomes that have not yet occurred; it can only assess whether a credible plan exists.

A credible plan for legacy outcomes can be demonstrated by the presence of co-designed priorities, a governance model, a funding commitment over the life of the project, and a robust monitoring and evaluation approach. Ongoing delivery can then be verified through the annual reporting process under Section 2(2).

We also encourage benefit programs to start before or during construction, because this is the period of greatest disruption to the community.[9]

Finally, to ensure benefit programs are tailored to local needs and priorities, it is imperative that communities help co-design benefit programs, rather than acting solely as passive

[8] CPA (2025), WA Community Benefits Draft Guideline submission, Recommendation 3; CPA (2025), Qld Draft Renewables Regulatory Framework submission, s3.2 on council fees
[9] CPA (2025), WA Community Benefits Draft Guideline submission, Recommendation 18

recipients. [10] Where there are multiple projects in the same region, pooled or coordinated regional benefit sharing can deliver larger legacy outcomes and reduce engagement fatigue.[11]

Recommendations:

- State clearly that community benefits are separate from impact mitigation, landholder payments, and council rates or fees.
- At application for generation authority, assess the community benefit agreement with the Local Government and credible community benefit program plans. Over the project life, assess delivery through the annual report.
- Encourage benefits to commence prior to construction as a social licence criteria.
- Recognise community co-design and regional benefit sharing as conduct that supports the criterion.

9. First Nations (sections 4(1)(c), 9(1)(b))

Section 9(1)(b) is the first time the Code refers to specific initiatives for Aboriginal and Torres Strait Islander peoples.

First Nations communities have a long history of experiences of a lack of process around free, ongoing and informed consent relating to projects on their ancestral lands. More recently, as a result of the social merit criteria and First Nations carve outs in the Capacity Investment Scheme, and the First Nations Renewable Energy Strategy, we have seen at least two dozen partnership projects being developed by commercial entities with First Nations partners, including several proposals in Queensland. The First Nations Clean Energy Network tracks First Nations involvement, ownership, and equity in renewable energy projects through a public database.[12] These partnerships involve a wide variety of pathways to ownership:

- Developers are gifting First Nations project equity in exchange for land access;
- First Nations have negotiated sweat equity in exchange for cultural heritage and environmental services;
- First Nations have negotiated large equity shares convertible at financial close should First Nations groups have access to large pools of finance;
- First Nations and developers have embarked on joint venture projects;
- Equity has been earmarked in the form of community infrastructure such as manufacturing and housing;

[10] CPA and RE-Alliance (2026), FMIA Community Benefit Principles submission, 'Delivery Mechanisms'; CPA (2025), WA submission, Recommendations 12 and 13

[11] CPA (2025). Guide to regional benefit sharing, cpagency.org.au/resource/guide-to-regional-benefit-sharing/

[12] First Nations Clean Energy Network (n.d). *First Nations Energy Projects*.

- First Nations have been granted options to take over assets at the end of typical economic life.

Queensland has not been as proactive as other states in Australia to recognise native title and this has limited the development of partnerships on native title land. In addition, many organisations lack both First Nations relationships and cultural competencies. They fear First Nations partnership projects failing and resulting reputational damage. Developers may avoid projects on DOGIT (Deed of Grant in Trust) land under care by Aboriginal Shire Councils for these reasons. We strongly recommend that the Code consider these developments and supports proponents to engage with First Nations communities not simply as stakeholders, but as rights-holders and partners in their own right. To ensure that the Code upholds free, prior, and informed consent and self-determination, we strongly recommend explicit recognition of the First Nations Clean Energy Network's best practice principles for clean energy projects:

1. **Engage respectfully:** Engagement must begin at the initial planning stage and continue throughout the project's life-cycle, rooted in the right to Free, Prior and Informed Consent (FPIC).
2. **Prioritise clear, accurate and accessible information:** Communities must receive timely, detailed, and clear information about a project's design, impact, and ongoing lifecycle.
3. **Ensure cultural heritage is preserved and protected:** Developers must commit to avoiding damage to cultural sites without exception, and facilitate access for First Nations people to fulfill their obligations to care for Country.
4. **Protect country and environment:** First Nations representatives must have decision-making authority on any environmental protection committees overseeing the project.
5. **Be a good neighbour:** Communities must be consulted on—and involved in mitigating—visual, noise, traffic, waste, and shared water impacts.
6. **Ensure economic benefits are shared:** Clean energy developments must provide tangible economic benefits, recognizing that desired outcomes will differ widely between communities.
7. **Provide social benefits for community:** Projects should deliver local social benefits, particularly addressing energy poverty and replacing unreliable or expensive diesel power.
8. **Embed land stewardship:** Projects should go beyond "doing no harm" by actively enhancing the ecological, cultural, and agricultural value of the land.
9. **Ensure cultural competency:** Companies must build regular cultural competency training into their governance structures, ideally delivered by the local community.
10. **Implement, monitor and report back:** Commitments to the local First Nations community must be structurally embedded into the project's lifecycle, binding future owners and operators.

Finally, we recommend working with experts in this field, such as the First Nations Clean Energy Network, to incorporate these principles in the Code text to ensure that the Code can effectively lift proponents cultural competency, and lift standards of engagement and benefit sharing with Queensland's First Nations people.

Recommendations:

- Refer to Traditional Owners and First Nations communities as rights-holders.
- Reference free, prior and informed consent and self-determination.
- Develop First Nations provisions with the First Nations Clean Energy Network and Traditional Owner groups.

Part C

10. Transfer, disputes and records

CPA supports the Code's approach to generation authority transfers in Section 10, and by gaining confirmation that a transferee has reviewed the Code and understands the obligations transfer to their new authority holder, communities have some certainty that commitments will stay with the project. We noted that the Industry Guidance goes further than the Code by stipulating that the "social licence attaches to the project" and the Regulator will consider whether a transferee honours agreed benefits and commitments. We support this, but it should sit in the Code, not only in guidance.

However, in section 10(3), it states the Regulator "may seek advice from Coexistence Queensland...on the transferee's track record". While Coexistence Queensland would know of a transferee's track record for projects in Queensland, many renewable energy developers operate nation-wide and overseas, and Coexistence Queensland may not have any oversight on their operational track record. Advice on other projects of a transferee should be sought from a wider network of stakeholders who can appreciate the social licence credentials of projects developed elsewhere. By naming one organisation who may have oversight, the Regulator silences any other stakeholders who may have potential insights on a developer's track record.

Recommendations:

- The transfer expectations in the Industry Guidance should be embedded in the Code, so that the transferee must honour existing CBA, engagement, and impact management commitments.
- On transfer, the Regulator should seek advice from a wider network of stakeholders on the transferee's track record in relation to other generating plant it holds, not just relying on Coexistence Queensland.

Contact

Community Power Agency welcomes further engagement with the Treasury Department, Energy Office, or the Clean Economy Expert Panel to ensure that the Code of Conduct delivers genuine community engagement, tangible community benefits and legacy, and strengthen protections and accountability. We can also assist in providing advice and supporting implementation through our work with Queensland councils and communities.

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