

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


Fast-tracking 2032 Olympic and Paralympic Games development in Queensland

2 May 2025

THE BILL

The *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025* was introduced on 1 May 2025.

The Bill amends planning provisions in Queensland:

-  to streamline planning approvals processes regarding 2032 Olympic and Paralympic Games venues, villages and games-related transport infrastructure;
-  to introduce a 'community benefit system' into the Queensland planning framework for prescribed types of development (such as wind farms), through amendments to the *Planning Act 2016*, *Local Government Act 2009*, *City of Brisbane Act 2010* and *Planning and Environment Court Act 2016*.

This Insight discusses the streamlined Games-related development provisions proposed by the Bill.

READY, SET, GO!

The *Brisbane Olympic and Paralympic Games Arrangements Act 2021 (Games Act)* will include a new Chapter 3A containing provisions to facilitate the timely *delivery* of venues and villages and completion of construction of games-related transport infrastructure for the 2032 Olympic and Paralympic Games (**Games**) and facilitate legacy uses.

Venues, villages and games-related transport infrastructure

The provisions apply to authority venues, other venues, villages and games-related transport infrastructure identified by Schedule—

<p>Authority venues</p> <p>17 sites/facilities across Queensland are described, and their corresponding games-related use and legacy use identified.</p>	Schedule 1
<p>Other venues</p> <p>2 sites/facilities on the Gold Coast are described (the Gold Coast Arena at Southport and the Gold Coast Hockey Centre in Labrador), together with their corresponding games-related use and legacy use.</p>	Schedule 2
<p>Villages</p> <p>This schedule is currently blank. It is intended the Games Act will be amended in the future as transactions and design progress for the Brisbane (Bowen Hills), Gold Coast (Royal Pines Resort) and Sunshine Coast (Maroochydore City Centre) Athlete Villages earmarked in the <i>2032 Delivery Plan</i>.</p>	Schedule 3
<p>Games-related transport infrastructure</p> <p>This schedule is currently blank, but as with the villages, the Games Act will be amended to identify this infrastructure. Various definitions in the <i>Transport Planning and Coordination Act 1994</i> and <i>Transport Infrastructure Act 1994</i> are picked up.</p>	Schedule 4

Delivery captures:

- completing the detailed design and construction of the venue or village for its games-related use (including any temporary structures);
- ensuring the venue or village is fit for its game-related use.



KEY PROPOSITIONS

- ▮ The Games Act will avoid the need for development and use related to authority venues, other venues, villages and games-related transport infrastructure to comply with approval requirements under a range of other legislation.

Lawfulness of development, use and activity

The Games Act will make lawful the following—

(a)	development (as defined in the <i>Planning Act 2016</i>) for the construction of— <ul style="list-style-type: none"> • an authority venue, other venue or village to the extent the development is for, or in relation to, a games-related use of the venue or village; or • games-related transport infrastructure
(b)	a games-related use or legacy use of an authority venue, other venue or village
(c)	an activity carried out for the purpose of development in (a)

The above are also referred to as *games projects*.

This deemed lawfulness overrides the approval requirements in the 15 other Acts specified in section 53DD—

- the *City of Brisbane Act 2010* and *Local Government Act 2009*;
- the *Planning Act 2016* and *Economic Development Act 2012*;
- the *Integrated Resort Development Act 1987* [being the legislation that would otherwise govern development of the athlete village at Royal Pines Resort];
- the *Environmental Protection Act 1994*;
- the *Queensland Heritage Act 1992*;
- the *Environmental Offsets Act 2014*;
- the *Coastal Protection and Management Act 1995*, *Fisheries Act 1994*, *Nature Conservation Act 1992*, and *Vegetation Management 1999*;
- the *Regional Planning Interests Act 2014*;
- the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* and *Water Supply (Safety and Reliability) Act 2008* [note the *Water Act 2000* is not one of the specified Acts].

It is a more extensive list than appears in the *Major Events Act 2014* relied upon to facilitate the Gold Coast 2018 Commonwealth Games. However, unlike the *Major Events Act 2014*, the Games Act does not include in the list the *Land Act 1994* Chapter 3 Part 1 which deals with use of reserves and trust land (such as Carey Park). Separately, however, Part 4 confers



KEY PROPOSITIONS

- ▮ Building work for authority venues and other venues will still need to comply with specified Building Act provisions. Assessable building work for villages will still require building development approval.
- ▮ The Games Act will contain cultural heritage provisions that modify the operation of Cultural Heritage Act.

entitlements to access, connect to, or otherwise use, necessary games infrastructure (to be prescribed by Regulation) which conceivably could include such land as the Games Act definition of *infrastructure* includes land, roads, railways, facilities, services and works. This entitlement is discussed further on page 4 of this Insight.

Building work under the Building Act 1975

For authority venues and other venues	Building work (as defined in the <i>Planning Act 2016</i>) must comply with the relevant provisions identified in section 21(5) of the <i>Building Act 1975</i> for the building work.
For villages	A development permit must be obtained for building work (as defined in the <i>Planning Act 2016</i>) that is otherwise assessable development under the <i>Planning Regulation 2017</i> schedule 9.

Cultural heritage provisions

The amended Games Act will modify the operation of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Act 2003* (Cultural Heritage Acts) in relation to a games project.

Chapter 3A Part 3 of the Games Act provides for an alternative process for development of a cultural heritage management plan (a '**part 3 plan**') by a games project proponent. The alternative process includes:

- The proponent giving the chief executive a cultural heritage notice signifying intention to develop a part 3 plan for the project area.
- A consequential requirement for the proponent to give a negotiation proposal if there is a native title party under either of the Cultural Heritage Acts for the project area.
- If there is no native title party, the giving of an information notice to the representative body under the *Native Title Act 1993* (Cth) section 253.

Part 3 also includes provisions regarding negotiation of a part 3 plan, mediation, a default plan as set out in Schedule 5 of the Games Act, and limitations on stop orders and injunctions.



KEY PROPOSITIONS

- Entitlement to access or connect to, or otherwise use necessary games infrastructure is conferred by the Games Act and the Minister may give infrastructure entities a written direction provide or maintain necessary games infrastructure.

Use of necessary games infrastructure

For a games project development or use, the Games Act confers an entitlement to access or connect to, or otherwise use, any *necessary games infrastructure* (to be prescribed by Regulation) for the purpose of the development or use. *Infrastructure* is defined broadly, including land, roads, railways, facilities, services and works.

The entitlement has the effect of a requisite authorisation otherwise required under another Act and compliance with that authorisation. The entitlement is conferred on:

- the Games Independent Infrastructure and Coordination Authority;
- another entity carrying out the development or use;
- an entity for whom the development or use is being carried out.

If necessary games infrastructure is owned or controlled by a distributor-retailer, a government entity or a local government (each an infrastructure entity), the Minister is empowered to, among other things, give a written direction to the infrastructure entity to provide or maintain the necessary games infrastructure. This direction may only be given in the circumstances specified in section 53EB(5).

Village infrastructure charges

Chapter 4 Part 5 of the Games Act will include provisions directed at enabling a contribution to be recovered from the owners of land on which the villages are located towards infrastructure costs relating to:

- development for villages;
- use of villages;
- access or connection to, or other use of, necessary games infrastructure for the purposes the above development or uses.

To this end, a Regulation may prescribe:

- development for, or use of, a village (to which Chapter 4 Part 2 applies) to which a village infrastructure charge may be imposed;
- necessary games infrastructure for which a village infrastructure charge may be imposed;
- the amount of a village infrastructure charge, or the way the amount of the charge must be worked out;
- the entities to which a village infrastructure charge may be payable.



KEY PROPOSITIONS

- The Games Act deals with circumstances in which a village infrastructure charge may be imposed.
- The Games Act creates exemptions from paying infrastructure charges under other regimes.
- Civil proceedings and other challenges to decision-making are curtailed.

The Minister is empowered to impose a village infrastructure charge on the owner of land on which all or part of the village is located, if one or more of the circumstances in section 53EE(1) apply. The required content of a village infrastructure charge notice is specified in Part 5. The village infrastructure charge is payable by the owner of the land and attaches to the land on which the village is located.

Section 53EF provides exemptions from liability to pay infrastructure charges under other regimes (ie. the *Economic Development Act 2012*, *Planning Act 2016* and *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* or other financial contribution or charge under another Act). The exemption does not extend to charges for ongoing provision of water, gas, electricity or another service using the infrastructure.

Civil proceedings and challenges to decision-making curtailed

The ability to start a civil proceeding in relation to the development, use or activity is precluded if there is a reasonable prospect it will prevent timely delivery of an authority venue, other venue or village or timely completion of games-related transport infrastructure.

Unless decided by the Supreme Court to be affected by jurisdictional error, administrative decisions related to delivery of an authority venue, other venue or village, the construction of games-related transport infrastructure or the making of a part 3 plan are final and conclusive and can not be challenged, appealed, reviewed or otherwise called into question under the *Judicial Review Act 1991* and also not subject to declaratory or other injunctive relief.

In summary, as far as enabling delivery of venues, villages and games-related transport infrastructure outcomes for the 2032 Olympic and Paralympic Games, on commencement of the Games Act amendments, it will be ready, set, go!



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