
**PROPOSED CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE
PLANNING ACT 2016**

3260 MONKLANDS ROAD, ALPHA

Pursuant to section 102 of the *Planning Act 2016* (the Planning Act), I give notice that I am proposing to call in and assess and decide a development application by Waratah Coal Pty Ltd, for a 1,400 Megawatt (MW) ultra-supercritical (HELE — High Efficiency Low Emissions) power station (the development application) located at 3260 Monklands Road, Alpha.

The development application is for a development permit for a material change of use – public utility (1,400MW power station and associated infrastructure including access roads and substation) Environmentally relevant activities (ERA 14 – electricity generation, ERA 16 – extraction and screening activities, ERA 50 – Mineral and bulk material handling, ERA 60 – waste disposal and ERA 63 – sewerage treatment); and Hazardous chemical facility, under the *Jericho Shire Planning Scheme 2006 V2* (Planning Scheme).

The code assessable development application is for a proposed non-rural use on a site included in the Rural zone under the Planning Scheme.

The documentation for the development application can be accessed through the Barcaldine Regional Council's website at:

<https://www.barcaldinerc.qld.gov.au/downloads/download/190/da221920-waratah-coal-pty-ltd>

The application is within the referral assessment period and a decision notice has not been given to the applicant.

On 2 March 2020, the application was referred to the State Assessment and Referral Agency (SARA) due to the proposed use meeting the thresholds for the following Environmentally Relevant Activities (ERAs) and a hazardous chemical facility:

- ERA14 (Electricity Generation) - over 150MW
- ERA 16 (Screening) - 3(c) More than 1,000,000t per annum
- ERA 50 (Bulk Material Handling) - 2 x 180,000t stockpiles
- ERA 60 (Waste Disposal) - Fly Ash - 1(d) More than 200T of Regulated Waste
- ERA 63 (Sewage Treatment) - 1(a)(i) - more than 21 but less than 100EP treated effluent to trench filtration or irrigation.

The application has also been referred to Powerlink and Ergon Energy.

Two hundred and ninety-eight requests have been received in relation to the exercise of the Planning Minister's call in powers for this application.

Reasons for the proposed call in

Under section 91 of the Planning Act, I may call in a development application only if the application involves, or is likely to involve, a state interest. A state interest is defined in Schedule 2 of the Planning Act as '*an interest that the Minister considers—*

- (a) affects an economic or environmental interest of the State or a part of the State; or*
- (b) affects the interest of ensuring this Act's purpose is achieved.'*

I consider the proposed development involves, or is likely to involve:

- economic interests of the state or part of the state, and
- environmental interests of the state or part of the state, and
- ensuring the Planning Act's purpose is achieved.

Economic and environmental state interests

I consider the application involves or is likely to involve economic and environmental interests of the State, or a part of the State, including for the following reasons:

1. The application is for the development a new coal-fired power station to service the public network as well as local power needs for the Galilee Coal Project. As such, the application will have a bearing on the supply and pricing of electricity which is a matter of economic interest to the State.
2. The proposal for a new coal-fired power station will also have a bearing on the State's renewable energy target of 50% by 2030, the ten-year Energy Plan currently under development and the state and national commitments to achieve net zero emissions by 2050.
3. I consider the proposed development is of a scale that will impact on regional employment opportunities including certainty of employment within the existing energy supply chain.
4. Further, the proposed development is of a size and location that will impact on matters of state and potentially national environmental significance, including ground water, threatened species, air quality, and greenhouse gas emissions.
5. The proposed development is also of a size and location that will impact surrounding land uses, including agriculture.

Achieving the purpose of the Planning Act

I consider the application involves, or is likely to involve, the state interest of ensuring the purpose of the Planning Act is achieved, because:

1. The application is being assessed against the former Jericho Shire Council planning scheme, adopted in 2006.
2. As identified in the council's information request, a development of this scale has not been anticipated by the *Jericho Shire Planning Scheme 2006* and on the basis of the following:
 - the planning scheme categorises an application for a significant development with complex assessment requirements as code assessable, constraining the assessment and decision-making considerations and processes for the application
 - the Rural Zone Code being the key planning scheme assessment benchmark, focuses primarily on the protection of rural activities and the rural amenity of the zone

- the planning scheme does not include a use code or other development codes for assessing a development of this type or scale and
 - due to the outdated nature of the planning scheme it does not appropriately reflect the current SPP, including relevantly the state interest of Energy and water supply, nor the Regional Plan.
3. I am satisfied neither the planning scheme, the SPP or Regional Plan provide appropriate assessment benchmarks to fully assess an application of this type, being a significant development with complex and competing impacts and benefits.
 4. Further, the key assessment material and assessment benchmarks available to SARA as a referral agency (namely codes 21 and 22), are also considered to be inadequate to fully and properly assess this application.
 5. As a code-assessable application, the proposed development is not required to publicly notified. I consider that to achieve a transparent and accountable system of land-use planning, the local community and interested members of the public should be afforded the right to comment on a proposal of this magnitude.
 6. In summary, the relevant planning instruments are inadequate to support a proper assessment of the proposed power station.
 7. On this basis, I consider this application for the development of a new power station is being assessed against planning instruments and assessment criteria that are deficient and inadequate to assess a power station of this type and scale.

I am proposing to call in this application for the following reasons:

1. I consider that the proposed development involves, or is likely to involve, the state interests set out above.
2. The application is for the development of a new coal-fired power station. The development of renewable energy sources, including achieving the targets of 50% renewable energy by 2030 and net zero emissions by 2050 is of importance to the state. This is reflected in the various planning instruments, Queensland Climate Action Plan and Australia's Long Term Emissions Reduction Plan.
3. The power station is asserted to generate employment opportunities and electricity supply for the state.
4. The Queensland Government is progressing the development of a ten-year Energy Plan. I consider the proposed development is relevant to, and should be assessed in the context of, the Energy Plan.
5. Given the significance of the development, and its potential impacts, a full and proper planning assessment is required. The department considers:
 - the relevant planning instruments and assessment criteria are deficient and inadequate to assess a power station of this type and scale and
 - importantly, the planning scheme categorises this significant development, with complex assessment requirements, as code assessable, constraining the assessment and decision-making considerations and processes for the application.
6. Should the application be called in, it will be open to me as the Planning Minister to decide at what stage the assessment process will restart and have regard to any matter I consider relevant addressing the above issues and providing for a full and comprehensive assessment of the application.

7. In accordance with the *Human Rights Act 2019*, I have considered and given proper consideration to the human rights relevant to my decision whether to issue this proposed call in notice. I have been provided with a human rights assessment document prepared by the department to assist my consideration. Based on this, I have determined that my decision to issue this proposed call in notice is compatible with human rights.

Proposed call in

The process for assessing and deciding the application stops on the day this proposed call in notice is given.

If I decide to call in the development application:

- the process for assessing and deciding the development application under the Development Assessment Rules is proposed to restart at the start of the decision stage; and
- I do not intend to direct the decision-maker to assess all or part of the application.

If I decide to call in the development application, my decision on the development application is taken to be the original assessment manager's decision.

Although my decision is taken to be a decision of the assessment manager, my decision cannot be appealed in the Planning and Environment Court (P&E Court), as the application is an excluded application for the purposes of section 229 and Schedule 1 of the Planning Act.

Representations on the proposed call in notice

Written representations can be made to me about the proposed exercise of my power to call in the development application.

Representations are specifically sought about:

- whether or not the proposed development involves a state interest
- whether or not I should exercise my powers to call in the development application
- any matter stated in this proposed call in notice.

Representations must be made by **5.00 pm on 1 December 2021** to:

Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure
c/- Director, Development Assessment Services
Development Assessment Division
Department of State Development, Infrastructure, Local Government and Planning

Email: ministerial.callin@dcdilgp.qld.gov.au

Post: PO Box 15009
CITY EAST QLD 4002

Findings on material questions of fact and evidence or other material on which findings of material questions of fact were based

Prior to making my decision I was provided with a briefing note and preliminary assessment report (assessment report) prepared by departmental officers dated 5 November 2021. I have had regard to these documents and the following information in making my decision.

Site and development application details

Name of Applicant	Waratah Coal Pty Ltd
Approved development	Development permit for Material change of use for Public utility (1,400MW power station and associated infrastructure including access roads and substation) Environmentally relevant activities (ERA 14 – electricity generation, ERA 16 – extraction and screening activities, ERA 50 – Mineral and bulk material handling, ERA 60 – waste disposal and ERA 63 – sewerage treatment); and Hazardous chemical facility
Applicable planning scheme	<i>Jericho Shire Planning Scheme 2006 V2</i>
Land zoning	Rural zone
Level of assessment	Code
Site address	3260 Monklands Road, Alpha, QLD, 4724
Real property description	Part of Lot 2 on SP136836
Assessment manager	Barcaldine Regional Council
Referral agencies	State Assessment and Referral Agency (SARA), Powerlink, Ergon Energy
Date application properly made	7 February 2020
Date of SARA information request	23 March 2020
Date of council information request	2 April 2020
Date of council further advice	31 August 2020
Date of response to council information request and further advice	23 September 2020
Date of SARA further advice	4 November 2020
Date of response to SARA further advice	8 December 2020
Date of SARA decision	Application currently under referral agency assessment
Date of Council decision	Application currently under assessment
Date decision notice given by the council	Application currently under assessment

Requests to call in the development application

Two hundred and ninety-eight requests relating to the exercise of my powers to call in the development application have been received.

I was provided with a copy of the requests as well as a summary of the issues raised in the requests. This summary is included in the department's assessment report and the requests are included within the report.

The requests raise a number of issues including matters which are potentially relevant to whether the proposed application involves matters of state interest in particular with respect to the economic and environmental interests of the state and the purpose of the Planning Act.

I have had regard to these issues in making my decision.

The council's decision

The application is in the referral period and a decision notice has not been given to the applicant.

Submissions

As the application is code assessable it does not require public notification.

State interests

Under section 91 of the Planning Act, I may call in a development application only if the application involves, or is likely to involve, a state interest. A state interest is defined in schedule 2 of the Planning Act as '*an interest that the Minister considers—*

- (a) affects an economic or environmental interest of the State or a part of the State; or*
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The material I was provided with included a summary of the potential state interests that this development involves or is likely to involve, together with discretionary grounds relevant to the decision whether to issue the proposed call in notice. I have had regard to these in determining that the development application involves, or is likely to involve, a state interest and in deciding to exercise my power to issue this proposed call in notice.

Documents considered

In forming my decision to propose to call in the development application, I had regard to the following material:

Documents
Departmental briefing note (Reference: MBN21/1652) and attachments, including: <ul style="list-style-type: none">• Preliminary Assessment Report prepared by the department including schedules• draft proposed call in notice• draft correspondence to the assessment manager, applicant and the referral agencies enclosing the proposed call in notice• Draft form of correspondence to the requestors and landowners enclosing the proposed call in notice.

Legislation and statutory instruments relevant to my decision are:

- *Planning Act 2016*
- Planning Regulation 2017
- State Planning Policy July 2017
- Central West Regional Plan 2009
- *Jericho Shire Planning Scheme 2006 V2.*
- Australia's Long Term Emissions Reduction Plan
- Queensland Climate Action Plan 2030

Dated: 9 NOVEMBER 2021



**STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure**