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**CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE *SUSTAINABLE PLANNING ACT 2009***  
**SOLAR FARM, CLARE, BURDEKIN SHIRE COUNCIL**

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Pursuant to section 425 of the *Sustainable Planning Act 2009* (SPA), I hereby call in to reassess and re-decide a development application by FRV Services Australia Pty Ltd c/o URS Australia Pty Ltd, for a solar farm at 82, 124 and 196 Shadforth Road, Clare Qld 4807. The development application is for a development permit for material change of use for a solar farm (use not defined) under the *Burdekin Shire Planning Scheme 2011*.

The Burdekin Shire Council (the Council) approved the development application, subject to conditions, on 18 May 2015.

**State interests**

Under section 424 of SPA, I may call in a development application only if the development involves a State interest. A State interest is defined in Schedule 3 of SPA as:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or*
- (b) *an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.*

I consider the proposed development involves the following State interests:

- a) The development is of an economic and environmental interest of the State or a part of the State, due to the following:
  - i) the proposal will complement the existing energy supply with a renewable energy source that will service industrial development and economic growth within its region
  - ii) the proposal will provide significant economic investment and activity to this part of the State through the provision of 200 construction jobs and five ongoing operational jobs
  - iii) the proposal will diversify Burdekin Shire's local economy by providing a safe, reliable and affordable alternate energy source
  - iv) the proposal will not cause environmental damage as it is proposed to be located on a site already disturbed through agricultural activities
  - v) the proposal is appropriately located as it will be co-located with the existing Clare substation
  - vi) the maintenance of sufficient areas of Good Quality Agricultural Land (GQAL) and the potential impacts on the reduction of GQAL that may impact on the viability of agricultural industries and/or water supply scheme
  - vii) the potential impact on the health and safety of the surrounding community.

### **Reasons for the call in**

I have decided to call in this development application for the following reasons:

- I consider that the proposed development involves the State interests set out above
- the prolonged, further assessment of the proposed development through an appeal to the Planning and Environment Court is likely to adversely affect the making of a timely decision in relation to the development of the site
- if the matter is not resolved expeditiously, the Burdekin community could be deprived of an important new project that will could contribute to much needed economic development and jobs for this local economy.

### **Integrated Development Assessment System**

The Integrated Development Assessment System (IDAS) process will re-commence at the start of the decision stage.

### **Assessing and deciding the development application**

I do not intend to reassess and re-decide the application having regard only to the State interests for which the application is called in. I will reassess and re-decide the development application under the normal assessment and decision provisions of SPA.

### **Planning and Environment Court Appeals**

Pursuant to section 427(5) of SPA, my decision as the assessment manager cannot be appealed in the Planning and Environment Court.

Any Planning and Environment Court appeal made before the application is called in will be of no further effect, as provided for in section 427(6) of SPA.

## Findings on material questions of fact

### *Particulars of the development application*

<b>Name of Applicant</b>	FRV Services Australia Pty Ltd c/o URS Australia Pty Ltd
<b>Date application properly made to the Council</b>	12 December 2014
<b>Date of decision notice issued by the Council</b>	18 May 2015
<b>Development approval sought</b>	Development permit – Material change of use – Solar farm (use not defined)
<b>Applicable planning scheme</b>	Burdekin Shire IPA Planning Scheme 2011
<b>Land zoning</b>	Rural zone
<b>Level of assessment</b>	Impact
<b>Site address</b>	82, 124 and 196 Shadforth Road, Clare Qld 4807
<b>Real property description</b>	Lot 241 on SP199878, Lot 242 on GS1028 and Lot 243 on GS1029
<b>Referral agencies</b>	<ul style="list-style-type: none"><li>• Ergon Energy – Advice</li><li>• Powerlink – Advice</li></ul>
<b>Submissions received by the Council</b>	Five valid submissions and one invalid submission were received by the Council about the application.

### **Consideration of call in**

I gave a proposed call in notice for the development application which was dated 27 July 2015. My reasons for giving the proposed call in notice form part of my reasons for giving this call in notice.

The proposed call in notice invited representations 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 and any matter stated in the proposed call in notice.

The representation period closed on 19 August 2015.

## Written representations

A total of 12 representations were received. Three of the representations advised that the development application involves State interests. Three representations stated that I should exercise my ministerial call in powers to reassess and re-decide the development application.

Table 1 below provides a summary of the representations received.

**Table 1 : Summary of representations received**

State interest		
There is a State interest	There is no State interest	N/A – did not identify
3	4	5
Call in		
Support	Oppose	N/A - did not identify
3	4	5
Comments on IDAS stage		
Decision stage	N/A - did not identify	
0	12	

Section 424C(1) of the SPA provides:

*The Minister must, after considering all representations made to the Minister in the representation period for the application, decide—*

*(a) to call in the application; or*

*(b) not to call in the application.*

There is therefore an express statutory requirement for me to consider all the representations which have been made to me before I decide whether or not to call in the application.

I made the following findings in relation to the representations:

**Table 2 : Matters raised in representations in relation to identified State interests**

Economic	Response
The development will create up to 200 jobs during the construction phase and up to five ongoing full time jobs.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will provide significant economic investment and activity to this part of the State through provision of 200 construction jobs and five ongoing operational jobs.</li> </ul> <p>I consider the State interest in the proposed call in notice does not need to be amended in response to this representation.</p>
The development will provide indirect opportunities for the local business community including accommodation and services.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will provide significant economic investment and activity to this part of the State through provision of 200 construction jobs and five ongoing operational jobs.</li> </ul> <p>Although the exact economic figures have not been confirmed with regard to the flow on effects to the broader economy, I consider that the development proposal will have indirect economic benefits in terms of overall investment and jobs created in this part of the State, as indicated in the above State interest.</p> <p>I consider the State interest in the proposed call in notice does not need to be amended in response to this representation.</p>

The development will generate renewable electricity to power around 65,000 Queensland homes.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will complement the existing energy supply with a renewable energy source that will service industrial development and economic growth within its region.</li> </ul> <p>I consider the State interest in the proposed call in notice does not need to be amended in response to this representation.</p> <p>I will liaise with the Department of Energy and Water Supply (DEWS) during the reassessment of the development application.</p>
The development provides an opportunity to diversify the local economy that is heavily dependent on the sugar industry.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will diversify Burdekin Shire's local economy by providing a safe, reliable and affordable alternate energy source.</li> </ul> <p>I consider the State interest in the proposed call in notice does not need to be amended in response to this representation.</p>
The development provides an opportunity to reduce the cost of energy to electricity consumers on the longer term.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will complement the existing energy supply with a renewable energy source that will service industrial development and economic growth within its region.</li> </ul> <p>I consider the State interest in the proposed call in notice does not need to be amended in response to this representation.</p> <p>I will liaise with DEWS during the reassessment of the development application.</p>
<b>Environment</b>	<b>Response</b>
The proposed development implements renewable energy initiatives.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will complement the existing energy supply with a renewable energy source that will service industrial development and economic growth within its region.</li> <li>The proposal will diversify Burdekin Shire's local economy by providing a safe, reliable and affordable alternate energy source.</li> </ul> <p>I consider the State interests in the proposed call in notice do not need to be amended in response to this representation.</p> <p>I will liaise with DEWS during the reassessment of the development application.</p>
The proposed development proposes a clean source of energy generation that reduces greenhouse gas emissions or around 240,000 tonnes per annum.	<p>The proposed call in notice included the following State interest:</p> <ul style="list-style-type: none"> <li>The proposal will complement the existing energy supply with a renewable energy source that will service industrial development and economic growth within its region.</li> </ul> <p>I consider the State interest in the proposed call in notice does not need to be amended in response to this representation.</p> <p>I will liaise with DEWS during the reassessment of the development application.</p>

**Table 3:** Additional State interests raised in representations

<b>Agricultural land</b>	<b>Response</b>
The development decreases the amount of prime agricultural land.	<p>The proposed call in notice did not include a State interest relating to agricultural land, or relating to reducing the potential conflict between agricultural land and other uses.</p> <p>The site is identified on the State Planning Policy (SPP) mapping (Plan Making) as an Important agricultural area and Agricultural Land Classification (ALC) – Class A and Class B.</p> <p>However, Part E Interim development assessment requirements of the SPP do not include provisions relating to agriculture.</p>

	<p>The Council's Planning Scheme identifies the subject site as Good Quality Agricultural Land under a scheme overlay.</p> <p>On considering this representation, I consider that the proposed call in notice does need to be amended to include an additional State interest being:</p> <ul style="list-style-type: none"> <li>the maintenance of sufficient areas of Good Quality Agricultural Land (GQAL) and the potential impacts on the reduction of GQAL that may impact on the viability of agricultural industries and/or water supply schemes.</li> </ul> <p>I will liaise with the Council during the reassessment of the development application.</p>
<b>Emissions and hazardous activities</b>	<b>Response</b>
<p>The proposed development emits heat, glare and radiation that has adverse impacts on community health and safety.</p>	<p>The proposed call in notice did not include a State interest relating to the representations regarding the protection and mitigation of impacts on surrounding uses, and minimising the health and safety risks to communities.</p> <p>I consider the State interest in the proposed call in notice does need to be amended to include an additional State interest being:</p> <ul style="list-style-type: none"> <li>the potential impact on the health and safety of the surrounding community.</li> </ul> <p>I will liaise with DEWS and Queensland Health during the reassessment of the development application.</p>
<b>Efficient, effective and accountable planning system</b>	<b>Response</b>
<p>The exercise of the power to call in the development application undermines procedural fairness established by the scrutiny that would be achieved by the IDAS process and through the Planning and Environment Court.</p>	<p>The proposed call in notice did not include a State interest relating to efficient, effective and accountable planning and development assessment system.</p> <p>I do not consider that the call in notice needs to be amended to include an additional State interest given the pivotal reasons for the call in are those identified above, and the representations is from the group that has made lodgement of an appeal against the previous Council decision. Scrutiny of the call in process is still achieved by a procedural review process.</p>

I considered all the representations which were made but I consider that the above sets out the findings which are material to my decision.

### **Evidence or other material on which findings of material questions of fact were based**

Informing my decision to call in the development application, I had regard to the following material:

<b>Document</b>
<b>Departmental Briefing Note (MBN15/1360) Ministerial briefing note for Clare Solar Farm, Clare determination of call in signed 28 August 2015</b>
<b>Attachment 1</b> – Copy of representations
<b>Attachment 2</b> – Determination of call in report, prepared by the Department of Infrastructure, Local Government and Planning, August 2015
<b>Attachment 3</b> – Call in notice, prepared by the Department of Infrastructure, Local Government and Planning, August 2015
<b>Attachment 4</b> – Deputy Premier (DP) letter to the Council to call in

Document
<b>Attachment 5</b> – DP letter to applicant to call in enclosing copy of call in notice and extending decision period
<b>Attachment 6</b> – DP letters to advice agencies (Ergon and Powerlink) and enclosing copy of call in notice
<b>Attachment 7</b> – DP letters to advice agencies (Department of Agriculture and Fisheries, Sunwater, DEWS, Queensland Health) and enclosing copy of call in notice
<b>Attachment 8</b> – DP letters to submitters to call in and enclosing copy of call in notice
<b>Attachment 9</b> – DP letter to Planning and Environment Court (P&E Court) and enclosing copy of call in notice
<b>Attachment 10</b> – Preliminary assessment report for the proposed call in notice prepared by the Department of Infrastructure, Local Government and Planning, July 2015
<b>Departmental Briefing Note (MBN15/1263) Notice of proposed ministerial call in for Clare Solar Farm, Clare (Burdekin Shire Council) signed 27 July 2015</b>
<b>Attachment 1</b> - Request from the Council dated 10 July 2015, to call in the development application
<b>Attachment 2</b> - Preliminary assessment report prepared by the Department of Infrastructure, Local Government and Planning, July 2015
<b>Attachment 3</b> - Proposed call in notice, dated 27 July 2015, prepared by the Department of Infrastructure, Local Government and Planning, July 2015
<b>Attachment 4</b> - Ministerial correspondence to affected parties (including the assessment manager, applicant, submitters of which the Minister is aware at the time the proposed call in notice is given and advice agencies) dated 27 July 2015 advising that the Minister is considering calling in the development application, prepared by the Department of Infrastructure, Local Government and Planning, July 2015
<b>Legislation</b>
<i>Sustainable Planning Act 2009</i>
<i>Sustainable Planning Regulation 2009</i>
<b>Other Planning Instruments</b>
<i>State Planning Policy July 2014</i>
<i>Burdekin Shire IPA Planning Scheme 2011</i>

Dated: 28 August 2015



**JACKIE TRAD MP  
DEPUTY PREMIER**

**Minister for Transport, Minister for Infrastructure,  
Local Government and Planning and Minister for Trade**