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

Lot 742 Cherryfield Road, Gracemere and 52949 Burnett Highway, Bouldercombe. Lot 2 on RP613051 and Lot 1 on RP610887

Pursuant to section 102(2) 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 Capricorn BESS Pty Ltd as Trustee for Capricorn BESS Trust, with respect to premises located at Lot 742 Cherryfield Road, Gracemere and 52949 Burnett Highway, Bouldercombe

The development application information is set out below:

Applicant:	Capricorn BESS Pty Ltd as Trustee for Capricorn BESS Trust
Assessment manager:	Rockhampton Regional Council
Properly made date:	14 March 2025, and subject to a change application made on 25 August 2025
Development application:	Development permit for a Material Change of Use for an Undefined use (Battery Energy Storage System) and Reconfiguring a Lot for a Lease (exceeding 10 years)
Category of assessment:	Impact assessment
Referral agencies:	<p>The chief executive of the distribution entity or transmission entity (Powerlink) as advice agency:</p> <ul style="list-style-type: none">• Schedule 10, Part 9, Division 2, Table 1, Planning Regulation – Reconfiguring a lot subject to an easement or near a substation site• Schedule 10, Part 9, Division 2, Table 2, Planning Regulation – Electricity infrastructure (where all or part of the premises are within 100 metres of a substation site or subject to a transmission entity easement for the supply network).
	<p>The chief executive of the Planning Act:</p> <ul style="list-style-type: none">• Schedule 10, Part 9, Division 1, Table 1, Item 1, Planning Regulation - Development application on premises with an infrastructure designation• Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1, Planning Regulation - Development application for reconfiguring a lot on premises within 25m of a state-controlled road• Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1, Planning Regulation - Development application for a material change of use on premises within 25m of a state-controlled road
Decision date:	No decision made by the assessment manager within the decision period under the Planning Act

Current status:

Notice of appeal filed on 10 December 2025 in the Planning and Environment Court, against the deemed refusal of the 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 Planning Minister considers:

1. *affects an economic or environmental interest of the State or a part of the State; or*
2. *affects the interest of ensuring the Act's purpose is achieved.*

State interests

I am satisfied the application involves, or is likely to involve:

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

In forming this view I have had regard to the following matters which I am informed relate to the proposed development:

- The Application includes a battery storage system (BESS), which will have a storage capacity of up to 300MW/4h consisting of the following:
 - Up to 294 BESS containers
 - 98 Inverters and Medium Voltage Power Stations
 - Electrical equipment including primary transformers, high-voltage substation, auxiliary transformers, harmonic filters and control rooms
 - Administrative and Operations & Maintenance buildings and facilities.
- The BESS substation is proposed to be connected to the Bouldercombe (Powerlink) substation via underground cable.
- The site is partly in the Rural zone and partly in the Special purpose zone under the *Rockhampton Region Planning Scheme* (the planning scheme).
- The purposes of the Rural zone code is to:
 - a. ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area;
 - b. recognise that different types of rural land are suited to specific uses such as animal industries, horticulture, cropping, intensive animal industries, intensive grazing and extractive industries;
 - c. prevent the establishment of development which may limit the productive capacity of the land;
 - d. provide for diversification of rural industries where impacts can be managed; and
 - e. maintain the environmental values of all rural land.
- The purpose of the Special purpose zone code is to:
 - a. protect important special purpose sites from the establishment of inappropriate land uses;
 - b. minimise land use conflict and ensure that development does not adversely affect the amenity and characteristics of the surrounding area; and

- c. ensure that development within the zone has appropriate standards of infrastructure and essential services.
- The proposal is one which is at risk of fire hazard including potential hazardous scenarios from Li-ion battery fault, thermal runaway and fire; Li-ion battery fire, toxic smoke plume'; Electrical equipment failure and fire; Transformer internal arcing, oil spill, ignition and bund fire; Transformer electrical surge protection failure and explosion; and Diesel release, ignition and pool fire.
- The development application was impact assessable and 173 submissions were made to the local government (16 of which were not properly made).
- On 28 November 2025 Temporary Local Planning Instrument (TLPI) No. 1 of 2025 – Renewable Energy and Battery Storage Facilities and the Planning (Battery Storage Facilities) as made by the Council took effect, and applied to the premises. The purpose of the TLPI is to further regulate renewable energy facilities and battery storage facilities to ensure development is located, designed and operated to protect the safety of the public, avoid environmental harm and nuisance and protect scenic and landscape amenity values. As the TLPI came into effect after the application was properly made but before it was decided, weight considered appropriate may be given to the TLPI in assessing the application.
- The Council did not make a decision on the development application under the Planning Act. The agenda for the Ordinary Council meeting on 9 December 2025 includes the officer's report for the Application which recommended that the application be approved subject to conditions. The minutes of the Ordinary Council meeting state that the Council resolved that '*The matter lay on the table due to the absence of Portfolio Councillor Planning and Regulation and the Divisional Councillor and the matter is to be dealt with at the first Ordinary Council meeting in January 2026.*'
- I have received two requests to call in the development application, namely:
 - By letter from Mr Glen Kelly MP Member for Mirani dated 18 December 2025. The letter states that the proposal has caused angst and concerns within the local community and should be called in due to matters including:
 - a lack of community engagement and evidence of community opposition through the public submissions received
 - concerns around amenity (noise and light) impacts inconsistent with the current rural zoning
 - concerns with environmental impacts, including land and water contamination concerns with the potential to damage neighbouring agricultural land uses and damage to the Great Barrier Reef if contaminated run off enters the Fitzroy Basin
 - By letter from the Deputy Mayor Cr Drew Wickerson Rockhampton Regional Council dated 6 January 2026, requesting a call in of the application to ensure a strong and rigorous assessment of the application.
- On 10 December 2025 the applicant commenced an appeal in the Planning and Environment Court against the Council's 'deemed refusal' of the application. The notice of appeal identifies that the application should be approved including on the basis that the proposal is consistent with the planning scheme outcomes, contributes to the efficient operation of the electricity network there is a strong need for the electricity infrastructure, supports renewable energy targets and is appropriately located with surrounding land uses, rural character and the natural environment.
- On 12 December 2025 and after the appeal was commenced:

- The *Planning (Battery Storage Facilities) and Other Legislation Amendment Regulation 2025* (Amendment Regulation) commenced, which applies the State's community benefit system to battery storage facilities, requiring new development proposals to be subject to social impact assessment and a community benefit agreement under the Planning Act. The Explanatory Notes to the Amendment Regulation identify that the new framework provides the ability to identify, avoid, manage, mitigate and counterbalance the indirect and cumulative social impacts from these developments;
- State Development Assessment Provisions State Code 27: Battery storage facility development commenced. The purpose of the Code includes ensuring that development for a battery storage facility addresses hazards and environmental risks and does not result in unacceptable adverse impacts on individuals, communities, the environment, and infrastructure and services.

More specifically, I am satisfied that the application involves or is likely to involve the following economic and environmental interests of the State or part of the State, as well as the purpose of the Planning Act:

1. The State Planning Policy dated July 2017 (SPP) sets out the planning and development assessment policies regarding matters of State interest. I consider the following State interests as identified in the SPP are relevant:
 - **Planning for economic growth** – Planning plays a critical role in achieving economic growth. It needs to encourage growth in Queensland's traditionally strong primary industries, and construction and tourism sectors, while also supporting new and emerging sectors to grow and prosper.
 - Agriculture – The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector. The SPP notes that agriculture is essential to Queensland's economic productivity, employment and the supply of food, fibre, fish, timber and foliage and for ensuring food security for domestic and international markets.
 - **Infrastructure** – State and local government and the private sector plan, deliver and facilitate a wide range of infrastructure for transport, energy, water, roads, airports, ports and public utilities. This infrastructure drives our economy and provides essential services and facilities to communities across the state.
 - Energy and water supply – The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled. The SPP states that providing safe, reliable and affordable energy and water supply is vital to meeting the basic needs of communities and to ensuring a liveable, sustainable and prosperous Queensland.
 - **Liveable communities and housing** – Liveable communities are well-serviced, accessible and attractive environments that provide the foundations for a healthy sustainable and prosperous Queensland.
 - Liveable communities – Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life. The SPP states that planning ensures that decisions about appropriate development support the housing, employment, education, infrastructure, and other needs of the community. Planning should support positive and innovative responses to current and future challenges and ensure development outcomes will benefit Queensland's communities in the long-term.

2. The Central Queensland Regional Plan (the regional plan) came into effect in October 2013 and is a state planning instrument that establishes integrated planning and development assessment policies concerning matters of State interest to the region. I am satisfied that the following policies about State interests are relevant to the proposed development:
 - **Infrastructure** – Infrastructure within the regional plan area recognises that a priority outcome is for the region to grow its energy generation capabilities. The proposed development includes a battery storage facility which will have a storage capacity of up to 300MW / 4 hours. It is adjacent to an existing substation facility operated by Powerlink.
 - **Environment and Heritage** – The region is dominated by the Fitzroy River basin, which covers an area of 142,600km². It is noted that over the last century the river catchments draining into the Great Barrier Reef have undergone extensive modification as a result of urban, infrastructure, agricultural, industrial and mining developments., and the cumulative effect has created challenges for the region with regard to increased pollutant and sediment loads entering the reef and imposing risks to water quality. The health of waterways is recognised as being pivotal to the prosperity of the region. It is identified that opportunities for protecting water quality are closely linked to investment in the protection of ecological health of estuarine ecosystems and wetlands across the region.
3. The purpose of the Planning Act is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment, and related matters to facilitate ecological sustainability (Planning Act, s 3).

Advancing the purpose of the Planning Act includes:

- Providing opportunities for the community to be involved in making decisions;
- Supplying infrastructure in a coordinated, efficient and orderly way;
- Applying amenity, conservation, energy use, health and safety in the built environment in ways that are cost-effective and of public benefit; and
- Avoiding, if practicable, or otherwise minimising the adverse environmental effects of development (climate change, urban congestion or declining human health, for example) (Planning Act, s 5).

Reasons for Call In

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

1. The proposal involves, or is likely to involve, the state interests set out above.
2. The proposed development includes a battery storage facility which will have a storage capacity of up to 300MW/4h. It is adjacent to an existing substation facility operated by Poswerlink.
3. Accordingly, I am satisfied the development proposes important electricity infrastructure for the area.
4. However, the proposal is partly on Rural zoned land under the planning scheme, which is zoned to ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area.
5. Furthermore, the proposal is within the Fitzroy River Basin, draining into the Great Barrier Reef, with the health of waterways recognised as being pivotal to the prosperity of the region.

6. I consider the proposed development requires a balancing of infrastructure, environmental and community considerations to ensure the responsible delivery of energy infrastructure that safeguards communities and the environment, which can be achieved through assessment under the call in process.
7. The proposal was required to be assessed and decided by Council as assessment manager in accordance with all requirements of the Planning Act, including consideration of submissions received during the public notification period. However, Council did not decide the application with the statutory decision making period under the Planning Act.
8. I have received requests to call in the development application from the State Member and Council, in which strong community opposition to the proposal is identified.
9. The nature of the proposal is that it has the potential for benefits with respect to electricity storage and generation but also social, economic and environmental impacts, and these have not been assessed and decided by the Council.
10. The call in process provides an opportunity to undertake a comprehensive assessment of the application and ensure all matters relevant to the proposed development are fully assessed including but not limited to infrastructure, environmental and community considerations.
11. I have determined that the decision to issue the proposed call in notice is compatible with human rights under the *Human Rights Act 2019*.

Proposed call in

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 confirmation period in the application stage under Chapter 1, Part 1 of the Development Assessment Rules.

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 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 **5.00pm on Thursday 5 February 2026** to:

Deputy Premier
Minister for State Development, Infrastructure and Planning
Minister for Industrial Relations
c/- Director, Improvement and Assessment Division
Planning Group
Department of State Development, Infrastructure and Planning

Email: ministerial.callin@dsdip.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

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

Documents

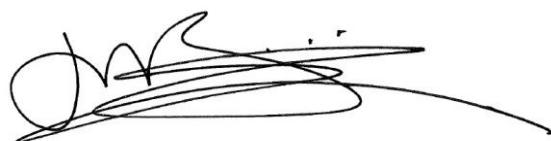
Departmental briefing note (Reference: MBN26/27) and attachments, including:

- Preliminary Assessment Report prepared by the Department
- draft proposed call in notice
- draft human rights assessment
- draft correspondence to the assessment manager, applicant, referral agencies (other than the Chief Executive), submitters, Mayor Williams and Glen Kelly MP, Member for Mirani enclosing the proposed call in notice.

Legislation and statutory instruments relevant to my decision are:

- *Planning Act 2016*
- *Planning Regulation 2017*
- *Human Rights Act 2019*
- *State Planning Policy July 2017*
- *Central Queensland Regional Plan*
- *Rockhampton Region Planning Scheme*

Dated: 07 January 2026



**JARROD BLEIJIE MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning
Minister for Industrial Relations**