CTS: 13911/19
eDOCS:

Department of Natural Resources, Mines and Energy
MINISTER'S BRIEFING NOTE – Dr Anthony Lynham MP

Policy Advisor.....	sch4p4(6) Perso .....OK
Chief of Staff	.....OK
Approved / Not approved / Noted	
Minister	
Dated	30/8/19

SUBJECT: Letter to Sunwater regarding government consideration of the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvement Project Detailed Business Case.

TIMING: Routine

RECOMMENDATION:
It is recommended that you:
a. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality
b.

KEY ISSUES:
1. Building Queensland (BQ), in collaboration with Sunwater, has completed the DBC for Nullinga Dam concluding that it is not financially or economically viable under any scenario.
2. The DBC was considered by government on 2 August 2019. Key decisions include:
   - The project will not progress to construction at this time as it is not financially or economically viable.
   - The state will take steps to protect the Nullinga Dam site as a precautionary measure for the future.
   - Sunwater will undertake the following work to help address identified demand in the region:
     - Continuation of the MDWSS Efficiency Improvement Project for those activities that have secured National Water Infrastructure Development Fund (NWIDF) funds.
     - Investigate alternative bulk water supply options including the North Johnstone Diversion.
     - Explore options to convert medium priority allocations to high priority allocations to encourage investment in high-value fixed plantings.
     - Collaborate with DNRME to consider changing the water year to three months later to improve hydrologic performance in the system.
     - Continue to strengthen the water ordering process.
3. Sunwater, as the proponent of the project, sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prej sch3(2)(1 It is proposed to formalise this advice in a letter to the board and indicate State Government encouragement of the activities identified above (**Attachment 1**).
4. Sunwater would undertake these activities within its usual work program and budgetary cycles.
5. BQ has prepared a public release version of the DBC which has been released on the BQ website.
6. The public release version has been developed, removing sensitive information including:
   - commercial-in-confidence information
   - market-sensitive information (e.g. sections linked to market sounding)
   - any information that may be attributed to individuals or entities
   - information relating to a deliberative process of government.
7. Ms Linda Dobe, Deputy Director-General, Natural Resources Division, DNRME has provided the public release version to the Australian Government and requested the associated milestone payment be transferred to Queensland Treasury.

Public Version DNRME Disclosure Log RTI Act 2009

Author:	Recommended – ED:
Name: Emma Richter Title/Business Group: RWSI Telephone: 3199 4857 Date: 6/8/19	Name: Bernadette Zerba Title/Business Group: NR Telephone: 3137 4265 Date: 23/8/19

RISK:

8. There are likely to be high community expectations surrounding the progress of a Nullinga Dam. A comprehensive communications strategy has been developed in collaboration with BQ and Sunwater to manage community responses to the outcomes of the DBC.

CONSISTENCY WITH ELECTION COMMITMENTS AND GOVERNMENT OBJECTIVES:

9. N/A.

RESOURCE IMPLICATIONS:

10. Finance / Budget - N/A.
11. HR - N/A.

COMMUNICATION:

12. N/A.

BACKGROUND:

13. The Nullinga Dam has been investigated with funds from the Australian Government's NWIDF as an option to support the expansion of irrigated agriculture and potentially help meet Cairns future urban water supply needs.
14. The Nullinga Dam site is on the Walsh River in Far North Queensland, approximately 55 km south-west of Cairns.
15. The Nullinga Dam has been proposed at various times since the 1950's as a regional bulk water supply option to support the expansion of irrigated agriculture and more recently, to help meet Cairns future urban supply needs.
16. The final DBC was completed by Building Queensland on behalf of proponent Sunwater and funded under the NWIDF.
17. The DBC examined two reference projects in detail. A Nullinga dam yielding 58 000 megalitre per annum (ML/a) and one yielding 74 000 ML/a.
18. Economic and financial analysis of the two reference projects resulted in Net Present Values of -$394.9 Million (M) to -$531M or worse and Benefit Cost Ratios of around 0.1, returning just 10 cents of economic benefits for every dollar invested.
19. While market sounding identified a definite demand for water in the region, demand for allocations only exists at a price of $2000-$3000/ML. The DBC indicates that water from a Nullinga Dam would cost upwards from $15 900/ML under a full cost recovery approach.
20. Future urban supply for Cairns is not required until the 2060's.
21. The DBC identified some non-infrastructure options that Sunwater can undertake to improve access to water in the region, as well as the potential to undertake further investigations into some alternative bulk supply solutions, including the North Johnstone Diversion.
22. A separate Sunwater project called the MDWSS Efficiency Improvement Project, funded under the NWIDF – capital component, is currently underway in the MDWSS and looks to convert at least 8304 ML of water savings to medium priority allocation.

ATTACHMENTS:

23. **Attachment 1** – Letter to Sunwater Board

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Queensland Government

The Hon Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

Ref CTS 13911/19

4 SEP 2019

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PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3719 7360
Email nrm@ministerial.qld.gov.au
www.dnrme.qld.gov.au

Ms Leith Boully
Chairman
Sunwater
PO Box 15536
CITY EAST QLD 4002

Dear Ms Boully

I write to inform you of the outcomes of the Queensland Government's consideration of the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvements Detailed Business Case (the business case). Building Queensland completed the business case on behalf of proponent Sunwater, funded under the National Water Infrastructure Development Fund (NWIDF).

Following consideration of the business case, the Queensland Government supports the findings that a Nullinga Dam is not economically or financially viable under any scenario. As a result, the Queensland Government does not support progressing a Nullinga Dam towards construction at this time.

Building Queensland has developed a public release version of the business case which has been provided to the Australian Government.

sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality

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If you have any questions, please contact Mr Simon Zanatta, Chief of Staff who will be pleased to assist you and can be contacted on 3719 7360.

Yours sincerely

Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

cc The Honourable Jackie Trad MP
Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships

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Release

CTS: 19777/19
eDOCS:

Department of Natural Resources, Mines and Energy
MINISTER'S BRIEFING NOTE – Dr Anthony Lynham MP

Policy Advisor..... sch4p4(6) Personal ....OK
Chief of Staff ....OK
Approved / Not approved / Noted
Minister .....
Dated 9/8/19

SUBJECT: The Queensland Government's submission to Infrastructure Australia's Infrastructure Priority List and Infrastructure Australia's activity update

TIMING: Agency input is requested by sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabine 2019 to ensure inclusion within

sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentia

RECOMMENDATION:
It is recommended that you:

a. **Approve** the following bulk water projects are raised as projects currently being considered and of interest to Queensland in the covering material to the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning's response to Infrastructure Australia (IA):
   - s.73 Irrelevant information
   -
   - Nullinga Dam (outlining that the Queensland Government has considered the detailed business case (DBC)).

b. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality

c.

d. s.73 Irrelevant information

e.

KEY ISSUES:
Infrastructure Priority List

1. s.73 Irrelevant information
2.
3.
4.

Author:	Recommended – ED:
Name: Matt Dwyer Title/Business Group: Regional Water Supply Infrastructure Telephone: (07) 3137 4218 Date: 25 July 2019	Name: Bernadette Zerba Title/Business Group: Executive Director, Water Markets and Supply Telephone: (07) 3137 4265 Date: 30 July 2019

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5. s.73 Irrelevant information

6.

7.

8.

9. Last year Nullinga Dam was also included, along with these two projects, as of interest to the Queensland Government.
10. Given the recent government decisions regarding the Nullinga Dam DBC, it is suggested that Nullinga Dam is referred to in the material provided to IA, to outline the outcomes of government consideration. The Queensland Government has considered the DBC, and the State's position on the proposal was made clear in your media release of 2 August 2019. Consistent with that media release, the State will protect the proposed dam site so that proponents could deliver the project if they secure the necessary funding. At this stage, there are no energy projects that meet the IA's criteria due to their scale or stage of development.

s.73 Irrelevant information

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RISK:
18. N/A.

CONSISTENCY WITH ELECTION COMMITMENTS AND GOVERNMENT OBJECTIVES:
19. N/A.

RESOURCE IMPLICATIONS:
20. Finance / Budget - N/A.
21. HR - N/A.

COMMUNICATION:
22. N/A.

BACKGROUND:

23. s.73 Irrelevant information

24.

25.

26.

27. Last year, the Queensland Government also nominated Nullinga Dam for inclusion on the IPL. Given the conclusions and recommendations of the recently completed DBC, the State does not support construction, and will only take steps to protect the site.

ATTACHMENTS:

28. **Attachment 1** – Proposed draft content for Queensland Government update to IA
Attachment 2 – IA pre-launch presentation on the Infrastructure Audit update

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2019 Australian Infrastructure Audit

Pre-launch engagement

June 2019

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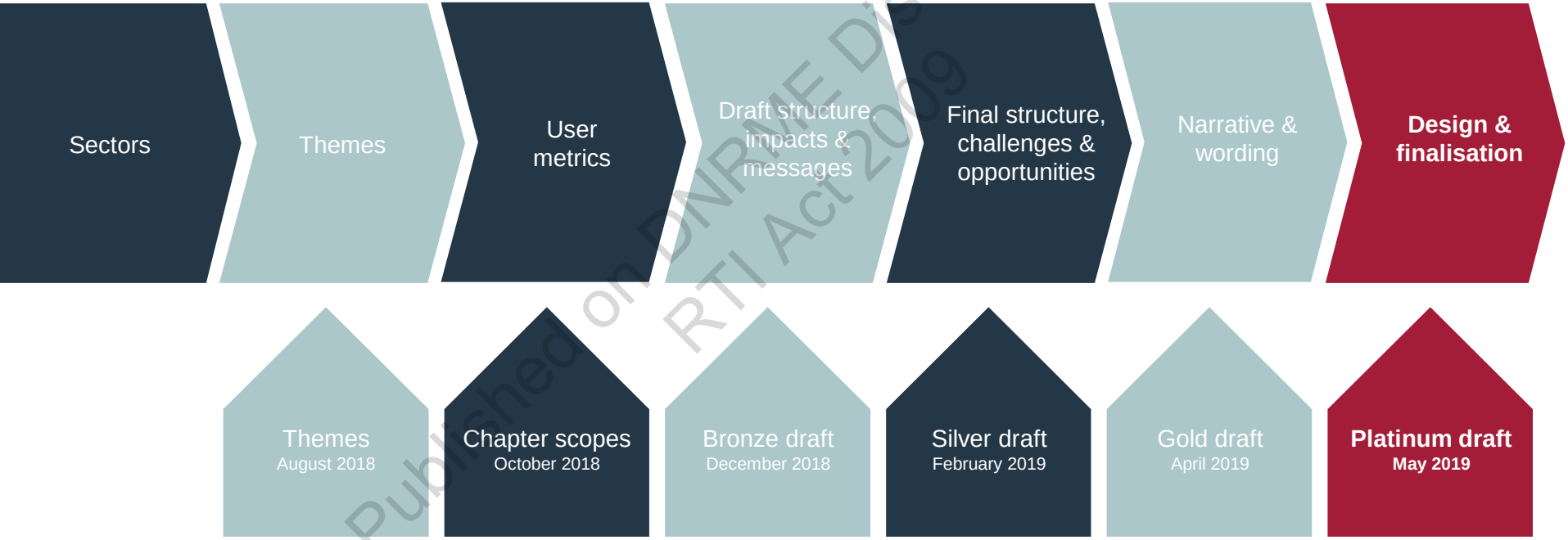
1. Audit overview

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Australian Government | Infrastructure Australia

Current status

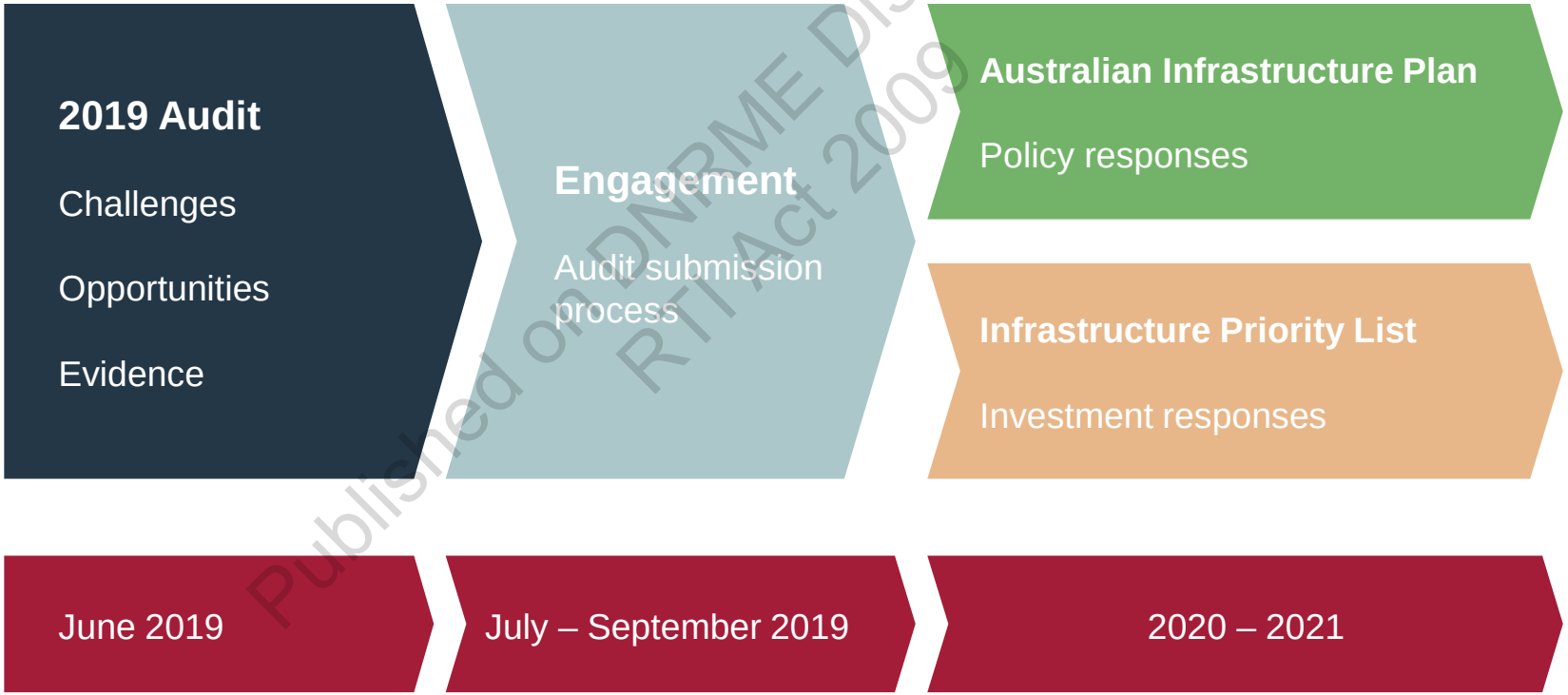


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How we'll use the 2019 Audit



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The approach of this Audit

	2015 Audit	2019 Audit
Format	National Audit, divided by sector (Volume 1) and jurisdiction (Volume 2), and a separate Northern Australia Infrastructure Audit	A single, national Audit, divided by sector and including northern Australia
Metrics	Introduced Direct Economic Contribution to provide a single measure of scale across sectors	Conventional measures of scale and growth
Focus	Networks, assets and cross-sectoral issues	Infrastructure services and user outcomes, focusing on access, quality and cost
Methodology	Analysis-led, drawing out key issues	Theme and issue-led, informed by strategic foresight methods.
Outputs	Findings	Challenges and opportunities, including where and when they will impact infrastructure

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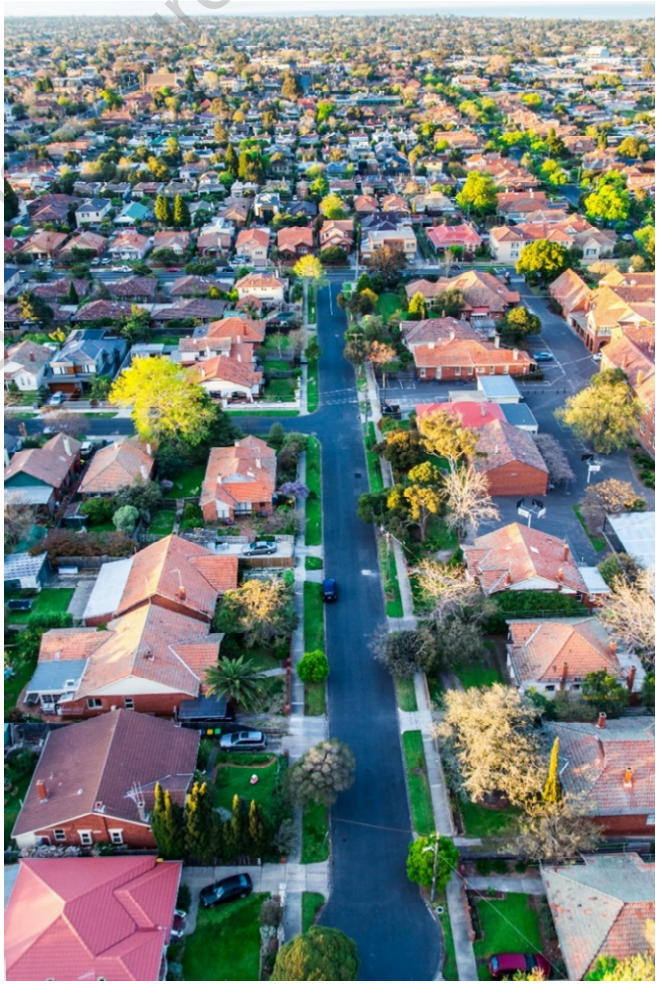
Challenges and opportunities

Challenges

- Where a change in how we deliver infrastructure is required to avoid future costs.

Opportunities

- Where infrastructure could unlock future growth and development.



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Release

Australian Government | Infrastructure Australia

Main document overview

User outcomes
Access
Quality
Cost

Geography
Fast-growing cities
Smaller cities & regional centres
Small towns, regional communities & remote areas
Developing regions & northern Australia

Time
0-5 years
5-10
10-15
15+

1. Introduction
2. Future Trends
3. Infrastructure services for users
4. Industry efficiency, capacity and capability
5. Transport
6. Social infrastructure
7. Energy
8. Telecommunications
9. Water
10. Next steps

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Release

Key messages

Outcomes for users

- **Access:** Access to choice in infrastructure services has improved since the 2015 Audit, largely due to new technology. While access to choice is strongest in fast growing cities, it is weaker in other areas, and for people from lower-socio economic and diverse backgrounds.
- **Quality:** The quality of infrastructure services is high for most Australians in urban areas, however population growth is impacting some services. Low density areas, emerging industries and lower socio-economic groups' needs are not met.
- **Cost:** Average household infrastructure costs have grown in real terms, but decreased as a proportion of household incomes. However, these costs disproportionally impact low income households.

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Key messages

Impacts on communities

- **Fast-growing cities:** Infrastructure in our four largest cities is failing to keep pace with rapid population growth, particularly on the urban fringe.
- **Smaller cities and regional centres:** These areas are growing as service hubs for their neighbouring region, including supporting growth as satellites of fast growing cities.
- **Small towns, rural communities and remote areas:** The quality of infrastructure services for people living in remote communities does not meet the standards Australians expect.
- **Developing regions and northern Australia:** Infrastructure can catalyse quality of life or productivity by improving connectivity and efficiency.

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Key messages

1. Progress has been made since the last Audit in 2015
2. But a new wave of reform and investment is necessary
3. Constant and rapid change is creating challenges
4. Growing social, economic and environmental interdependencies add complexity
5. National productivity and global competitiveness rely on infrastructure networks
6. Infrastructure is supporting structural changes to the economy
7. Infrastructure is largest contributor to emissions, but reductions policy is uncertain

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Key messages

8. New technologies improve user experience but benefits are not shared by all Australians

9. Population growth places pressure on infrastructure in fast-growing cities

10. Infrastructure accessibility, quality and cost differ for users in different places

11. Uncertainty in energy policy impacts reliability and increasing community anxiety around climate change

12. Users are not at the centre of infrastructure planning and decisions

13. Government subsidies for infrastructure often poorly targeted and lack transparency

14. Real-time performance and use data helps to improve decision making

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2. Chapter breakdown

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Future trends

- Everyday lives of Australians shaped by a range of interdependent global and local trends impacting he way we live and influencing how infrastructure is planned, built, used and managed.
- **Seven trends:**
  - Quality of life and equity
  - Cost of living and incomes
  - Community preferences and expectations
  - Economy and productivity
  - Population and participation
  - Technology and data
  - Environment and resilience



Between 2008 and 2018 **71.6%** of **population growth** occurred in our **fast growing cities**

Just over **90%** of Australians own a smartphone



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Infrastructure services for users

- Technology and new service models can improve user outcomes but benefits not evenly shared across Australia
- Average annual infrastructure bill for households is rising and increases hit our most vulnerable hardest
- **Fast-growing cities:** infrastructure services struggle to keep pace with growing and changing needs
- Many **smaller cities and regional centres** have capacity to serve as service hubs and take pressure off fast-growing cities
- Infrastructure service quality in many **small towns, rural areas and remote communities** does not meet an adequate standard

Australian households spent on average **$314.39** on infrastructure per week





4 in 5 Australians believe it is extremely or very important to **consider the views** of **the community** when planning and investing in major infrastructure

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Industry efficiency, capacity and capability

- Infrastructure planning and decision-making falls short of consistent best practice.
- Australia's scale and diversity creates cost challenges for governments, service providers and investors.
- High volumes of infrastructure activity drive competition and capacity challenges in procurement and contracting, risking higher costs in the next 5 years.
- Improved visibility of the near-term pipeline has not been accompanied by better coordination of projects, limiting the capacity for industry to deliver.
- Changes in technology, the economy, user preferences and the environment present mounting risks for the infrastructure sector from, and resilience strategies fall short in providing adequate guidance.



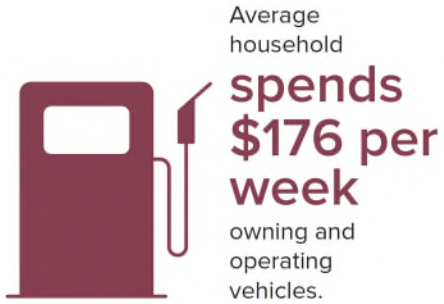
$130 billion
of transport infrastructure projects under construction (2018)

NSW and Victoria
account for around
33%
of planned project activity

Release

Passenger transport

- Urban travel patterns are being more complex and the role of government is changing from delivering to facilitating transport services.
- Access to transport is unequal, particularly for lower income households, people with disability, older people, and those living in rural and remote Australia and the outer suburbs of our fast growing cities.
- The private vehicle market is changing at a rapid pace, with sharing and connectivity already a common feature, the mass rollout of electrification likely to occur in 5-10 years, and autonomous vehicles growing in sophistication over the next 15 years.
- There is a lack of consistency and transparency across Australia for funding and maintaining our transport assets.
- Australia is falling behind in transport emissions abatement and reductions in road fatalities.





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Freight transport

- The performance of our freight networks vary. Australia is home to some world leading mineral supply chains, but urban and agricultural supply chains experience challenges.
- Challenges in fast-growing cities include: poorly coordinated land-use and transport planning, congestion and growth of micro freight.
- The domestic freight network suffers from inefficient regulatory structures, but can benefit from new technologies.
- Regional supply chains are diverse. It is a challenge to provide sufficient infrastructure for seasonal agricultural flows, but freight investments can catalyse regional development.
- Challenges for Australia's waste sector include: growing pressure from population growth, export bans and heightened environmental awareness.





Social infrastructure

- Hospitals, aged care facilities and digital health systems face substantial increases in demand for services and facilities as population grows and ages.
- There are changing population and technological demands being placed on education infrastructure, from childcare and preschool through to tertiary and vocational levels.
- Green spaces, waterways and community sporting facilities provide social, economic and environmental benefits to communities, but fragmented governance can create unequal access, poor quality and higher costs.



Australian Government real health expenditure per person is projected to **more than double** over the next 40 years

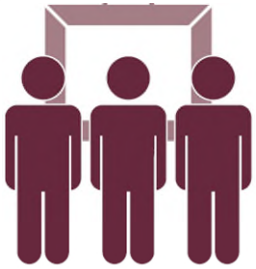
The quality of green, blue and recreational infrastructure is considered better than all other social infrastructure.



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Social infrastructure

- Arts and culture strengthen social inclusion and identity for communities, but the sector faces challenges in providing fit-for-purpose spaces.
- Some Australians struggle to access adequate and affordable housing, in particular those who require social housing, and housing in remote areas.
- Advances in technology in the justice system, and the changing nature of emergencies and disasters, place pressure on ageing assets which may no longer be fit-for-purpose.



3 in every **10** international visitors to Australia in 2017 visited a museum or gallery

1/4 of Australians rate social and public housing as **poor quality**, and likely to **worsen**



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Release

Released under DAWE Disclosure Log
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Energy

- The energy sector is transforming, creating opportunities for new energy sources and consumer preferences, but there are challenges for costs and reliability.
- This transformation is occurring against a backdrop of climate change and ongoing policy uncertainty, with a lack of coordination across Australia's governments on how best to manage changes.
- The cost of energy is rising, but different communities and businesses are impacted in different ways. Better information can help consumers manage their grid energy costs.
- It is a challenge to deliver affordable and reliable electricity infrastructure in rural and remote areas, but there are opportunities to better meet community needs.

Australian electricity prices are now around **10%** above the European average



2 million
rooftop solar systems installed nationally, June 2018

Telecommunications

- Telecommunications infrastructure is becoming more integral to everyday life as the digital economy and reliance on mobile technology grow.
- Substantial investment is occurring to upgrade our telecommunications networks – NBN and 5G – providing new opportunities but also challenges in providing and maintaining new assets.
- Our mobile networks are some of the best and fastest in the world, but we lag on fixed-internet speeds.
- Digital literacy and network reliability differ across the country, with rural and remote areas often left behind.

44%

Proportion of consumers that rate fixed broadband as costly





Australia ranks

6th

on mobile broadband speeds in 2018

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Release

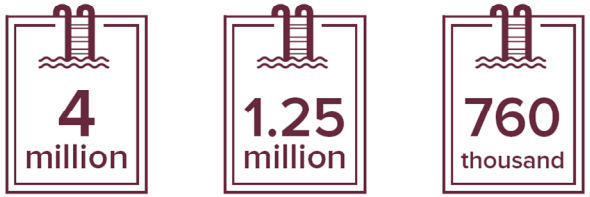
Water

- Challenges facing urban water include: population growth in cities, the impacts of climate change and increasing concerns over the health of our waterways.
- There are challenges facing water and wastewater services in regional and remote communities, and there is a risk that Australia is not meeting acceptable standards in remote communities.
- The value of water is not well understood, resulting in governance structures and decision making processes that do not meet best practice.
- There are challenges in balancing the competing needs for water, and complexity and a lack of transparency in existing water markets is undermining social license and community confidence.



Cost of water per kilolitre for households and industry

Annual water consumption in Olympic swimming pools (2017-18)



Agricultural | Murray-Darling basin | Residential Households

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Release

3. Urban transport crowding and congestion

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What did we do?

- Modelled public transport crowding and road congestion for Australia's six largest urban conurbations:
  - Modelling (four step) undertaken by Veitch Lister Consulting
  - Plus publicly available data
- Analysis uses 2016 base year and forecasts performance in 2031



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Key assumptions

- 2031 is a 'do minimum' scenario from a project, technology and policy perspective
- Only includes projects that are currently under construction, under procurement, or have committed construction funding from all relevant governments
- No change to fuel efficiency, price of fuel (real), public transport fares (real) or tolls (real)
- Cost of parking assumed to increase by 1.5% p.a. due to constrained supply



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Model outputs – a focus on user metrics

- Modal-based demand and performance metrics for:
  - Road (private and commercial)
  - Public Transport (rail, light rail, bus and ferry)
- Traditional modelling results for network performance:
  - Volume/capacity ratios
  - Average speed
  - Delay hours
- New user-focused metrics, including:
  - Percentage of journey time accounted for by congestion
  - Delay per vehicle (mins)
  - Congested travel time (mins)
  - Average travel time to social infrastructure (hospitals, green space, schools and childcare)
  - Percentage of jobs accessible in 30 minutes

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Differences between 2015 and 2019 modelling

- Economic impact of road congestion around $14.5 billion lower than 2015
- Population and employment projection inputs have been updated (particularly Perth)
- Model recalibration
- Measures road congestion and public transport crowding
- Measures access to employment and social infrastructure

Model area	2015 Audit ($ millions)	2019 Audit ($ millions)	Difference
Greater Perth and northern Peel Region	15,865	3,620	-77%
Brisbane GCCSA, Gold Coast and Sunshine Coast	9,206	5,969	-35%
Greater Adelaide	3,747	2,619	-30%
ACT & Queanbeyan	703	504	-28%
Sydney, Hunter & Illawarra	14,790	15,693	6%
Melbourne & Geelong	9,006	10,379	15%

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How we will use the modelling

- To support the transport Challenges and Opportunities in the Audit
- To discuss the benefits and limitations of strategic transport modelling in the Audit
- Published Audit supplementary paper: *Urban transport crowding and congestion*
- As a consideration for business case assessment conducted by Project Advisory



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The limits of current modelling

The model:

- does not consider travel on weekends
- focuses on work trips
- assumes in future, people will behave in similarly
- limits mode choice to existing technology



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Future modelling will need to adapt

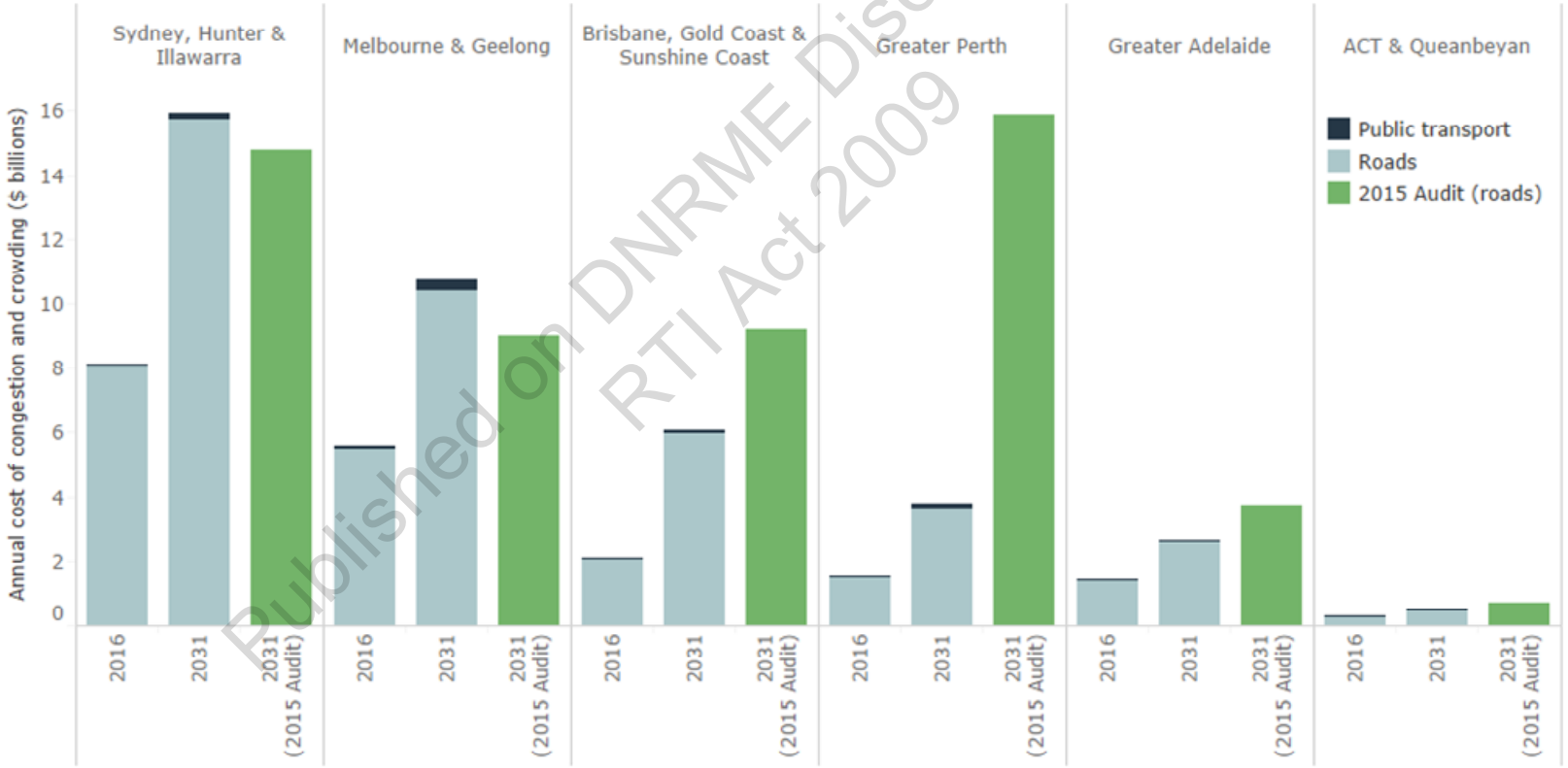
Opportunities

- Consideration of new mobility and the implications of new technology
- Improved data accuracy and consistency
- Use of scenarios to look beyond averages
- New and emerging datasets
- Enhancing model capability

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Results summary



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Results summary

Model area	Cost	2016 ($ millions)	2031 ($ millions)	2031 ($ millions) from 2015 Audit
Sydney, Hunter & Illawarra	Public transport crowding	68	223	N/A
	Road congestion	8,038	15,693	14,790
Melbourne & Geelong	Public transport crowding	75	352	N/A
	Road congestion	5,485	10,379	9,006
Brisbane GCCSA, Gold Coast & Sunshine Coast	Public transport crowding	14	90	N/A
	Road congestion	2,084	5,969	9,206
Greater Perth & northern Peel Region	Public transport crowding	17	159	N/A
	Road congestion	1,525	3,620	15,865
Greater Adelaide	Public transport crowding	1	4	N/A
	Road congestion	1,444	2,619	3,747
ACT & Queanbeyan	Public transport crowding	1	8	N/A
	Road congestion	289	504	703
Total	Public transport crowding	175	837	N/A
	Road congestion	18,865	38,784	53,317
	Congestion and crowding	19,040	39,621	N/A

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4. Social infrastructure assets

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Social infrastructure assets

- Identifying the scale of social infrastructure assets by state and territory
  - Health and aged care; Education; Green, blue and recreation; Arts and culture; Social housing; Justice and emergency services
- Drawn from PC Report on Government Services and individual state and territory agency reports
- Requires verification with states as to accuracy and currency



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5. Next steps

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Release

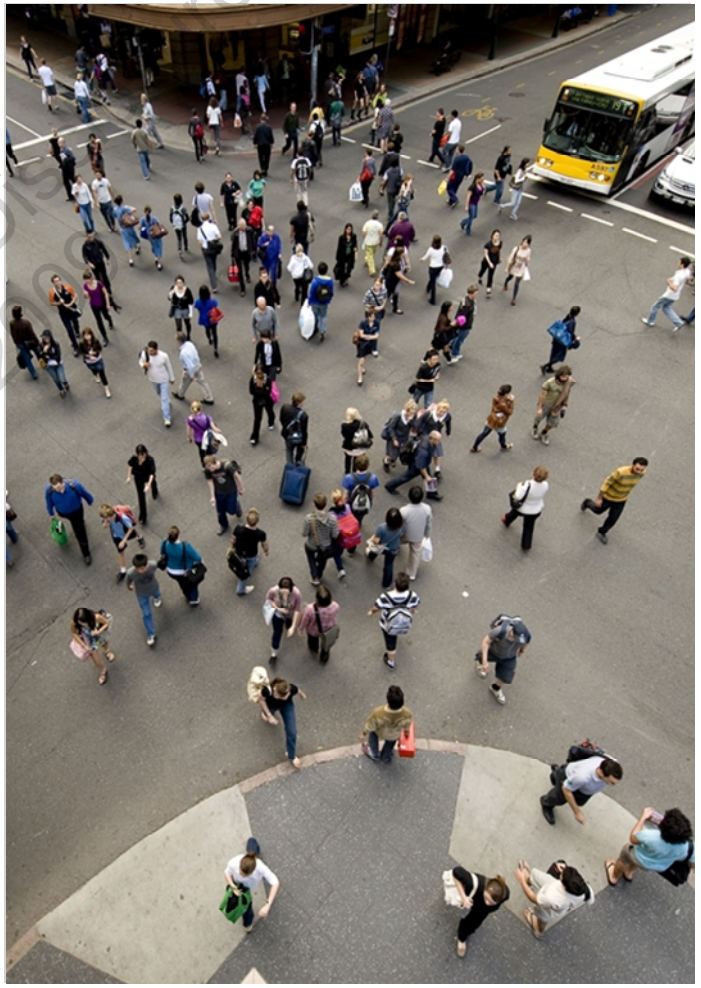
Next steps

Congestion modelling

- Preview of final results with jurisdictions
- Error correction

Social infrastructure asset analysis

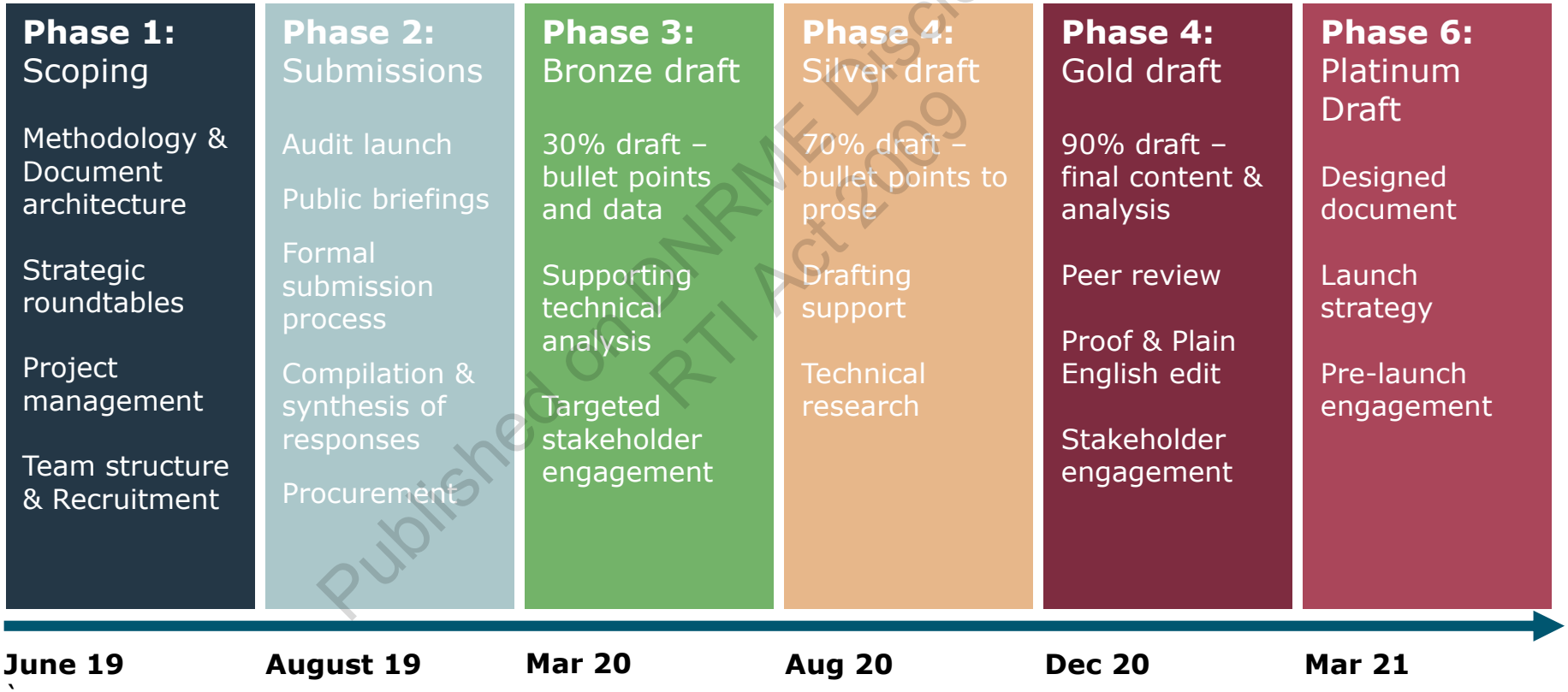
- Testing data accuracy and currency with jurisdictions
- IA has identified potential issues with Report on Government Services



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Indicative Project Timeline



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RTI Act 2009

Appendix

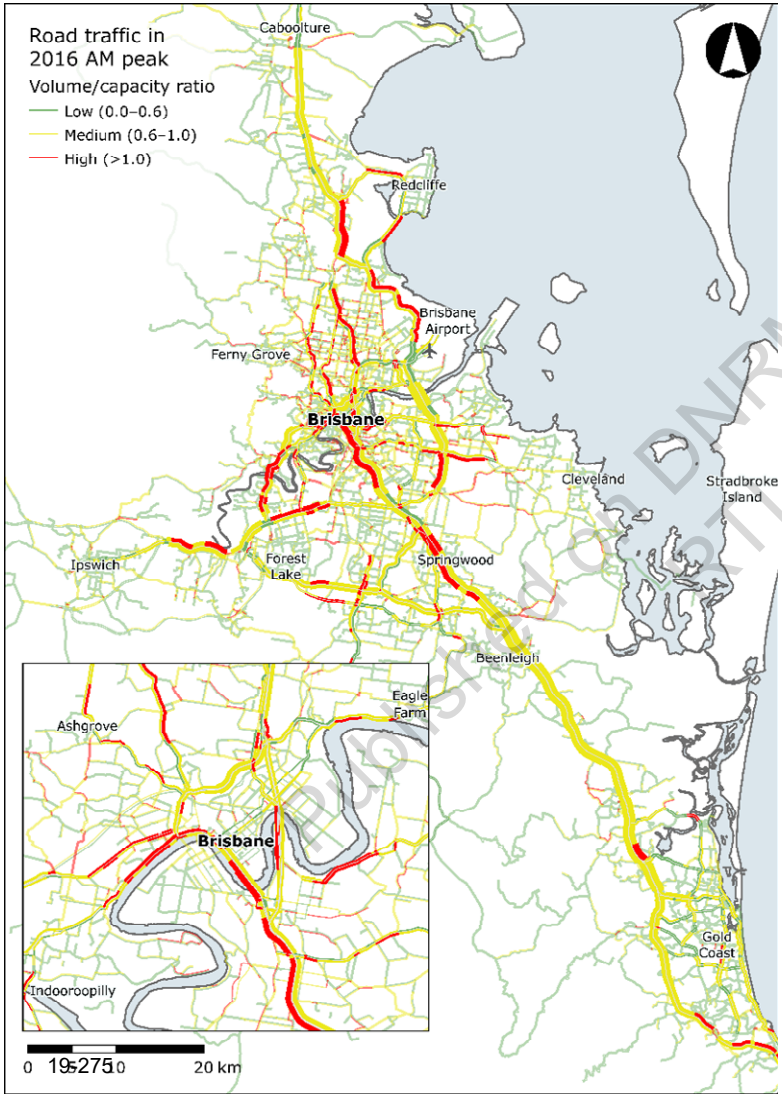
Detailed city results

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RTI Act 2009

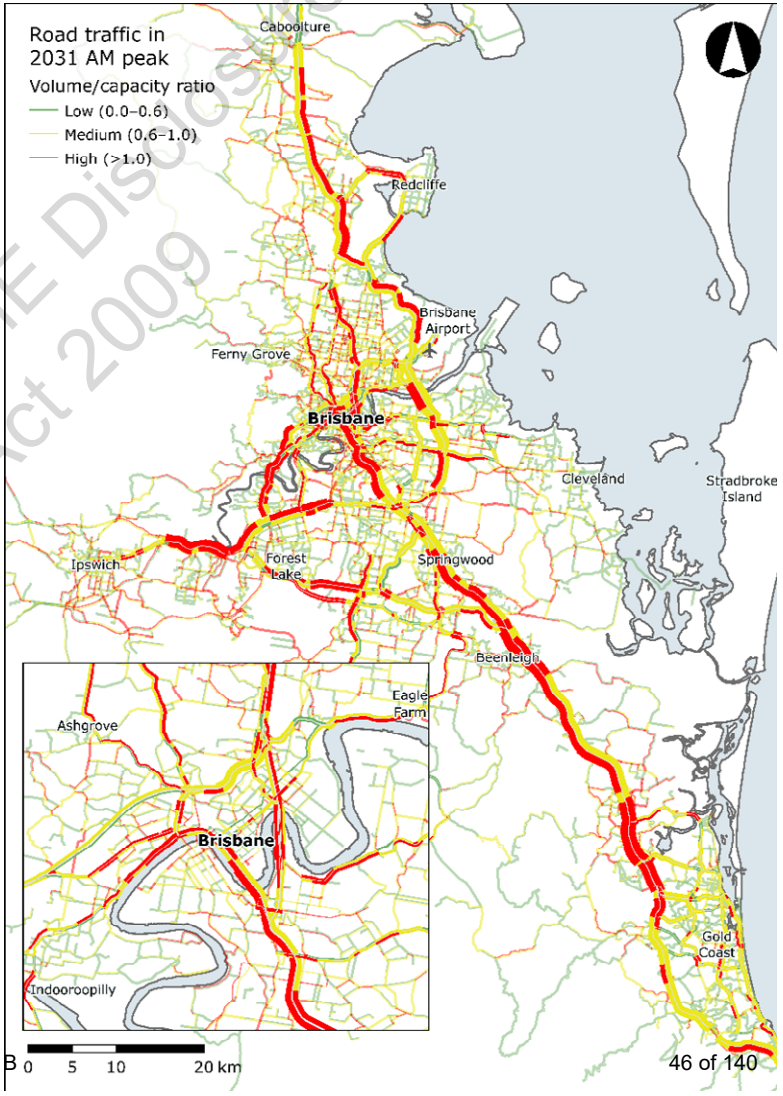
Australian Government | Infrastructure Australia

Brisbane weekday traffic volume/capacity ratio AM peak

2016



2031



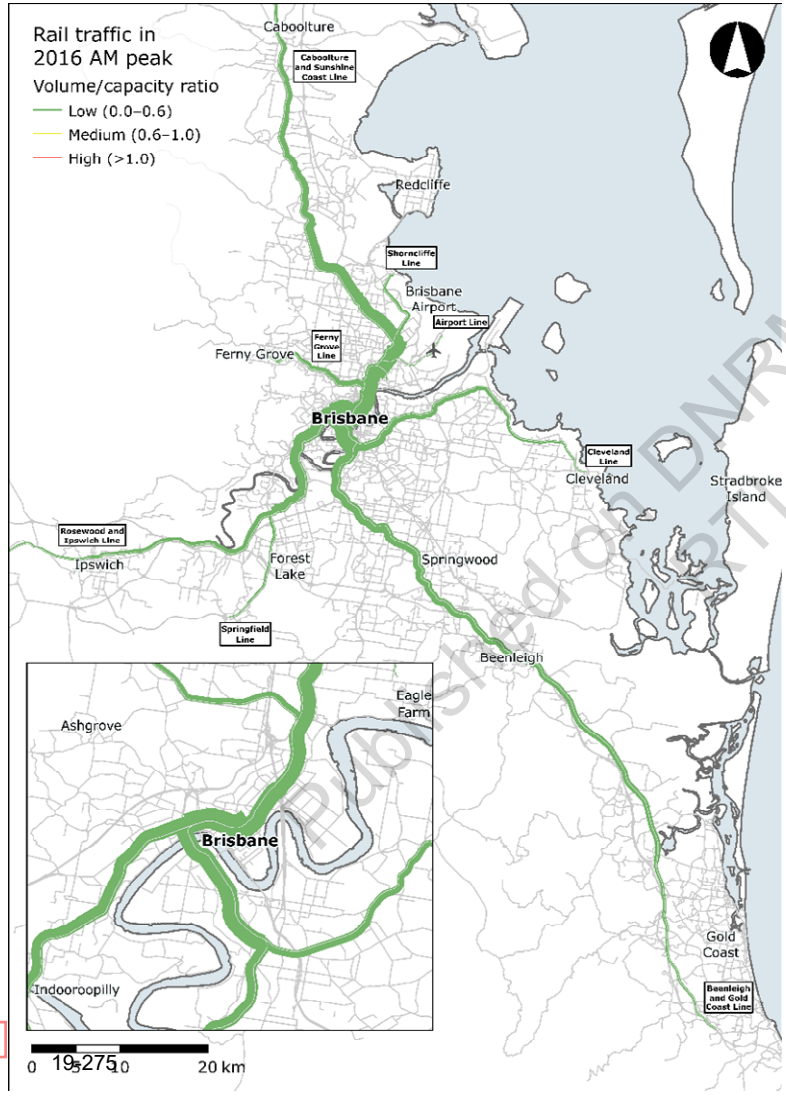
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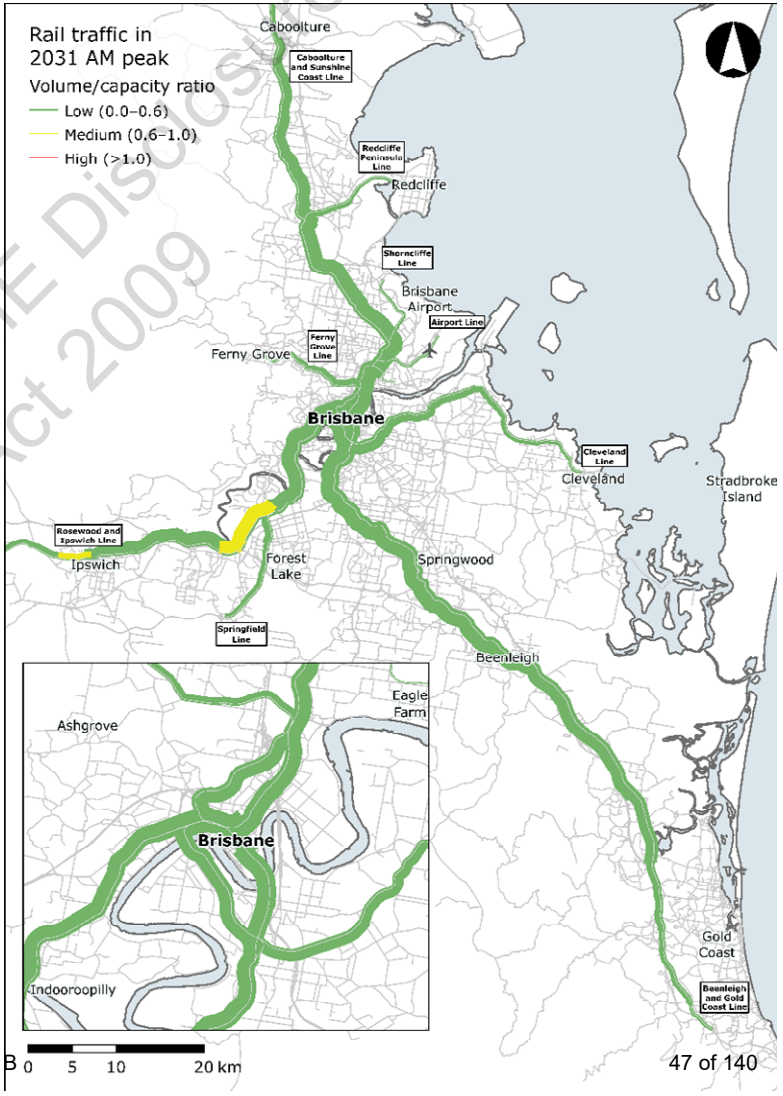
Australian Government | Infrastructure Australia

Brisbane weekday train passenger volume/capacity ratio AM peak

2016



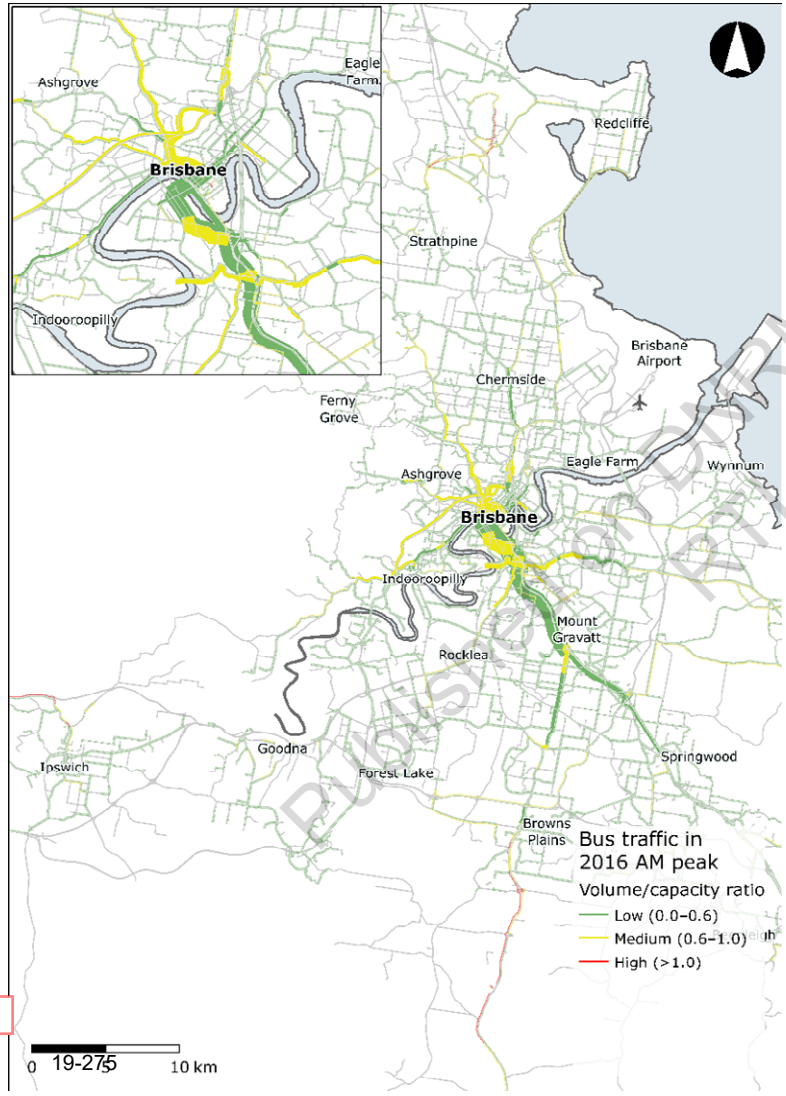
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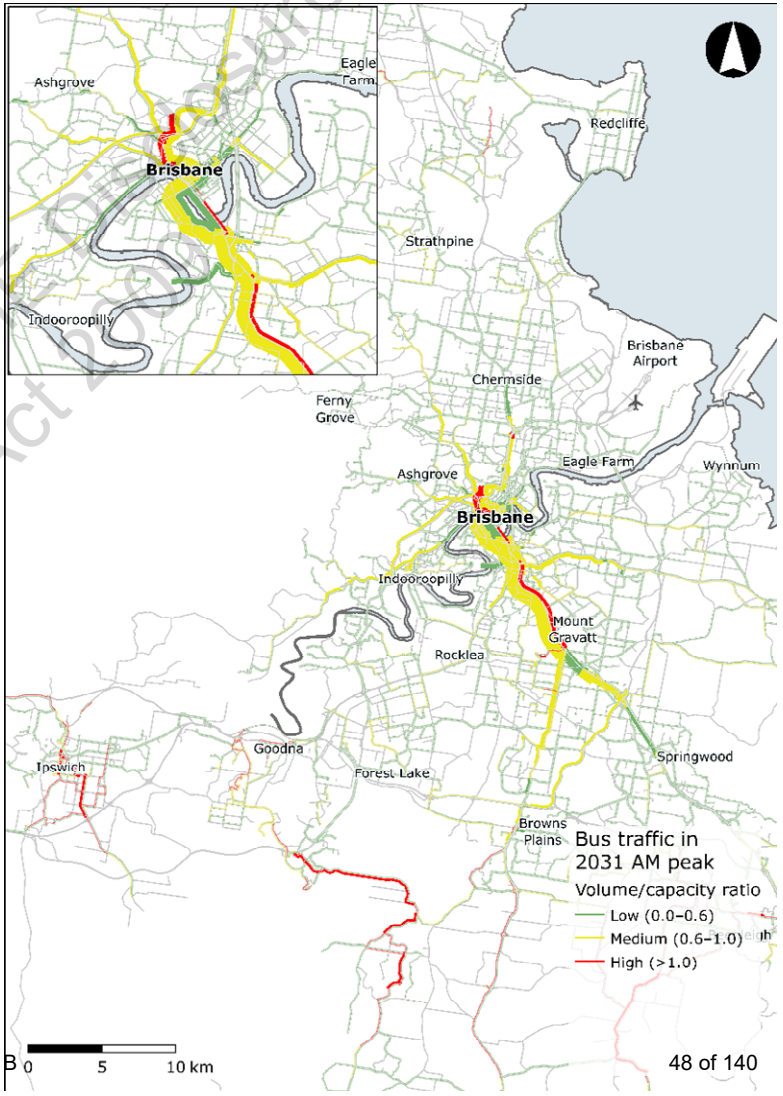
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RTI Act 2009

Brisbane weekday bus passenger volume/capacity ratio AM peak

2016



2031

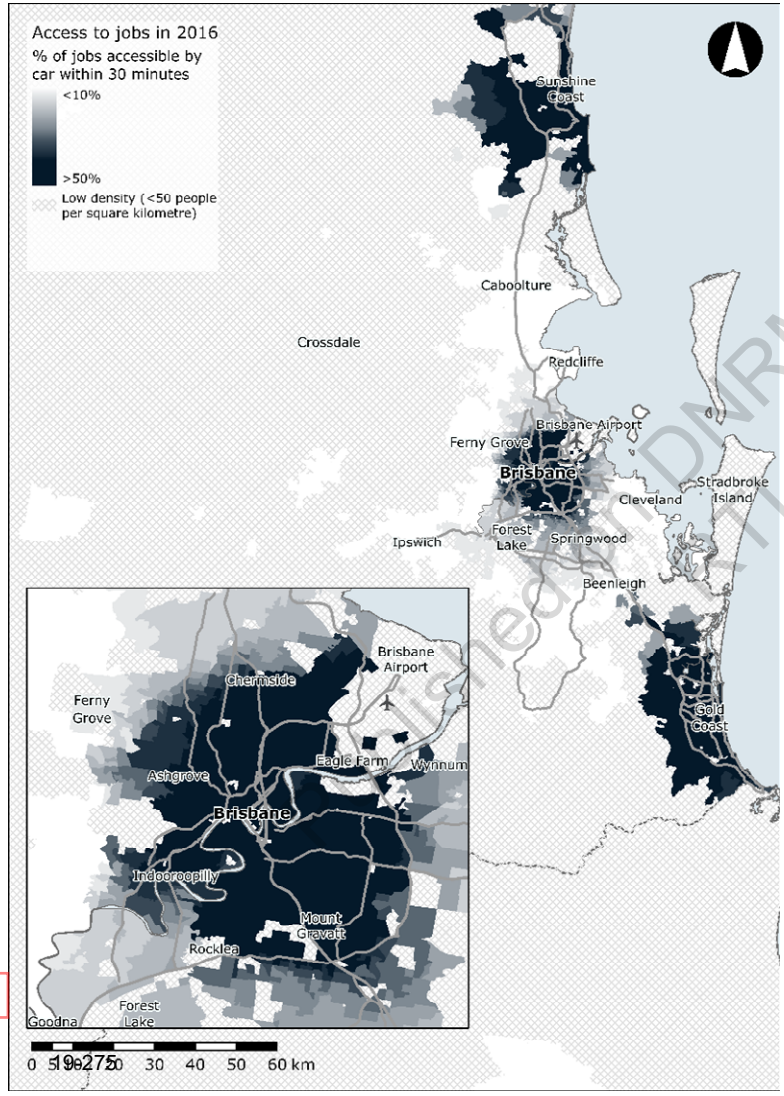


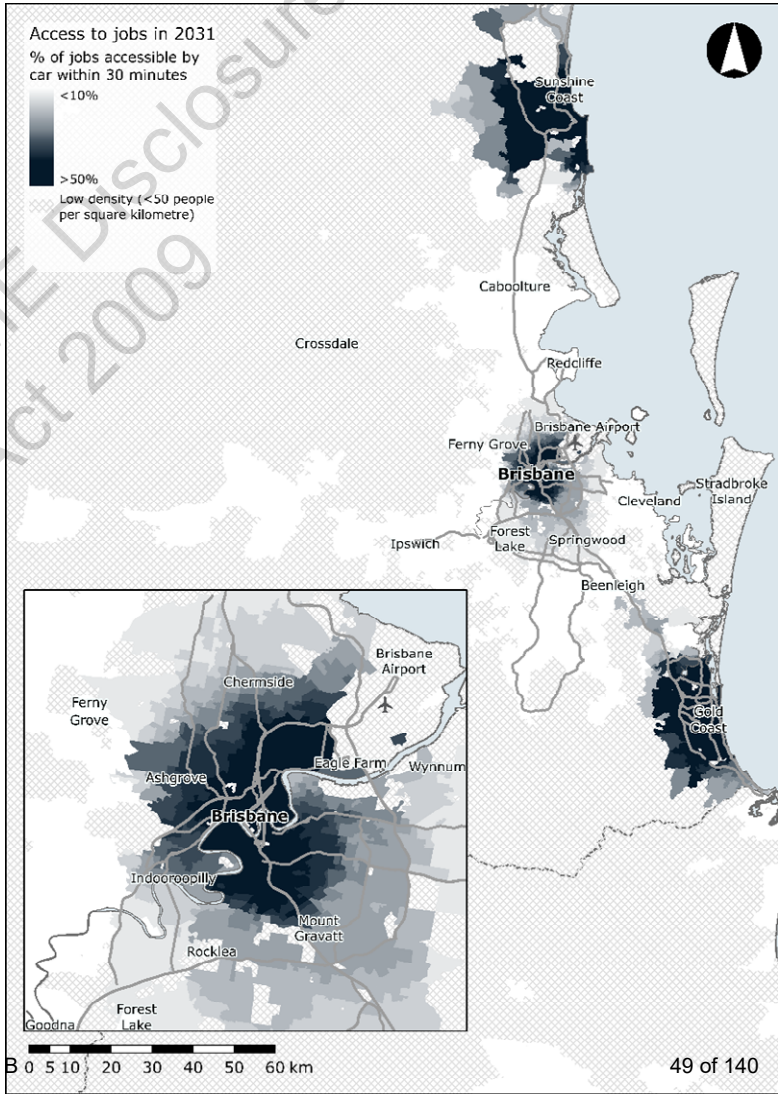
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19-275

Australian Government | Infrastructure Australia

Brisbane access to jobs, 2016 and 2031 AM peak

Car



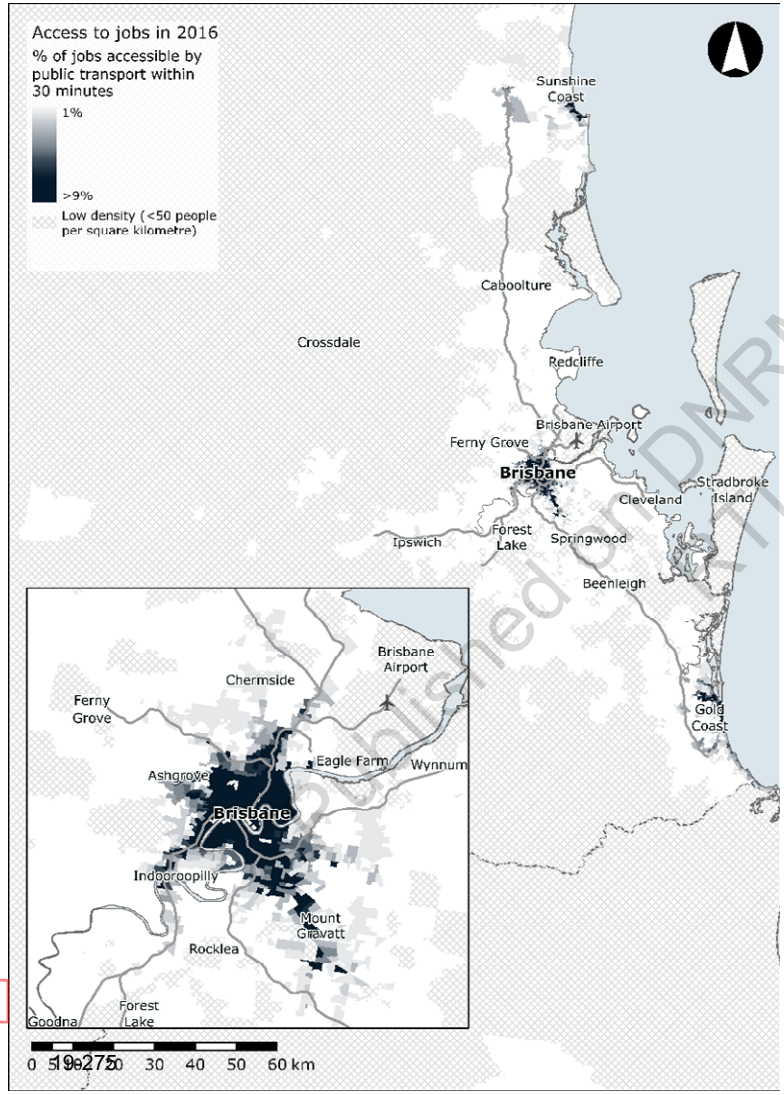


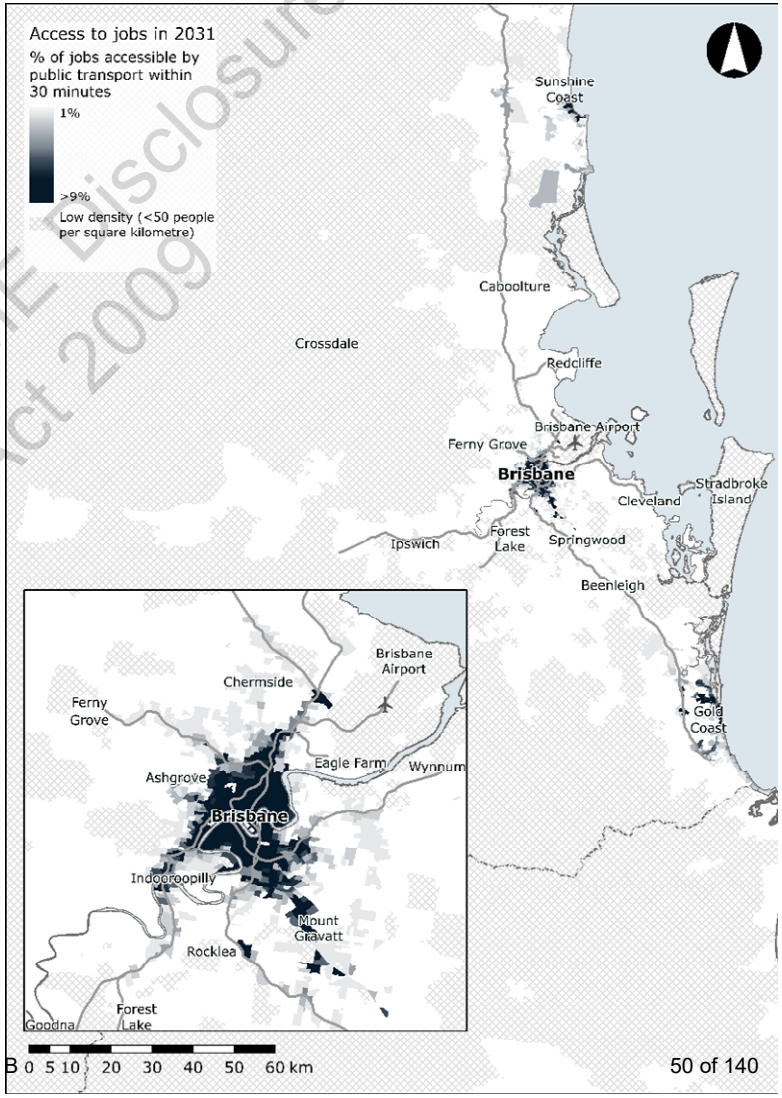
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Brisbane access to jobs, 2016 and 2031 AM peak

Public transport



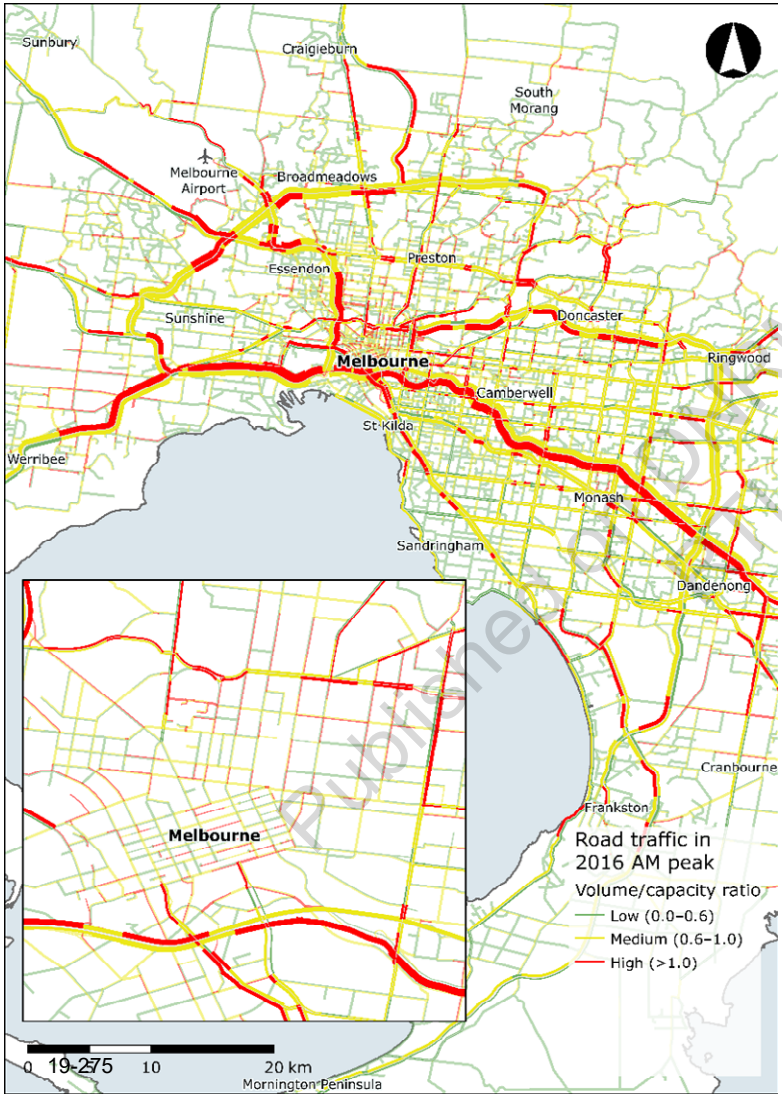


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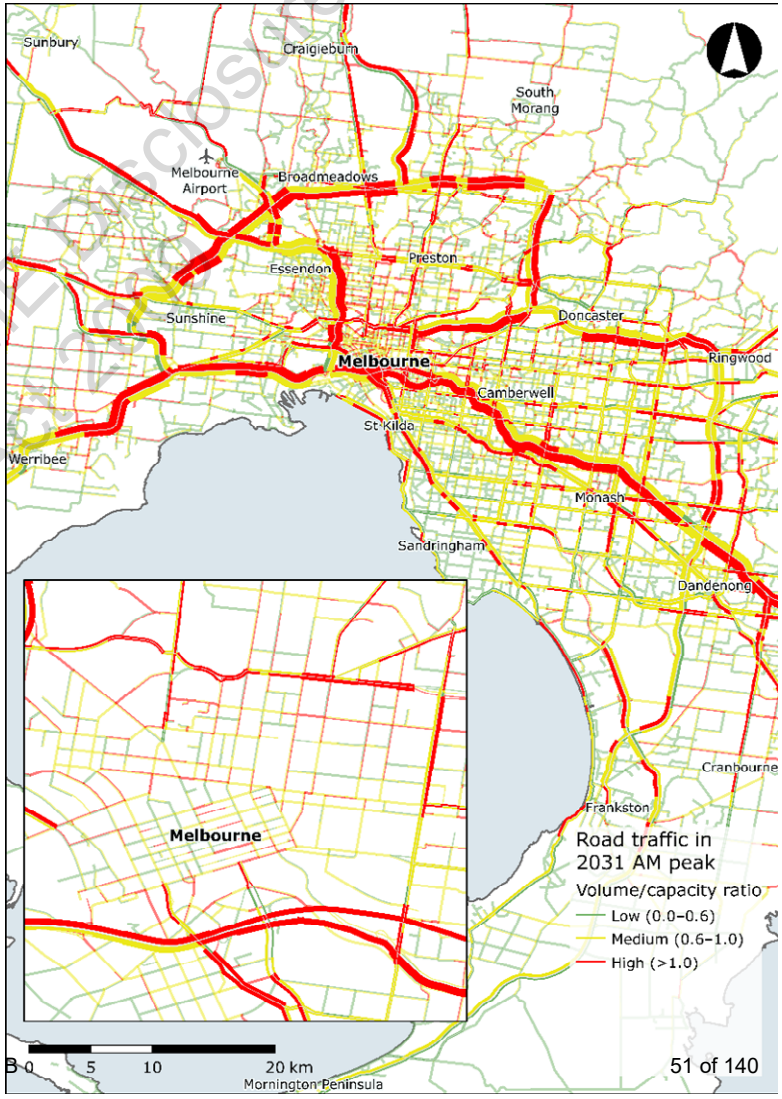
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Melbourne weekday traffic volume/capacity ratio AM peak

2016



2031

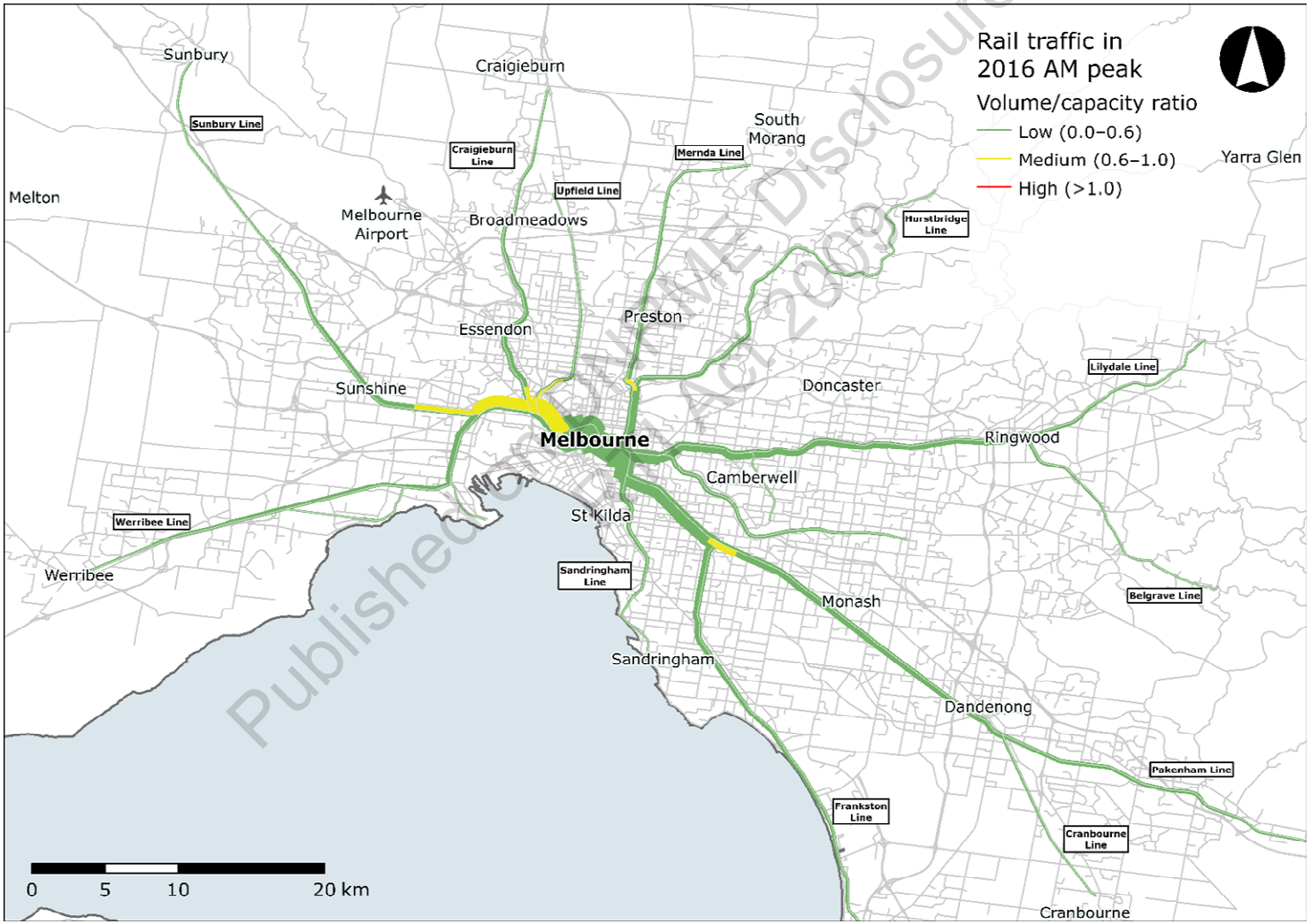


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Melbourne weekday train passenger volume/capacity ratio AM peak

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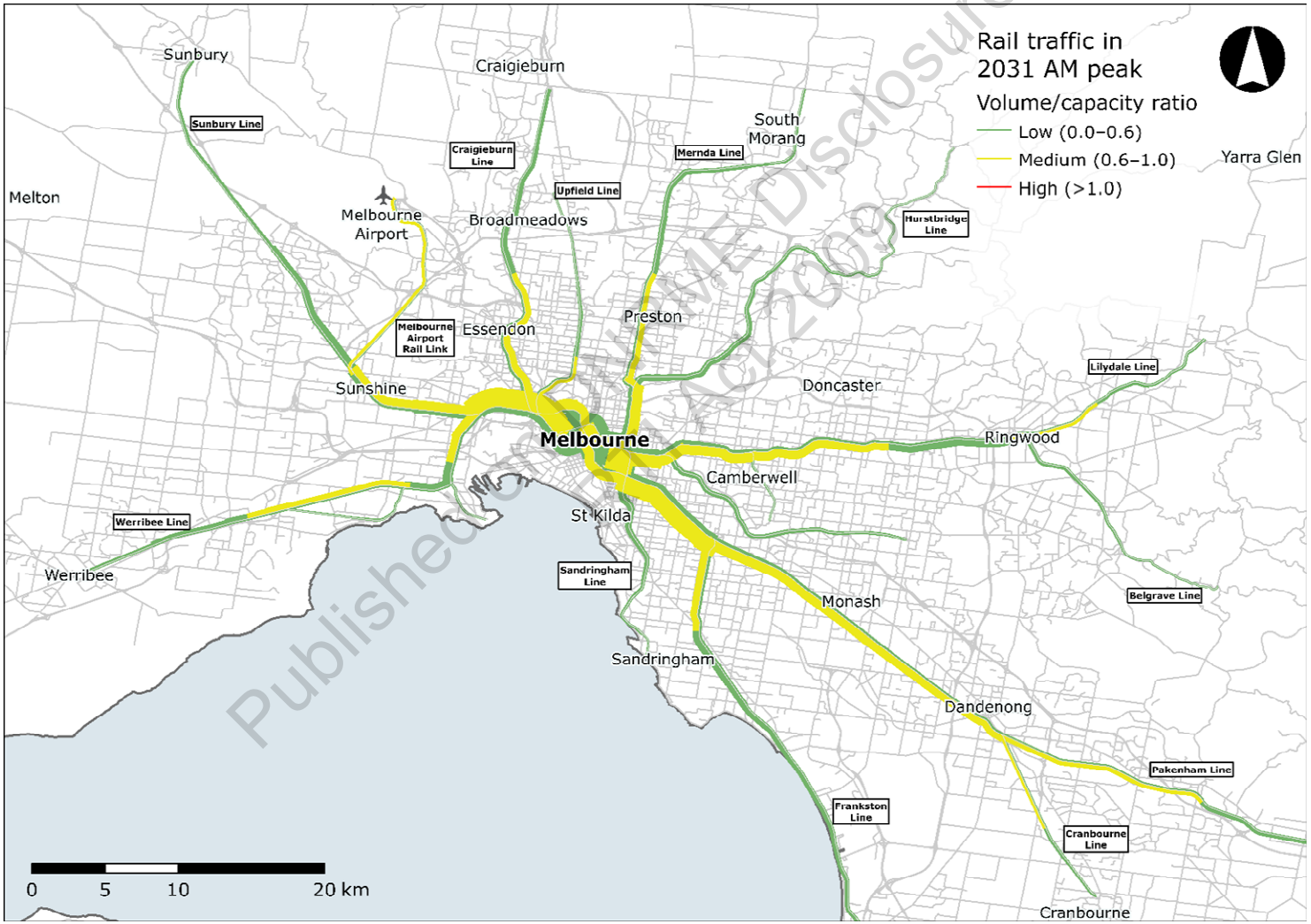


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Melbourne weekday train passenger volume/capacity ratio AM peak

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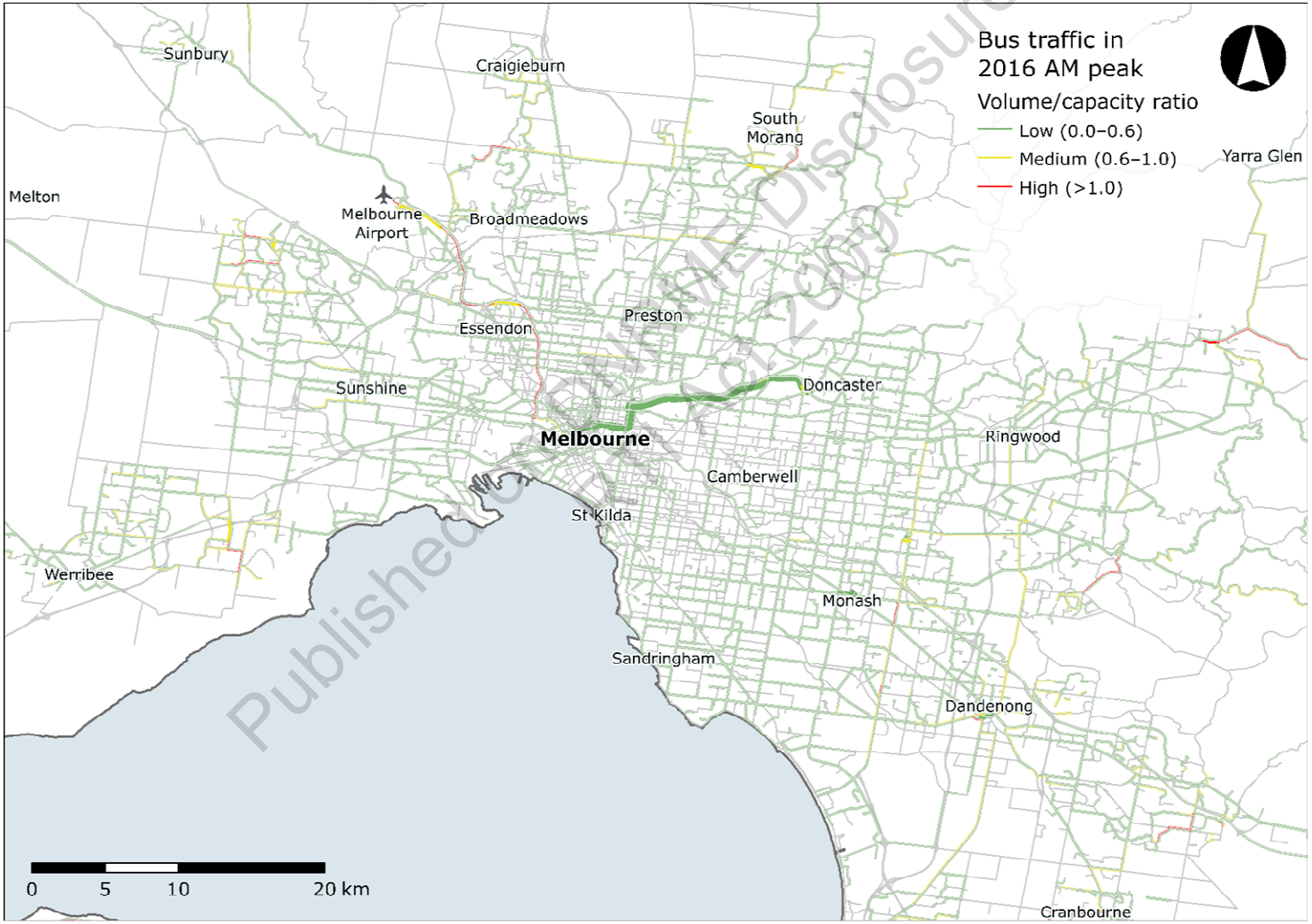


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Melbourne weekday bus passenger volume/capacity ratio AM peak

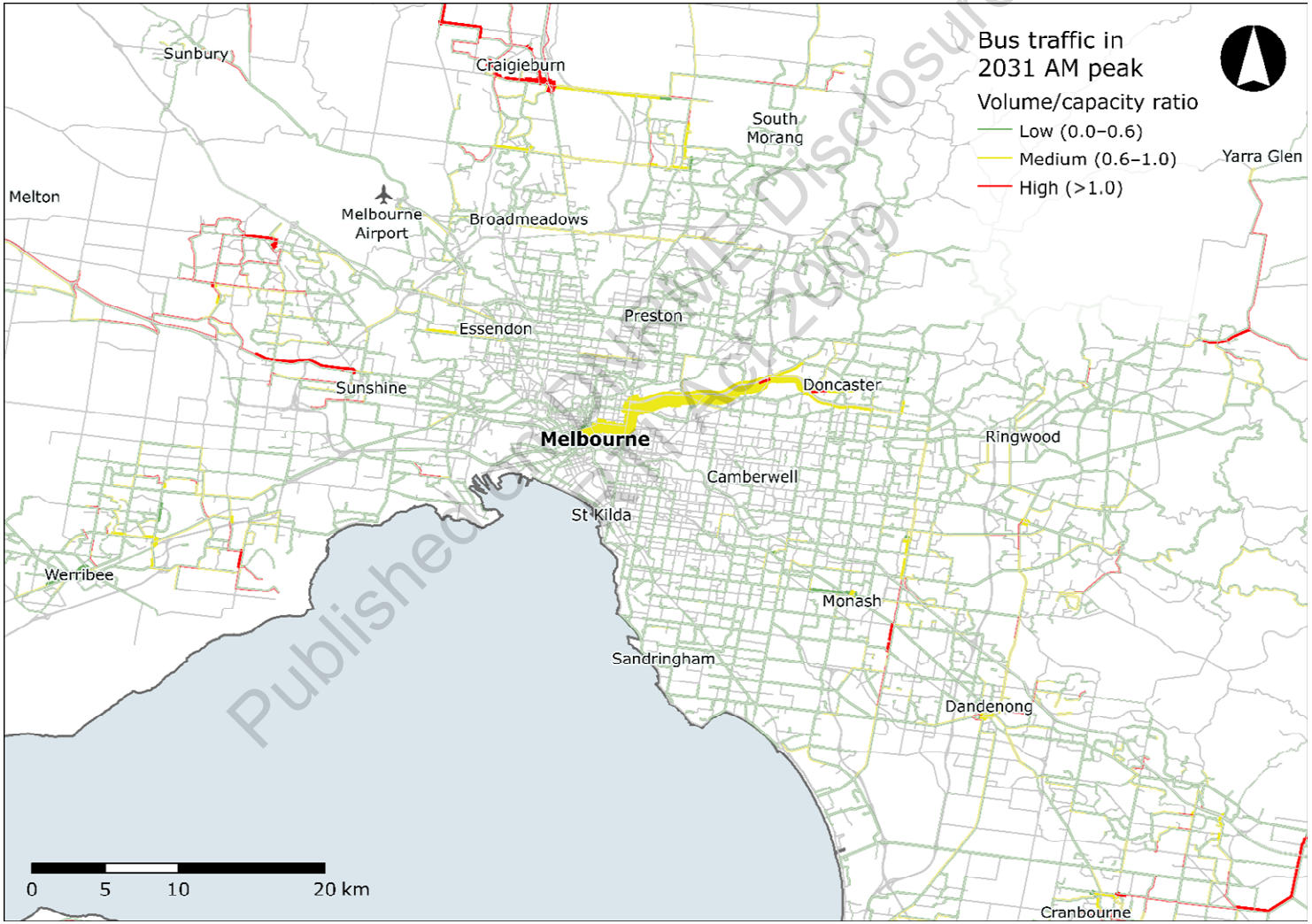
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Act 2009

Melbourne weekday bus passenger volume/capacity ratio AM peak

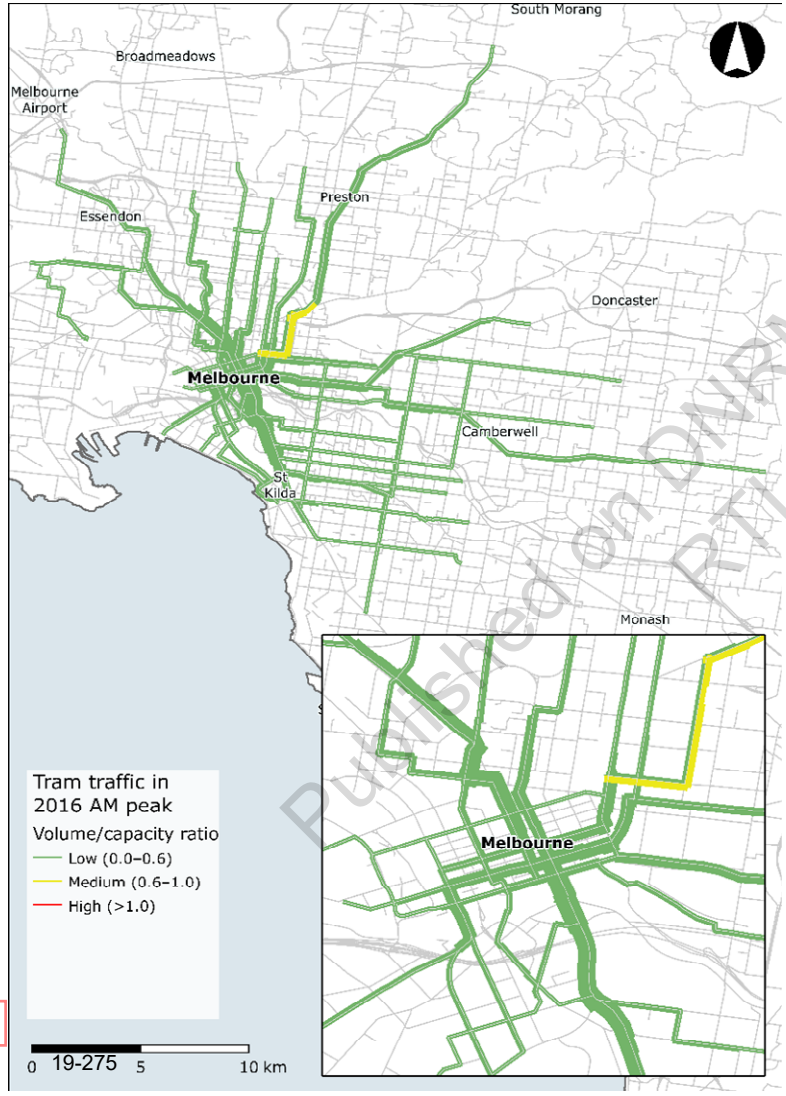
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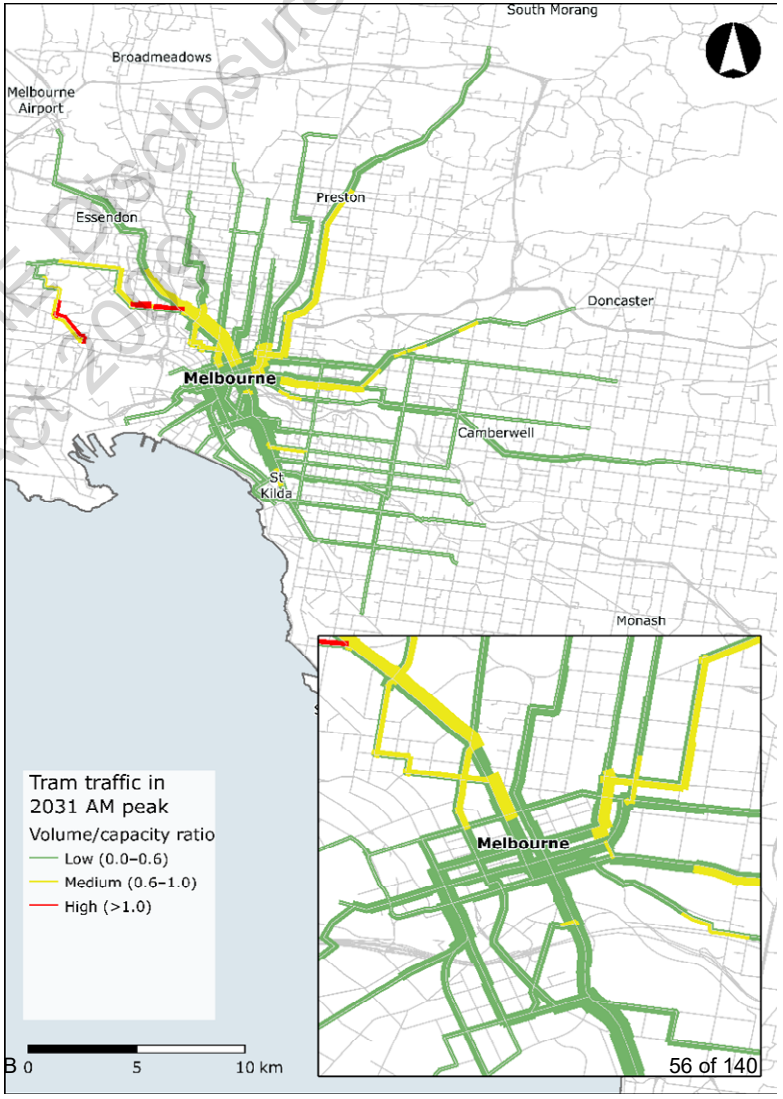
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Melbourne weekday tram passenger volume/capacity ratio AM peak

2016



2031



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Release

19-275

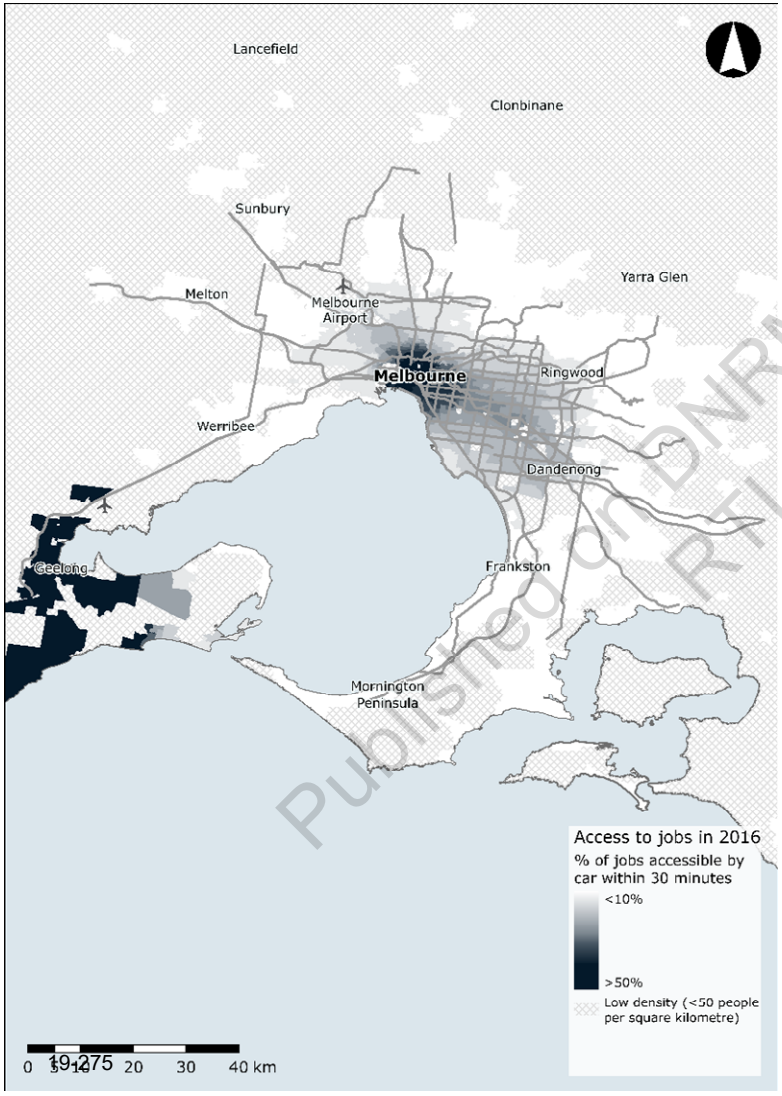
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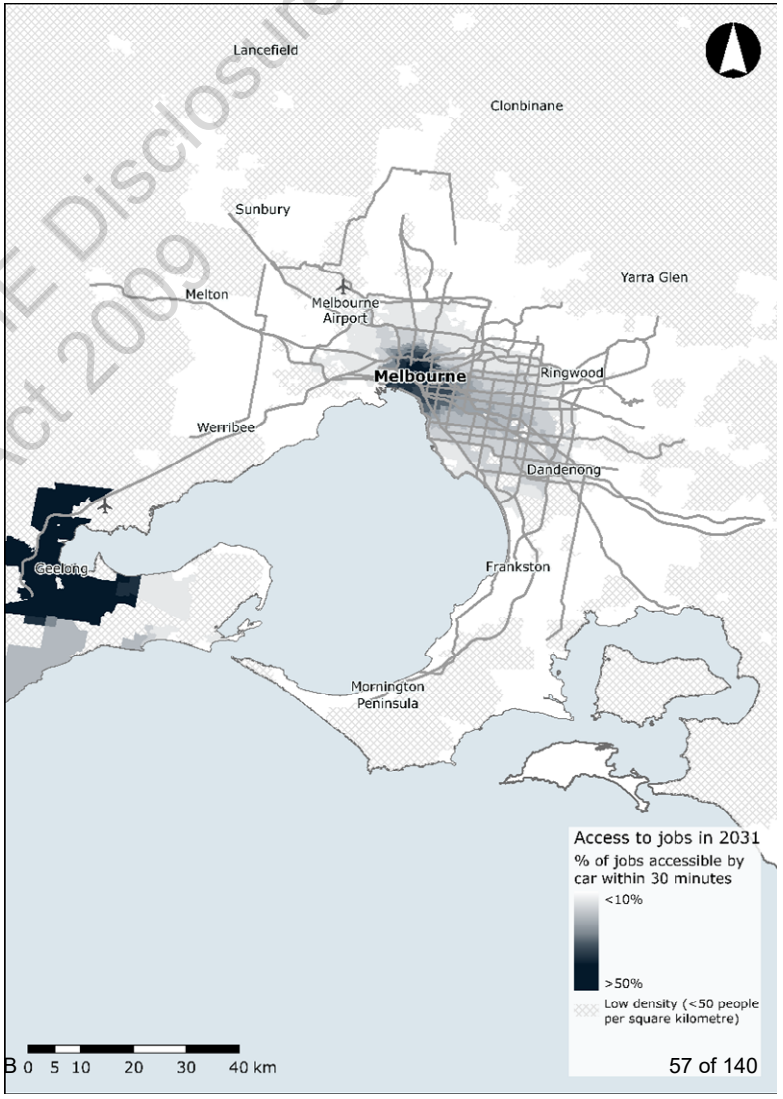
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Australian Government | Infrastructure Australia

Melbourne access to jobs, 2016 and 2031 AM peak

Car





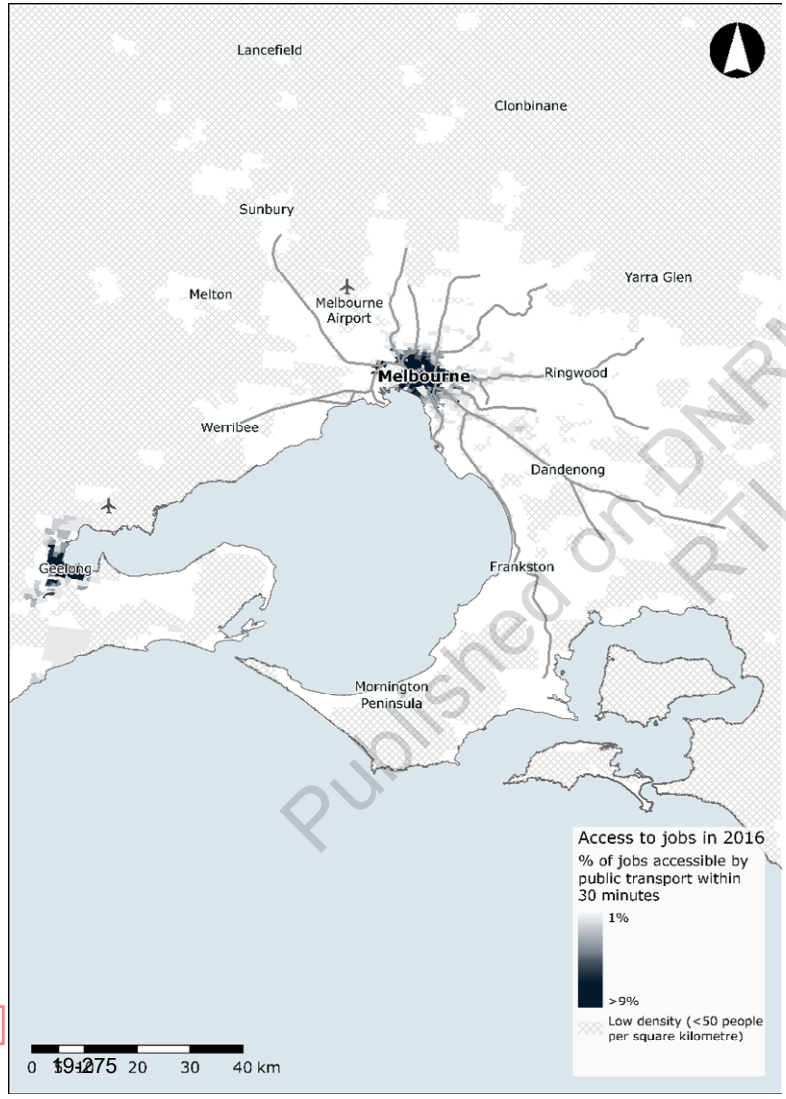
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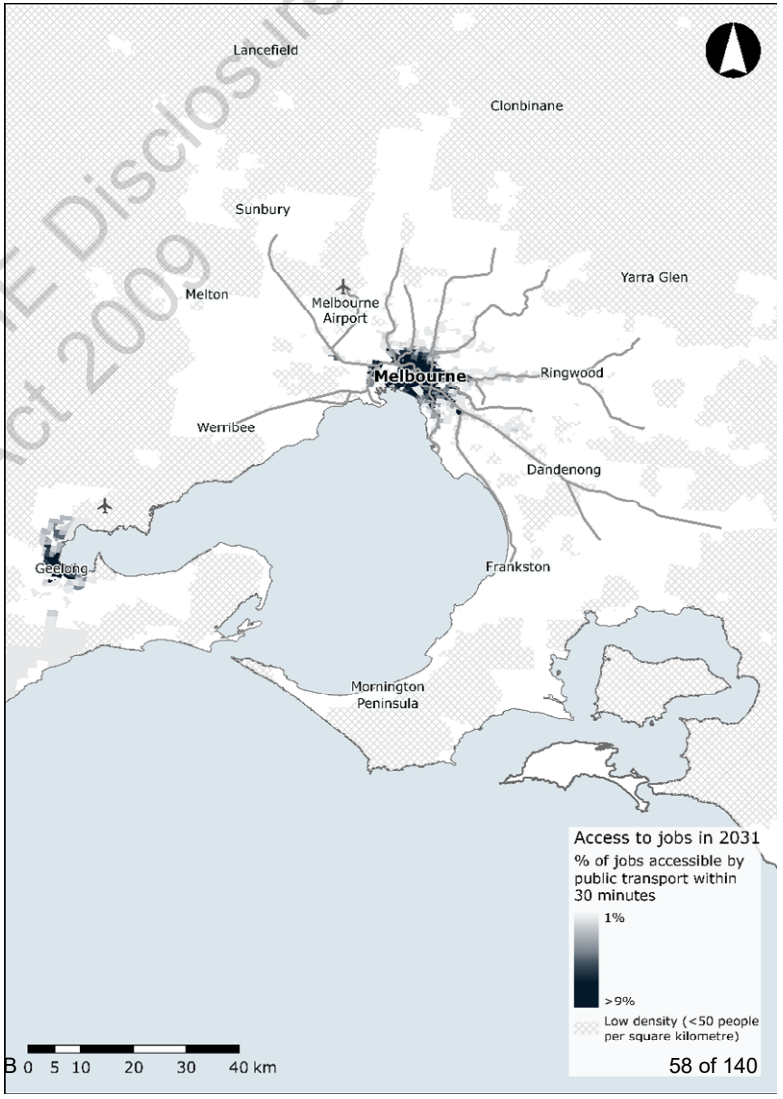
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Australian Government | Infrastructure Australia

Melbourne access to jobs, 2016 and 2031 AM peak

Public transport



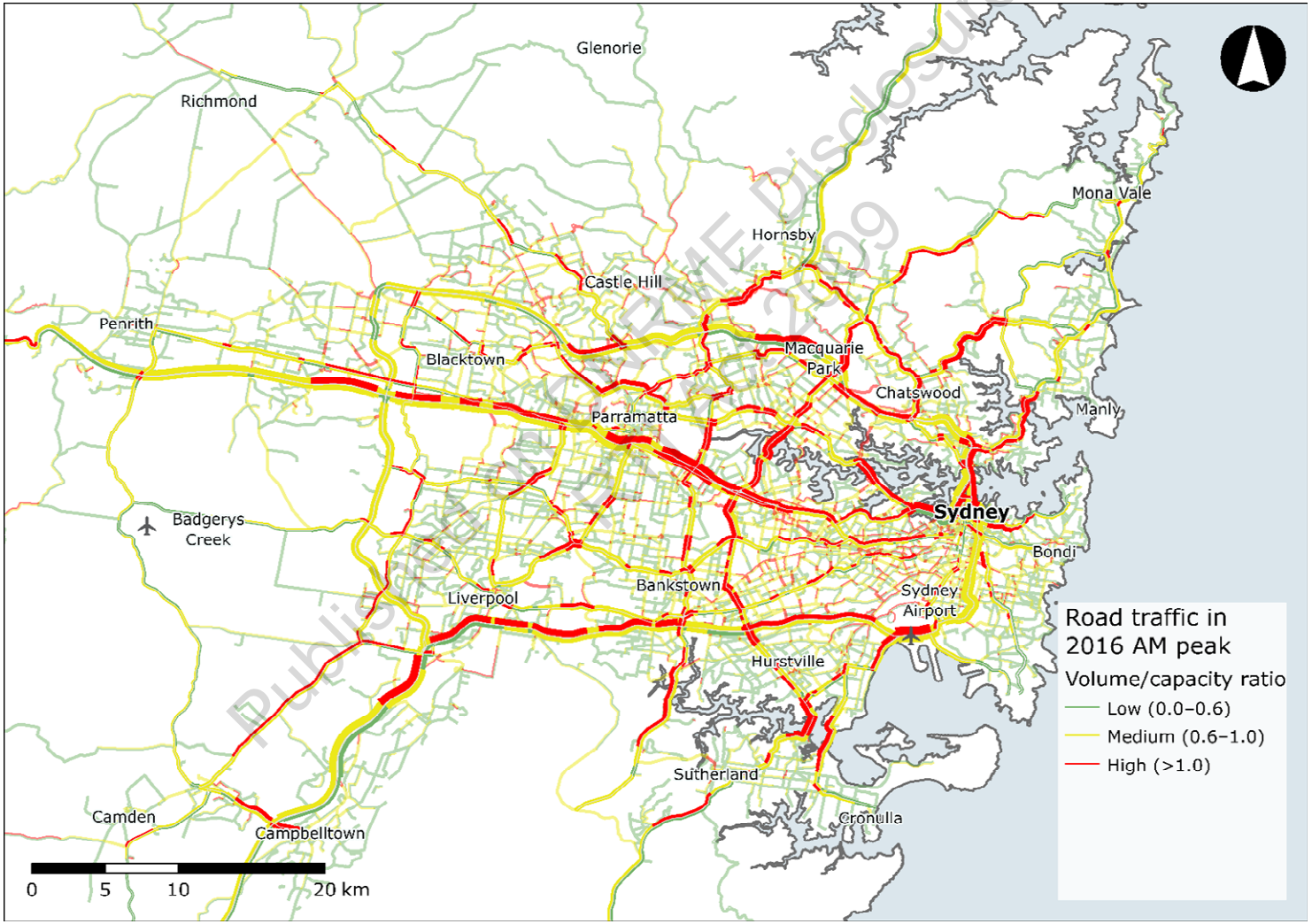


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Sydney weekday traffic volume/capacity ratio, AM peak

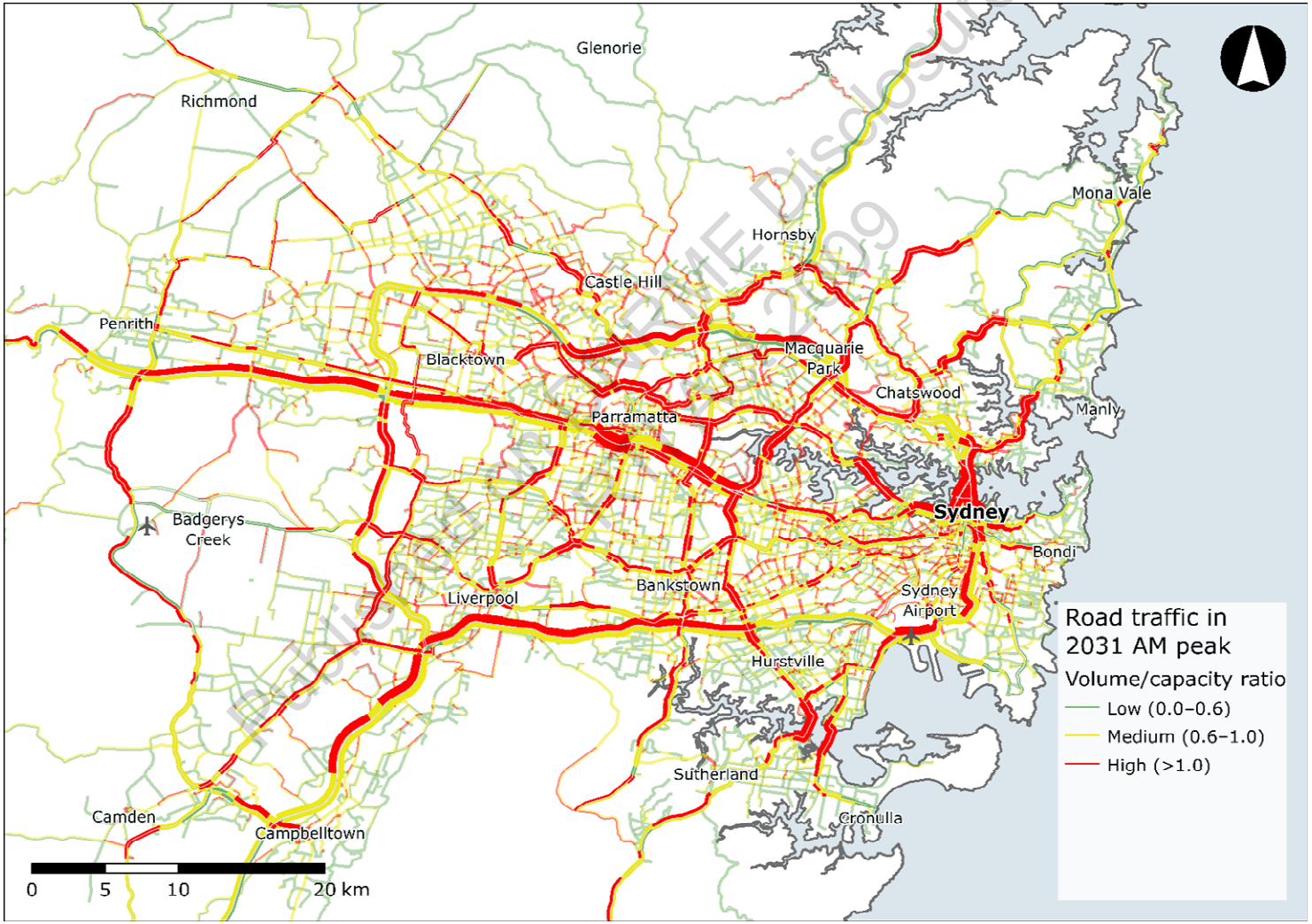
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Sydney weekday traffic volume/capacity ratio, AM peak

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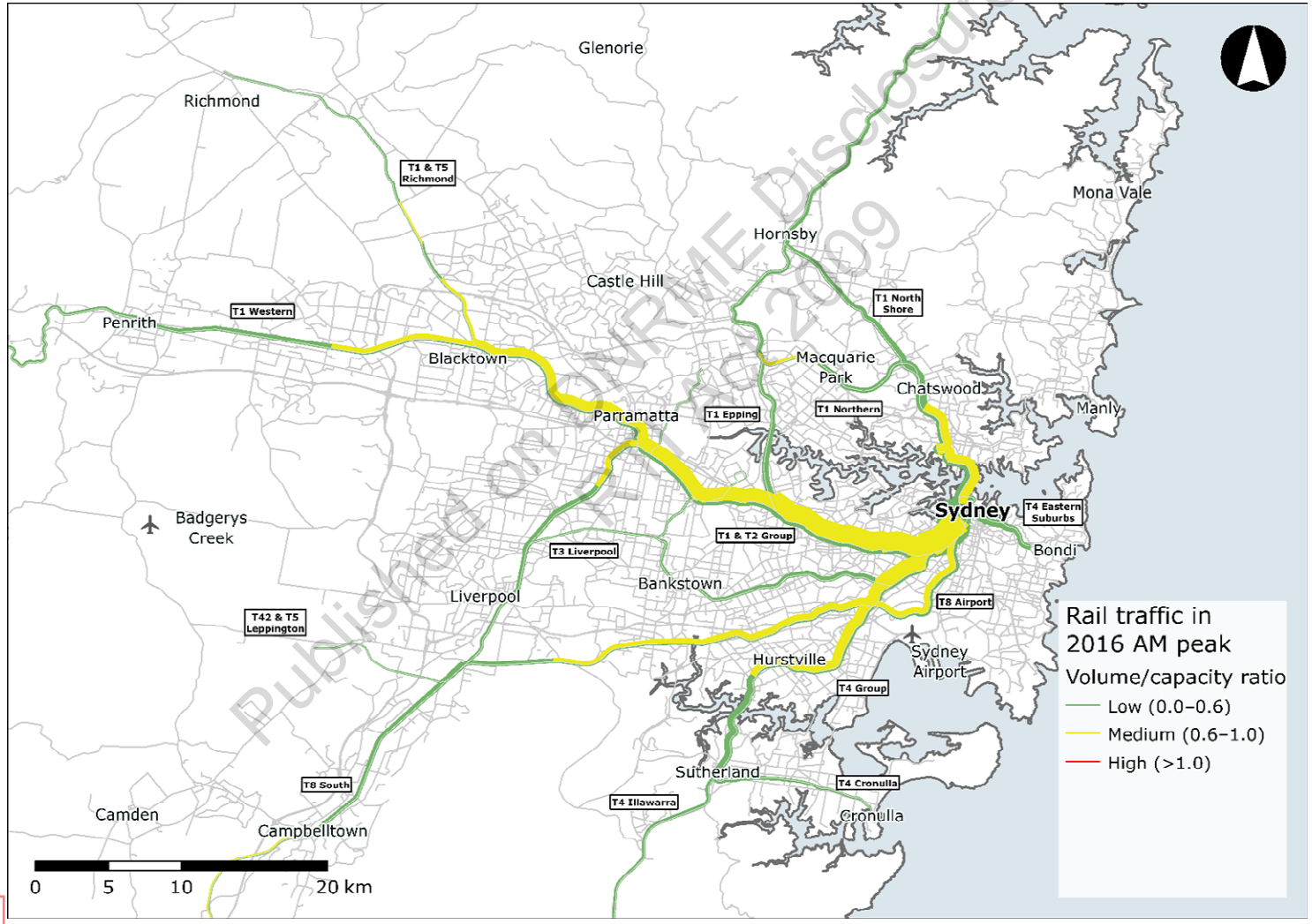


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Sydney weekday train passenger volume/capacity ratio AM peak

2016

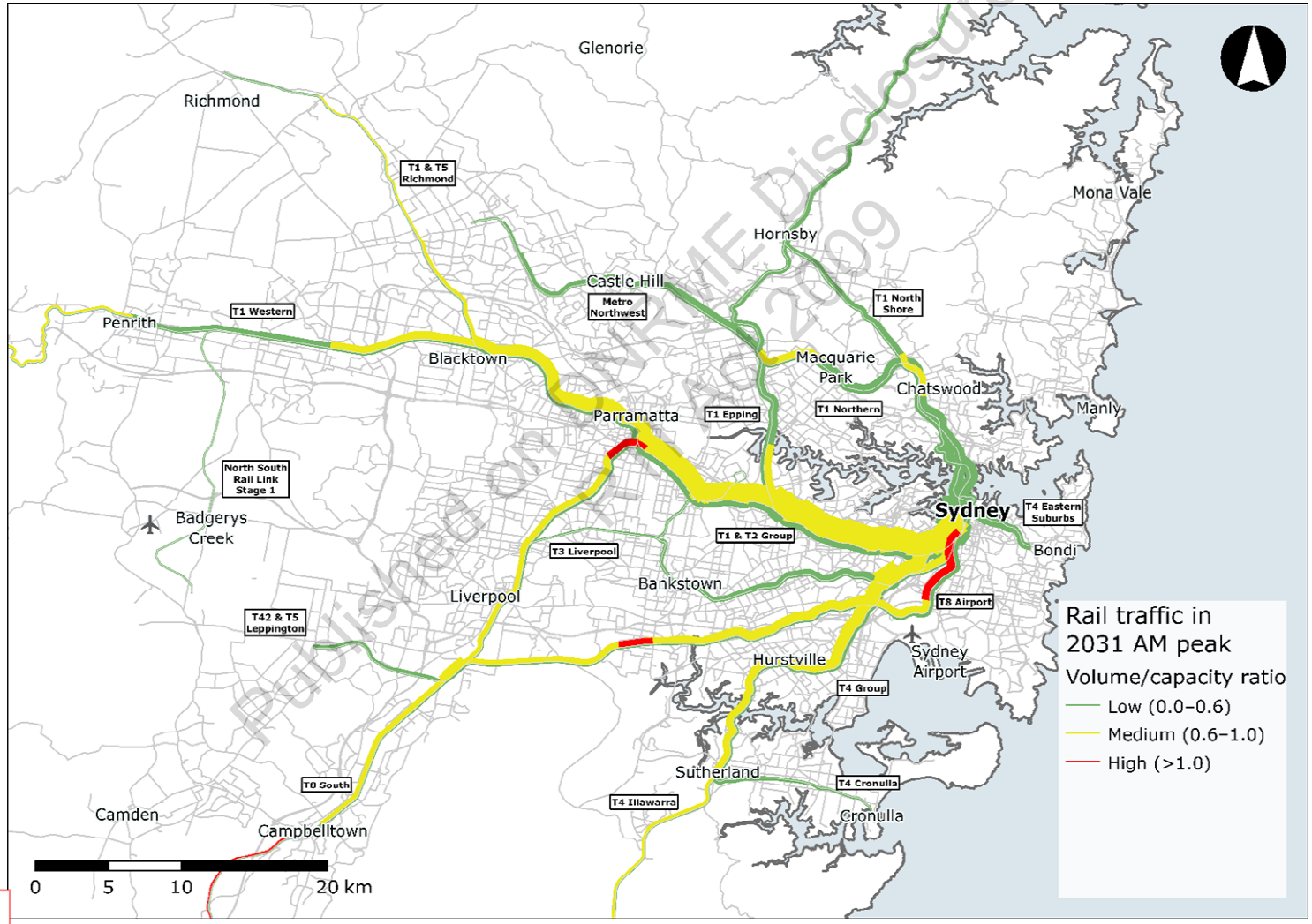


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Sydney weekday train passenger volume/capacity ratio AM peak

2031

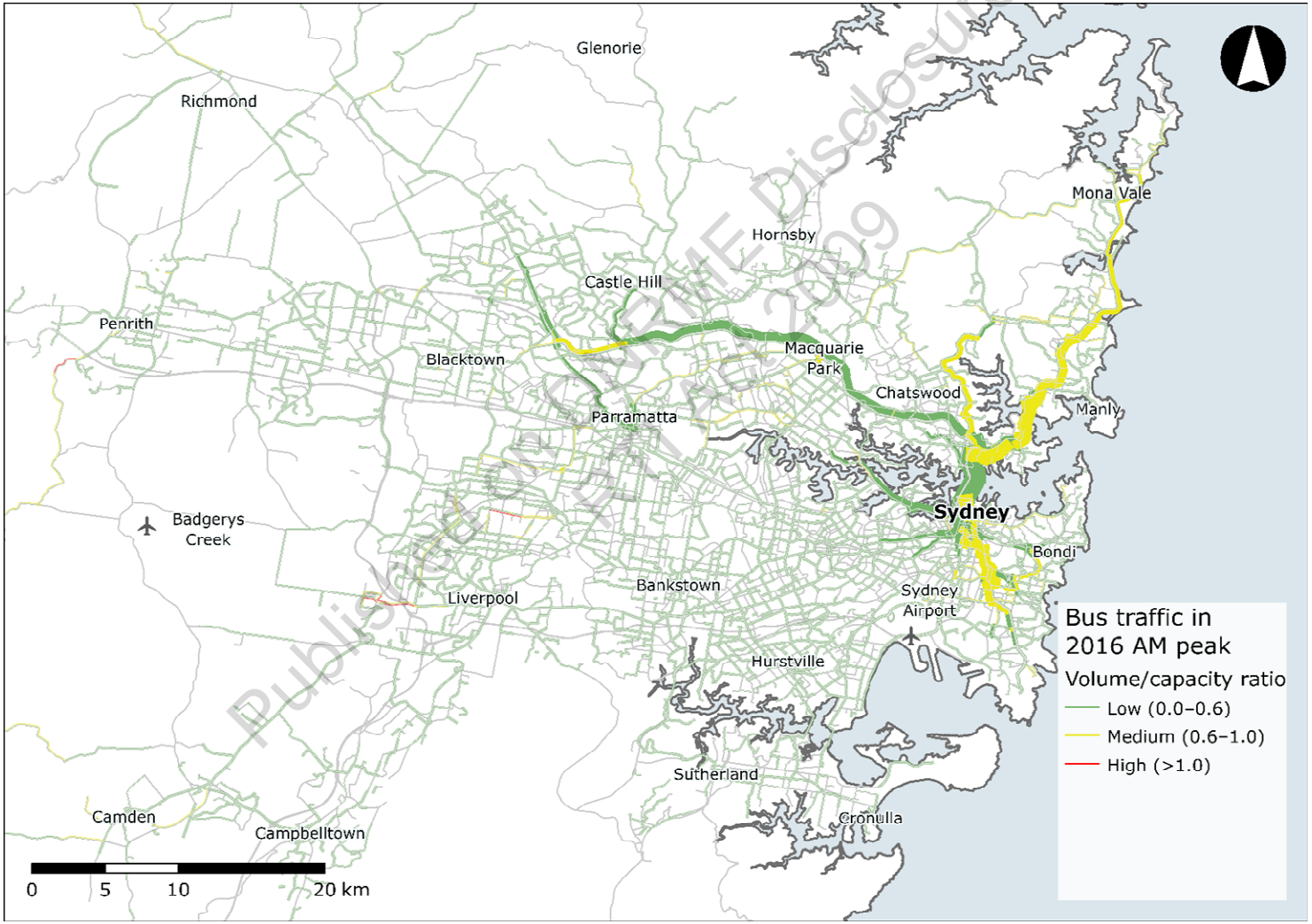


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Sydney weekday bus passenger volume/capacity ratio AM peak

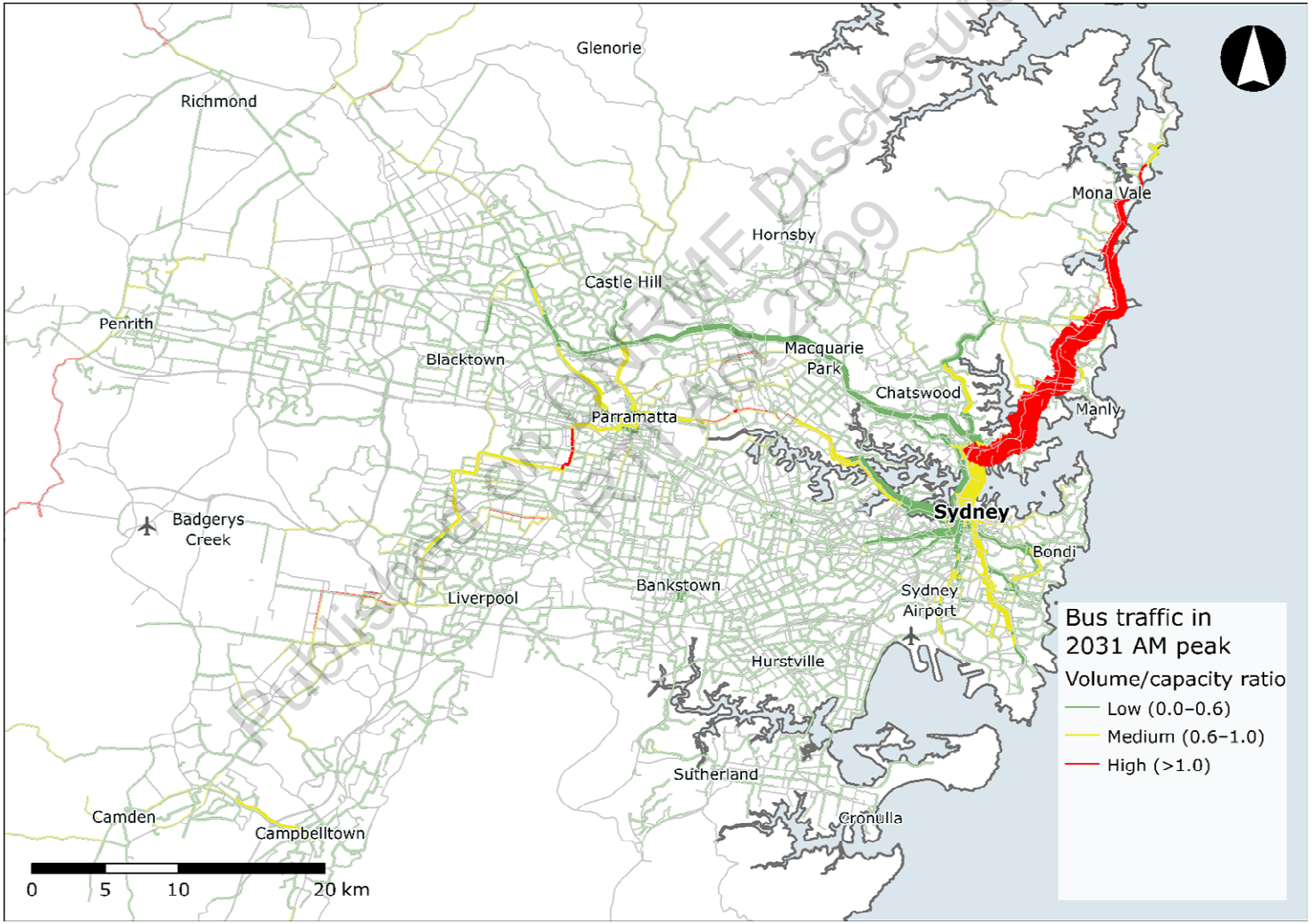
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Sydney weekday bus passenger volume/capacity ratio AM peak

2031

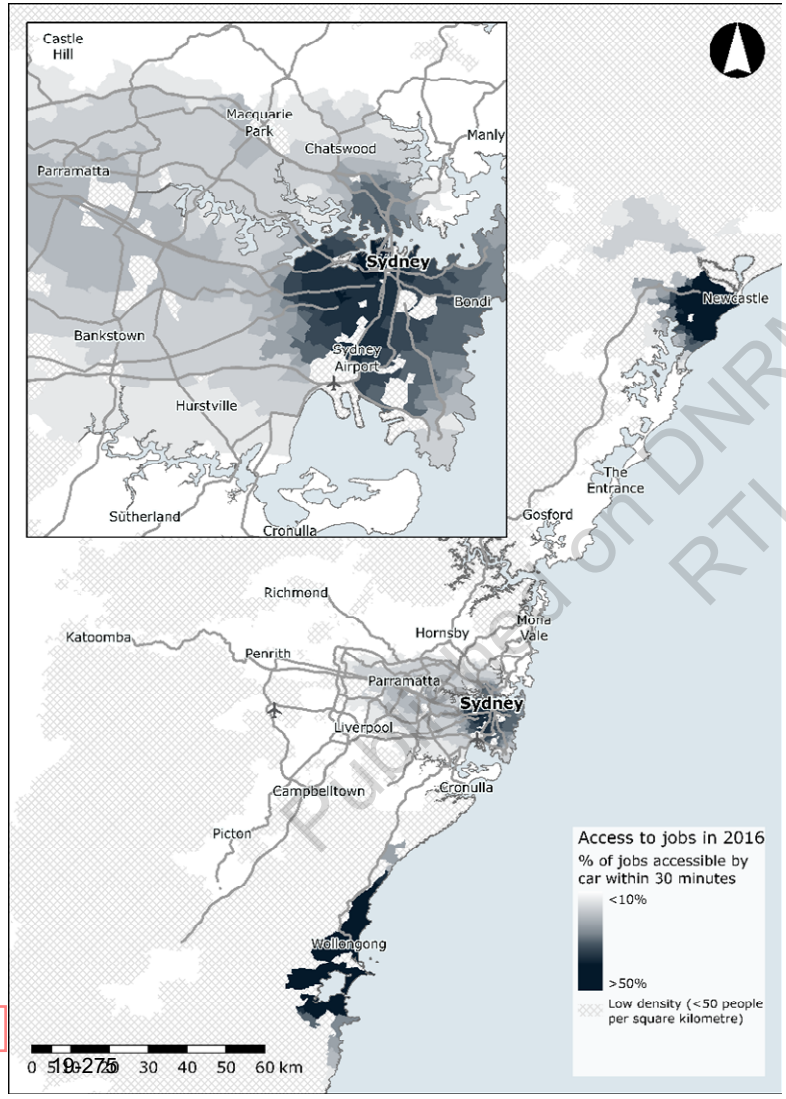


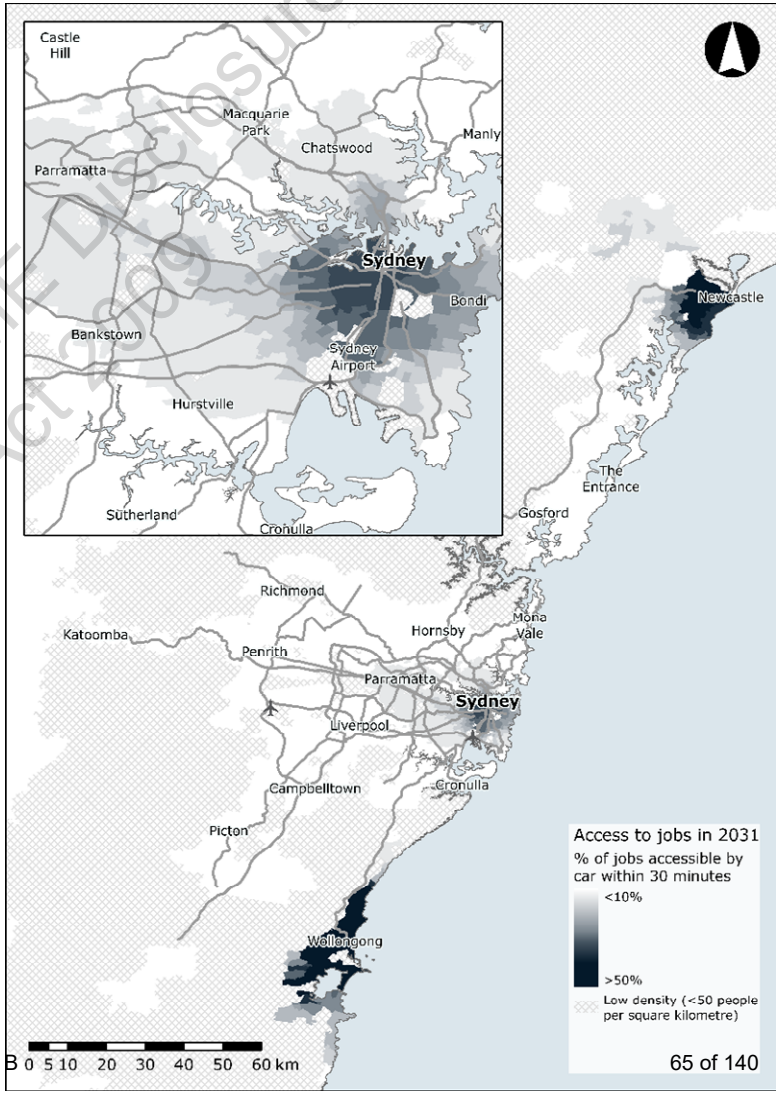
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Australian Government | Infrastructure Australia

Sydney access to jobs, 2016 and 2031 AM peak

Car





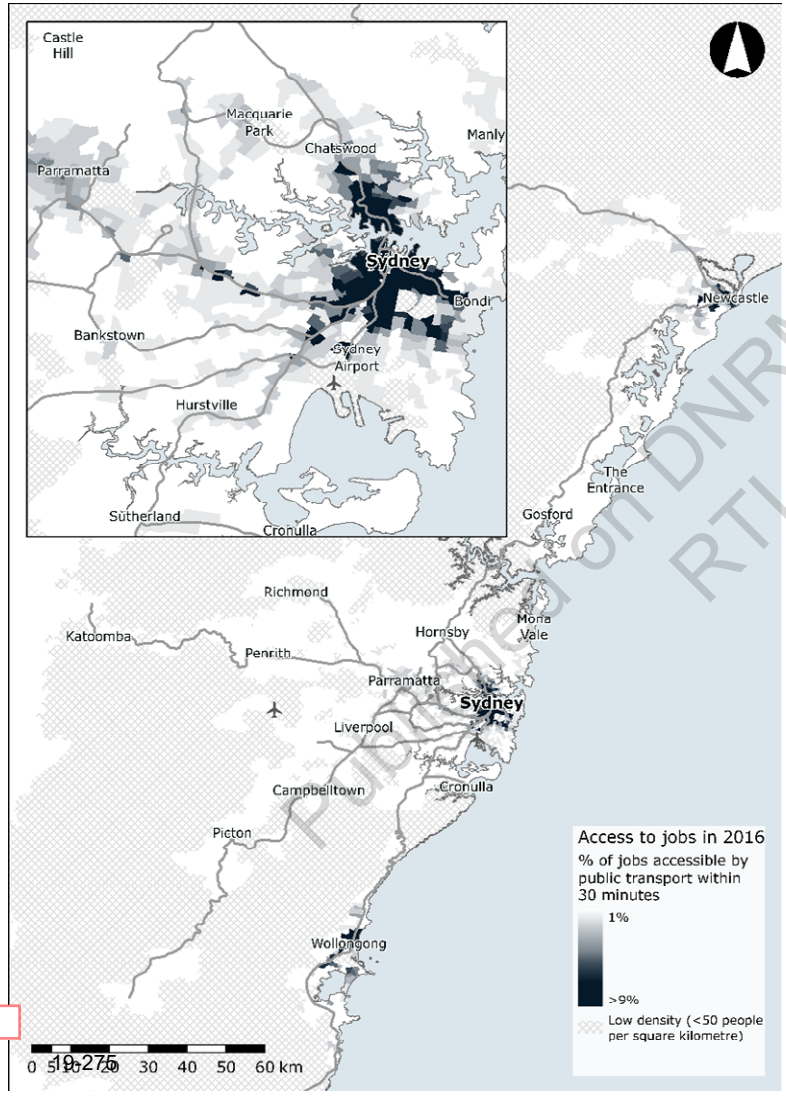
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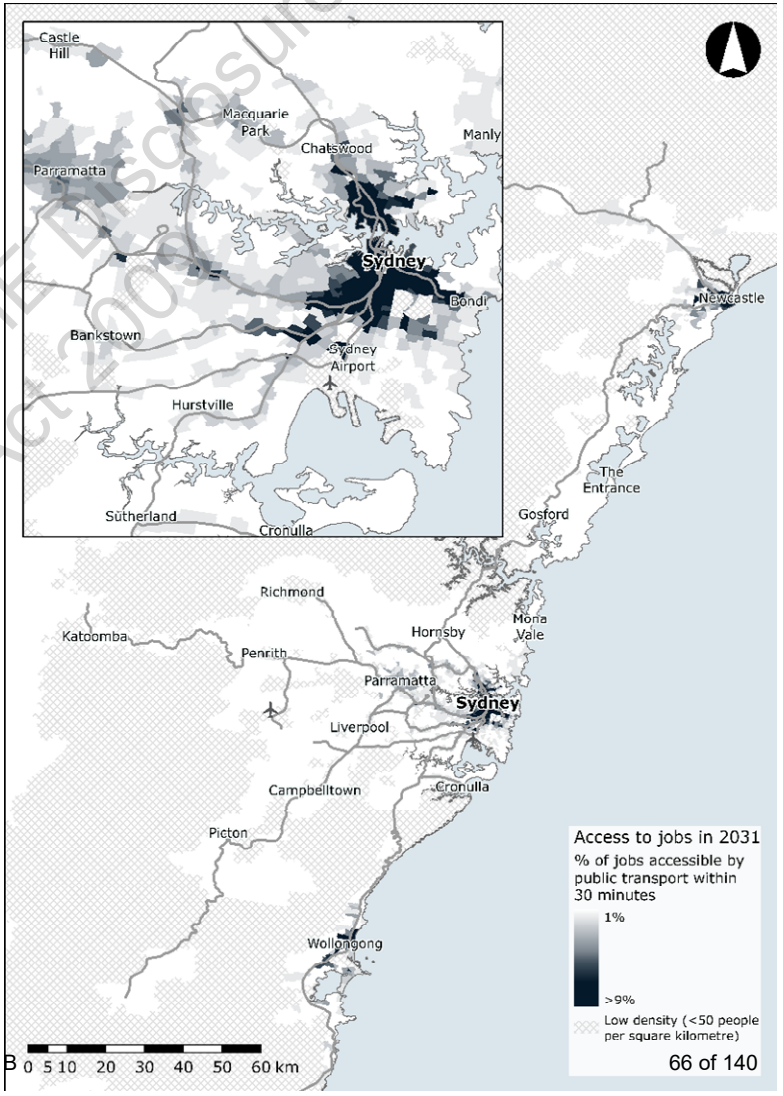
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Australian Government | Infrastructure Australia

Sydney access to jobs, 2016 and 2031 AM peak

Public transport



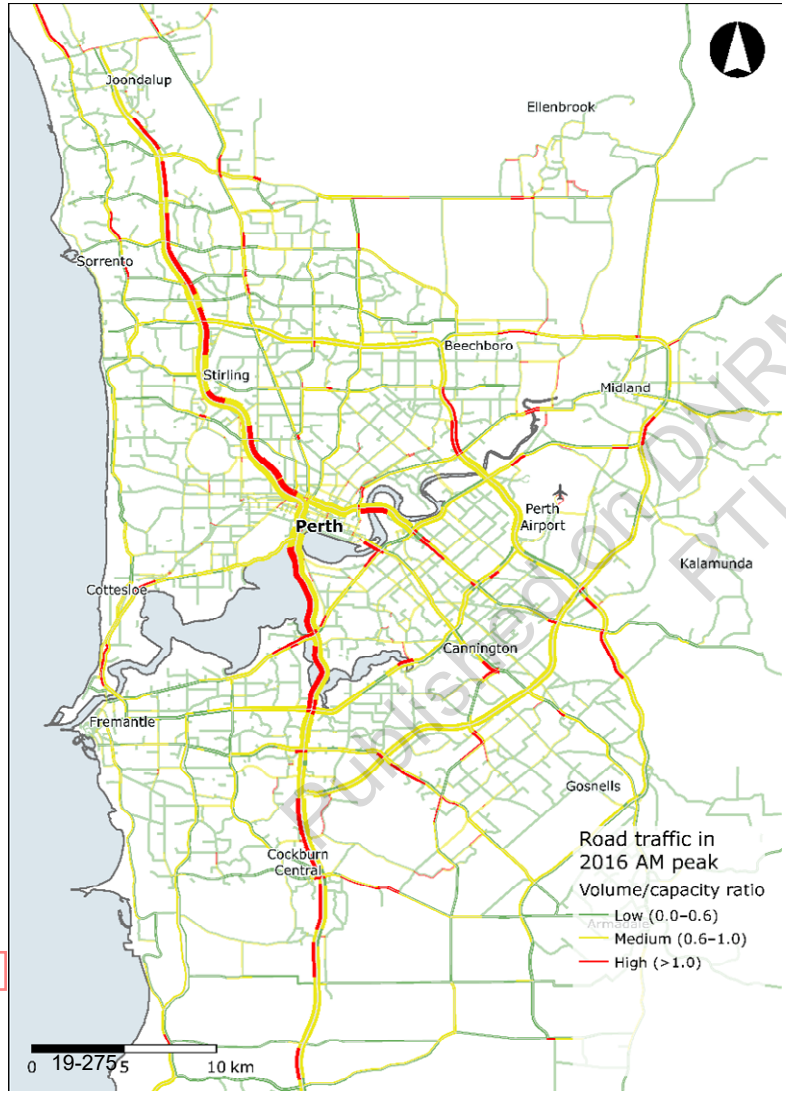


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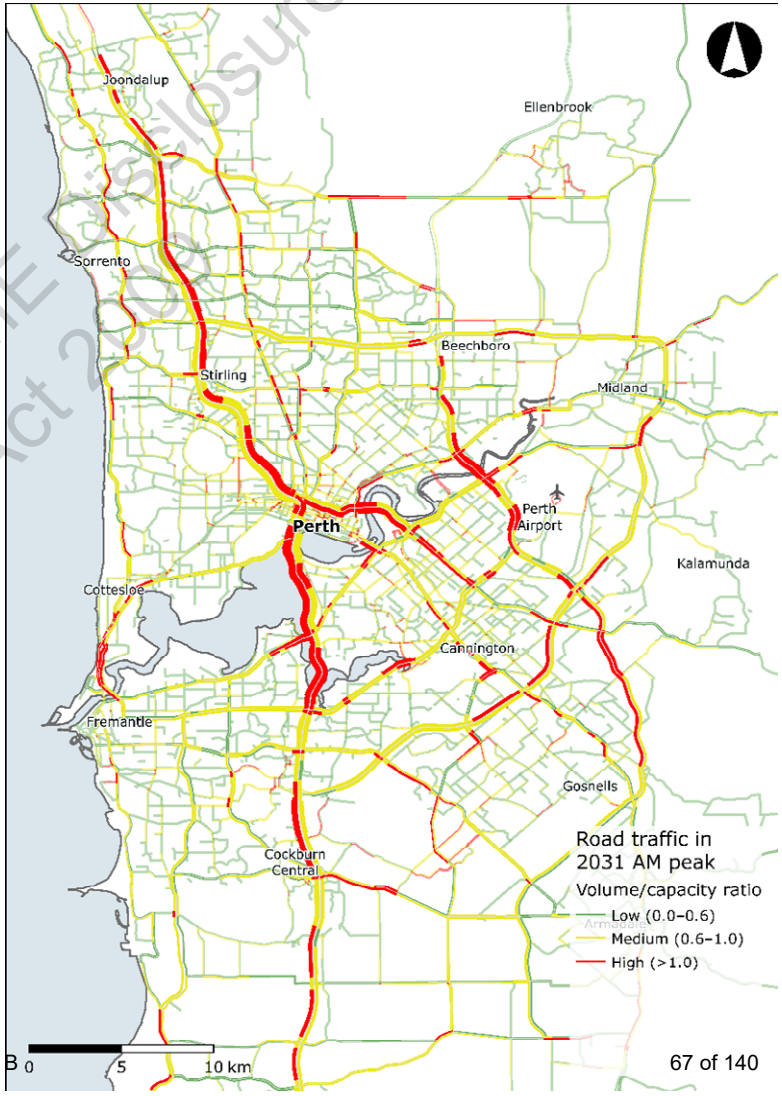
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Perth weekday traffic volume/capacity ratio AM peak

2016



2031



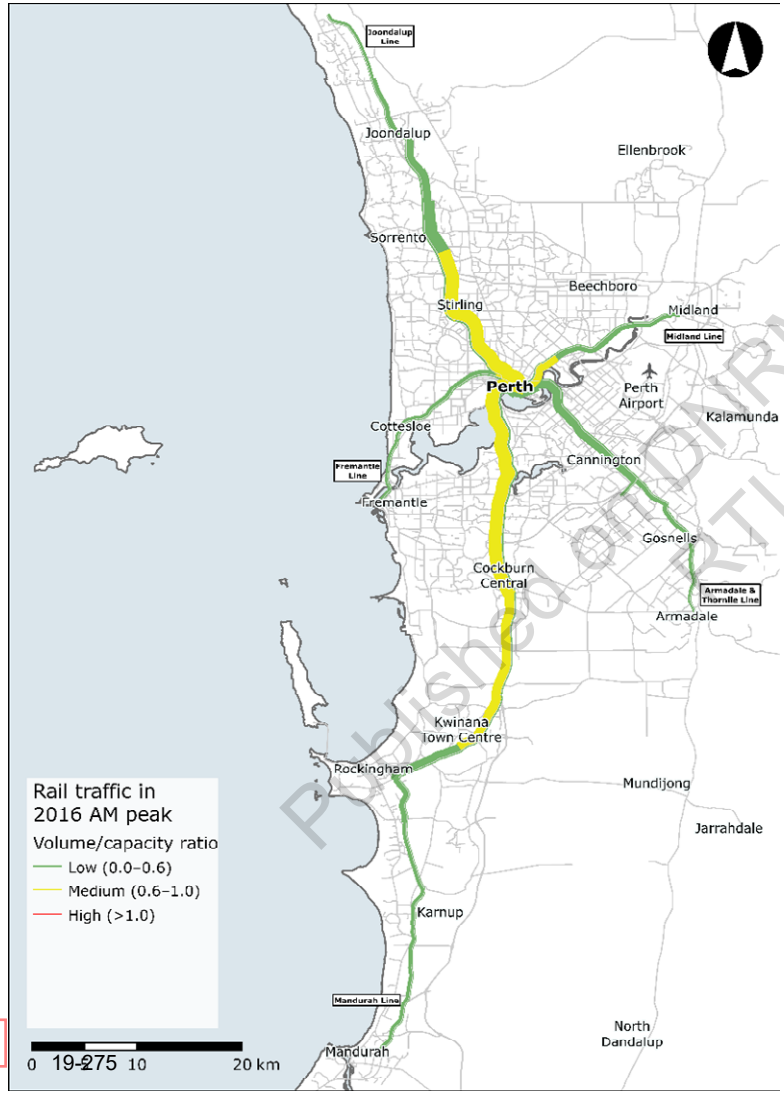
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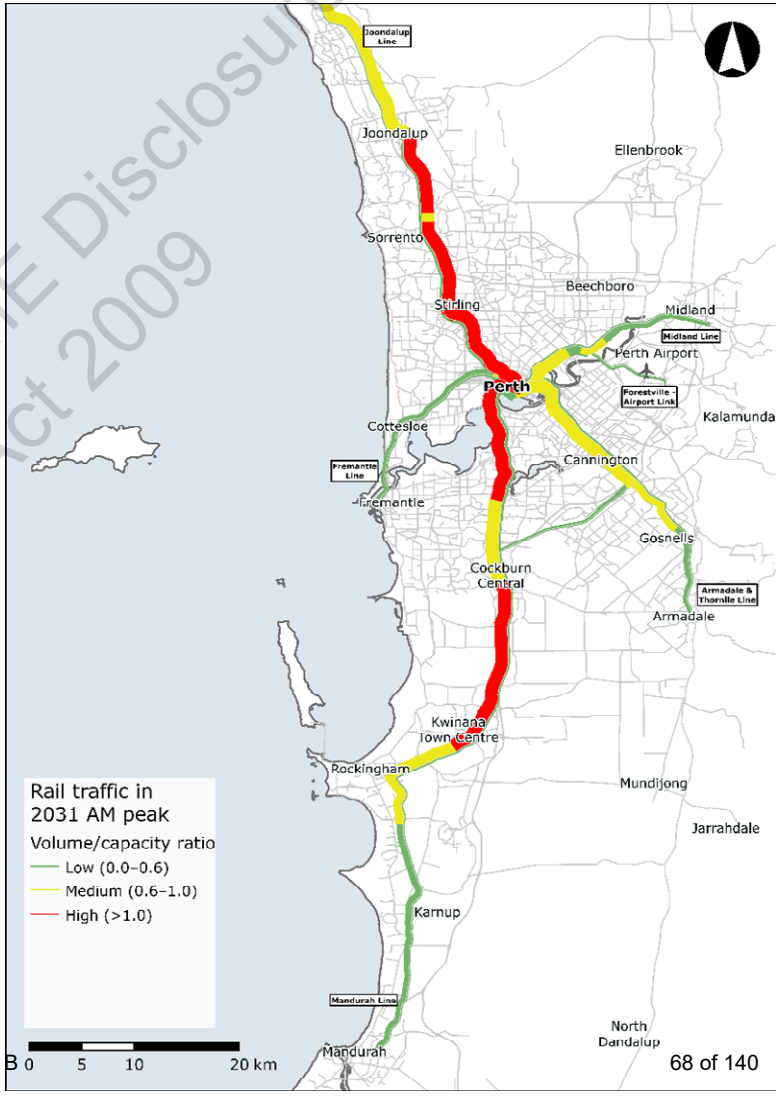
Australian Government | Infrastructure Australia

Perth weekday train passenger volume/capacity ratio AM peak

2016



2031



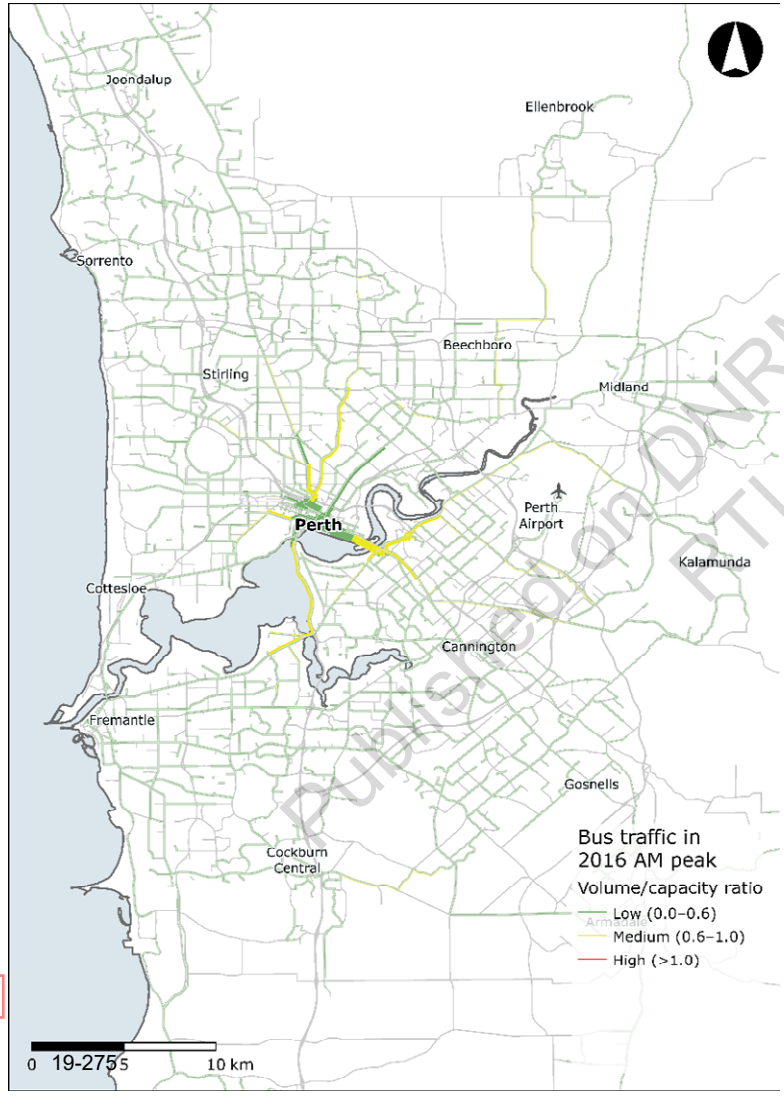
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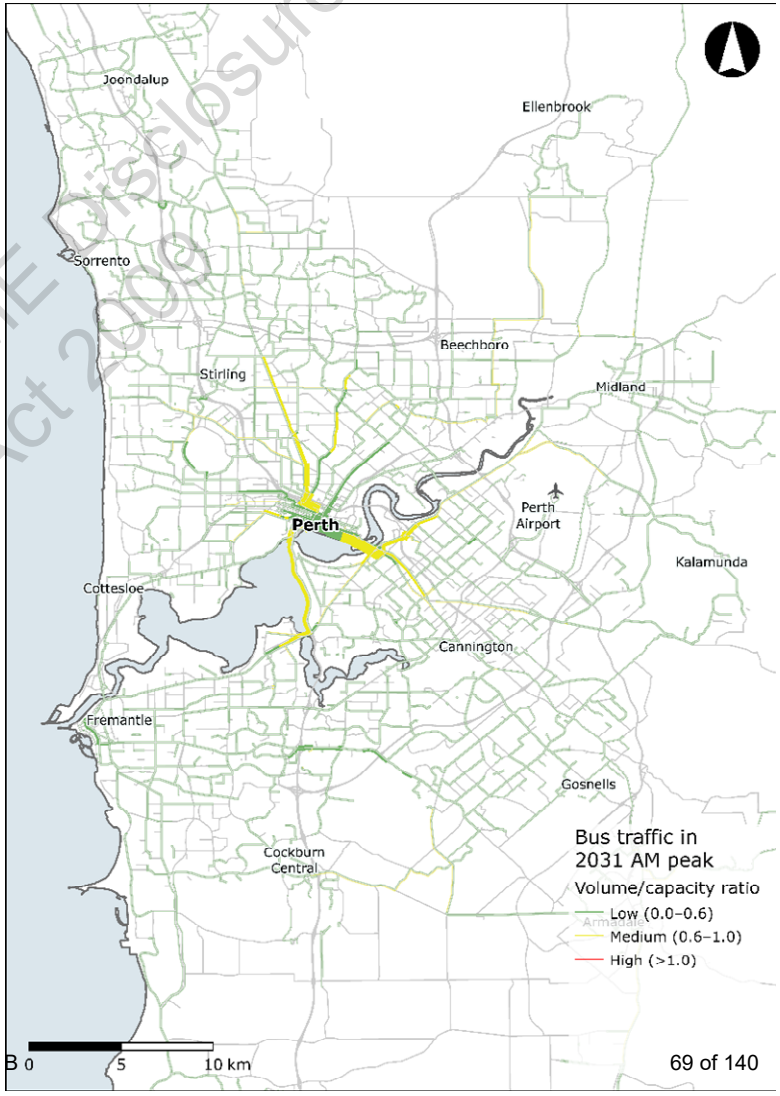
Australian Government | Infrastructure Australia

Perth weekday bus passenger volume/capacity ratio AM peak

2016



2031



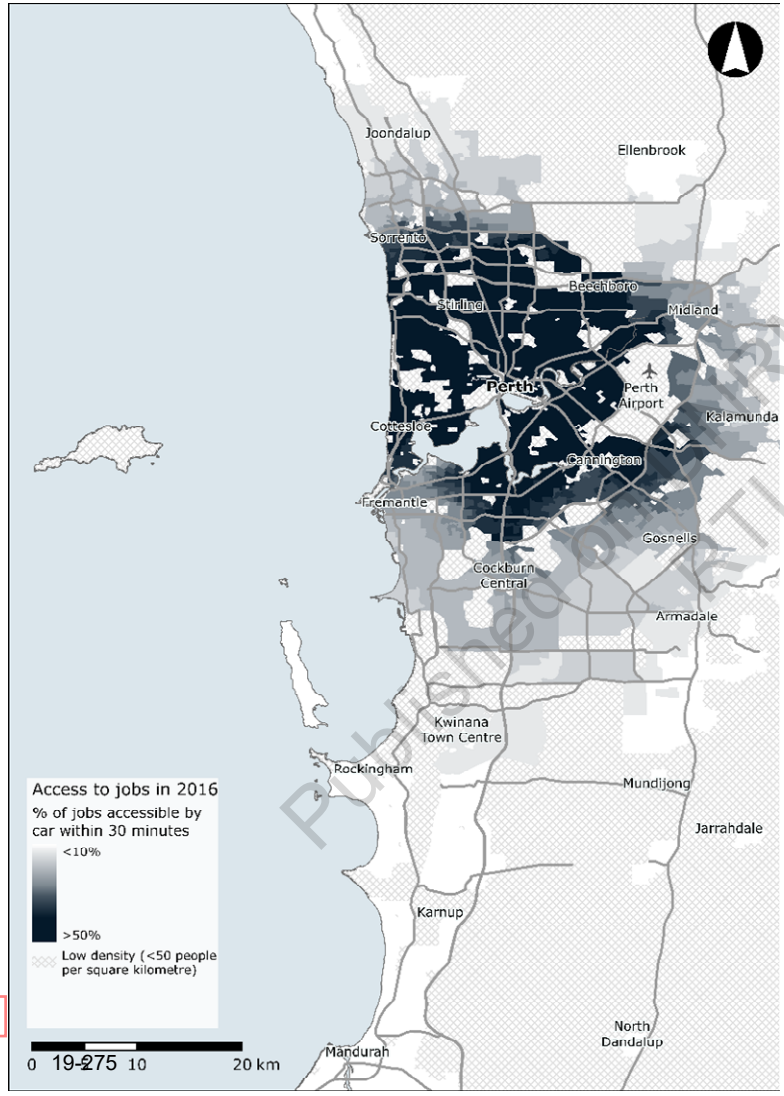
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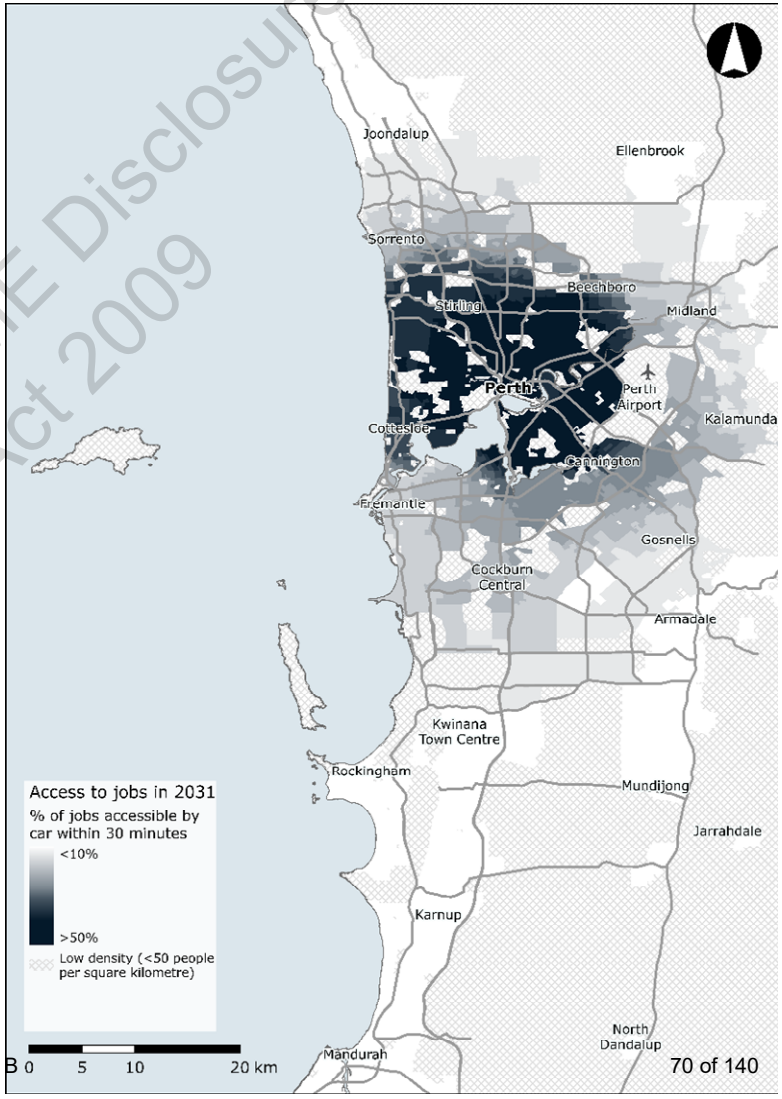
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Australian Government | Infrastructure Australia

Perth access to jobs, 2016 and 2031 AM peak

Car





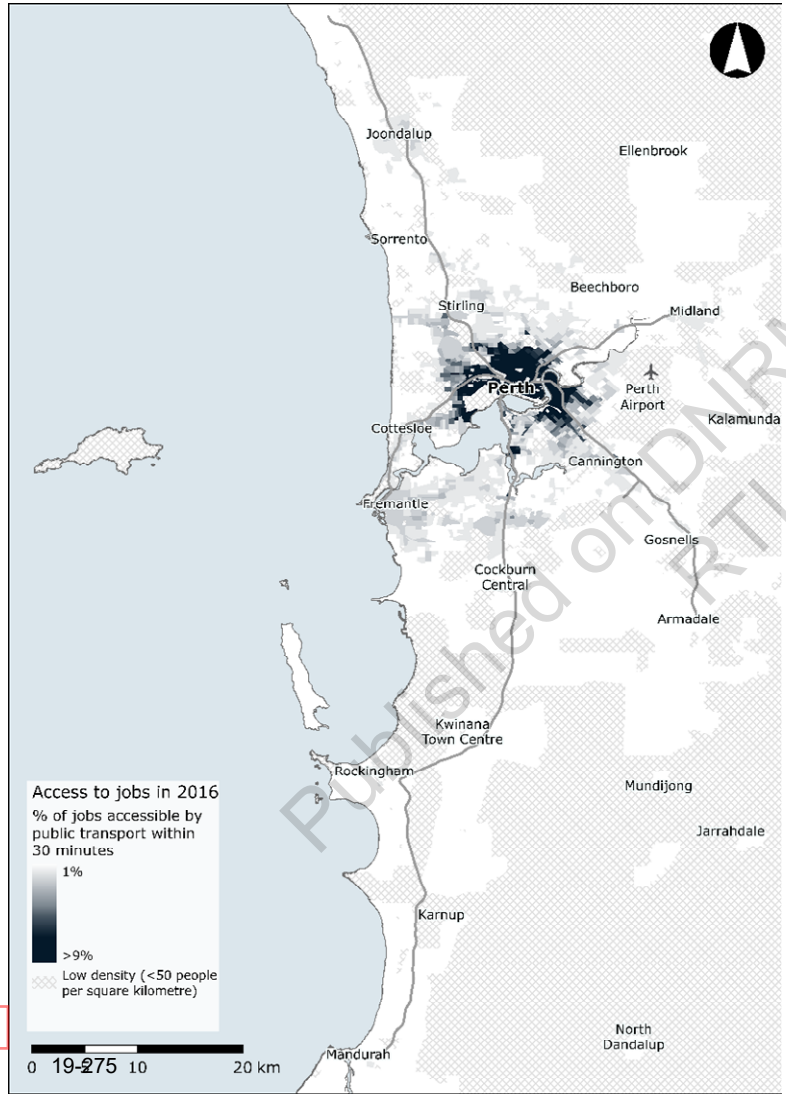
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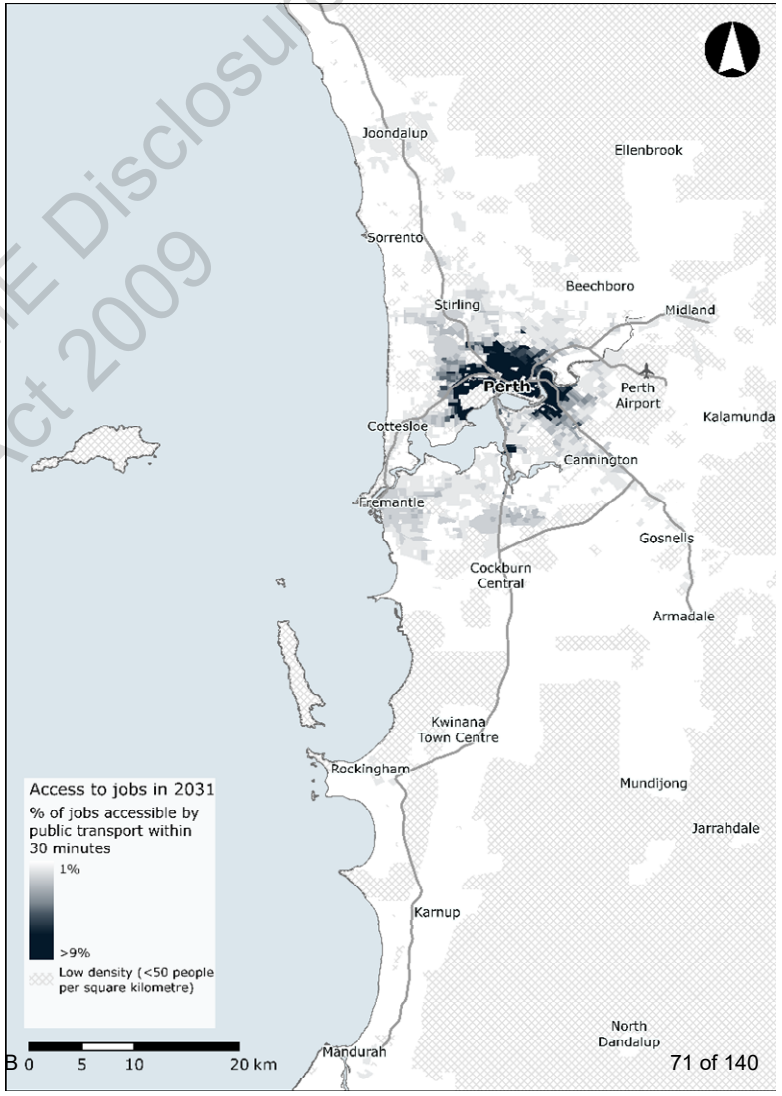
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Australian Government | Infrastructure Australia

Perth access to jobs, 2016 and 2031 AM peak

Public transport



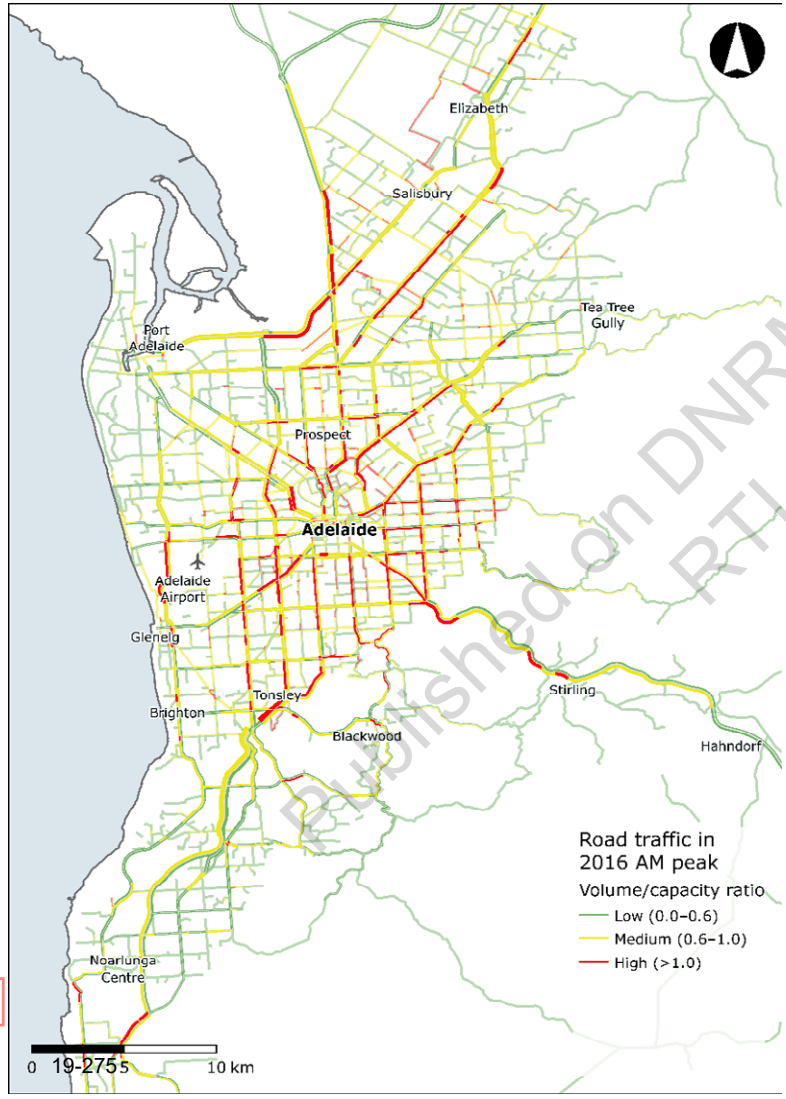


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RTI Act 2009

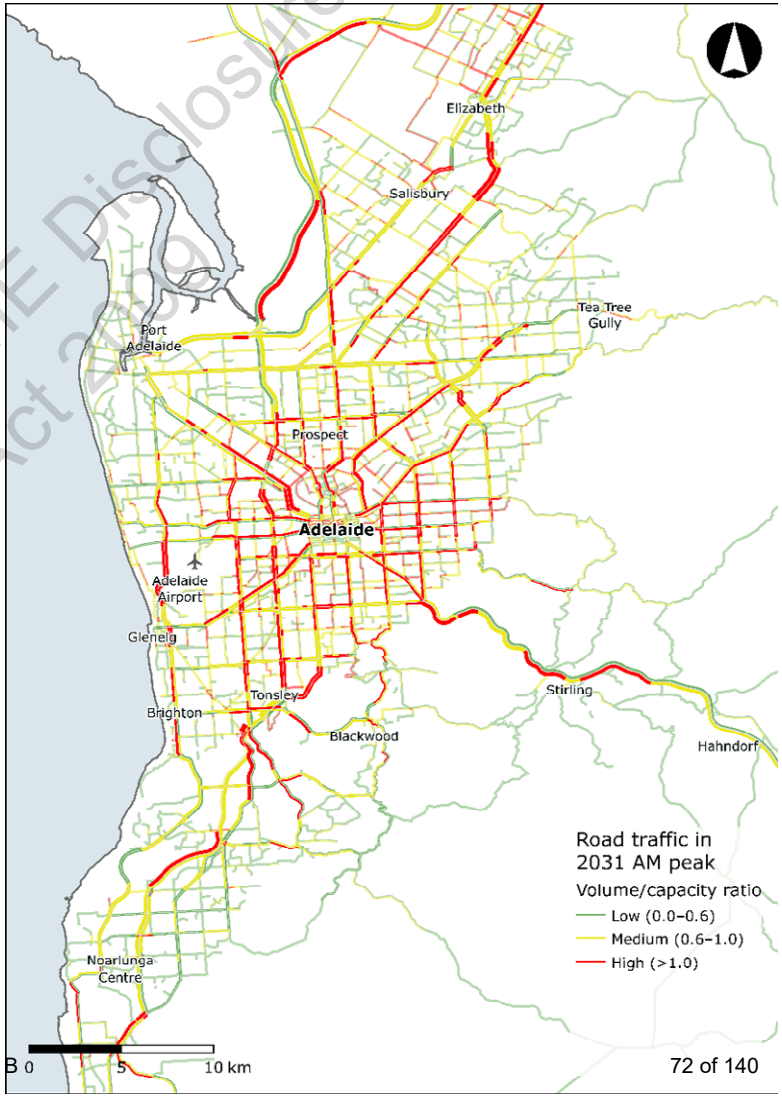
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Adelaide weekday traffic volume/capacity ratio AM peak

2016



2031



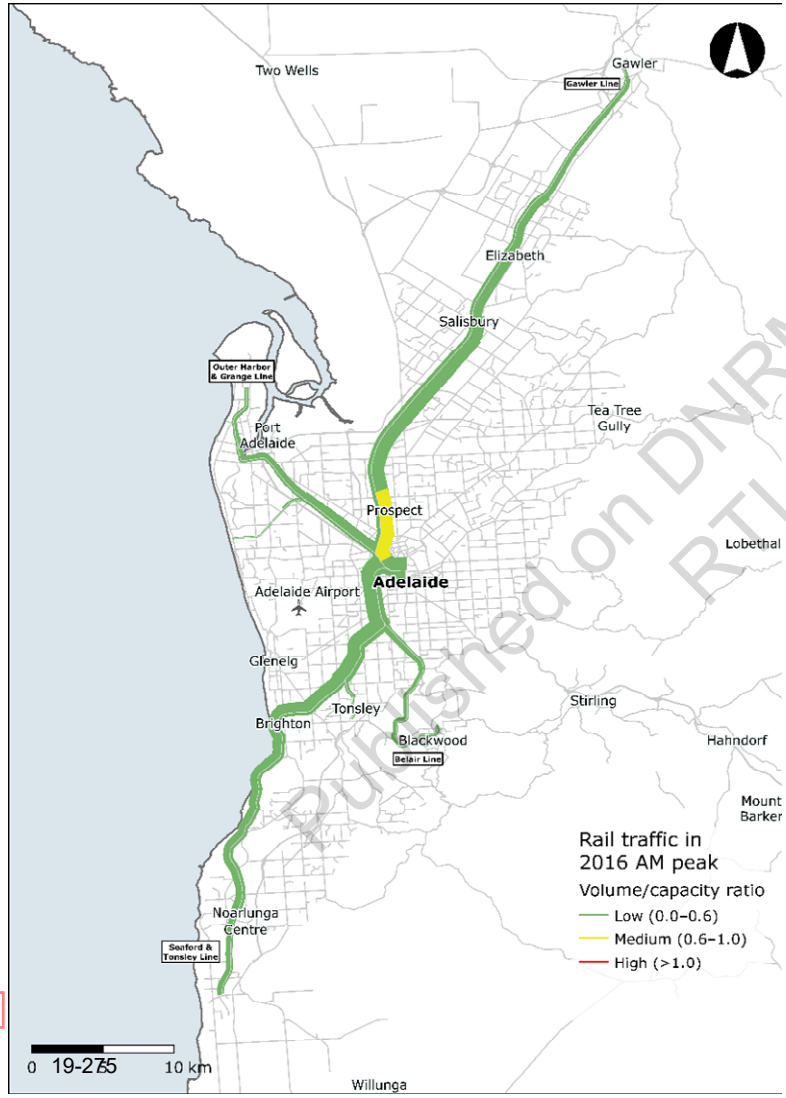
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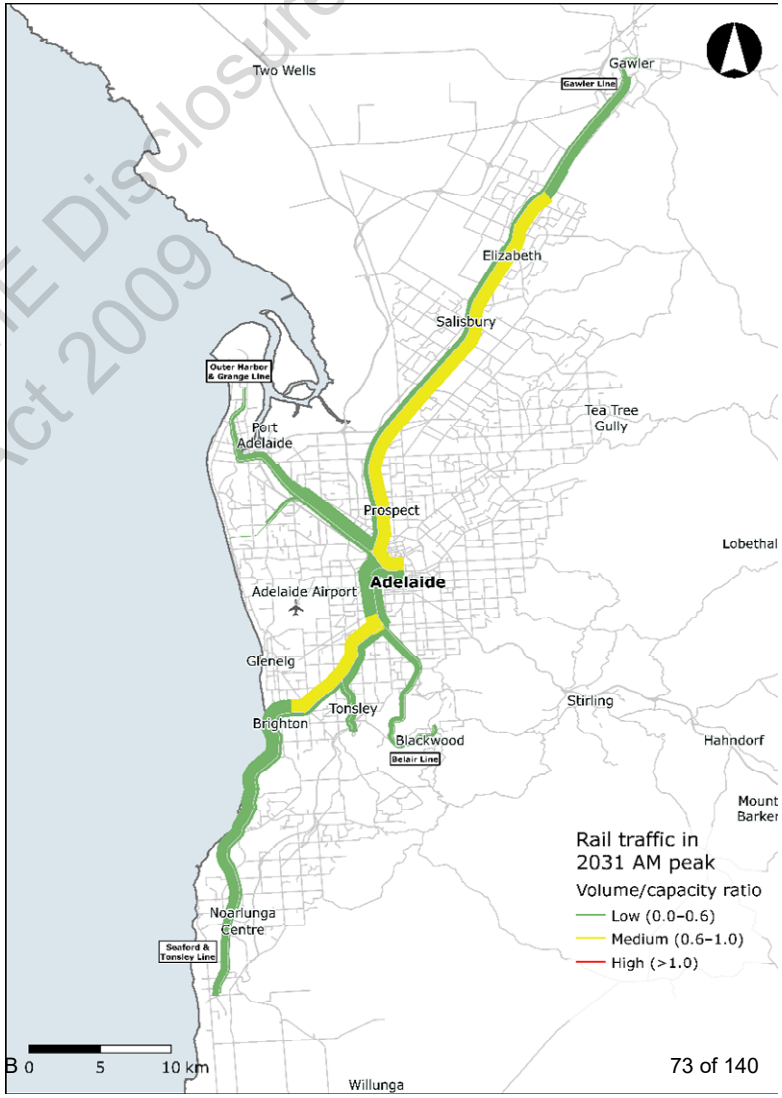
Australian Government | Infrastructure Australia

Adelaide weekday train passenger volume/capacity ratio AM peak

2016



2031

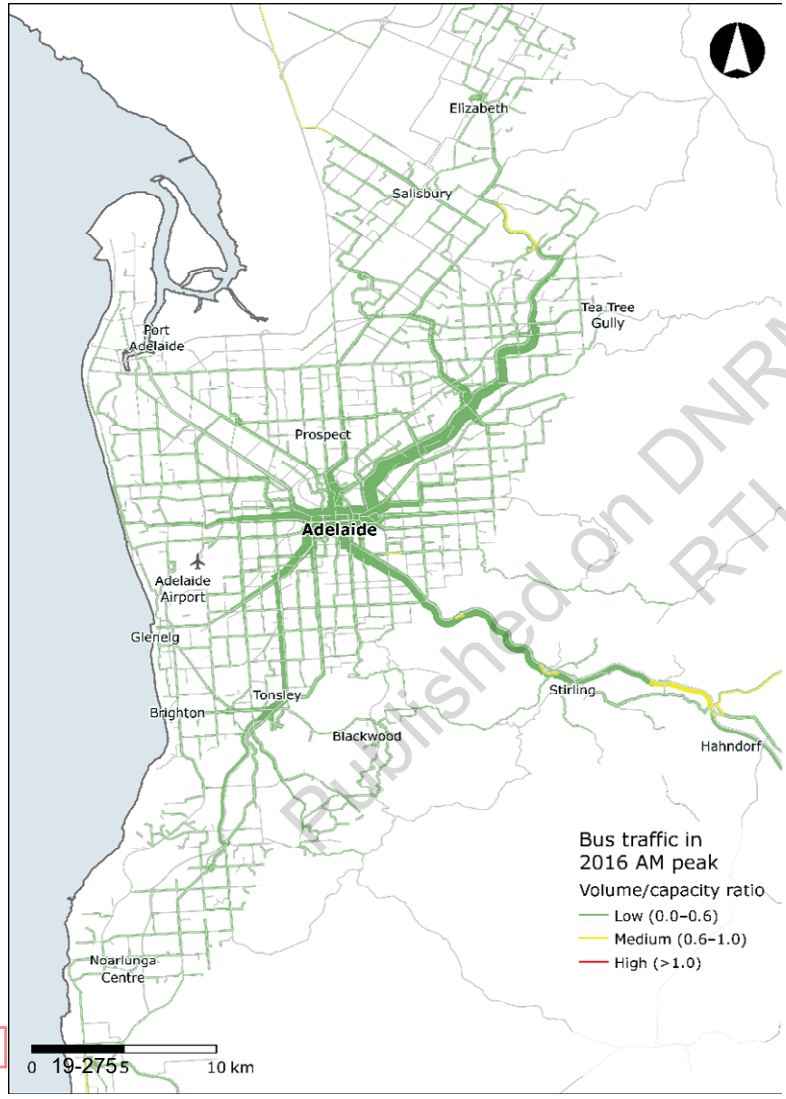


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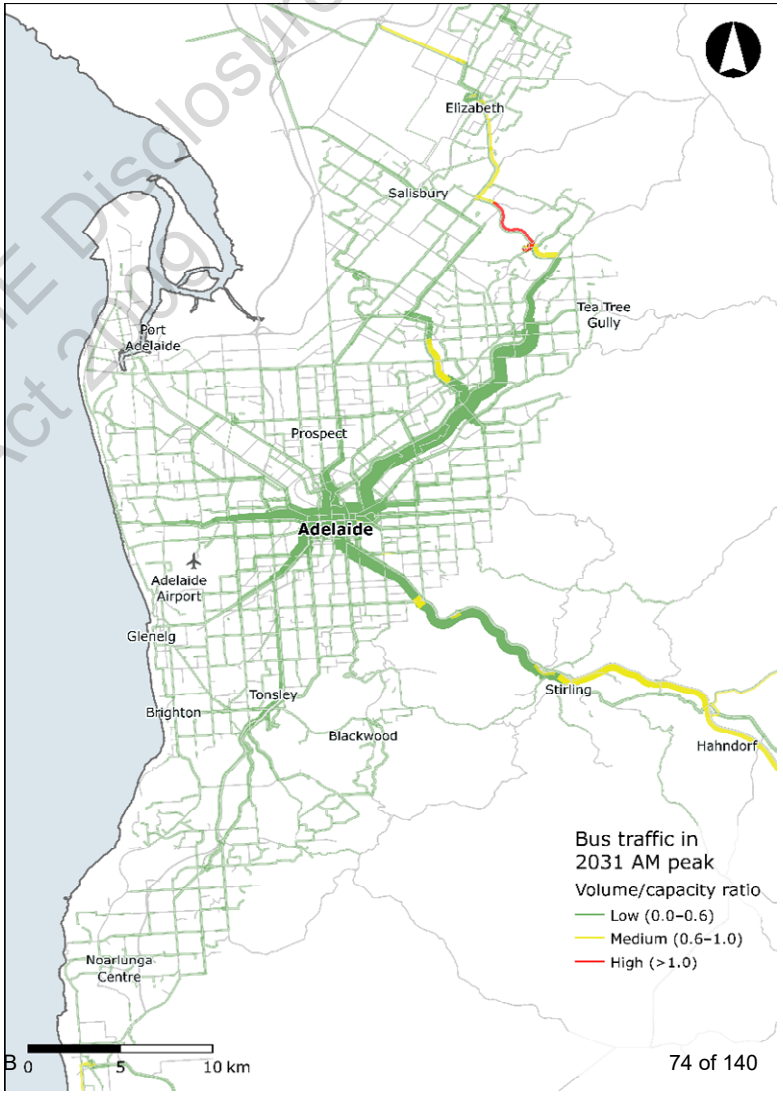
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Adelaide weekday bus passenger volume/capacity ratio AM peak

2016



2031

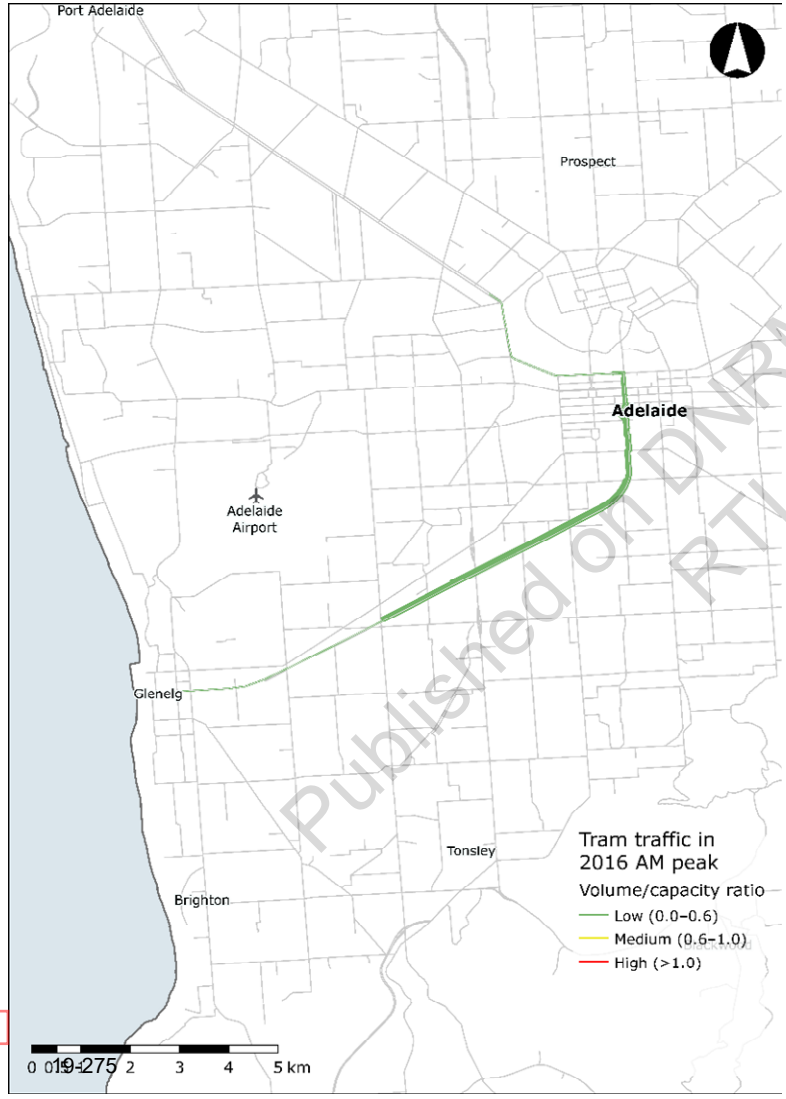


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Adelaide weekday tram passenger volume/capacity ratio AM peak

2016



2031



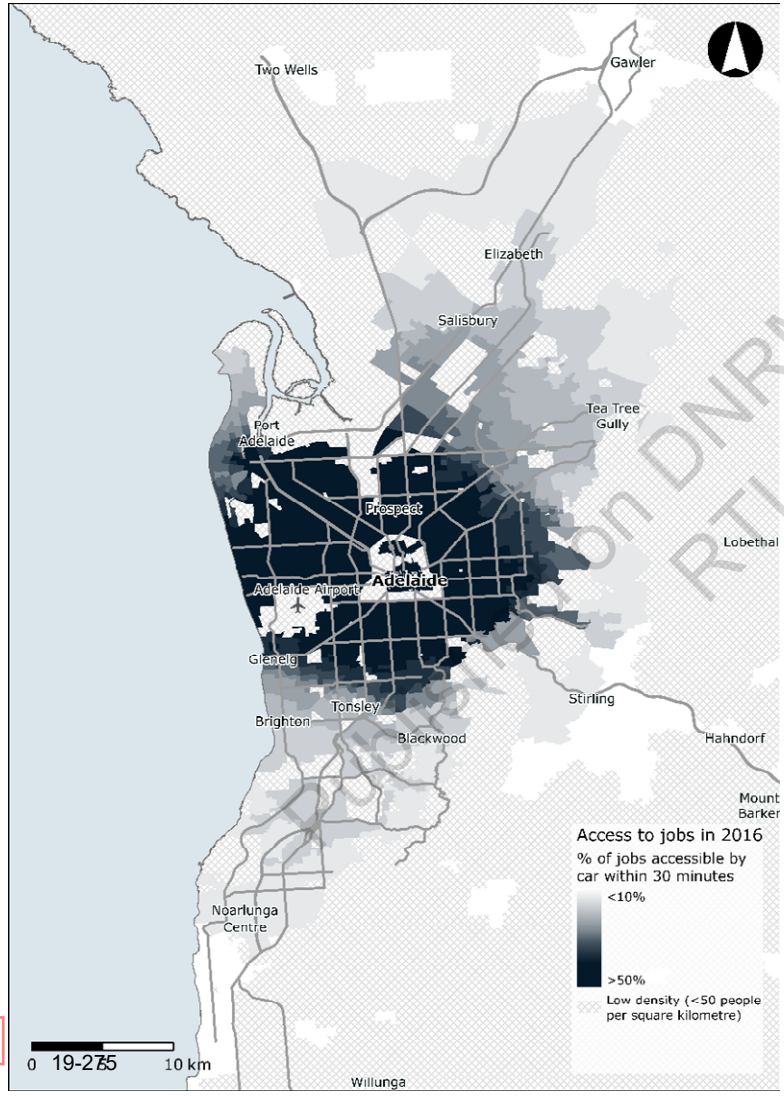
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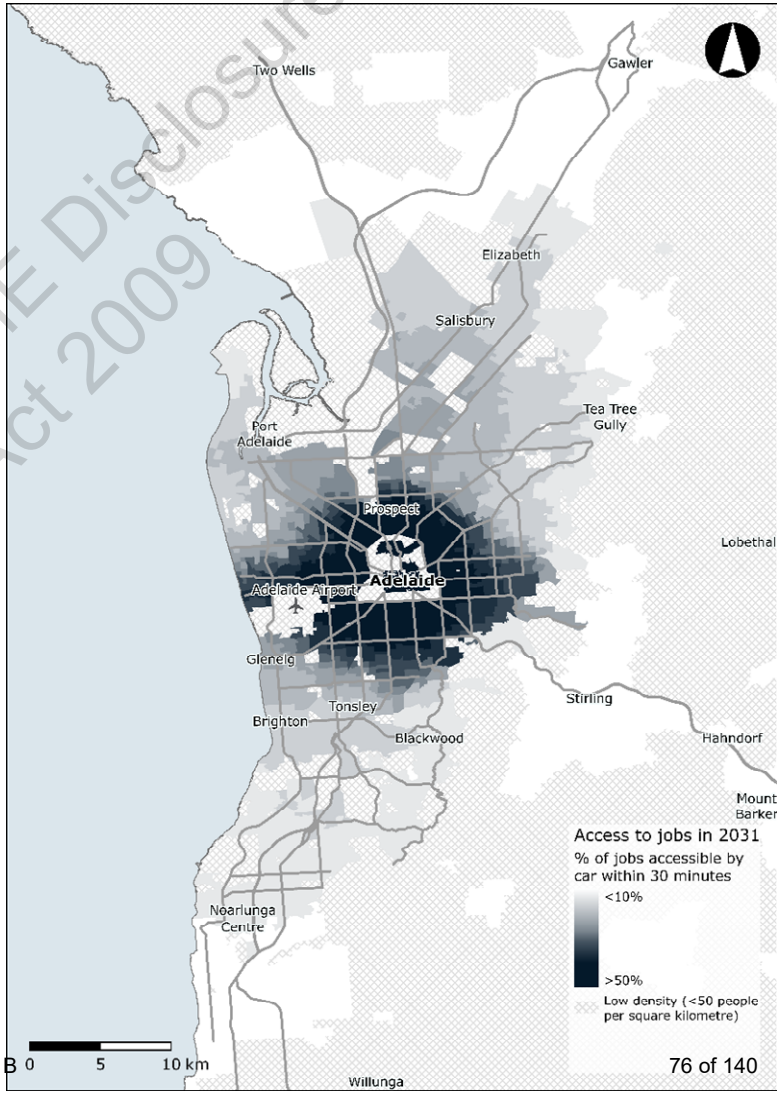
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Australian Government | Infrastructure Australia

Adelaide access to jobs, 2016 and 2031 AM peak

Car



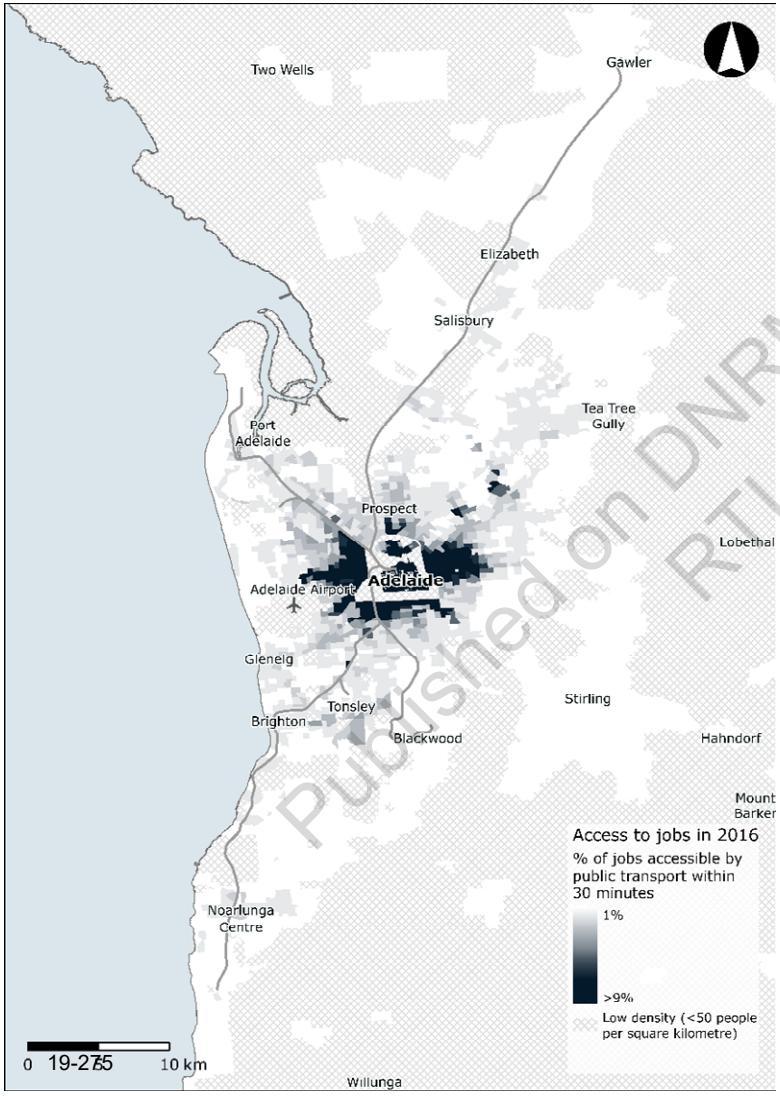


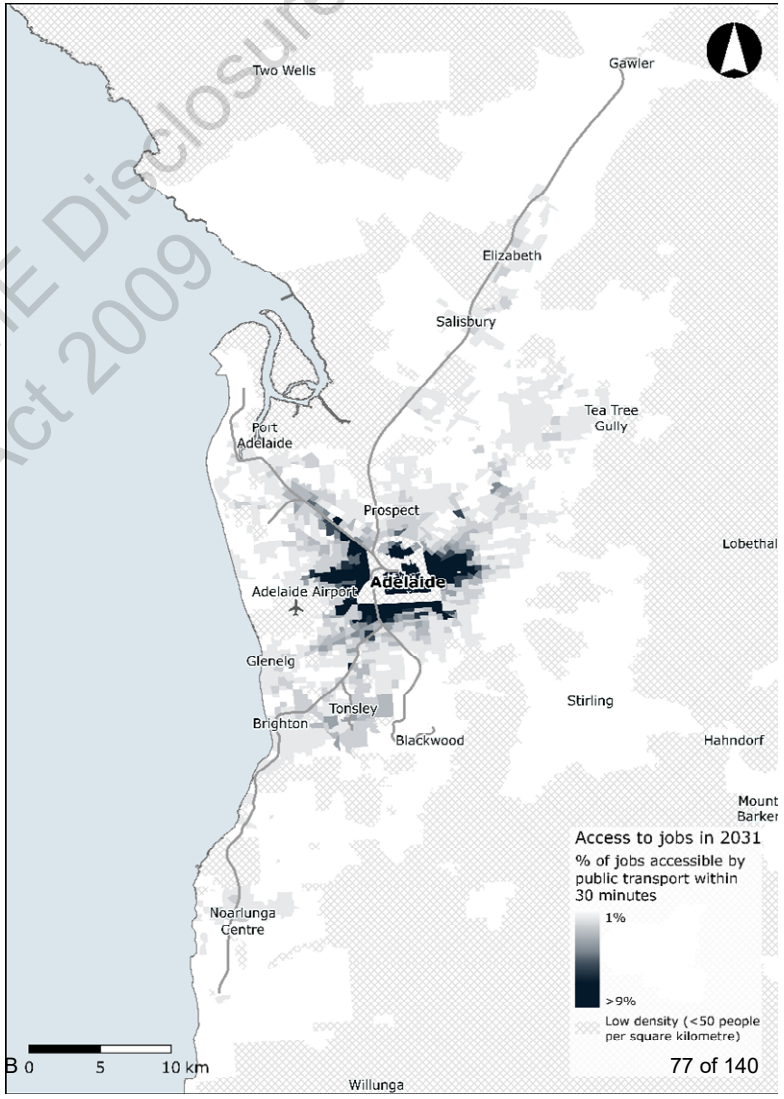
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Release

Adelaide access to jobs, 2016 and 2031 AM peak

Public transport





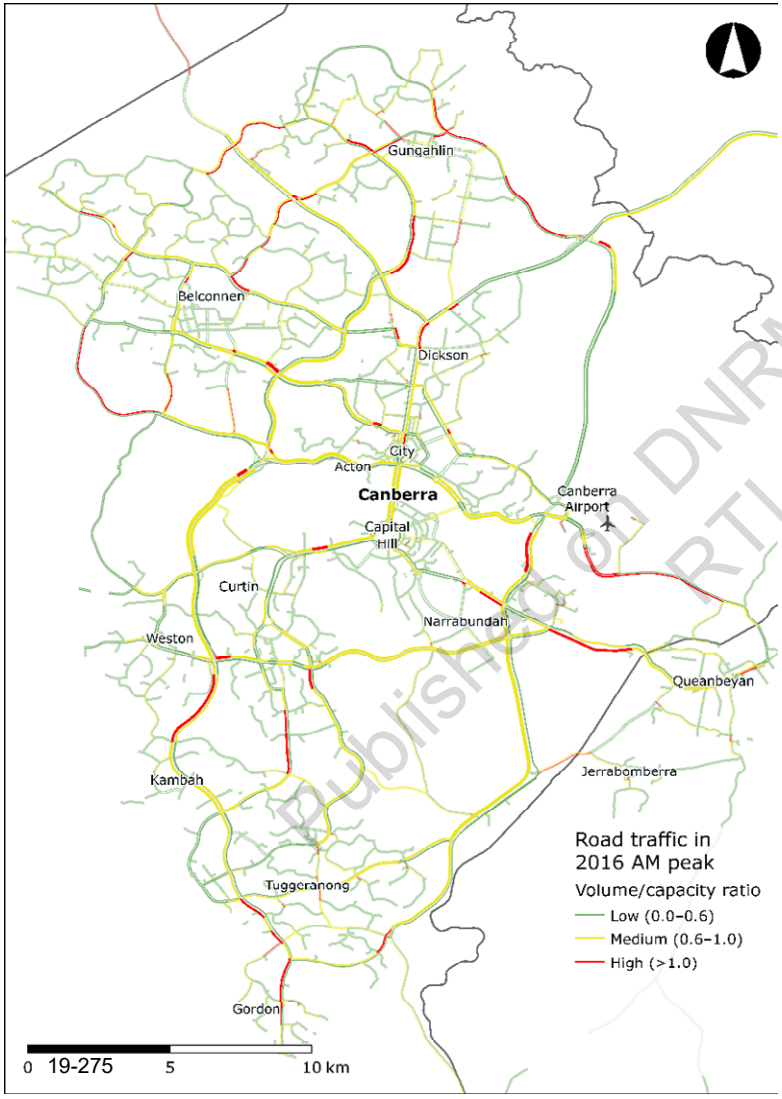
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77 of 140

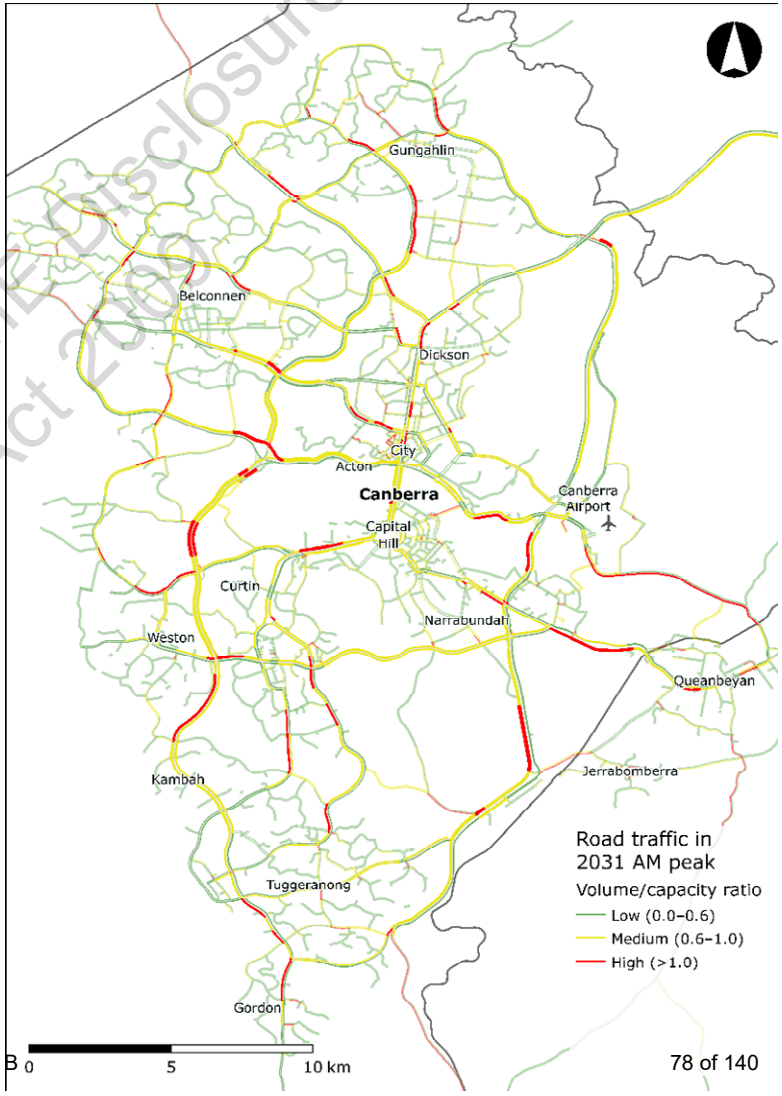
Australian Government | Infrastructure Australia

ACT and Queanbeyan weekday traffic volume/capacity ratio AM peak

2016



2031

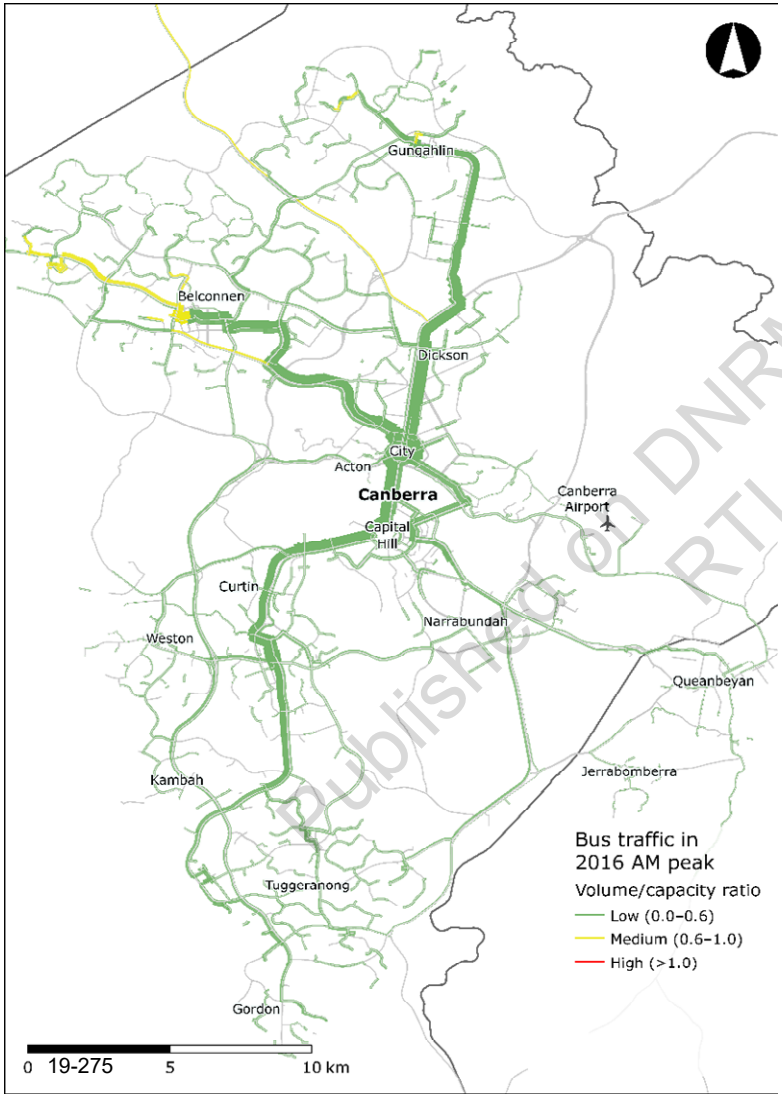


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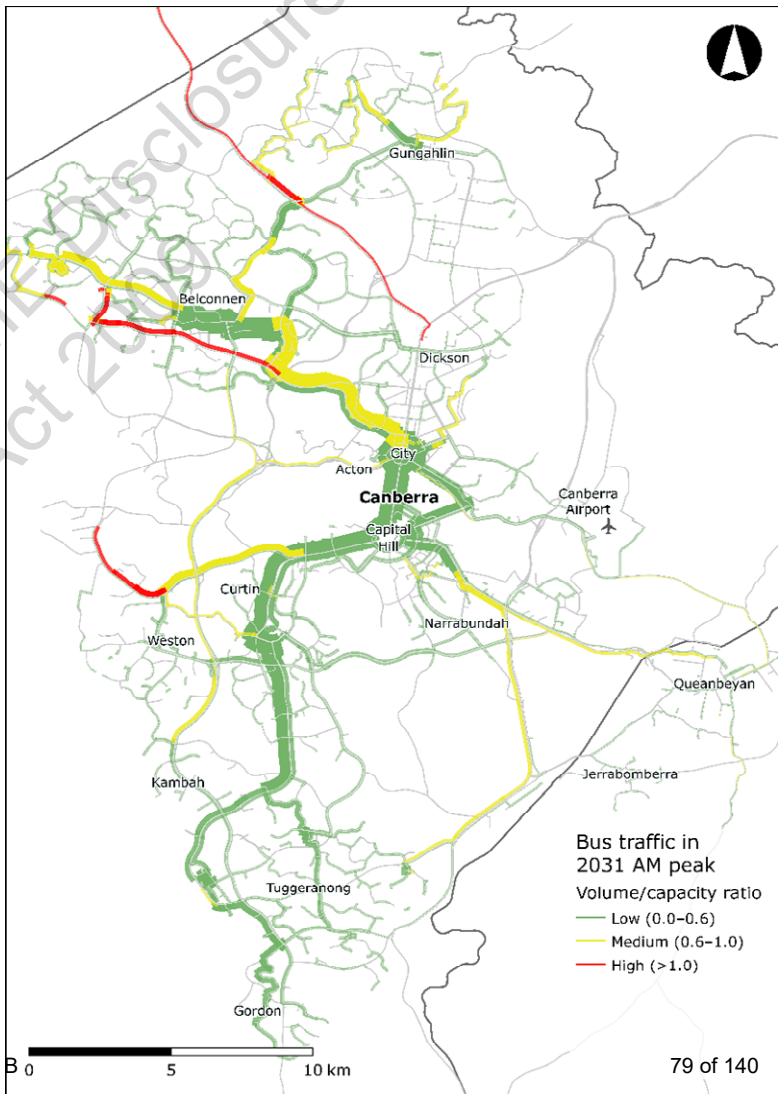
Australian Government | Infrastructure Australia

ACT and Queanbeyan bus passenger volume/capacity ratio AM peak

2016



2031



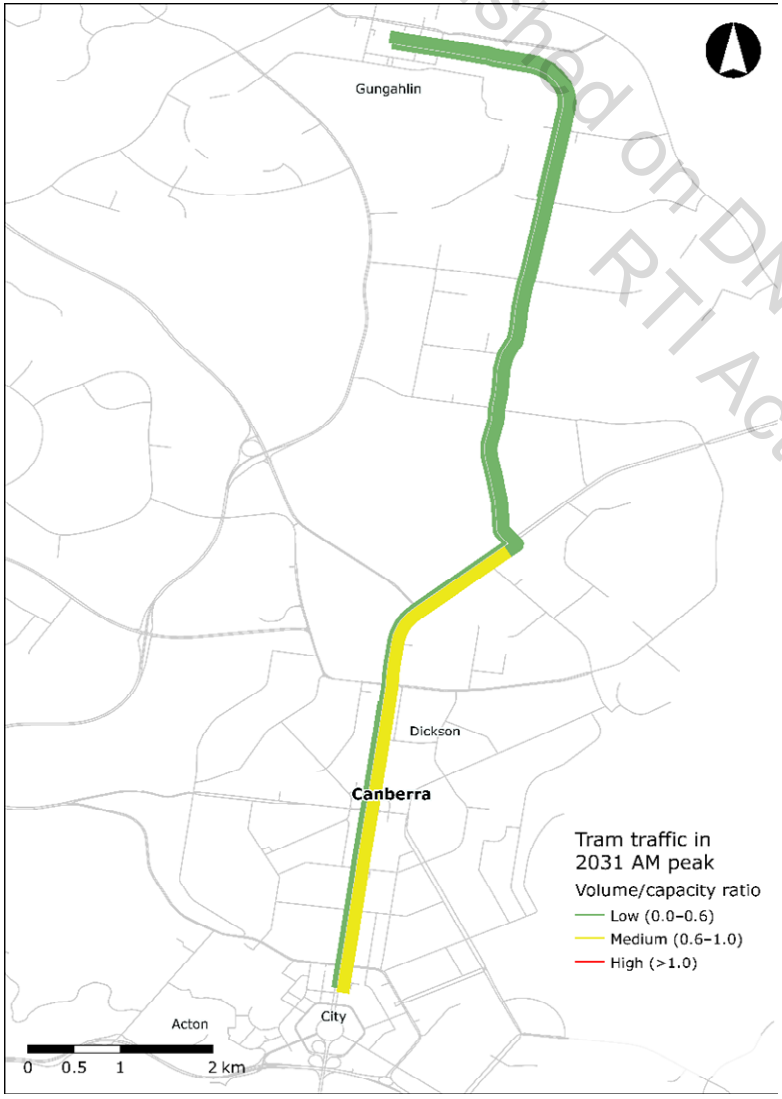
Published on DNRME Disclosure Log
RTI Act 2009

19-275

Published on DNRME Disclosure Log
RTI Act 2009

ACT and Queanbeyan light rail passenger volume/capacity ratio AM peak

2031



File B

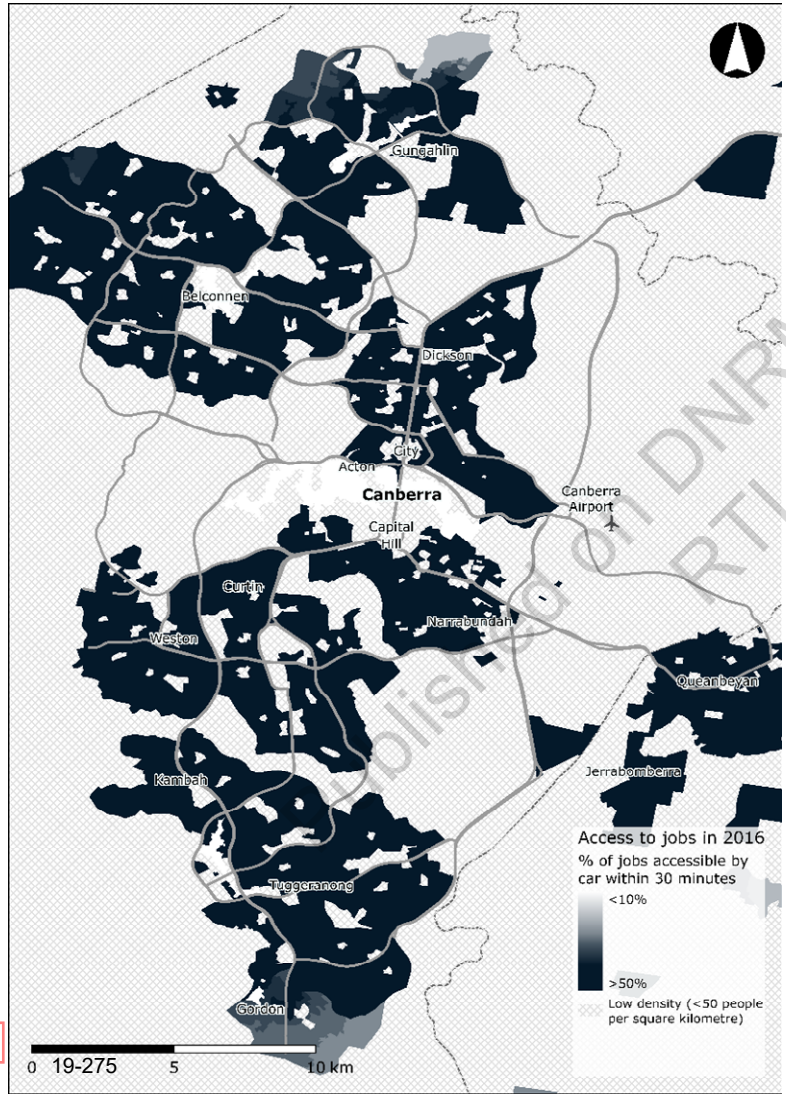
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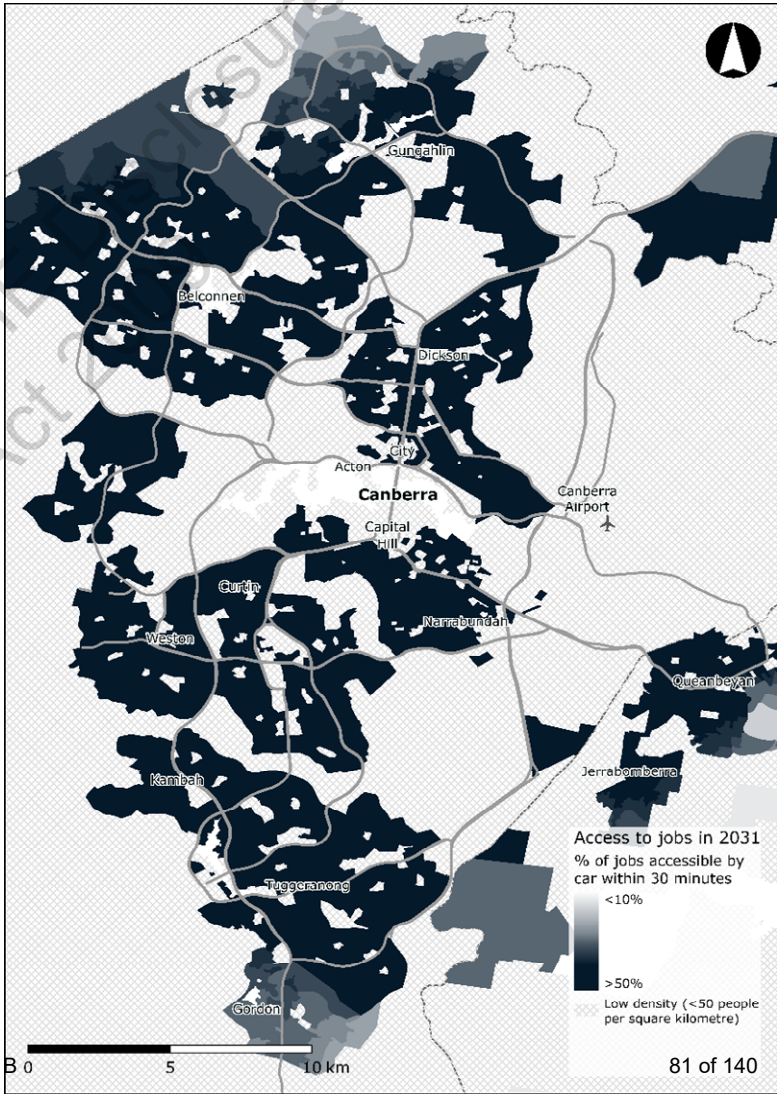
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Australian Government | Infrastructure Australia

ACT and Queanbeyan access to jobs, 2016 and 2031 AM peak

Car





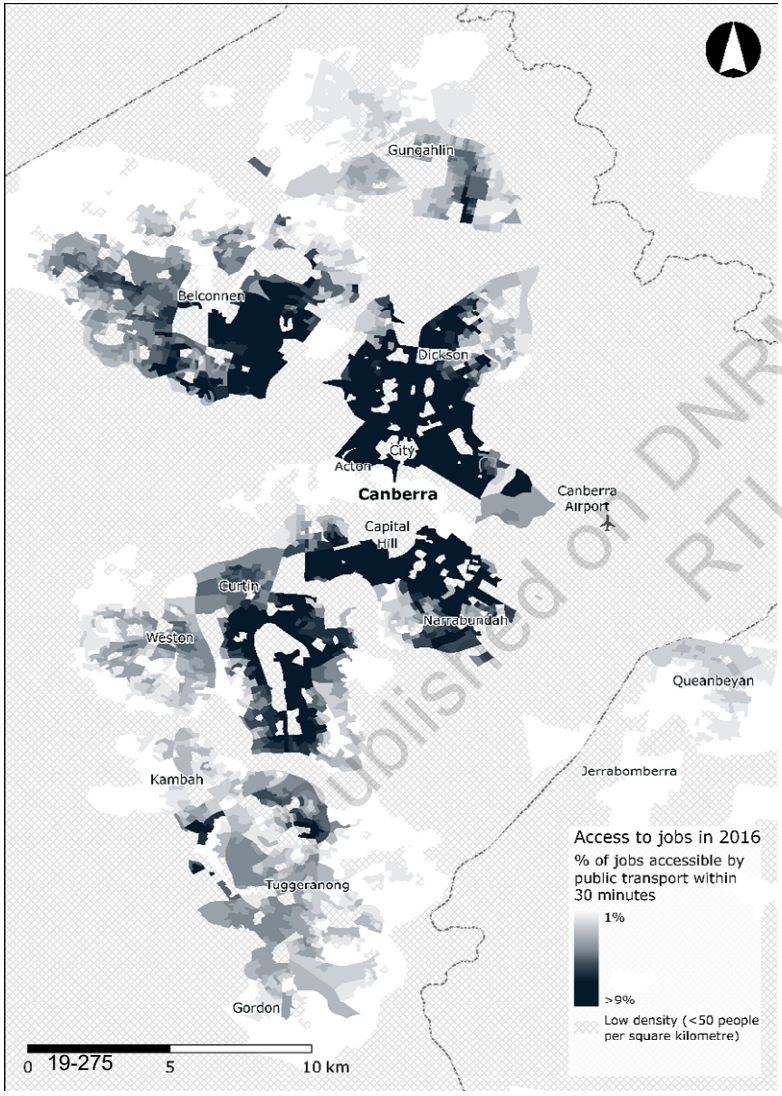
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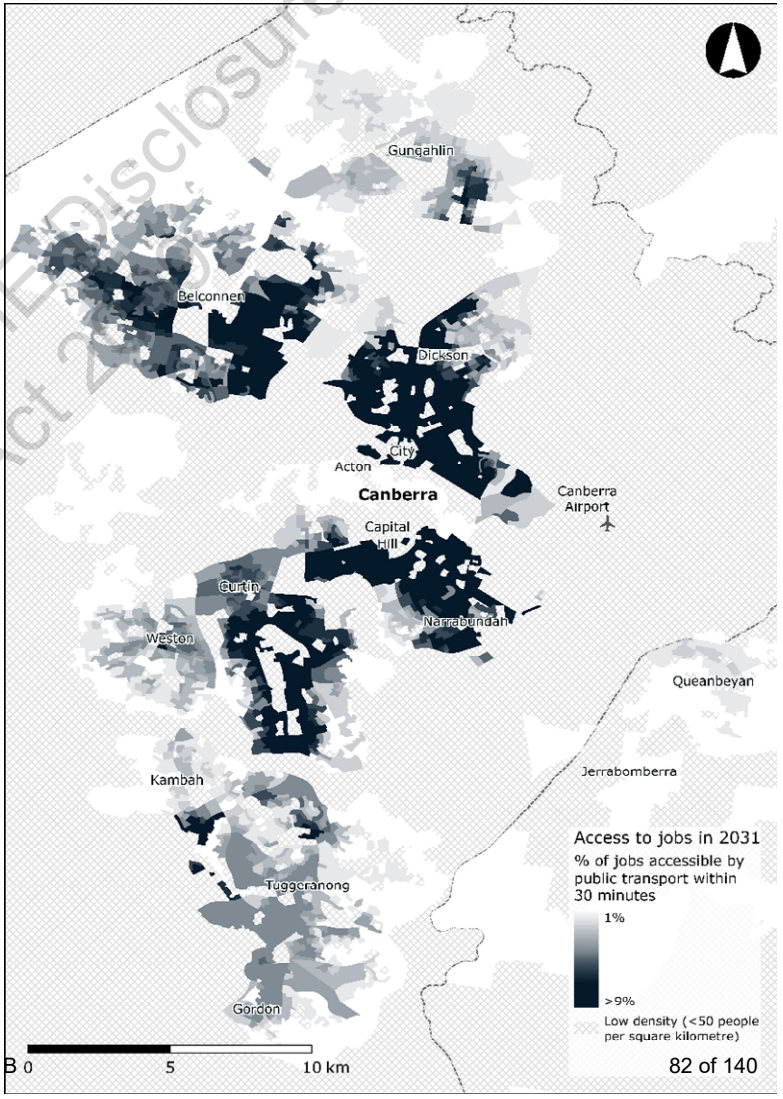
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Australian Government | Infrastructure Australia

ACT and Queanbeyan access to jobs, 2016 and 2031 AM peak

Public transport





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Release

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Release

Draft water content for Infrastructure Australia's Infrastructure Priority List Submission

Water Proposals

The Queensland Government is working with proponents to explore the potential development of numerous water proposals around the state.

Detailed assessment of these proposals is continuing, including through the Commonwealth's National Water Infrastructure Development Fund (NWIDF). Once this work is completed and the economic impacts quantified, the proponents and the Queensland Government will determine if these proposals warrant submission to Infrastructure Australia (IA) for consideration in the Infrastructure Priority List (IPL). An update on the three proposals is provided below.

s.73 Irrelevant information

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• Nullinga Dam

The proposed Nullinga Dam site is located on the Walsh River in the Atherton Tablelands and has been proposed as a future water supply to serve growing urban demand in Cairns and to enable expanded irrigated agriculture in the region by supplementing existing supplies.

Building Queensland (BQ) has recently completed a detailed business case of the proposed Nullinga Dam, finalising a commitment from the Queensland Government to facilitate these investigations funded by the Australian Government's NWIDF.

The Queensland Government has considered the detailed business case, and noted that the project would not deliver additional water supply at an affordable price for prospective water users. The Queensland Government has decided not to advance Nullinga to construction at this time.

Draft water content for Infrastructure Australia's Infrastructure Priority List Submission

The State will take steps to protect the site for the dam, to ensure that the project can be delivered in future, if needed. .

The detailed business case was published by BQ on 2 August 2019.

The detailed business case has built on an earlier preliminary business case and an accompanying expression of interest in additional water supplies in the area by MSF Sugar Ltd. The additional work by BQ and SunWater has updated the estimated costs of constructing the dam and associated distribution network, as well as the potential economic benefits that could be realised if this project were to progress. A more detailed water demand study has been undertaken to better understand the volume of water that could be used from the dam, as well as the amount that end users would be able and willing to pay within the constraints of their business costs.

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Department of Natural Resources, Mines and Energy
DEPARTMENT BRIEFING NOTE

To Linda Dobe, Deputy Director General

SUBJECT: s.73 Irrelevant information

TIMING: Required by 27 June 2019

Approved / ~~Not approved / Noted~~

sch4p4(6) Persona

Signature……

Name…Linda Dobe

Dated……26……/…6../ 2019…

RECOMMENDATION:
It is recommended that you:

a. s.73 Irrelevant information

b.

c. **Note** that Building Queensland (BQ) has submitted its detailed business case for Nullinga Dam to DNRME for consideration by the Queensland Government prior to its public release.

d. s.73 Irrelevant information

e. **Sign** a letter to the Australian Government to report: completion of the s.73 Irrelevant information s.73 Irre completion of the Nullinga Dam feasibility study - noting the report will be sent at a later date; and claiming the funding due from the NWIDF for both studies.

f. **Note** that the following documents will be uploaded to the Department of Infrastructure, Regional Development and Cities secure file transfer facility:
   a. s.73 Irrelevant information
   b.
   c. Statement of work activities for the Nullinga DBC from Building Queensland

KEY ISSUES:

1. s.73 Irrelevant information
2.
3.
4.
5.
6.
7.
8. BQ has finalised a detailed business case for Nullinga Dam, following its completion of a preliminary business case in 2017 and a subsequent indication of water requirements from the proposed dam by MSF Sugar.
9. The documents submitted by BQ have been assessed by DNRME as meeting the requirements of the grant deed and the invoice has been found appropriate for payment (**Attachment 3**).
10. The detailed business case indicates a Nullinga Dam is not financially or economically viable

Author:	Recommended – Director:	Recommended - ED	Endorsed – DDG:
Name: Paul Hope Title/Business Group: RWSI Telephone: 3166 0164 Date: 21 June 2019	Name: Grant Horton Title/Business Group: RWSI Telephone: 3166 0157 Date: 24 June 2019	Name: Bernadette Zerba Title/Business Group: WS Telephone: 3137 4265 Date:	Name: Linda Dobe Title/Business Group: NR Telephone: 3166 0132 Date:

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under any scenario, with a benefit cost ratio of 0.1.

11. DNRME is in the process of submitting the detailed business case to the Queensland Government for its consideration prior to forwarding it to the Australian Government and a public release.

RISK:

12. s.73 Irrelevant information

13. There has been extensive public commentary concerning the Nullinga Dam proposal and an announcement that the detailed business case indicates it is not economically viable is likely to lead to adverse media commentary from some sectors. Appropriate communication strategy and messaging is in preparation for release after Queensland Government has considered the detailed business case.

CONSISTENCY WITH ELECTION COMMITMENTS AND GOVERNMENT OBJECTIVES:

14. N/A.

RESOURCE IMPLICATIONS

15. Finance / Budget - DNRME will make a claim to the Australian Government for reimbursement of the funding payments for both feasibility studies in line with the National Project Agreement and accompanying Bilateral Schedule for the NWIDF (**Attachment 4**).

16. s.73 Irrelevant information

COMMUNICATION:

17. s.73 Irrelevant information

18. The Nullinga Dam detailed business case documents will not be released until the Queensland Government has considered the findings of this study and approved a public release.

BACKGROUND:

19. s.73 Irrelevant information

20.

21.

22.

23.

24. BQ has developed the detailed business case for Nullinga Dam, with officers from appropriate agencies providing input and reviewing the work as the project progressed.

25. The Nullinga Dam detailed business case has been reviewed by the BQ Board, which has endorsed it for submission to the Queensland Government for its consideration.

ATTACHMENTS:

1. s.73 Irrelevant information
2.
3. DNRME Milestone Assessment of Nullinga Dam detailed business case
4. DNRME letter of claim to the Australian Government

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BOWEN COLLINSVILLE ENTERPRISE GROUP INC **ABN** **74 284 284 577**

C/ 14 Tynwald Ave, Bowen, 4805

Invoice No: s.73 Irrelevant in

Date: 17 April 2019

Due Date: 30 April 2019

Bill To: **ABN** **59 020 847 551**

State of Queensland acting through the Department of Natural Resources, Mines & Energy.

Level 8, 1 William Street, Brisbane, Qld, 4000

Contact Officer: Grant Horton 07 3166 0157

Item	Description	Price
	Delivery of a: • s.73 Irrelevant information • written Final Preliminary Business Case for the Urannah Dam Project	s.73 Irrelevant
	GST	90,000
	TOTAL	s.73 Irrelevant

Make all checks payable to BOWEN COLLINSVILLE ENTERPRISE GROUP INC

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National Water Infrastructure Development Fund – Part 1
Milestone Assessment

Feasibility Study	s.73 Irrelevant information
Proponent	
Milestone Number	
Milestone Description	
Milestone Due Date	
Milestone Receipt Date	
Milestone for Bilateral Schedule	
Compliance Assessed By	
Compliance Assessment Date	
MECS Item	

Summary of Milestone documentation received

s.73 Irrelevant information

Other agencies consulted

s.73 Irrelevant information

Matters considered and findings

s.73 Irrelevant information

Recommendations for further work (if any)

s.73 Irrelevant information

Feedback provided to proponent (if any)

s.73 Irrelevant information

RECOMMENDATIONS

s.73 Irrelevant information

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National Water Infrastructure Development Fund – Part 1 Milestone Assessment

Feasibility Study	Nullinga Dam feasibility study
Proponent	Building Queensland
Milestone Number	3
Milestone Description	Delivery of detailed business case for the proposed Nullinga Dam
Milestone Due Date	17 May 2019 (subsequently varied by agreement)
Milestone Receipt Date	21 June 2019
Milestone for Bilateral Schedule	Yes
Compliance Assessed By	Paul Hope
Compliance Assessment Date	21 June 2019
MECS Item	CTS16988/19

Summary of Milestone documentation received

1. Detailed business case
2. Invoice for $3,850,000 (inc. GST)
3. Statement of works undertaken

Other agencies consulted

1. State agencies were not consulted on this final report documentation by DNRME but have had various opportunities to review draft version of the business case.
2. Building Queensland undertook its own review process using contacts on its own stakeholder engagement panel
3. The final detailed business case documents were reviewed by the Building Queensland Board which has approved them for release to the Queensland Government for its consideration

Matters considered and findings

- All deliverables for the milestone have been received and meet the requirements of the bilateral schedule

Recommendations for further work (if any)

- DNRME is preparing a separate briefing process to provide the detailed business case for Queensland Government consideration and endorsement of any further actions
- DNRME will report to the Australian Government that the feasibility study has been completed and will claim for the funding due under the NWIDF
- Once DNRME has received the funds due from the Australian Government, Building Queensland will be advised to submit an invoice which will be paid under a separate briefing process

Feedback provided to proponent (if any)

- None

RECOMMENDATIONS

- Approval of DNRME reporting to the Australian Government that the feasibility study has been completed and claiming the funding due from the NWIDF – noting that the Australian Government will not be sent a copy of the detailed business case documents until approval to do so is provided by the Queensland Government

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Ref CTS16988/19

Queensland Government

Department of **Natural Resources, Mines and Energy**

Ms Diana Hallam
Acting Executive Director
Drought Taskforce
Department of Infrastructure, Regional Development and Cities
GPO Box 594
CANBERRA CITY ACT 2601
Email: Diana.Hallam@infrastructure.gov.au

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Dear Diana

Re: National Water Infrastructure Development Fund Part 1 – 2018/19 milestone reporting

As required by the Bilateral Schedule to the National Project Agreement for Part 1 of the National Water Infrastructure Development Fund, I am pleased to advise the Queensland Government is satisfied the milestones set out in the table below have been successfully met.

I request the associated milestone payments be transferred from the Australian Government Treasury Department to Queensland Treasury.

Study	Milestone description	Payment
s.73 Irrelevant information		
Nullinga Dam feasibility study	Delivery of stage 2 detailed business case	$3,500,000

s.73 Irrelevant information

The documentation for the Nullinga Dam feasibility study is currently being considered by the Queensland Government and, as such, cannot be released by my department at this time. Nevertheless, as required by clause 14 of the National Project Agreement, I confirm that the feasibility study has been completed and the milestone has been satisfactorily met. A summary of work activities statement for the completion of the Nullinga detailed business Case will also be uploaded to your department's secure file transfer system such that all relevant document are in one suitable location.

1 William Street Brisbane
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3199 8287
www.dnrm.qld.gov.au
www.dews.qld.gov.au
ABN 59 020 847 551

I request that the payment for this feasibility study be made at this time as per the table above. As per discussions between officers of Department of Natural Resources Mines and Energy and the Department of Infrastructure, Regional Development and Cities the final detailed business case document will be formally provided to you once they have been considered by the Queensland Government.

I would be grateful if you could confirm your agreement with the achievement of the above milestones and clarify when the funds transfer will occur. For ease, an email to Mr Grant Horton, Director, Grant.Horton@dnrme.qld.gov.au (with a cc to Mrs Virginia Hunter, Manager, Virginia.Hunter@dnrme.qld.gov.au) will be sufficient.

Should you have any queries regarding this matter please contact Mr Grant Horton, Director, Regional Water Infrastructure, Water Markets and Supply, on 07 3166 0157.

Yours sincerely

sch4p4(6) Personal in

Linda Dobe
Deputy Director-General, Natural Resources

Cc: Mr Drue Edwards, By email: Drue.Edwards@infrastructure.gov.au
Leann Palmer: Leann.Palmer@infrastructure.gov.au

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Department of Natural Resources, Mines and Energy
DIRECTOR-GENERAL'S BRIEFING NOTE

Approved / Not approved / Noted
Signature.....
Name.....
Dated..... 18/10/19

SUBJECT: Claim for payment against National Water Infrastructure Development Fund Nullinga Dam feasibility study – Milestone 3

TIMING: Required by 31 October 2019

RECOMMENDATION:
It is recommended that you:

a. **Approve** payment of $3 850 000 (inc GST) to Building Queensland (BQ) for the Nullinga Dam feasibility study, Milestone 3 – the final claim for this study.
b. **Note** that under CTS 16988/19 (**Attachment 1**), DNRME:
   - Reported completion of a detailed business case for Nullinga Dam to Australian Government.
   - Outlined the results of DNRME's assessment of the detailed business case adequacy in relation to the formal MoU in place between DNRME and BQ.
   - Claimed the funding due, being $3 500 000 (ex GST) from the Australian Government under the National Water Infrastructure Development Fund (NWIDF).
c. **Note** Australian Government's funding was received by DNRME on 9 September 2019.

KEY ISSUES:

1. On 9 September 2019, funding was received by DNRME from the Australian Government following a claim for completion of the Nullinga Dam detailed business case under the NWIDF.
2. BQ submitted an invoice to DNRME on 30 September 2019 (**Attachment 2**).
3. It is considered that the invoice is in order for payment and as Director-General, you have the delegated authority to approve payment.

RISK:

4. The funding has been received from the Australian Government prior to being paid to BQ, therefore there is no financial risk to DNRME.

CONSISTENCY WITH ELECTION COMMITMENTS AND GOVERNMENT OBJECTIVES:

5. N/A.

RESOURCE IMPLICATIONS

6. Finance / Budget – the funding for this payment has already been received by DNRME from the Australian Government.

COMMUNICATION:

7. The Nullinga Dam detailed business case documents have already been publicly released following approval by the Queensland Government.

BACKGROUND:

8. BQ finalised a detailed business case for Nullinga Dam, following its completion of a preliminary business case in 2017 and a subsequent indication of water requirements by MSF Sugar.
9. The documents submitted by BQ were assessed by DNRME as meeting the requirements of the grant deed and a claim for the associated funding was made to the Australian Government.
10. The detailed business case indicates Nullinga Dam is not financially or economically viable under any scenario, with a benefit cost ratio of 0.1.

ATTACHMENTS:

11. **Attachment 1** - Briefing note including DNMRE's assessment of completion of the Nullinga detailed business case prepared under CTS 16988/19
    Attachment 2 - BQ Tax Invoice for Nullinga Dam detailed business case, Milestone 3

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Release

Author:	Recommended – Director:	Recommended - ED	Endorsed – DDG:
Name: Paul Hope Title/Business Group: RWSI Telephone: 3166 0164 Date: 10 October 2019	Name: Grant Horton Title/Business Group: RWSI Telephone: 3166 0157 Date:11/10/2019	Name: Bernadette Zerba Title/Business Group: WS Telephone: 3137 4265 Date: 13/10/2019	Name: Linda Dobe Title/Business Group: NR Telephone: 3166 0132 Date: BYPASSED

DEPARTMENT OF NATURAL RESOURCES MINES AND ENERGY
RESPONSE TO **CAUCUS LIAISON** REQUEST

CTS No.	17284/19
DATE DUE TO DLO	2/7/2019
ELECTORATE OFFICE	Mulgrave Electorate
NAME OF CONSTITUENT/MEMBER OF PUBLIC *If applicable*	John Phillips
ISSUE	Release, s.73 Irrelevant information
RESPONDING OFFICER *Author*	Name: Darren Thompson Position: Team Leader Business Unit: Regional Water Supply Infrastructure Contact Number: 3166 0154
FINAL APPROVAL *DG/DDG/ED*	Name: Bernadette Zerba Position: Executive Director Business Unit: Natural Resources Contact Number: 3137 4265

PLEASE NOTE: This advice is provided for the information of the Office of the Minister for Natural Resources, Mines and Energy to assist in preparing a response to the Electorate Office

SUGGESTED RESPONSE TO ELECTORATE OFFICE

- Building Queensland, in collaboration with Sunwater has lead the development of a detailed business case for the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvement Project.
- The detailed business case was developed to further assess the financial and economic viability of the proposal post the completion of the preliminary business case that was released in November 2017.
- The completed business case is currently being progressed to the Queensland Government for consideration.
- Both the preliminary and detailed business cases assessed the needs and opportunities for the area along with potential infrastructure and non-infrastructure options to meet the needs.
- The merits and limitations of the North Johnstone Diversion proposal were assessed as part of the work in developing the preliminary and detailed business cases.
- s.73 Irrelevant information
-
-

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BACKGROUND BRIEFING FOR MINISTER'S OFFICE – NOT FOR DISTRIBUTION (CONFIDENTIAL)

Release

CURRENT STATUS:

- The Department of Natural Resources, Mines and Energy (department) is progressing the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvement Project Detailed Business Case to Queensland Government for consideration.
- It is anticipated that the Queensland Government will consider the detailed business case in mid to late 2019.
- The contents and details of the assessments undertaken in the detailed business case are not to be released publically until government has considered the detailed business case.
- The detailed business case identified a number of outstanding matters around level of design and environmental impact associated with the North Johnstone Diversion proposal, however it acknowledged that should the environmental concerns be adequately mitigated, this solution could potentially support allocations of 30 000 ML/annum or more.
- The public release version of the detailed business case includes statements to this affect.
- The proposed matters for government consideration include seeking approval to release a public version of the detailed business case.
- s.73 Irrelevant information

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KEY ISSUES:

- Building Queensland, in collaboration with Sunwater has completed the detailed business case for Nullinga Dam. Key findings conclude that a Nullinga Dam is not financially or economically viable under any scenario.
- The business case identified customer demand for water in the region, primarily for expansion of the sugar cane industry. However, customers are only willing and able to pay around $2000-$3000/ML. Water from a Nullinga Dam would cost upwards from $15 900/ML under a full cost recovery approach. Capital investment by the state and/or federal governments to bring these costs down to $2000-3000/ML would be around $0.8-1.2 Billion.
- Future urban supply for Cairns is not required until the 2060s.
- Future progression of Nullinga Dam and the range of other options raised in the detailed business case is subject to future government consideration.

BACKGROUND:

- The Nullinga Dam has been investigated with funds from the Australian Government's NWIDF as an option to support the expansion of irrigated agriculture and potentially help meet Cairns future urban water supply needs.

- s.73 Irrelevant information
-
-
-

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Department of Natural Resources, Mines and Energy
DEPARTMENT BRIEFING NOTE

Approved / Not approved / Noted
Signature……sch4p4(6) Person…
Name……
Dated……2…/…8../…2019…

To Linda Dobe, Deputy Director General

SUBJECT: NWIDF Nullinga Dam detailed business case – claim for payment from Australian Government

TIMING: Required by 2 August 2019

RECOMMENDATION:
It is recommended that you:

a. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality

b.

c. **Sign** a letter to the Australian Government to report completion and provide a copy of the Nullinga Dam detailed business case and claim the funding due from the NWIDF.

KEY ISSUES:
1. BQ has finalised a detailed business case for Nullinga Dam, following its completion of a preliminary business case in 2017 and a subsequent indication of water requirements from the proposed dam by MSF Sugar.
2. The documents submitted by BQ were assessed by DNRME as meeting the requirements of the grant deed (see CTS16988/19).
3. The detailed business case indicates a Nullinga Dam is not financially or economically viable under any scenario, with a benefit cost ratio of 0.1.
4. DNRME submitted the detailed business case to Cabinet for its consideration.
5. Cabinet endorsed release of the detailed business case and sending the documents to the Australian Government for its consideration – media statements were made on 2 August 2019.
6. It is appropriate that you sign a letter to the Australian Government advising completion of the detailed business case, providing a copy of the public release version documents and claiming the funding due under the NWIDF (**Attachment 1**).

RISK:
7. N/A

CONSISTENCY WITH ELECTION COMMITMENTS AND GOVERNMENT OBJECTIVES:
8. N/A.

RESOURCE IMPLICATIONS
9. Finance / Budget – By sending the attached letter, DNRME is making a claim to the Australian Government for a funding payment ($3,500,000) in line with the National Project Agreement and accompanying Bilateral Schedule for the NWIDF.
10. Once funding is received from the Australian Government, BQ will be advised to submit its invoice for the work and payment will be endorsed through a separate briefing note.

COMMUNICATION:
11. Media releases regarding the outcomes of the Nullinga Dam detailed business case have been made on 2 August 2019.
12. BQ will publish the Nullinga Dam detailed business case documents on its website.

BACKGROUND:
13. BQ has developed the detailed business case for Nullinga Dam, with officers from appropriate agencies providing input and reviewing the work as the project progressed.
14. The Nullinga Dam detailed business case has been reviewed by the BQ Board, which has endorsed it for submission to the Queensland Government for its consideration.

ATTACHMENTS:
1. DNRME letter of claim to the Australian Government

Author:	Recommended – Director:	Recommended - ED	Endorsed – DDG:
Name: Paul Hope Title/Business Group: RWSI Telephone: 3166 0164 Date: 2 August 2019	Name: Grant Horton Title/Business Group: RWSI Telephone: 3166 0157 Date:	Name: Bernadette Zerba Title/Business Group: WS Telephone: 3137 4265 Date:	Name: Linda Dobe Title/Business Group: NR Telephone: 3166 0132 Date:

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Ref CTS20605/19

Queensland Government

Department of **Natural Resources, Mines and Energy**

07/08/2019

Ms Diana Hallam
Executive Director
Regional Development and Local Government Division
Department of Infrastructure, Regional Development and Cities
GPO Box 594
CANBERRA CITY ACT 2601
Email: Diana.Hallam@infrastructure.gov.au

Dear Diana

Re: National Water Infrastructure Development Fund Part 1 – 2018/19 reporting

As required by the Bilateral Schedule to the National Partnership Agreement for Part 1 of the National Water Infrastructure Development Fund, I am pleased to advise the Queensland Government is satisfied the milestone set out in the table below has been successfully met. As such, I request the associated milestone payment be transferred to Queensland Treasury.

Project	Milestone description	Payment
Nullinga Dam feasibility study	Milestone 2 – delivery of stage 2 detailed business case	$3,500,000

As the report documents themselves are too large to email, they will be uploaded to your department's secure transfer site and advice will be provided once that has been done.

I would be grateful if you could confirm your agreement with the achievement of this milestone and clarify when the funds transfer will occur. For ease, an email to Grant Horton, Director, grant.horton@dnrme.qld.gov.au (c.c. to Paul Hope, paul.hope@dnrme.qld.gov.au) will suffice.

Should you have any queries regarding this matter please contact Mr Grant Horton, Director, Regional Water Infrastructure, Water Markets and Supply, on 07 3166 0157.

Yours sincerely

sch4p4(6) Person

Linda Dobe
Deputy Director-General, Natural Resources

Cc: Mr Drue Edwards, By email: Drue.Edwards@infrastructure.gov.au
Leann Palmer Leann.Palmer@infrastructure.gov.au

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CTS: 23840/19
eDOCS:

Department of Natural Resources, Mines and Energy
MINISTER'S BRIEFING NOTE – Dr Anthony Lynham MP

Policy Advisor. sch4p4(6) Perso .....OK
Chief of Staff .. ..OK
Approved / Noted
Minister .....
Dated ...19/11/19...

SUBJECT: sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabi

TIMING: Routine

RECOMMENDATION:
It is recommended that you:

a. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality

b.

c.

d. **Note** that it is intended to ask Ms Toni Power, Coordinator-General to lead the assessment and provide a recommendation of a preferred option to protect the Nullinga Dam site.

e. **Note** that DNRME and the Office of Coordinator-General staff have been undertaking preliminary work on planning, refresh of options and scope and confirmation of potentially incompatible land uses, with the intention of providing a recommended option by 31 January 2019.

KEY ISSUES:

1. The detailed business case for the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvement Project (NDMIP) was completed by Building Queensland in June 2019 and determined that a Nullinga Dam is not financially or economically viable.

2. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality

3.

4.

5.

6.

7.

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Author:	Recommended – ED:
Name: Emma Richter Title/Business Group: WMS Telephone: 3199 4857 Date: 11/09/19	Name: Bernadette Zerba Title/Business Group: WMS Telephone: 3137 4265 Date: 22/10/2019

8. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality

9.

10.

11.

12.

13.

14.

RISK:

15. sch3(2)(1)(b) Cabinet matter - Would reveal consideration of Cabinet/prejudice confidentiality, sch4p4(4)(1)(a) Opinion/advice/recomendat

16.

17.

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CONSISTENCY WITH ELECTION COMMITMENTS AND GOVERNMENT OBJECTIVES:

18. N/A.

RESOURCE IMPLICATIONS:

19. N/A.

COMMUNICATION:

20. N/A.

BACKGROUND:

21. The Nullinga Dam was investigated with funds from the Australian Government's National Water Infrastructure Development Fund as an option to support the expansion of irrigated agriculture and potentially help meet Cairns future urban water supply needs.
22. Investigations have been undertaken by Building Queensland in two stages, a preliminary business case (completed in 2017) and the detailed business case or NDMIP (completed in 2019).

23. The NDMIP determined that Nullinga Dam is not financially or economically viable. With Benefit Cost Ratio of around 0.1, the project would return just 10 cents of economic benefits for every dollar invested.
24. The NDMIP identified a demand for water in the region but only at a price around six times lower than the cost of water from Nullinga Dam.
25. The Queensland Government supports the findings of the NDMIP and has decided not to progress Nullinga Dam to construction at this time but to protect the site as a precautionary measure for the future.

ATTACHMENTS:

26. **Attachment 1** – Letter to Minister Cameron Dick MP
    Attachment 2 – Project plan
    Attachment 3 – Options analysis for protecting the proposed Nullinga Dam site – May 2018

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Minister for Natural Resources, Mines and Energy

EXECUTIVE CORRESPONDENCE ACTION SHEET

CTS 15550/18

MO REF 1469	☐ Consult Other:
DATE RECEIVED MO 21/05/18	

RESPONSE/ACTION REQUIRED

- ☐ For reply under Minister's signature
- ☐ For reply under Chief of Staff's signature
- ☐ For referral by DLO network
  - ☐ Minister/department .....
- ☐ For acknowledgement under:
  - ☐ Minister's Signature
  - ☐ Chief of Staff's signature
- ☐ For Caucus Liaison Response
- ☐ For GOC to respond directly
- ☐ For departmental response under:
  - ☐ Deputy Director-General's signature
  - ☐ Director-General's signature

CONTACT PROVIDED IN LETTER

☐ Departmental Rep (Default) ☐ Chief of Staff ☐ Policy Advisor

RESPONSE TIMING	COPY *(Internal action within Minister's Office)*	
☐ **Urgent (5 business days)** ☐ **Routine (15 business days)** ☐ **Specified Date .....** ☐ **Complaint (20 business days)**	☑ Minister	☐ Chief of Staff
	☐ SPA	☐ PA
	☐ APA	☐ Caucus Liaison
☐ **Briefing note - Noting/Decision**	☐ Executive Assistant/ Office Manager	☐ Other
☐ **Briefing note - Meeting**	☐ Director-General	
☐ **Dot Point brief (DLO template)**		
☐ **Department to contact and resolve** ☑ **Dot points to actioning Advisor**		
☑ **No Response Required / FYI Only**		

MINISTER'S OFFICE COMMENTS:

Copy of letter to Minister

Received
21 MAY 2018
DNRME

Advisor / Chief of Staff: sch4p4(6) Personal information **Date:** 21/5/18

DEPARTMENTAL ALLOCATION (Departmental Liaison Officer to complete)

☐ Director-General		**DLO COMMENTS**
☐ POL	☐ NR	
☐ MER	☐ BCP	
☐ R&H	☐ Energy	
☑ WMS		

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Teryn Fonda

From: Executive Correspondence DSD <ExecutiveCorrespondenceDSD@dsd.qld.gov.au>
Sent: Friday, 18 May 2018 3:35 PM
To: NRM
Subject: Correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning - Our Ref : MBN18/1093
Attachments: HON DR ANTHONY LYNHAM MP.PDF; Enclosure - Report - Options analysis for protecting the proposed Nullinga Dam site.pdf

Good afternoon

Please find attached correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning. Please note hard copy to follow in post.

Please do not respond to this email. If you wish to reply please send your email to statedevelopment@ministerial.qld.gov.au .

Kind regards,

Executive Services Unit
Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3452 7100 **E** executivecorrespondencedsd@dsd.qld.gov.au
1 William Street, Brisbane QLD 4000
PO Box 15009, City East QLD 4002
www.statedevelopment.qld.gov.au

Queensland Government

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The Hon. Cameron Dick MP
Minister for State Development, Manufacturing, Infrastructure and Planning

Queensland Government

1 William Street
Brisbane QLD 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7200
Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

Our ref: MBN18/1093

Your ref: CTS 27510/17

18 MAY 2018

The Honourable Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy
PO Box 15216
CITY EAST QLD 4002

Email: nrm@ministerial.qld.gov.au

Dear ~~Minister~~ Anthony,

I refer to your letter to the Coordinator-General dated 14 February 2018 regarding your request to investigate options to protect the proposed Nullinga Dam site from incompatible development.

The Coordinator-General has advised me that his office has conducted a preliminary assessment of the options available to protect the proposed Nullinga Dam site from incompatible development. This analysis included consultation with officers from your department, as well as officers from the Planning Group of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP).

The findings suggest that declaration of a State Development Area (SDA) under the *State Development and Public Works Organisation Act 1971* could be an effective instrument to protect the proposed Nullinga Dam from incompatible development into the long term. An SDA can control land use through the implementation of a development scheme, and provide an additional protection mechanism through the powers of the Coordinator-General to acquire land in an SDA.

An alternative approach is to use the established framework through the State Planning Policy (SPP) under the *Planning Act 2016*. The SPP provides for the protection of large-scale infrastructure, including bulk water supply infrastructure (dams). However, its application for this project is currently limited given there is no mapping to reflect future dam sites, nor a trigger through the Planning Regulation 2017 for referral to the State to ensure an appropriate level of protection.

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A copy of the report, *Options analysis for protecting the proposed Nullinga Dam site, May 2018*, is enclosed for your information.

If you have any questions about my advice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely

CAMERON DICK MP
Minister for State Development, Manufacturing, Infrastructure and Planning

Enc

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Options analysis for protecting the proposed Nullinga Dam site

May 2018

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Summary

The proposed Nullinga Dam site is on the Walsh River in Far North Queensland, approximately 55 kilometres south-west of Cairns. The Nullinga Dam has been proposed at various times since the 1950s as a regional bulk water supply option to support an expansion of irrigated agriculture. More recently, it has been identified as a potential option to help meet future water supply needs for Cairns and support expanded economic activity in the region into the long term.

A two-stage feasibility study of the proposed Nullinga Dam is being undertaken by Building Queensland (BQ) on behalf of SunWater. Stage 1, completed in May 2017, involved the development of a preliminary business case which assessed the dam's potential and evaluated alternative options for bulk water supply. The Queensland Government has committed to proceed with Stage 2 and develop a detailed business case for Nullinga Dam.

On 14 February 2018, the Minister for Natural Resources, Mines and Energy wrote to the Coordinator-General requesting the Coordinator-General investigate the instruments and tools available that could be utilised to protect the proposed Nullinga Dam site. Previous investigations by the Department of Natural Resources, Mines and Energy (DNRME) identified there are currently limited dedicated mechanisms to protect a future dam site from the wide range of potential land uses that could be incompatible with, and potentially compromise, the functionality of a dam. It is also understood the methods of protection for previous dams have varied considerably and there is not one specific mechanism that is used by government.

The Office of the Coordinator-General has undertaken an options analysis of the existing Queensland-based instruments and tools available to protect the proposed Nullinga Dam site. A list of instruments and tools to be analysed was compiled through a desktop analysis and in consultation with planning and policy officers from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and DNRME. The following instruments and tools were reviewed:

- *Water Act 2000*
    - *Water Supply (Safety and Reliability) Act 2008*
- *Acquisition of Land Act 1967*
- *Planning Act 2016* (Planning Act) and Planning Regulation 2017 (Planning Regulation)
    - State Planning Policy (SPP) (and Schedule 10 of the Planning Regulation)
    - Prohibited development
    - Infrastructure designations
    - Far North Queensland Regional Plan 2009-2031
    - Local government planning schemes

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- Temporary local planning instruments
- *State Development and Public Works Organisation Act 1971* (SDPWO Act)
  - State development area (SDA)
  - Coordinated projects
  - Prescribed projects
- *Economic Development Act 2012*
  - Priority development area
- *Regional Planning Interests Act 2014*

As a result of the initial review and analysis, a number of tools were discounted from further analysis given their limited function and role. A multi criteria analysis (MCA) was identified as the appropriate decision-making aid to evaluate the remaining identified instruments and tools as it provides the ability to clearly assess the differing characteristics and functions against nominated criteria. The three criteria identified for the MCA were chosen and weighted based on their ability to influence the overarching principle of protecting the proposed Nullinga Dam site from incompatible development, and are as follows:

- extent to which land can be protected from incompatible uses – 50% weighting
- extent to which changes (i.e. legislative amendments or similar) are required to the instrument or tool – 30% weighting
- additional land acquisition powers – 20% weighting.

Each of the instruments and tools were assessed against the weighted criteria and received a score of 1-5 (low score – high score respectively). Once the MCA scoring was completed, the agreed MCA criteria weightings were applied to the scores. The final score allocated to each instrument or tool reflects the weighted scores for each criterion added together to give a maximum possible score of 100%. The higher the score for each instrument or tool, the higher the ranking of the instrument or tool.

Declaration of an SDA under the SDPWO Act scored the highest, with a total of 78%, due to the generally high level of protection from incompatible development that can be achieved through the implementation of a development scheme. The declaration of an SDA also enlivens additional land acquisition powers under the SDPWO Act, providing an additional protection mechanism. Although declaration of an SDA requires subordinate legislative amendments, the process for a regulation amendment is established and can be undertaken relatively efficiently.

However, using an SDA is not a strategic policy response to protecting future dam sites across Queensland from incompatible development. A State-wide approach to protection may be achieved through other mechanisms. The established framework through the SPP under the Planning Act, provides for the protection of large-scale infrastructure, including bulk water supply infrastructure such as dams. However, its application for this project is currently limited given there is no mapping to reflect future dam sites, nor a trigger through the Planning Regulation for referral to the State to ensure an appropriate level of protection for this State interest in the performance-based planning system.

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Based on the findings of the MCA, it is recommended that the potential declaration of an SDA be considered further. However, declaration of an SDA should only be further considered if the detailed business case for the proposed Nullinga Dam recommends the project proceed, and if a protection mechanism is required to be implemented in the short term to ensure the long-term viability of the proposed dam.

It is also recommended that further engagement with DNRME and DSDMIP be undertaken to investigate potential amendments to the SPP framework under the Planning Act to provide for a robust and consistent approach to protecting the integrity and functionality of proposed dams across Queensland into the long term.

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1. Project information

1.1 Project background

The Nullinga Dam has been proposed at various times since the 1950s as a regional bulk water supply option to support an expansion of irrigated agriculture. More recently, it has been identified as a potential option to help meet future water supply needs for Cairns and support expanded economic activity in the region into the long term.

The proposed Nullinga Dam site (refer Figure 1) is on the Walsh River in Far North Queensland, approximately 55 kilometres south-west of Cairns and on the southern border of the Mareeba Dimbulah Water Supply Scheme (MDWSS). The MDWSS consists of Tinaroo Falls Dam and a large distribution network that services around 25,000 hectares (ha) of irrigated agriculture, mainly sugarcane, on the Atherton Tablelands. The existing water allocations in the MDWSS are fully assigned.

A feasibility study of the proposed Nullinga Dam is being undertaken by Building Queensland (BQ) on behalf of SunWater and consists of two stages. Stage 1 was completed in May 2017 and involved the development of a preliminary business case which assessed the potential for the dam as well as the evaluation of alternative infrastructure options for bulk water supply. Considering the information available at the time, the preliminary business case recommended not proceeding to a detailed business case. This was because there was insufficient certainty about large-scale demand for new water allocations from agricultural customers at a nominated volume and price.

Industry subsequently provided information demonstrating increased certainty for large scale water demand in the area. This information was considered to meet the trigger identified by BQ for further assessment of the Nullinga Dam option. As a result, the Queensland Government committed to proceed with Stage 2 and develop a detailed business case for Nullinga Dam including further assessment of options to improve MDWSS rules and operations and modernise MDWSS and convert losses.

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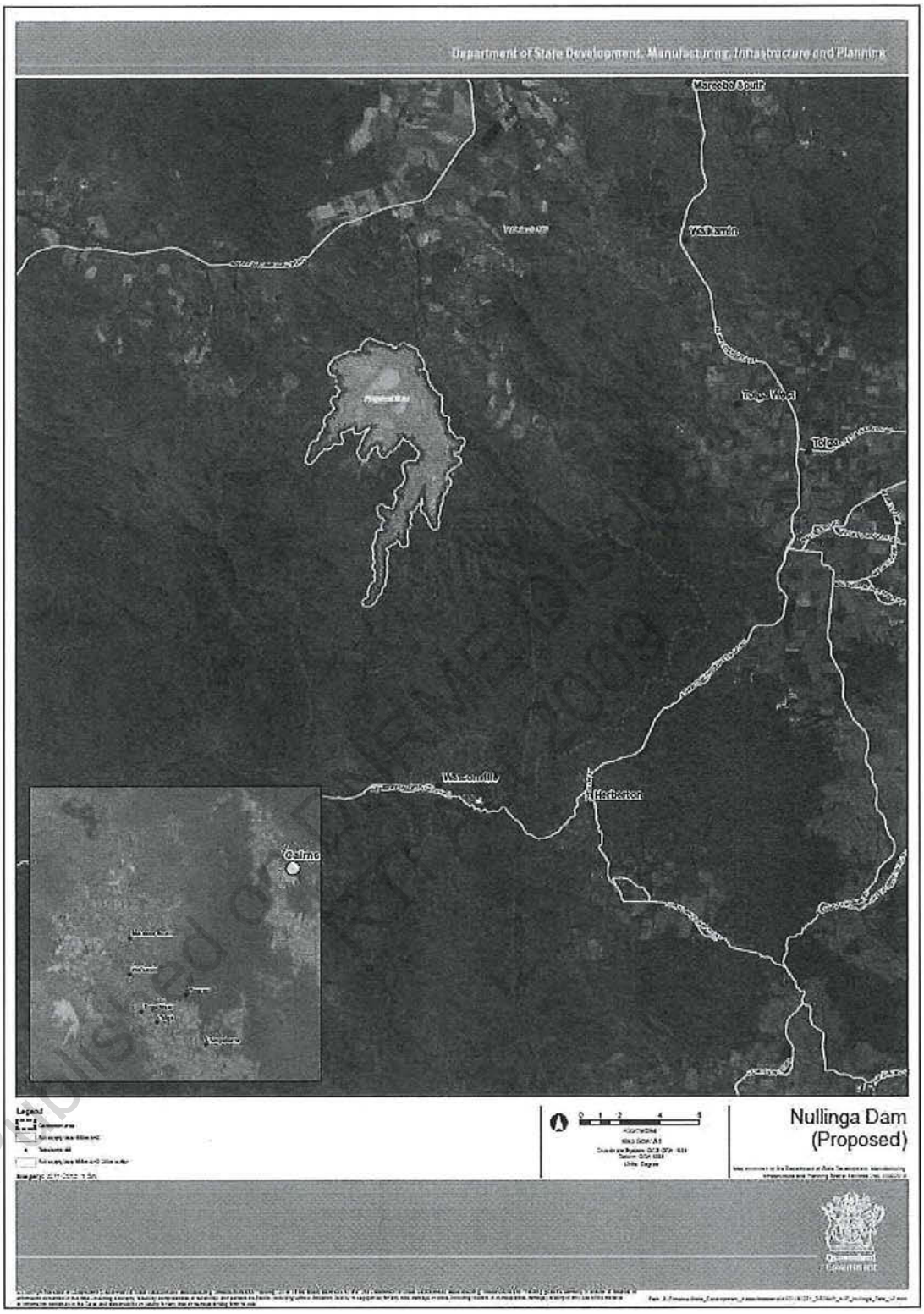


Figure 1 Proposed Nullinga Dam site and catchment area

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1.2 Context

On 14 February 2018, the Minister for Natural Resources, Mines and Energy wrote to the Coordinator-General requesting the Coordinator-General investigate the instruments and tools available that could be utilised to protect the proposed Nullinga Dam site.

Previous investigations by the Department of Natural Resources, Mines and Energy (DNRME) identified there are currently limited dedicated mechanisms to protect a future dam site from the wide range of potential land uses that could be incompatible with, and potentially compromise, the functionality of a dam. Furthermore, it is understood methods of protection for previous dams have varied considerably and there is not one specific mechanism that is used by the government.

1.3 Project scope

The State Development Areas Division (SDAD) of the Office of the Coordinator-General has undertaken an options analysis (the project) of the existing instruments and tools that are available to protect the proposed Nullinga Dam site from incompatible uses and intensification of development that could significantly increase the potential costs and impacts of constructing the proposed Nullinga Dam.

The project has assessed a broad range of existing legislation in Queensland, including the Coordinator-General's powers under the *State Development and Public Works Organisation Act 1971* (SDPWO Act), and in particular, the potential declaration of a State development area (SDA).

The project identifies and provides a comparison of the existing planning instruments and tools available in Queensland to protect the Nullinga Dam site and a determination as to whether an SDA is the most appropriate planning tool. The findings of this project could be used to inform Stage 2 of BQ's feasibility study and inform decisions by government as to whether to proceed further with investigations into a potential SDA.

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2. Methodology

The purpose of the project is to review a range of legislative instruments and tools and identify which is the most effective to protect the proposed Nullinga Dam site from incompatible development. The methodology depicted in Figure 2 was implemented to undertake the project:

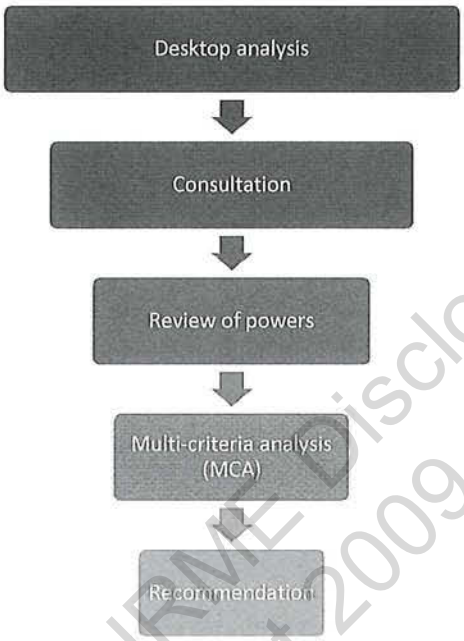


Figure 2 Project methodology

Desktop analysis

The first stage of the project involved undertaking a desktop analysis of all applicable planning legislation and statutory tools in Queensland that could be used to protect a dam site. This involved a scan of all potential existing planning and infrastructure related legislation and statutory instruments which would enable the protection of a dam site from incompatible development. A key consideration was that the instruments and tools must be within the existing Queensland legislative framework and not require significant primary legislative amendments to facilitate project outcomes. As a result, a preliminary list of instruments and tools was complied, and a summary table prepared. This table identified the head of power, applicable provisions of each tool, key provisions relative to the protection of a future dam site, and advantages and disadvantages.

The analysis considered the objectives of the instrument or tool, and if the required protections could be achieved without significant amendments to primary legislation. Amendments to subordinate legislation were considered appropriate if aligned with the main objectives of the primary legislation.

Consultation

A number of meetings were held with the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and DNRME planning and policy officers to discuss options and feedback on the summary table prepared through the desktop analysis. The summary table was then reviewed by the relevant divisions of

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each department and feedback incorporated where applicable. Of the instruments and tools presented through the summary table, DSDMIP or DNRME did not identify any additional instruments or tools for further consideration by the SDAD.

This consultation process also included gauging support for, and applicability of, different instruments and tools from these departments.

Review of instruments and tools

Following consultation and in consideration of the feedback received, a final review of the identified instruments and tools was undertaken. The review included the preparation of a final draft of instruments and tools to be assessed through a multi-criteria analysis (MCA), and assisted in the development of criteria for the MCA process.

Multi-criteria analysis

An MCA was chosen as the appropriate decision-making aid as the desktop analysis and consultation identified that each instrument and tool has a range of different characteristics and functions. The following MCA process was undertaken:

1. Identify the instruments and tools available (options)
2. Identify the relevant criteria (e.g. protection powers, legislation amendments, land acquisition powers)
3. Apply weighting to the criteria to align with the project scope (0% not important – 100% important)
4. Rate the instruments and tools (options) by applying a score of 1 – 5 (low – high respectively) to each of the criteria (from step 2)
5. Score the instruments and tools (options) using the weighted criteria.

Justification for the scoring relative to each criterion is provided in Appendix 1.

The total weighted scores subsequently identified the most effective instrument or tool available.

Recommendations

Recommendations were then identified based on the analysis of instruments and tools and the outcomes of the MCA process. Further discussion has also been provided regarding the practicality of the instruments and tools and potential actions moving forward.

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3. Comparative analysis of existing instruments and tools

3.1 Summary of identified instruments and tools

In accordance with the project's methodology, a desktop analysis and consultation were undertaken to identify the relevant instruments and tools available under Queensland's legislative framework to protect the proposed Nullinga Dam site.

A list of instruments and tools with the highest level of applicability for this project were then identified. The following legislation was reviewed.

Water Act 2000

The *Water Act 2000* (Water Act) provides a framework for the planning, allocation and use of surface water and groundwater in Queensland, including regulating major water impoundments and extraction for irrigation and other uses. Some aspects of the use of water in accordance with the Water Act are made assessable development under the *Planning Regulation 2017* (Planning Regulation). This includes works in a watercourse, interfering with water, extracting water from artesian bores and referrable dams. Of particular interest, SunWater is not identified as a water authority for the purposes of the Water Act, and therefore has no powers to take land under the provisions of this Act.

Acquisition of Land Act 1967

The *Acquisition of Land Act 1967* (ALA) enables 'constructing authorities' to acquire land for public purposes. Constructing authorities (also called acquiring or resuming authorities) include government agencies, local governments and some state-owned corporations. SunWater is not considered a constructing authority. The land acquisition process is set out in the ALA.

Planning Act 2016

The *Planning Act 2016* (Planning Act) establishes the framework for Queensland's planning system and promotes an efficient and accountable system of land-use planning and development assessment. The Planning Act establishes a hierarchy of planning instruments including the State Planning Policy (SPP), regional plans, planning schemes, planning scheme policies and temporary local planning instruments (TLPIs). It also defines development and the instruments which can categorise levels of development.

State Development and Public Works Organisation Act 1971

The SDPWO Act facilitates timely, coordinated and environmentally responsible infrastructure planning and development to support Queensland's economic and social progress.

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The SDPWO Act provides for the appointment of a Coordinator-General as a corporation sole, representing the Crown. Under the SDPWO Act, the Coordinator-General has powers to (among other things):

- manage major infrastructure projects
- declare a project to be a 'coordinated project' and coordinate the environmental impact assessment of the project
- coordinate and regulate programs of works
- enter and authorise entry onto land to undertake works
- compulsorily acquire land
- establish, plan for and manage SDAs.

Economic Development Act 2012

The *Economic Development Act 2012* (ED Act) facilitates economic development and development for community purposes throughout Queensland. It achieves this primarily through the coordination role of the Minister for Economic Development Queensland and providing for streamlined planning and development in Priority Development Areas (PDA).

Regional Planning Interests Act 2014

The *Regional Planning Interest Act 2014* (RPI Act) identifies and protects areas of Queensland that are of regional interest, including priority agricultural areas, priority living areas, strategic cropping areas and strategic environmental areas. The RPI Act is supported by the *Regional Planning Interest Regulation 2014*. This framework seeks to strike an appropriate balance between protecting priority land uses and delivering a diverse and prosperous economic future for Queensland's regions.

Table 1 provides a summary of the key provisions of, and discussion on, the identified instruments and tools.

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Table 1 Summary of the identified planning instruments and tools

Head of power	Key provisions	Discussion
Water Act 2000 (Water Act) *Acquisition of Land Act 1967* (ALA) *Water Supply (Safety and Reliability) Act 2008*	• All water rights are vested in the power of the State as per section 26 • The State may allow the use of water by authorising persons to take or interfere with water section 27(2) • A range of allocations, licenses, permits and notices are issued in the act section 27(2) • Water planning is undertaken through the preparation and implementation of water plans and water use plans section 37 • The Nullinga Dam catchment area is within the jurisdiction of the Barron Water Plan • A distributions operations licence authorises its holders to take water or interfere with the flow of water to distribute water under an allocation, and can only be held by a water infrastructure owner section 177 • Section 577(1) of the Water Act states that a water authority may take any land • A water authority is established under regulation to carry out the water activities for the authority area, for example the Gladstone Area Water Board • In accordance with section 577(2) of the Water Act, a water authority is considered a constructing authority for land that applies under the ALA • SunWater is not listed in the *Water Regulation 2016* as a water authority • SunWater is defined as Government Owned Corporation (GOC) under the *Government Owned Corporation Act 1993* (GOC Act) • In accordance with section 154 of the GOC Act, a GOC does not represent the State (preliminary findings are that the powers vested on the Crown/State are not conferred to a GOC) • On preliminary investigation, the powers to take land under the Water Act are not applicable to SunWater as a GOC • It appears that SunWater is not considered a constructing authority unless directed to undertake works from another act or statute (ALA) • The power to take land would most likely be required under the provisions of section 125 of the SDPWO Act • If the works are determined to be undertaken by a constructing authority, the purposes for taking land are set out at schedule 1, section 5(1) of the ALA • If the constructing authority is not the crown, then different provisions apply • Schedule 1, Part 7 of the ALA lists dams as a purpose for taking land • A constructing authority is the State or any person authorised to take land for any purpose.	• The Water Act provides a framework for the planning, allocation and use of surface water and groundwater in Queensland, including regulating major water impoundments and extraction • The Water Act gives powers to water authorities to take land within their jurisdiction • Land acquisition powers are then set out in the ALA.

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Head of power	Key provisions	Discussion
Planning Act 2016		
State Planning Policy (SPP) – Energy and Water Supply SPP – Water Quality Planning Regulation – Schedule 10	• The SPP is established under the Planning Act • The SPP is Queensland's pre-eminent state planning instrument, which expresses the State's interests in land use planning and development. The SPP seeks to promote State interests through plan-making and development assessment decisions • The SPP contains policies that must be considered and appropriately integrated in planning and development outcomes – for example, through the planning scheme • The State interest in energy and water supply addresses issues of bulk water supply infrastructure being protected from development that would compromise its integrity and the efficient delivery and functions of the infrastructure • The SPP does not contain assessment benchmarks relating to bulk water supply infrastructure • The State interest in water quality addresses the issue of development in water supply buffer areas avoiding impacts on surface water and ground water to protect drinking water supply • The SPP contains assessment benchmarks for development in a water supply buffer area • Water supply infrastructure and water supply buffer areas are identified on supporting mapping. • Schedule 10 of the Planning Regulation identifies among other things; the assessment manager, level of assessment, what the assessment must have regard to and the referral requirements for certain types of development • Schedule 10 essentially identifies the State interests for referral for certain types of development • There are existing provisions for future state road corridors, electricity easement and pipelines, however future dams are not prescribed in Schedule 10.	• The SPP has effect throughout Queensland and sits above regional plans and local planning instruments under the Planning Act. As such, the SPP prevails over these instruments, to the extent that they are inconsistent with the SPP. • The SPP identifies the relevant State interests • Energy and water supply is considered a State interest in the SPP and states that existing and proposed bulk water supply is protected from development that would compromise the integrity or delivery of the infrastructure (SPP, page 54) • The SPP is given effect through the making or amending of a planning scheme - indicative timeframes for making a major amendment to a planning scheme (64 weeks – 320 days). • Bulk water supply is defined as bulk water storage identified on the SPP Integrated Mapping System. • Amendments to SPP mapping layers could be made, subject to appropriate public consultation, and any statutory processes established through other legislation. • Amendments to Schedule 10 of the Planning Regulation could be made to identify future dams as a referrable provision for certain types of development • The Planning Regulation could prescribe the referral agency as the CEO of the Water Act and identify referral against the State Development Assessment Provisions or SPP benchmarks • Future dams would need to be identified on the development assessment mapping system to be enacted by the Planning Regulation • The SPP and Schedule 10 amendments would be used in tandem, to ensure State interests such as future dam sites are adequately identified and protected in the planning framework and to ensure certain types of development are referred to the State for assessment in these locations to manage incompatible uses.

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Head of power	Key provisions	Discussion
Prohibited development prescribed in the Planning Regulation	• A range of prohibited development is identified in Schedule 10 of the Planning Regulation. The Planning Regulation could be amended to include additional types of prohibited development in a particular mapped area • Prohibited development is development for which a development application may not be made • Categories of development are identified at section 44 of the Planning Act • It is an offence to carry out prohibited development section 162 • A local categorising instrument (Planning Scheme, TLPI) may identify development as prohibited section 43(a) only if identified within a regulation.	• This option would be subject to thorough regulatory impact assessment and is unlikely to be supported. The use of prohibitions in the planning framework is limited to those exceptional circumstances where other planning mechanisms do not provide appropriate protection • This option would be at risk of creating unintended consequences as a number of exclusions would have to be carefully written into the regulation to allow certain types of development to occur • There is the ability to prohibit certain types of development identified within the regulation in a particular mapped area • Any future dam area would require identification in extrinsic material and be drawn upon in the Planning Regulation.
Infrastructure designations	• An infrastructure designation is made in accordance with Chapter 2, Part 5 of the Planning Act • The designation process gives infrastructure entities a streamlined, whole of government response on a request for community-supporting infrastructure • The designation powers are often used by utility providers in combination with acquisition powers under the ALA • Section 44 of the Planning Act states categories of development • Section 44(6)b states that under a designation all development becomes accepted development, except for building works under the *Building Act 1975* • As such, development carried out under a designation does not require any further approvals under the Planning Act • Section 13 of the *Planning Regulation 2017* (Planning Regulation) prescribes infrastructure stated in Schedule 5 that can be designated under Part 5 of the Planning Act • Schedule 5 – Part 2 lists water cycle management infrastructure as infrastructure, the broader definition of this term could include dams for water supply • While there are no appeal provisions to an infrastructure designation, section 41 of the Planning Act states that repealing a designation can be made at the landowner's request on the basis of hardship conditions	• Designations are commonly used to streamline approval processes for community-supporting infrastructure, for example, a school building, hospital or fire station • The database of existing designations holds no record of infrastructure designations for water supply infrastructure (dams) • While a designation is noted in a local government's planning scheme, it does not affect the provisions of a planning scheme, insofar as that it does not sterilise the land for the designation or limit other forms of development occurring • An infrastructure designation does not entitle an infrastructure entity to any additional powers under the ALA • To make a designation over private land, the infrastructure entity must demonstrate access to the premises (i.e. tenure or agreement) • A designation does not directly provide additional land use protection measures beyond the capacity of a planning scheme and the referral process/trigger

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Head of power	Key provisions	Discussion
	• Section 42(5)d of the Planning Act states that a designation does not affect the provisions of a planning scheme that apply to designated premises, even after the designation stops having effect • Section 36(2) of the Planning Act states that in making a designation, the Minister must be satisfied that adequate environmental assessment and consultation has occurred • To support a designation request, a detailed environmental assessment report in accordance with the Minister's Guidelines and Rules (MGR), enacted through section 36(3) of the Planning Act, is required. The assessment is to address all environmental, social and economic impacts • A development application over designated land, can, in some instances, result in a referral to the state in accordance with Schedule 10, Part 9 of the Planning Regulation.	• If a development application is applied for over designated land, and the referral trigger to the state applies, the state must have regard to the designation • A referral agency has the power to recommend particular conditions or refuse an application, however this would be dependent on site and designation-specific considerations.
Far North Queensland Regional Plan 2009-2031 (FNQ regional plan)	• Regional plans in Queensland are governed by the Planning Act, Planning Regulation, *Regional Planning Interests Act 2014* and *Regional Planning Interests Regulation 2014* • Regional plans represent State interests that are important and specific to a Queensland region • The FNQ regional plan came into effect in 2009.	• The FNQ regional plan is a statutory document, and prevails to the extent of any inconsistency with local government planning instruments; however, the SPP prevails where the FNQ regional plan is inconsistent with the policy intent of the SPP • The FNQ regional plan is silent on the proposed Nullinga Dam; reference is instead provided to Walsh River supply options for the Tablelands in regard to 'new and contingent water supply options for FNQ' • The FNQ Draft Regional Water Supply Strategy, which was released in September 2007, is referenced within the FNQ regional plan. It is understood this strategy mentions the potential of the Nullinga Dam to support irrigated agriculture in the region in the future. It is also understood this strategy was finalised in 2010 and considered in BQ's preliminary business case • The FNQ Infrastructure Plan 2009 – 2031 supports the FNQ regional plan • The FNQ regional plan identifies the proposed Nullinga Dam area in the Rural Landscape and Rural Production Area, an area identified on the basis of having regional landscape, rural production or other non-urban values, and needing protection from encroachment by inappropriate development, particularly urban or rural residential development.

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Head of power	Key provisions	Discussion
Local government planning scheme and temporary local planning instrument (TLPI)	• A local planning instrument is a planning scheme, temporary local planning instrument or planning scheme policy as per section 8(4) • In accordance with section 26(2), the Minister may issue a direction for a local government to take action on a local planning instrument to protect or give effect to a State interest, however this is used only in exceptional circumstances • The MGR must be followed when making or amending a planning scheme Planning scheme • A planning scheme must— (a) identify strategic outcomes for the local government area to which the planning scheme applies; and (b) include measures that facilitate the achievement of the strategic outcomes; and (c) coordinate and integrate the matters dealt with by the planning scheme, including State and regional aspects of the matters. • Planning schemes are reviewed every 10 years (section 25) • The guideline identifies indicative timeframes for making a major amendment to a planning scheme (64 weeks – 320 days) TLPI • The rules for establishing a TLPI are set out at section 23 • A significant risk to cultural, economic, environmental or social conditions in the local government area must be present to pursue this option • In addition, the delay involved in using the standard process to make or amend another local planning instrument would increase the risk (urgency) • A TLPI has effect for 2 years unless repealed section 23(7).	• A local planning scheme can regulate incompatible development within the proposed dam inundation area by identifying appropriate zoning and assessment criteria • Local government, i.e. Mareeba Shire Council, would be the assessment manager for assessable development against the planning scheme • A local government planning scheme is required to reflect State interests as per the SPP and regional planning interests as per the applicable regional plan. Where inconsistencies exist, the SPP or regional plan provisions prevail • The Minister may direct local government to make a planning scheme amendment to protect a State interest • Planning scheme amendments may take approximately a year, excluding any directions undertaken by the Minister Mareeba Shire Council planning scheme • The existing inundation area is zoned rural • From a preliminary review of the planning scheme, utility installation (dam) in the rural zone would be considered accepted development • A range of intensive agricultural uses are accepted development in the rural zone (where meeting identified code requirements). Any new intensive agricultural uses located in or near the proposed dam site would be problematic.
State Development and Public Works Organisation Act 1971		
State development area (SDA)	• An SDA is declared by regulation in accordance with section 77 • An SDA must be declared in the public interest or for the general welfare of persons (section 77(1)) • As soon as practicable after declaration, a development scheme must be prepared and furnished to the Governor in Council (GIC) (section 79) • The content of a development scheme is identified in section 79a	• An SDA can be declared if the purpose is within the public interest • A future dam may be considered to provide an infrastructure asset in accordance with the public interest • SDAs have historically been declared to facilitate economic development through creation of large scale industry hubs, infrastructure corridors or public

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Head of power	Key provisions	Discussion
	• Development within an SDA is regulated by the development scheme where identified and requires an SDA approval for SDA assessable development (section 84a) • Whereby another act would regulate development within a SDA, that act does not apply to the extent that act regulated development (section 84(2)) • Acquisition of land within an SDA is directed in accordance with section 82 • Section 82(1)b identifies the purposes in which the take of land within an SDA can be undertaken, this includes an infrastructure corridor, establishment or relocation of a population or essential service.	infrastructure (i.e. the Lady Cilento Children's Hospital (Queensland Children's Hospital SDA)) • As well as protection of the Nullinga Dam site, there could be an opportunity for positive economic outcomes by supporting compatible economic development • Acquisition powers exist which may facilitate future projects within an SDA and could be beneficial where voluntary commercial agreements cannot be reached • A development scheme would be required to be prepared and approved through GIC process • The State, through the Office of the Coordinator-General, regulates all forms of development identified within an approved development scheme • Declaration of an SDA and adoption of a development scheme would require GIC approval and non-statutory public consultation • May take up to one year from investigation to declaration of SDA and approval of development scheme.
Coordinated projects	• The Coordinator-General may declare a coordinated project for which an Environmental Impact Statement (EIS) or Impact Assessment Report (IAR) applies (section 26(1) SDPWO Act), declaration is made by gazette notice section 26(3) • The coordinated project process may be initiated by a private proponent or on the Coordinator-General's initiative (27AA) • The EIS and IAR assessment process are set out at Division 3 of the SDPWO Act (non-bilateral) • Whereby a bilateral agreement is relevant to the coordinated project, the process is set out in section 4 of the SDPWO Act • An EIS undertaken through section 4 of the SDPWO Act is accredited for the purposes of Part 8 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) "the Bilateral Agreement" between the Queensland and Commonwealth governments • Generally, if a project is declared a coordinated project and a development permit is required under the Planning Act and is impact assessable, the associated development application does not require public notification and no referral entities are applicable, however a planning approval is still required (37 SDPWO Act)	• Gaining coordinated project status is beneficial for complex applications requiring significant environmental and multi-tiered approvals • The ultimate outcome of a coordinated project process is a Coordinator-General evaluation report; this report summarises the environmental impacts of the proposal and makes recommendations for/identifies conditions to be imposed on any subsequent approvals • The process enables applications to be coordinated through a single bilateral assessment process, however planning and environmental approvals are still required under other legislation as applicable • In certain circumstances, second tier approvals are streamlined or exempted by having a coordinated project status (i.e. vegetation management, development applications where not located in an SDA or PDA) • From a preliminary investigation, there are no further provisions available under the ALA for coordinated

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Head of power	Key provisions	Discussion
	• The Coordinator-General's evaluation report on the EIS or IAR may state conditions for any subsequent development approval given for the development or may state that a development approval must not be given (SDPWO Act section 39) • Section 54U identifies the conditions process for bilateral EISs • The Coordinator-General may impose conditions and nominate an entity to have jurisdiction for that condition (section 54V SDPWO Act) • In accordance with the *Vegetation Management Act 1999*, section 22A, native vegetation clearing for a coordinated project is considered to be for a relevant purpose, which enables a vegetation clearing application to be considered assessable development in accordance with schedule 10 of the Planning Regulation.	projects; a coordinated project declaration does not facilitate compulsorily acquisition of land • Coordinated projects are best utilised in coordination with an SDA and the powers available under section 82 of the SDPWO Act • Note however, the Coordinator-General also has powers under section 125(1) to take land for works to be undertaken by a local body or by a department of government • Declaration of coordinated project does not protect land from incompatible development • A person may still submit a development application where a coordinated project occurs which is not consistent with the project.
Prescribed project	• A prescribed project declaration enables the Coordinator-General, if necessary, to intervene in state and local government approval processes to ensure timely decision-making for the prescribed project • The purposes and the process for deciding to declare a prescribed project are set out at 76E • The types of notices about prescribed projects are at set out at Division 3 • Progressions notice at 76L, notice to decide 76J, step in 76K.	• Prescribed project declaration is most effective when used to obtain the final approvals after preliminary approvals have already been provided by the Coordinator-General or another authority. • The types of projects that may be declared prescribed projects include: • works a 'local body', the Coordinator-General, or other person is directed to undertake under the SDPWO Act • a project in an SDA • an infrastructure facility (as defined in the SDPWO Act) • a declared coordinated project • another project the Minister considers is economically or socially significant to Queensland or the region in which the project is to be undertaken or affects an environmental interest of Queensland or a region. • The Coordinator-General may give notices to a decision-maker responsible for deciding an application for development related to a prescribed project, to ensure that the assessment process proceeds without undue delay

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Head of power	Key provisions	Discussion
		• For prescribed projects, the Coordinator-General can issue a: • progression notice: requires the decision-maker to 'progress' the administrative processes necessary to complete the assessment process. • notice to decide: requires the decision-maker to make the relevant decision within a specified timeframe • step in notice: allows the Coordinator-General (with the Minister's approval) to 'step in' and assume responsibility for assessing and deciding on a project, in place of the decision-maker.
Economic Development Act 2012		
Priority development area (PDA)	• The ED Act, section 37(1) has provisions to establish a PDA • The considerations for declaring a PDA are set out at section 37(2) of the ED Act; and include: • main purpose of the Act • economic and community benefit to the state • impact the *Planning Act 2016* (Planning Act) may have on the delivery of the proposed development • The object of the ED Act is to facilitate economic development and development for community purposes • There are no provisions in the ED Act to compulsorily acquire land for the purposes of development within a PDA • Development within a PDA is regulated by a development scheme (Part 3 of the ED Act).	• PDAs are parcels of land declared under the ED Act, identified for specific accelerated development, with a focus on economic growth • The primary focus of PDAs has been on urban renewal projects, predominantly for residential and commercial purposes • Development within a PDA is regulated by a development scheme in place of the local government planning scheme • A PDA has not previously been used for dams or other forms of large scale infrastructure.
Other State legislation		
Regional Planning Interests Act 2014 (RPI Act)	• The RPI Act identifies and protects areas of Queensland that are of regional interest • The RPI Act protects: • priority agricultural areas • priority living areas • strategic cropping areas • strategic environmental areas • Regulated activities are to be prescribed in the *Regional Planning Interests Regulation 2014* (RPI Regulation)	• Amend the RPI Act to establish a new type of 'area of regional interest' for future dams. • All resource activities and regulated activities would become assessable in the future dam area • A new area of regional interest would need to be established in primary legislation to protect the values that are important for a future dam site

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Head of power	Key provisions	Discussion
	• Resource activities are identified at section 12 • Areas of regional interest are identified at section 7 • Under section 19 it is an offence to carry out a resource activity or regulated activity in an area of regional interest unless the person holds a regional interests development approval.	• Areas of regional interest are protected from regulated activities and resource activities by requiring a regional interest development approval • A dam is considered a regulated activity as identified in Part 4 11 (3) of the regulation. • Amendments to the RPI Regulation would be required to establish assessment criteria. Consideration should be given to appropriate assessing agencies (similar to referral agencies under the Planning Act). • Would need to be consistent with the purpose of the act set out at Division 2 section 3 • From a preliminary investigation, sections of the inundation area seem to be identified as Strategic Cropping Areas. Therefore, a regulated activity such as a dam would require development consent • One of the objectives of this Act is to protect areas of regional interest from incompatible development. Dams are considered an activity which would likely have a significant impact on an area of regional interest and have been included as a regulated activity for this purpose • To provide for a new area of regional interest (future dam area), and then furthermore identify a range of regulated activities which trigger assessment in this location, is not generally in keeping with the intent of the RPI Act.

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3.2 Multi-criteria analysis of existing instruments and tools

As identified in Section 3.1, several existing instruments and tools were analysed for their applicability in the protection of the proposed Nullinga Dam site. Resulting from this analysis, it was considered that the coordinated project and prescribed project processes under the SDPWO Act are approval pathway mechanisms only; they are not strategic planning mechanisms, and as such, do not provide any additional powers to protect a dam site and manage incompatible development.

In addition, the FNQ regional plan, while a statutory planning instrument, is an expression of the State's interests in a regional context and is primarily given effect through local planning instruments. The SPP is the prevailing instrument for identifying the State's interests in land use planning. Accordingly, it was not considered necessary to separately analyse the regional planning instrument, although it is acknowledged it plays a key role in identifying and establishing policy direction for strategic infrastructure in a region.

Therefore, these instruments and tools were not further analysed.

An MCA was undertaken to determine which instrument or tool is the most effective. The MCA was chosen to compare the instruments and tools as it enables a robust and measurable assessment of options against nominated criteria.

For the purposes of this MCA, qualitative criteria have been utilised. The scores used in the MCA (1-5) give an indication of favourability (5), neutrality (3) and weakness (1).

3.3 MCA criteria

The criteria identified for the MCA were chosen based on their ability to influence the overarching principle of protecting the proposed Nullinga Dam site from incompatible development. Each criterion is important in informing a decision about the most effective instrument or tool. The criteria, rationale and weighting are discussed in Table 2 below.

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Table 2 MCA nominated criteria, rationale and weighting

Criteria	Rationale	Weighting
Extent to which land can be protected from incompatible uses	Protection of land from uses that may impact the functionality or integrity of the proposed Nullinga Dam site is the primary purpose of this investigation. This criterion is essential in assessing appropriateness of an instrument or tool for the long-term protection of the proposed dam site. Given the uncertainty of timing for the proposed dam, it is important that the chosen mechanism facilitates long-term protection. This criterion has been given the highest weighting. Instruments or tools that provide long-term and high-level protection are scored higher than those with limited protection capabilities.	50%
Extent to which changes (i.e. legislative amendments or similar) are required to the instrument or tool	The use of existing instruments or tools that require minimal changes (i.e. legislative or other amendments) will be scored higher. This criterion is included to assess complexity of realisation and implementation. One of the key focuses of this project is to identify instruments or tools where a relevant process is already established or minimal amendments to the instrument or tool are required. Higher scores are given where the instrument or tool has been implemented for a similar purpose or where minimal legislative amendments are required.	30%
Additional land acquisition powers	Acquisition of land facilitates a high level of protection for land. While development can still be applied for over that land, land owners generally must consent to a proposal prior to development occurring. The ALA enables 'constructing authorities' to acquire land for public purposes. Constructing authorities (also called acquiring or resuming authorities) include government agencies, local governments and some state-owned corporations. The SDPWO Act provides for the Coordinator-General to acquire land for works to be undertaken by a local body (including GOCs and statutory bodies). This criterion considers whether the instrument or tool has land acquisition powers additional to the ALA. Additional powers will be scored higher.	20%
	TOTAL	**100%**

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3.4 MCA scoring

Each instrument or tool was assessed in accordance with the criteria identified in Table 2 and scored on a standard scale from one to five, which gives an indication of favourability (5), neutrality (3) and weakness (1). Only whole numbers were assigned.

Where an instrument or tool did not fit an assigned criterion, the score was noted as N/A (or 0). Further information can be found in Appendix 1 – Scoring justification.

The score given to each instrument or tool and the rationale for the relevant score is discussed in Table 3 below.

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Table 3 MCA scoring and rationale for the planning instruments and tools

Criteria	Analysis of instrument/tool							
		Planning Act 2016						
	• Water Act • ALA • Water Supply (Safety and Reliability) Act 2008	• SPP – Energy and Water Supply • SPP – Water Quality • Schedule 10 – Planning Regulation	Prohibited development prescribed in the Planning Regulation	Infrastructure designations	Local government planning scheme and TLPI	SDPWO Act - SDA	ED Act - PDA	RPI Act
Extent to which land can be protected from incompatible uses	• The purpose of the Water Act is to provide a framework for the planning, allocation and use of surface water and groundwater in Queensland, including regulating major water impoundments and extraction • The Water Act does not provide any mechanisms to manage land use • No ability to preserve land for future dams by regulating development or "setting aside" for future uses	• Includes policy to protect dam catchment areas from incompatible development, but does not prohibit incompatible activity in future dam areas in the performance-based planning system • Relies on implementation of policy through a local planning instrument	• This is the most powerful tool to protect land from incompatible uses as an application cannot be made for development which is identified as prohibited development in the regulation • Very blunt instrument that does not allow for consideration of proposals on their merit	• The state has the power to veto incompatible development as a referral agency when a designation occurs • Does not restrict a party from making a development application over that land, including incompatible development • Not long term - designation stops having effect after six years, unless additional steps are taken or notice is given – can only be extended for a further six years • Infrastructure designations are noted in a local government's planning scheme	• Can only prohibit development where a regulation states that it may do so • Not long term - TLPIs can be made if prerequisites are met, however have effect for two years or until repealed. • Does not prohibit incompatible activity in a performance-based planning system • Parties can request to be considered under superseded planning scheme within one year	• Coordinator-General can regulate all forms of development in an SDA (where required) • Development scheme establishes strategic vision for the SDA and could identify compatible uses (where required • All approvals and decisions are binding with no appeal rights (only judicial review available)	• Development is regulated in a declared PDA through an interim land use plan or development scheme by the Minister for EDQ • The interim land use plan or development scheme identifies a vision and development outcomes for the PDA, including compatible uses	• Protects areas of regional interests from resource or regulated activities only; does not restrict other incompatible development • There is the potential to identify additional regulated activities and areas of regional interest to identify future dams • Regulated activities in these locations would then require a regional interests development approval
Score	1	4	5	3	2	4	4	3

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Criteria	Analysis of instrument/tool							
		Planning Act 2016						
	• Water Act • ALA • Water Supply (Safety and Reliability) Act 2008	• SPP – Energy and Water Supply • SPP – Water Quality • Schedule 10 – Planning Regulation	Prohibited development prescribed in the Planning Regulation	Infrastructure designations	Local government planning scheme and TLPI	SDPWO Act - SDA	ED Act - PDA	RPI Act
Are substantial changes (i.e. legislative amendments) required to use the instrument/tool for this purpose	• Current framework used for the planning, allocation and use of surface water and groundwater in Queensland, including regulating major water impoundments and extraction • The Water Act does not provide a mechanism to manage land uses and would require significant amendments to achieve this purpose	• An amendment of the SPP mapping to identify future dams would contribute to long term protection of the area • An amendment to Schedule 10 of the Planning Regulation could provide for referral of development applications to the State if located in a future dam area, with the ability to apply conditions or refuse development	• Would require amendments to the Planning Regulation (subordinate legislation)	• Would require amendments to the relevant local planning instrument once a designation has been made • An approval process is still required to be undertaken for designated infrastructure, but no amendments to legislation would be required through this process	• Planning scheme amendments would be required to identify intent for a future dam as well as identify incompatible uses • TLPIs can be used where certain prerequisites are met – has effect for two years or until repealed • This option requires amendment to a statutory instrument, but no legislative amendments required	• An SDA can be declared if the purpose is within the public interest • Declaration of a new SDA requires amendment to the *State Development and Public Works Organisation Act (State Development Areas) Regulation 2009* (subordinate legislation)	• PDAs can be declared to facilitate economic development and for community purposes • Declaration of new PDA requires amendment to the *Economic Development Regulation 2013* (subordinate legislation) • Uncertainty whether a dam would fit within purpose of ED Act and therefore, the ED Act may require amendments	• Requires significant legislative amendment to be a meaningful mechanism
Score	1	3	3	4	4	3	2	1
Additional land acquisition powers	• No additional land acquisition powers for SunWater	• No additional land acquisition powers	• No additional land acquisition powers	• No additional land acquisition powers	• No additional land acquisition powers	• Compulsory land acquisition powers available in an SDA	• No additional land acquisition powers	• No additional land acquisition powers
Score	1	1	1	1	1	5	1	1

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3.5 MCA findings

Once the MCA scoring was completed, the agreed MCA criteria weightings were applied to the scores. The final score allocated to each instrument or tool reflects the weighted scores for each criterion added together to give a maximum possible score of 100 per cent. The higher the score for each instrument or tool, the higher the ranking of the instrument or tool. The final score results are illustrated in Table 4.

As illustrated in Table 4, the SDA instrument under the SDPWO Act scores the highest, with a total of 78 per cent. This score is due to the generally high level of protection from incompatible development that can be achieved through the implementation of a development scheme by the Coordinator-General. The declaration of an SDA also enlivens additional land acquisition powers under the SDPWO Act, providing an additional protection mechanism.

The declaration of an SDA requires subordinate legislative amendments. However, the legislative framework is set out in section 77 of the SDPWO Act, whereby a regulation may declare any part of the state or any area over which the State claims jurisdiction to be an SDA, if the Governor in Council is satisfied the public interest or general welfare of persons resident in any part of the state requires it. Therefore, SDAs are an effective instrument with an established process.

Prohibited development scored the second highest as it is the only instrument that can provide 100 per cent protection through the identification of development prohibitions. However, the use of this tool is not supported by the DSDMIP Planning Group as it is a very blunt instrument which is only used in exceptional circumstances. Feedback from DNRME also identified that a blanket development ban is not the policy intent for the project and compatible development would be supported within the dam inundation area. A range of exemptions could be identified within a prohibited development schedule. However, this could be a difficult task in a performance-based planning system.

The SPP scored third highest as it expresses the State's interests in land use planning and development across the State and is well placed to articulate the State's objectives for protecting future water supply at a State, regional and local level. The SPP currently identifies a range of policy objectives for protecting bulk water supply infrastructure (dams) but does not identify future dam sites on the associated integrated mapping system. The mapping system is used to identify locations relevant to the various policies of the SPP.

While the provisions of the SPP are statutory, and the SPP prevails to the extent of any inconsistency with regional plans or local planning instruments, the performance-based nature of Queensland's planning system provides uncertainty about the effectiveness of this tool in protecting a future dam site. While this option scored well against the protection criteria, a range of amendments would be required to facilitate the level of protection required. Further, there are no additional land acquisition powers under the SPP.

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A PDA under the ED Act provides a similar level of protection from incompatible development as SDAs, given development is regulated through an approved development scheme (or an interim planning scheme prior to approval of a development scheme). Additionally, the legislative framework for declaring a PDA is set out in section 37(2) of the ED Act and is an established process via a declaration regulation. However, PDAs have generally been declared predominantly for residential and commercial purposes and there is uncertainty if additional primary legislative amendments would be required to utilise this instrument for the protection of the proposed Nullinga Dam. Further, there are no additional land acquisition powers for a PDA under the ED Act.

While infrastructure designations (under the Planning Act) and the RPI Act had an average score for their ability to protect the proposed Nullinga Dam site from incompatible development, a significant weakness was the lack of additional land acquisition powers. Additionally, to provide a higher level of protection from incompatible development, the RPI Act would require significant legislative amendment.

Local planning instruments under the Planning Act scored comparably less well on their ability to protect land from incompatible development, given the nature of the performance-based planning system. The current planning scheme facilitates agricultural activity within the proposed Nullinga Dam's inundation area. As such, planning scheme amendments would be required to articulate the intent of the area for a future dam, as well as clearly identify development that would be incompatible with the dam. This amendment process is relatively straight forward and would not require legislative change. A TLPI would not offer the long-term protection for the proposed Nullinga Dam. No additional land acquisition powers are available through local planning instruments.

The provisions of the Water Act, associated *Water Supply (Safety and Reliability) Act 2008* and ALA proved to be the least favourable suite of tools. There are no mechanisms available for the long-term protection of a future dam site. The Water Act does not facilitate the management of land use or preserve land for future dams. Significant legislative amendment would be required to embed this purpose into the current framework.

Another key finding identified during the assessment of the instruments and tools was their limited flexibility and applicability for the required purpose. The assessment highlighted a gap in the existing planning frameworks for large-scale infrastructure projects, such as dams, that require land to be protected from incompatible development prior to the project commencing. Queensland's current planning framework is performance-based, where emphasis is placed on desired outcomes rather than working within rigid rules and guidelines. Consequently, several of the planning instruments and tools may appear to offer a high-level of protection yet development applications could still be made over the land and approved through merit, even for development identified as incompatible.

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In summary, while the SDA option has scored the highest through the MCA process, using an SDA is not a strategic policy response to protecting future dam sites in Queensland from incompatible development. Identifying future dam sites on the SPP integrated mapping system would require local governments to address the State interest policies for energy and water supply[1] in plan making and development assessment. To ensure the effectiveness of these policies in a performance-based system, the State may be identified, through regulation, as a referral agency for development within or proximate to future dam sites identified on the mapping system. This could be an effective approach for the protection of future dam sites and ensure the state's policies regarding water supply are clearly articulated throughout the Queensland planning system.

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[1] For example, existing and approved future major electricity infrastructure locations and corridors (including easements and electricity substations), and bulk water supply infrastructure locations and corridors (including easements) are protected from development that would compromise the corridor integrity, and the efficient delivery and functioning of the infrastructure.

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Table 4 Final MCA scoring for planning instruments and tools

Criteria	Weighted scores							
		Planning Act 2016						
	• Water Act • ALA • Water Supply (Safety and Reliability) Act 2008	• SPP – Energy and Water Supply • SPP – Water Quality • Schedule 10 – Planning Regulation	Prohibited development prescribed in the Planning Regulation	Infrastructure designations	Local government planning scheme and TLPI	SDPWO Act - SDA	ED Act - PDA	RPI Act
Extent to which land can be protected from incompatible uses	10%	40%	50%	30%	20%	40%	40%	30%
Are substantial changes (i.e. legislative amendments) required to use the instrument/tool for this purpose	6%	18%	18%	24%	24%	18%	12%	6%
Additional land acquisition powers	4%	4%	4%	4%	4%	20%	4%	4%
TOTAL	20%	62%	72%	58%	48%	78%	56%	40%

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4. Recommendations

4.1 Recommendations

Based on the findings of the MCA, the declaration of an SDA through the SDPWO Act has been identified as an effective tool to manage incompatible development for the proposed Nullinga Dam site for the following reasons:

- SDAs provide a high level of protection from incompatible development through the implementation of a development scheme
- the Coordinator-General has additional land acquisition powers under the SDPWO Act for declared SDAs
- there is an established legislative framework and process for the declaration of an SDA
- while an SDA has not been declared for this purpose previously, it has been determined this project would be within the public interest. Furthermore, there could be economic opportunities for compatible development in the proposed dam inundation area.

It is therefore recommended further investigation of the proposed Nullinga Dam site as a potential SDA be undertaken. However, use of an SDA should only be further considered if the detailed business case for the proposed Nullinga Dam recommends the project proceed, and if a protection mechanism is required to be implemented in the short term to ensure the long-term viability of the proposed dam. A more detailed assessment of the need for, and implications of an SDA, along with community consultation, would be required prior to declaration.

The analysis also confirmed there is an existing gap in the current planning framework in relation to the protection of future dam sites from incompatible development. While an established framework exists through the SPP for the protection of large-scale infrastructure, including bulk water supply infrastructure (dams), its application for this project is limited given there is no mapping to reflect future dam sites, nor a State based trigger through the Planning Regulation to ensure an appropriate level of protection for this State interest in the performance-based planning system.

Accordingly, it is also recommended that DSDMIP and DNRME continue discussions about broader policy requirements for protecting the proposed Nullinga Dam site (if a short-term solution is not needed) and future dam sites from incompatible development to ensure a consistent approach across Queensland for their long-term protection.

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Appendixes

Appendix 1 – Scoring justification

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Appendix 1 Scoring justification

Criteria	Score				
	1	2	3	4	5
Extent to which land can be protected from incompatible uses	• No ability to regulate land use or development (may regulate use of a resource)	• Development is regulated through a planning/development scheme • Allows for applications to be made over the land • Merit based appeal rights for applicants and third parties • Regulated by local government and limited or no ability for State intervention • Temporary	• Development is regulated through a planning/development scheme • Allows for applications to be made over the land • Merit based appeal rights for applicants and third parties • Only limited uses may be restricted, or State has ability to be a referral agency	• Development is regulated through a planning/development scheme • Allows for applications to be made over the land • Limited or no merit-based appeal rights for applicants or third parties on a development application decision • The State is the assessment manager or State has ability to be a referral agency • Long term	• Complete protection from incompatible development • No applications can be made over the land • Long term
Are substantial changes (i.e. legislative amendments) required to use the instrument/tool for this purpose	• Will require significant legislative amendments as no mechanism to currently implement for this purpose	• Requires substantial amendments to subordinate legislation • Requires legislative amendments • May also require additional amendments to implement for this purpose	• Requires amendment to subordinate legislation or a state planning instrument in accordance with statutory process	• Requires amendment to a local planning instrument • No legislative amendments required • No regulatory amendments required	• No amendments required to legislation or regulation to implement for this purpose
Additional land acquisition powers	• No specific land acquisition powers under relevant legislation (NB: there are other acquisition powers for water supply infrastructure under other legislation)	N/A	N/A	N/A	• Compulsory land acquisition powers under relevant legislation

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