



The Hon. Cameron Dick MP
Treasurer
Minister for Infrastructure and Planning

Our ref: MBN20/336

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Councillor Angela Toppin
Mayor
Mareeba Shire Council
PO Box 154
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Email: mayor@msc.qld.gov.au

Dear Councillor Toppin

Thank you for the Mareeba Shire Council's (the council) ongoing advocacy for the Nullinga Dam project.

I understand that you were previously a Councillor with the former council and, as such, will be well acquainted with the outcomes of the 2019 business case for the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvements Project, which concluded that the proposed Nullinga Dam was not financially or economically viable at this time.

You may also be aware that, in August 2019, the Queensland Government recognised the strategic benefits of protecting the proposed Nullinga Dam site (the proposed site) and committed to its long-term protection.

I wish to advise that the Coordinator-General, in conjunction with the Department of Natural Resources, Mines and Energy and the former Department of State Development, Manufacturing, Infrastructure and Planning, now Queensland Treasury (the department), have completed an investigation into the most appropriate way to protect the proposed site. It has been determined that inclusion of new provisions into the Mareeba Shire Council Planning Scheme 2016 (the planning scheme) is the most appropriate method of protection.

This determination is based upon an assessment of a number of mechanisms available under the *Planning Act 2016* (the Planning Act), the *Water Act 2000*, the *State Development and Public Works Organisation Act 1971* and the *Economic Development Act 2012*. An options analysis found that a local government planning scheme was the preferred mechanism as:

- planning schemes provide a robust approach to long-term strategic land use planning
- planning schemes are an established mechanism for integrating state interests
- there is an existing framework for amending a planning scheme under the Planning Act.

An amendment to the planning scheme could have minimal impact on landowners as no substantial change to the regulatory environment for land use and planning would be involved.

I understand that the department has been discussing an amendment to the council's planning scheme with the council and has outlined possible options for a planning scheme amendment and suggested matters to be addressed in such an amendment.

In light of the investigations mentioned above, I wish to advise that I am considering exercising my powers under section 26 of the Planning Act to require the council to take action to amend the planning scheme to protect the proposed site.

I consider that the council should take action to amend the planning scheme to protect the proposed site from activities that may:

- physically impact the structure/geology of the land
- increase buildings and infrastructure within the area
- affect water quality.

If I decide to make the direction, I anticipate that the council would be required to make an application under section 18 of the Planning Act to the Under Treasurer within 20 business days of the date of the direction and to have completed the amendment by March 2021.

I consider that the protection of the proposed site is a strategic precautionary measure for the future water security of the region. The planning scheme does not currently have any reference to Nullinga Dam or its potential future importance to the region. The protection of water security is a state interest, as expressed in the purpose of the Planning Act and the Far North Queensland Regional Plan 2009 – 2031 Water Management Regional Policies.

I consider that the planning scheme does not adequately protect the proposed site. Therefore, the planning scheme does not meet the purpose of the Planning Act in relation to achieving economic development and maintaining the cultural, economic, physical and social wellbeing of people and communities. I also consider that the planning scheme, in not protecting the proposed site, does not satisfy the regional plan's Water Management Regional Policies.

I therefore consider that the council should take action in order to give effect to these state interests by protecting the proposed site through a planning scheme amendment.

In accordance with section 26(3) of the Planning Act, I advise that the council may, by 26 June 2020, make a submission to me about the council taking the action.

After I have considered any submissions made as required under this notice, I will consider what further actions I may take in accordance with section 26(4) of the Planning Act.

In making my decision to consider exercising my powers based on the above reasons, I have had regard to the facts and circumstances identified in this notice and the briefing note provided to me by the department.

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

Yours sincerely



CAMERON DICK MP

Treasurer

Minister for Infrastructure and Planning

14 June, 2020