
MAJOR AMENDMENT NO.1 OF 2020
MAREEBA SHIRE COUNCIL PLANNING
SCHEME 2016

Nullinga Dam Development Area
Consultation Report



Public Consultation Summary

Mareeba Shire Council has carried out public consultation on Major Amendment No.1 of 2020 - Nullinga Dam Development Area in accordance with the *Planning Act 2016*, the *Minister's Guidelines and Rules* and the Communications Strategy for Major Amendment No.1 of 2020.

The following specific public notice requirements were undertaken:

1. The consultation period commenced on 9 September 2020 and ended on 9 October 2020 (23 business days).
 2. A public notice was published in The Express newspaper on 9 September 2020 (**Attachment 1**).
 3. A second notice was published in the Kuranda Paper October 2020 edition (**Attachment 2**).
 4. The public notice and a copy of Major Amendment No.1 of 2020 were made available to view and download from the Mareeba Shire Council website (**Attachment 3**) and maintained for the duration of the consultation period.
 5. A press release was published in The Express newspaper on 16 September 2020, the Cairns Post on 15 September 2020 and Council's Facebook Page on 9 September 2020 (**Attachment 4**).
 6. A letter and fact sheet was sent to all land owners within the Nullinga Dam Development Area informing them of Major Amendment No.1 of 2020 (**Attachment 5**). The same fact sheet was kept available on Council's website from the commencement of the consultation period.
 7. Static displays were established at the Mareeba customer service centre, Mareeba and Kuranda libraries providing hard copies of the planning scheme amendment for viewing; information on how to prepare a submission; and fact sheet about the planning scheme amendment (**Attachment 6**).
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Consideration of Submissions

Eight (8) submissions were received about Major Amendment No.1 of 2020. A copy of each submission is included as **Attachment 7**.

The submitters are as follows:

1. Mareeba Chamber of Commerce, PO Box 689, Mareeba QLD 4880
2. FNQ Growers, PO Box 989, Mareeba QLD 4880
3. Howe Farming Enterprises, PO Box 926, Mareeba QLD 4880
4. S & S Bell (xaartrik@hotmail.com)
5. S & K Martin, PO Box 103, Mutchilba QLD 4872
6. S & K Gargan, PO Box 1959, Mareeba QLD 4880
7. B, T, M & K Stankovich and S & M Musumeci, c/- Freshwater Planning, 17 Barron View Drive, Freshwater QLD 4870
8. R Lowden, c/- Elizabeth Taylor Town Planner, 23 Vallely Street, Freshwater QLD 4870

Submitters 3 to 8 are all land owners within the proposed Nullinga Dam Development Area.

Minister's Guidelines and Rules

Sections 18, 19 and 20 of the Minister's Guidelines and Rules establish the process for public consultation and Council's subsequent consideration of submissions.

18. Public consultation

18.1. The local government may only commence public consultation after-

- a) *complying with the Minister's conditions, if any, that apply to the proposed amendment given under section 17.5; and*
- b) *if relevant, giving notice under Chapter 4, part 1, section 3.3(b).*

18.2. Public consultation must be undertaken-

- a) *for a period of at least 20 days; and*
- b) *in accordance with-*
 - i. *the public notice requirements prescribed in the Act;*
 - ii. *the public notice requirements prescribed under Schedule 4; and*
 - iii. *the communications strategy given by the Minister under section 17.5.*

18.3. The local government must consider every properly made submission about the proposed amendment and may consider other submissions.

18.4. *Following the end of public consultation, the local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is-*

- a) *provided to each person who made a properly made submission;7 and*
- b) *available to view and download on the local government's website; or*
- c) *available to inspect and purchase in each of the local government's offices.*

18.5. *If the local government proposes to make changes to the proposed amendment under section 19, the actions under sections 18.3 and 18.4 may be deferred until after all applicable actions under section 19 have been undertaken.*

19. Changing the proposed amendment

19.1. *The local government may make changes to the proposed amendment to-*

- a) *address issues raised in submissions;*
- b) *amend a drafting error; or*
- c) *address new or changed planning circumstances or information.*

19.2. *The local government must ensure any changes continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.*

20. Effect of changes on public consultation

20.1. *If the local government changes the proposed amendment and the change results in the proposed amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation required for the proposed amendment.*

20.2. *The local government may limit the public consultation to only those aspects of the proposed amendment that have changed.*

20.3. *If consultation has been repeated, the local government must take the actions required under sections 18.3 and 18.4 for the repeated consultation.*

Submission 1 - Mareeba Chamber of Commerce

Summary

The submitter opposes the proposed Nullinga Dam Overlay on the basis that the recent business case suggests that water costs will be prohibitive for farmers.

The submitter also holds concerns regarding water quality and potential contamination from upstream mining operations.

With the viability of Nullinga Dam questionable, the submitter believes that moving forward with the proposed planning scheme amendment will deny landowners within the Nullinga Dam Development Area the opportunity to develop their land.

The submitter believes that landowners should be compensated if the planning scheme amendment proceeds.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

The viability of the proposed dam and potential water quality issues will be a consideration for future governments, if and when the dam proceeds towards construction.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

It is recommended that Major Amendment No.1 of 2020 be modified to include a Code Assessment category for the Nullinga Dam Overlay as follows:

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Nullinga dam overlay		
Material change of use for Dwelling house within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) if complying with the relevant acceptable outcomes of the requirements.	Accepted development subject to requirements	Nullinga dam overlay code
<u>Material change of use for Animal husbandry, Animal keeping, Aquaculture, Caretaker's accommodation, Cropping, Environmental facility, Home based business, Intensive horticulture, Park, Permanent plantations, Roadside stall, Rural industry, Rural workers' accommodation, Substation, Utility installation, Wholesale nursery or Winery within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013).</u>	<u>Code assessment</u> <u>Note—Where development is subject to impact assessment in sections 5.5, 5.6, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.</u>	<u>Nullinga dam overlay code</u>
Any other development on land within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) .	Impact assessment	The planning scheme including the Nullinga dam overlay code

Submission 2 - FNQ Growers

Summary

This submission is substantially the same as Submission 1.

The submitter opposes the proposed Nullinga Dam Overlay on the basis that the recent business case suggests that water costs will be prohibitive for farmers.

The submitter also holds concerns regarding water quality and potential contamination from upstream mining operations.

With the viability of Nullinga Dam questionable, the submitter believes that moving forward with the proposed planning scheme amendment will deny landowners within the Nullinga Dam Development Area the opportunity to develop their land.

The submitter believes that landowners should be compensated if the planning scheme amendment proceeds.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

The viability of the proposed dam and potential water quality issues will be a consideration for future governments, if and when the dam proceeds towards construction.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 3 - Howe Farming Enterprises

Summary

The submitter opposes the proposed Nullinga Dam Overlay on the basis that it would devalue their land and interfere with ongoing farming operations.

The submitter requests that the Minister and Council reconsider the proposed amendment.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing

the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 4 - S & S Bell

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The submitter purchased their land to establish a dwelling house, outbuildings and carry out livestock grazing. The submitter is concerned that the proposed overlay will adversely impact on their ability to develop their property.

The submitter disagrees with the intent to preserve the Nullinga Dam development area as this would significantly impact on the value and ability to sell their property.

The submitter believes that landowners should be compensated if the planning scheme amendment proceeds.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 5 - S & K Martin

Summary

The submitter opposes the proposed Nullinga Dam Overlay and the Nulling Dam.

The submitter purchased their property to develop a family home and small business.

The development of Nullinga Dam would lead to the loss of their existing development and future plans.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 6 - S & K Gargan

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The submitter advises that their land currently incorporates:

- Approximately 400 acres under pivot irrigation
- 400 acres of dry land farming
- Land suitable for 500 head of cattle
- Several dams and sheds
- Two houses.

The submitter believes that the land has more potential that can be achieved through continued investment.

Due to the uncertainty surrounding the viability of Nullinga Dam, the submitter considers it unjust to limit development options using the Nullinga Dam Overlay.

Imposing the Nullinga Dam Overlay would decrease the value of their land and also impact on the ability to sell the land.

The submitter believes that the State should either resume their land immediately, or not proceed with the planning scheme amendment.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 7 - B, T, M & K Stankovich and S & M Musumeci

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The submitter believes that proposed amendments are not considered to be reasonable nor relevant and significantly restrict and prohibit properties within the Nullinga Dam Overlay to protect a future Dam that is considered by the State to be '*not financially or economically viable*' just so there is no '*increase the cost of land acquisition in the future*' for the State Government.

The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture.

Neither the State Government nor the Local Government have provided any predicted timeframe for the Nullinga Dam.

The submitter believes that the restrictions of the Nullinga Dam Overlay are such that if implemented, the property's potential is significantly reduced to become an unviable investment for its owners with the yearly holding cost (rates, insurance, etc) being an ongoing financial burden with no realistic potential for a profitable return.

If the Overlay is implemented, the submitter believes that the property should be resumed by the State Government at its current fair Market Value.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development

Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 8 - R Lowden

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The proposed amendment of the Mareeba Shire Planning Scheme to introduce the Nullinga Dam Development Area Overlay Map, Code and Table of Assessment, allows the State Government to have 'a bet each way' while sterilizing development opportunities for affected land owners, in the short, medium and long term, with the very real prospect that the Nullinga Dam may never proceed if an alternative option, down the track, proves viable.

The boundary of the Nullinga Dam Development Area, as shown on the Overlay Map, is stated to include, the extent of the predicted 100% water level line and a 200-metre lineal buffer. These two different boundary lines are not shown on the Overlay Map.

The Nullinga Dam Overlay Code effectively limits development on land within the Development Area to a Dwelling house – max. 200m² and all associated outbuildings- max. 200m² with all structures designed to be removable; and prohibits activities that impact on the structure and geology of the land or impact on surface/ground water, in particular extractive industry; and also prohibits the creation of new lots.

To achieve this the Table of Assessment for Nullinga Dam Overlay changes the level of assessment for all development (other than a Dwelling house and associated out-buildings) to Impact assessable development.

This means that land uses previously able to establish on Rural zoned land as Accepted development (AD)/Accepted developed subject to requirements (ADSR) or Code assessable development (CAD), are now all Impact assessable development.

The list includes:

1. Agricultural supplies store - CAD;
 2. Animal husbandry – AD;
 3. Aquaculture – ADSR/CAD;
 4. Caretaker's accommodation – ADSR/CAD;
 5. Cropping – AD/ADSR/CAD;
 6. Emergency services – ADSR/CAD;
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7. Environment facility – CAD;
 8. Extractive industry – CAD;
 9. Food & drink outlet (if temporary) – AD;
 10. Home based business – ADSR/CAD;
 11. Intensive animal industry - ADSR;
 12. Intensive horticulture -ADSR;
 13. Nature-based tourism (if temporary) – AD or CAD;
 14. Park – AD;
 15. Permanent plantation – ADSR/CAD;
 16. Roadside stall – ADSR/CAD;
 17. Rural industry – AC/ADSR/CAD;
 18. Rural workers accommodation – AD/ACDSR/CAD;
 19. Substation – AD;
 20. Tourist attraction – CAD;
 21. Tourist park – CAD;
 22. Transport depot – ADSR/CAD;
 23. Utility installation – AD;
 24. Veterinary services – CAD;
 25. Wholesale nursery – CAD;
 26. Winery -CAD.

Twenty six (26) land uses that currently either do not require a planning approval or only require a code assessable planning approval will now require Impact assessment against the whole of the Planning Scheme, public notification and significant time delays and significant increases in cost to the landowner with the possibility of refusal at the end of the process, just to protect land for a Dam that may never be built.

The Nullinga Dam may never proceed and if it does, it is many years away; therefore, in fairness to existing landowners greater thought and a greater level of refinement should have been introduced into the Overlay Map, Code and Tables of Assessment, to allow a range of rural land uses/developments to be able to establish on land in the future, within the clearly identified boundaries Development Area, if the amendment were to proceed.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Overlay Map OM-013 maps the entirety of the Nullinga Dam Development Area. There is no additional 200 metre buffer outside the area already mapped on the overlay map.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor

amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

CLASSIFIEDS

PUBLIC NOTICE



PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

Notice is given under section 20 of the Planning Act 2016 and the Minister's Guidelines and Rules that on 15 July 2020, Mareeba Shire Council resolved to make Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016. The full title of the amendment is Major Amendment No.1 of 2020 - Nulling Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 commences Wednesday 9 September to protect the proposed Nulling Dam site from activities that may:

- Physically impact the structure/geology of the land
- Increase buildings and infrastructure with the area
- Affect water quality

Public Consultation Period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020. During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 85 Rankin Street, Mareeba.

They will also be available for viewing and download on council's website www.mareeba.qld.gov.au. Major Amendment No.1 of 2020 will also be displayed at the Mareeba and Kuranda libraries.

Submissions

Any person can make a written submission about any aspect of the Major Amendment No.1 of 2020. A properly made submission must:

- Be in writing
- Be signed by each person who has made the submission (unless the submission is made electronically)
- State the name and address of each person making the submission; and
- State the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission; and
- Be received no later than 5:00pm on Friday 9th October, 2020.

All submissions must be addressed to the Chief Executive Officer, Mareeba Shire Council, PO Box 154, Mareeba QLD 4880. Submissions can also be made via email to info@msc.qld.gov.au.

Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

Peter Franks
CHIEF EXECUTIVE OFFICER
PO Box 154 Mareeba, QLD. 4880

N.Q. CO-OP LTD

ELECTION OF DIRECTORS - NOMINATIONS
In pursuit of Rule 48 of the rules of N.Q. Co-op Ltd I HEREBY CALL for nominations for the election of TWO (2) DIRECTORS to fill vacancies occurring on our Board of Directors.

Messer's Enrico Cabassi and Enrico Battistin will retire by rotation, in accordance with Rule 48 (2) of the Co-operative's Rules, and are eligible for re-election if duly nominated under Rule 48 (6).

I APPOINT no later than 12:00 noon on Tuesday, 22 September 2020 as the time for receiving such nominations.

The nominations of a Member eligible as a Director shall be in writing signed by one (1) member entitled to vote at an election and accepted in writing by the Nominee.

The nomination form when completed must be lodged with me at my office at 6/81 Bynes Street, Mareeba no later than 12:00 noon on Tuesday, 22 September 2020.

Nomination forms are available from the following places:

- Miller & Teitzel 6/81 Bynes Street, Mareeba
- N.Q. Co-op Ltd 178 Bynes Street, Mareeba
- TGT Pty Ltd 13 Reynolds Street, Mareeba
- TGT Home Timber & Hardware: Glynn Street, Dimboola
- TGT Pty Ltd 17 Albrecht Street, Tolga

G. Teitzel, Returning Officer

AGM ANNOUNCEMENT

Atherton Tableland Nume Assis Secure
22nd September 2020 @ 9:30am
Atherton Disaster Coordination Centre

YOUR LOCAL CLASSIFIEDS

www.theexpressnewspaper.com.au

POSITION VACANT



HOME HEART & HEALTH CARE "ENHANCING THE QUALITY OF LIFE YOU'VE WORNED HARD FOR"

COMMUNITY CARERS FOR NDIS AND AGED CARE CLIENTS

Home Heart & Healthcare is the most reliable in-home care service in Cairns and surrounding areas, including the Tablelands. We provide elite home health care services and cater to the specific needs of each client. Due to our expanding clientele we need more carers on the Tablelands.

Are you a carer that has experience, love community care and would like to provide these high quality services, we would like to hear from you.

- What we offer:
- Ongoing training and development
 - 24/ on call carer support
 - Hours to suit your work/life balance

Required experience:

- 1 year aged care/disability experience providing care preferably within the home
 - Experience in transporting and escorting clients
 - Experience in providing care to people living with dementia and disability
- Required qualifications:
- Certificate III in Aged Care or Assistant in Nursing
 - Current Australian Federal Police Check
 - Current First Aid Certificate
 - Current Driver's Licence
 - Current Blue and Yellow Card
 - Roadworthy vehicle with comprehensive or 3rd party property damage motor vehicle insurance.

If this sounds like you, please send your CV to:

Kerry @homehearthealthcare.com.au
Or call 07-4031 9326 for more information.

ATHERTON LOCATION SERVICES



ARE LOOKING FOR A HYDRO VACUUM TRUCK OPERATOR

(No experience necessary as on-site training is provided)

That works well with others and has the following:

- MR Licence
- Construction Safety Card
- Mechanical knowledge is an advantage

Above award wages and full time employment for the right applicant. If this is you, or you want more information please send enquiries or forward resume to:

branson.elise@bigpond.com

Tableland Hydroponics in Tolga is looking for an energetic, hard working and committed

FARM HAND

Monday to Friday 6:30am starts. Must be reliable with own transport. This role would be highly suited to a local resident.

Phone 0418 260 037 for an interview.

RADCARE SUPPORT SERVICES IS SEEKING

CASUAL HOME CARE SUPPORT WORKERS

For relief work in Mareeba and Herberton. Driver's Licence and reliable car essential. Certificate III in Aged Care or equivalent an advantage.

For further information ring 4097 7263 or Email: rlz@radcare.com.au

The EXPRESS

PRIVACY POLICY

The Express collects personal information to assist us in providing goods and services which you have requested to process completion entries, deliveries and to improve our products and services to you. We may be in touch by phone, mail, fax or internet to inform you of any services and promotions which may be of interest. If you would prefer us not to do so, please write to us at The Express, PO Box 2243, Mareeba QLD. 4880. Access to your personal information can be obtained by calling (07) 4992 3464.

WORKSHOP

HERDING / STOCK DOG WORKSHOP

Held at Mareeba Rodeo Grounds
Sheep, Goats and Cattle

TWO SCHOOLS:
Option 1 - 22, 23, 24 September
Option 2 - 25, 26, 27 September
COST \$500 PER PERSON
ENQUIRIES: 0488 968 470
Or email: jaxh1966@bigpond.com

TENDER

Etheridge Shire Council Management of Etheridge Shire Council's Student Hostel Facility

Tender No: ESC2020 - 004

The Etheridge Shire Council invites tenders for the Management of Etheridge Shire Council's Student Hostel Facility located within the Township of Georgetown for a period of two (2) years.

This Tender is for the management and supervision of Etheridge Shire Council's student hostel facility with the successful tenderer being responsible for the overall care and supervision of the hostel students and the day to day operation of the hostel.

Please Note:
Invitation to Tender Documentation may be obtained from Etheridge Shire Council by contacting Mr. Ian Kahn, on (07) 40799007 or by email ian.kahn@etheridge.qld.gov.au and requesting the documents. Tender documentation can also be found on Council's website www.etheridge.qld.gov.au under Tenders (ESC2020-004)

NOTE: Tenders are to be delivered to the address of their tenders and allow sufficient time for their tenders to be delivered to Georgetown by the closing date and time.

The lowest or any tender may not be accepted.

David Munro CHIEF EXECUTIVE OFFICER
Ph Box 12 GEORGETOWN QLD 4871

MAKE YOUR AD STAND OUT FROM THE REST... ADD COLOUR!!

CHURCH NOTICE

Presbyterians continue to meet in Mareeba for worship each Sunday 10am, O'Connell Hall, Wilkes Street (behind Meals on Wheels) - All Welcome!

EXPRESSION OF INTEREST

Join a not-for-profit that makes a difference.



www.ravenhoecommunitycentre.org.au
The Ravenhoe Community Centre (RCC) is seeking expressions of interest from members of the community to join its volunteer Management Group.

RCC provides community services ranging from early childhood to aged care and is one of Ravenhoe's largest employers with an annual turnover of approximately \$2M and 50 employees.

The Management Group comprises a team of volunteers who meet regularly to exercise general control and management of the organisation's strategic direction, solvency, and legal compliance. It provides advice to the RCC Collective which is the overarching decision-making body of the organisation.

This is an excellent opportunity for new members to gain governance experience and for veterans to contribute their hard-earned wisdom to an important community institution.

Please send expressions of interest by C.O.B. Friday 18th September 2020, or at any other time, to chairperson@ravcom.org.au

GARAGE SALE

SUPPORTERS OF 65 ROSES INC. FOR CYSTIC FIBROSIS GARAGE SALE

31 VAUGHAN STREET, MAREEBA
FRIDAY 11TH SEPTEMBER, 8AM-5PM
SATURDAY 12TH SEPTEMBER, 8AM-5PM
SUNDAY 13TH SEPTEMBER, 8AM-12PM

5 DAYS GARAGE SALE

8-10 Palm Ave, Millaa Millaa
Wednesday 9th September through until Sunday 13th September, 2020
Some furniture, piano, collectables, 2nd hand timber.
0475 100 045

EVERYTHING MUST GO!

Electrical goods, whizzer snipper, timber wall cabinet, electric blower, carpet shampooer, iron (new), desk, kitchen stools office chair, reclaw pots, camp oven, tiles, professional clippers, framed prints, CDs, videos, books, Xmas tree and lights, caravan step (new), electric blanket, tools, fishing buoy (VGC), ball gown, etc.
Saturday 12th September
2 Bellamy Drive, Tolga

SHED Sale - 34 Jacana Close, Mareeba. 40 years of collecting. Saturday 12th & Sunday 13th September 8am - 5pm. 0422 104 126.

HAVE you got a position vacant? Phone 4092 3464 today.

SELL it today. Call us on 4092 3464.

MEETING NOTICE

AL-ANON FAMILY GROUPS
For friends and family of Alcoholics.
Meetings in Yungaburra
P: 0413 346 957

RENOVATIONS/ CARPENTRY

RENOS, DECKING, CARPENTRY, CONCRETING & WELDING
Any Work Up To \$3300
Ring Pot 0411 750 413

WANTED

CARETAKER WANTED
Mature aged caretakers wanted for Mareeba property in return for accommodation. Experience with horses would be preferred, but not essential. For more information Phone 0439 545 016

MOTORCYCLES WANTED
2 or 4 wheels, running or not. Will pay cash! Pick up in most areas.
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MULCH hay - 4x3 rounds. \$20 per bale. 129 Ray road, Mareeba. Ph 4092 1423.

HAVE you got a position vacant? Phone 4092 3464 today.

BUSINESS FOR SALE

GARDENING BUSINESS FOR SALE
Atherton area.
For more information call 0427 267 310

BUTCHER

BILL Black Mobile Butcher. Hang up to 7 days. 0408 922 812.

LOCAL Mobile Farm Butcher - will travel Ph Bryan 0407 691 752.



**PUBLIC CONSULTATION
OF MAJOR AMENDMENT NO.1 OF 2020
TO THE MAREEBA SHIRE COUNCIL
PLANNING SCHEME 2016**

Notice is given under section 20 of the Planning Act 2016 and the Minister's Guidelines and Rules that on 15 July 2020, Mareeba Shire Council resolved to make Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016. The full title of the amendment is Major Amendment No.1 of 2020 - Nullinga Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 is to establish the Nullinga Dam Overlay to protect the proposed Nullinga Dam site from activities that may:

- Physically impact the structure/geology of the land
- Increase buildings and infrastructure with the area
- Affect water quality

Public Consultation Period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

They will also be available for viewing and download on council's website: www.msc.qld.gov.au.

Major Amendment No.1 of 2020 will also be displayed at the Mareeba and Kuranda libraries.

Submissions

Any person can make a written submission about any aspect of the Major Amendment No.1 of 2020. A properly made submission must:

- Be in writing
- Be signed by each person who has made the submission (unless the submission is made electronically)
- State the name and address of each person making the submission; and
- State the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission; and
- Be received no later than 5:00pm on Friday 9th October, 2020.

All submissions must be addressed to the Chief Executive Officer, Mareeba Shire Council, PO Box 154, Mareeba QLD 4880.

Submissions can also be made via email to info@msc.qld.gov.au.

Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

Peter Franks
CHIEF EXECUTIVE OFFICER
PO Box 154 Mareeba, QLD. 4880

Attachment 2



Australia Day Awards 2021
Nominations are open for Mareeba Shire Council's
2021 Australia Day Awards.

Mareeba Shire Mayor Angela Toppin is encouraging residents to nominate individuals and community groups that have gone above and beyond to help others. "This year has been extraordinary in terms of dealing with the challenges and opportunities of COVID-19," Cr Toppin said.

"COVID-19 has impacted the way we live our lives but has not stopped the outstanding contributions of so many within our community and we must acknowledge these, residents and community groups."

"Mareeba Shire is very fortunate to have so many wonderful, dedicated and community-minded people who volunteer and give back to their local community."

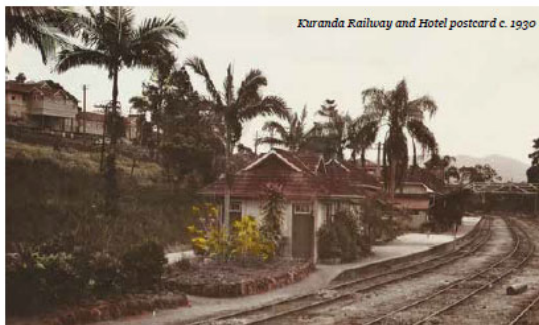
"Whether it's a service group or sporting club, your neighbour or a stranger, please consider nominating them for an Australia Day award," Cr Toppin said.

Australia Day Awards are open to Mareeba Shire residents and community groups that have made an outstanding achievement or contribution within the community.

Mayor Toppin said nominees and award recipients will be acknowledged appropriately amid COVID-19 restrictions.

Residents are encouraged to submit nominations online through Council's website. Nomination forms can also be downloaded from Council's website or collected from Council's customer service centres in Mareeba and Kuranda. Nomination forms should be returned to the customer service centres or posted to PO Box 154 Mareeba Q 4880.

Nominations must be received no later than 3pm Tuesday 15 December 2020.



Kuranda Railway and Hotel postcard c. 1930

KURANDA HISTORICAL SOCIETY UPDATE

During September, our long postponed (due to COVID-19) Strategic Planning Project was finally able to commence with the first of two workshops for Kuranda Historical Society (KHS) members led by Dr Jo Wills (Museum Development Officer FNQ, Queensland Museum). The aim of the Project is to provide a solid structure for the Society as it moves into a more active phase, following a couple of years spent just getting established. A second workshop for members will be held in October, the results of these workshops will then be compiled into a Strategic Planning report by Dr Wills.

This Project is made possible through the Regional Arts Development Fund. Thanks to Mareeba Shire Council and Arts Queensland. Thanks to the Kuranda Country Women's Association for providing a handy and COVID-Safe venue and thanks also to Kim and Bob at Foodworks for their generous in-kind support of refreshments for the workshops.



Planning Act 2016
PUBLIC NOTICE
MAREEBA SHIRE COUNCIL
PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

On 15 July 2020, Mareeba Shire Council resolved to make Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016.

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- increase buildings and infrastructure with the area;
- affect water quality.

Public consultation period

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During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

They will also be available for viewing and download on council's website: www.msc.qld.gov.au/planning.

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- state the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission; and
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Submissions can also be made via email to info@msc.qld.gov.au.

Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

Peter Franks
Chief Executive Officer
Mareeba Shire Council

QBCC licence 15124704

Kris Hickey
Designer (residential - commercial - civil)

Kris for Concreting

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Tel/Fax: (07) 4093 9770
Mobile: 0418 314 532
Email: barry@hodsonott.com.au

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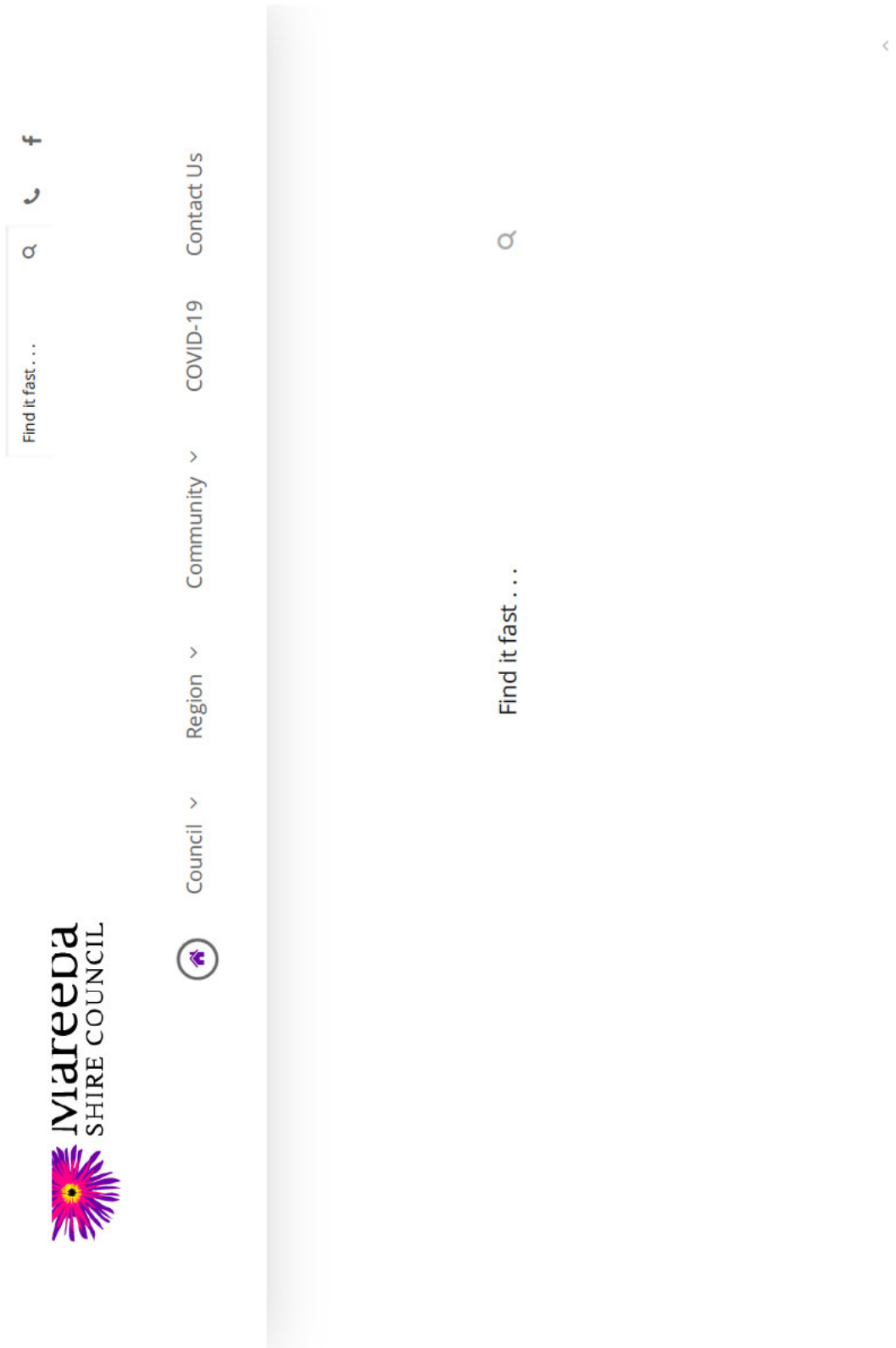
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leon@waterboresqld.com.au
www.waterboresqld.com.au

Attachment 3



Home
Quick Links
I want to
News
Events Calendar

A Growing, Confident And Sustainable Shire

The Shire's estimated resident population of 22,000 is dispersed across 53,457 km². Mareeba, with a district population of over 10,000, is the main commercial and administrative centre and lies 64 km south west of Cairns. Most of the shire's remaining population reside in and around smaller towns and districts including Kuranda, Koah, Speewah, Biboohra, Mt Molloy, Julatten, Mt Carbine, Mutchilba, Dimbulah, Irvinebank, Watsonville, Almaden and Chillagoe.

Top Hits



Contact Council



Working at Council



Libraries



Council Meetings



Public Notices



Impounded Animals

Latest From Council



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**Nullinga Dam
Overlay – Public
Consultation**

An amendment to Mareeba
Shire Council's planning
scheme is being made to
protect the Nullinga...



Youth Engagement

Mareeba PCYC Youth Support workers engaged with local youth to create a colourful mural on...



EOI Great Wheelbarrow Race Committee

Mareeba Shire Council is calling for expressions of interest from community members to volunteer and...



Rate Notices Issued

RATE NOTICES ISSUED - DUE
18 SEPTEMBER 2020 The half-
yearly Rate Notices for the six-
month...

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Council



Region



Community



COVID-19

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Nullinga Dam Overlay – Public Consultation

September 8, 2020

An amendment to Mareeba Shire Council's planning scheme is being made to protect the Nullinga Dam development area.

Mareeba Shire Council tabled the amendment at the July Council meeting after the issue was identified by the Queensland Minister for Infrastructure and Planning.

Under section 26 of the Planning Act 2016 Council was directed to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed site of Nullinga Dam by the Minister.

The State Government endorsed a detailed business case for the proposed Nullinga Dam in August 2019. While the Queensland Government decided not to proceed with construction at present, Mareeba Shire Mayor Angela Toppin welcomed the Government's

decision to take immediate steps to protect the proposed Nullinga Dam area. "The development area will be preserved in a way, as a strategic precautionary measure," she said.

The planning scheme amendment will introduce the Nullinga Dam Overlay. This overlay will identify the Nullinga Dam development area and will make all development, except for a dwelling house and associated outbuilding/s, impact assessable development within the Nullinga Dam development area.

"A key requirement of the planning scheme amendment is to ensure any new development within the Nullinga Dam development area is limited in size and designed to be relocatable," Cr Toppin said.

Subdivision to create any new lots within the Nullinga Dam development area would also not be supported by the planning scheme amendment.

On 10 August 2020, the Minister for Infrastructure and Planning permitted Council to proceed to the public consultation of the planning scheme amendment.

Public consultation of the amendment will occur from 9 September 2020 up to and including 9 October 2020. During this consultation period, any person may make a properly made submission to Council in relation to the proposed amendment.

Details of the proposed amendment are available from Council's website and can be viewed at the Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

MORE INFO

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PUBLIC CONSULTATION OF MAJOR AMENDMENT No.1 of 2020 – NULLINGA DAM DEVELOPMENT AREA – MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

On 6 July 2020, the Minister for Infrastructure and Planning directed Mareeba Shire Council in accordance with section 26 of the Planning Act 2016, to amend the Mareeba Shire Council Planning Scheme 2016 (the planning scheme) to protect the proposed Nullinga Dam site.

The Ministerial Direction requires that the planning scheme be amended by March 2021.

On 15 July 2020, Council resolved in accordance with section 20 of the *Planning Act 2016* and Chapter 2, Part 4 of the Minister's Guidelines and Rules to make Major Amendment No.1 of 2020 to the planning scheme.

The full title of the amendment is Major Amendment No.1 of 2020 – Nullinga Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 is to establish the Nullinga Dam Overlay to protect the proposed Nullinga Dam site from activities that may:

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

Major Amendment No.1 of 2020 and related documentation is downloadable below:

[Major Amendment No.1 of 2020
Fact Sheet](#)

[Communications Strategy for Major Amendment No.1 of 2020
Ministerial Direction](#)

[Nullinga Dam Overlay.](#)

Major Amendment No.1 of 2020 will establish the Nullinga Dam Overlay to control new development within the proposed Nullinga Dam development area.

The overlay will make all development, except for a dwelling house and associated outbuilding/s, impact assessable development with the Nullinga Dam development area.

Major Amendment No.1 of 2020 will require new development within the Nullinga Dam development area to be limited in size and designed to be relocatable.

Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.

<

Public consultation period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

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Submissions

Any person can make a written submission about any aspect of the Major Amendment No.1 of 2020. A properly made submission must:

- in writing;
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Move to protect Nullinga Dam site

SARAH NICHOLSON

THE Nullinga Dam may have stalled but the Mareeba Shire Council has taken a step to prevent development on the site in case the infrastructure project receives a green light in the future.

The council tabled an amendment to the planning scheme during July's ordinary council meeting – when the Queensland Government exercised a provision under section 26 of the Planning Act 2016 to future-proof the plot – and has now moved to the public consultation stage.

The northern Tablelands council is encouraging stakeholders to make submissions about the proposed planning scheme alteration, with the process open until October 9.

The tweak to the MSC planning scheme would introduce the Nullinga Dam overlay and identify the area as well as making all development – except for a dwelling house and associated outbuildings – “impact assessable development within” the specified envelope.

Mareeba Mayor Angela Toppin said while the State Government elected not to endorse a detailed business case for the proposed work in August 2019, it was encouraging to see steps taken to protect the parcel.

“The development area will be preserved in a way, as a strategic precautionary measure,” she said.

The proposed dam – which would sit to the west of Atherton on the Walsh River – was first proposed in the 1950s but initially abandoned by the creation of Tinaroo Dam, which was selected as a better site.

But the idea has been resurrected over the years to enhance Far North water security, with the Tablelands agriculture and horticulture communities supporting the dam as it would boost business opportunities.

The latest push was abandoned by the Queensland Government 13 months ago when it determined the infrastructure would not be economically viable. But Natural Resources Minister Anthony Lynham said at the time the dam site would be “locked down” as a precautionary measure.

Move to protect Nullinga Dam site

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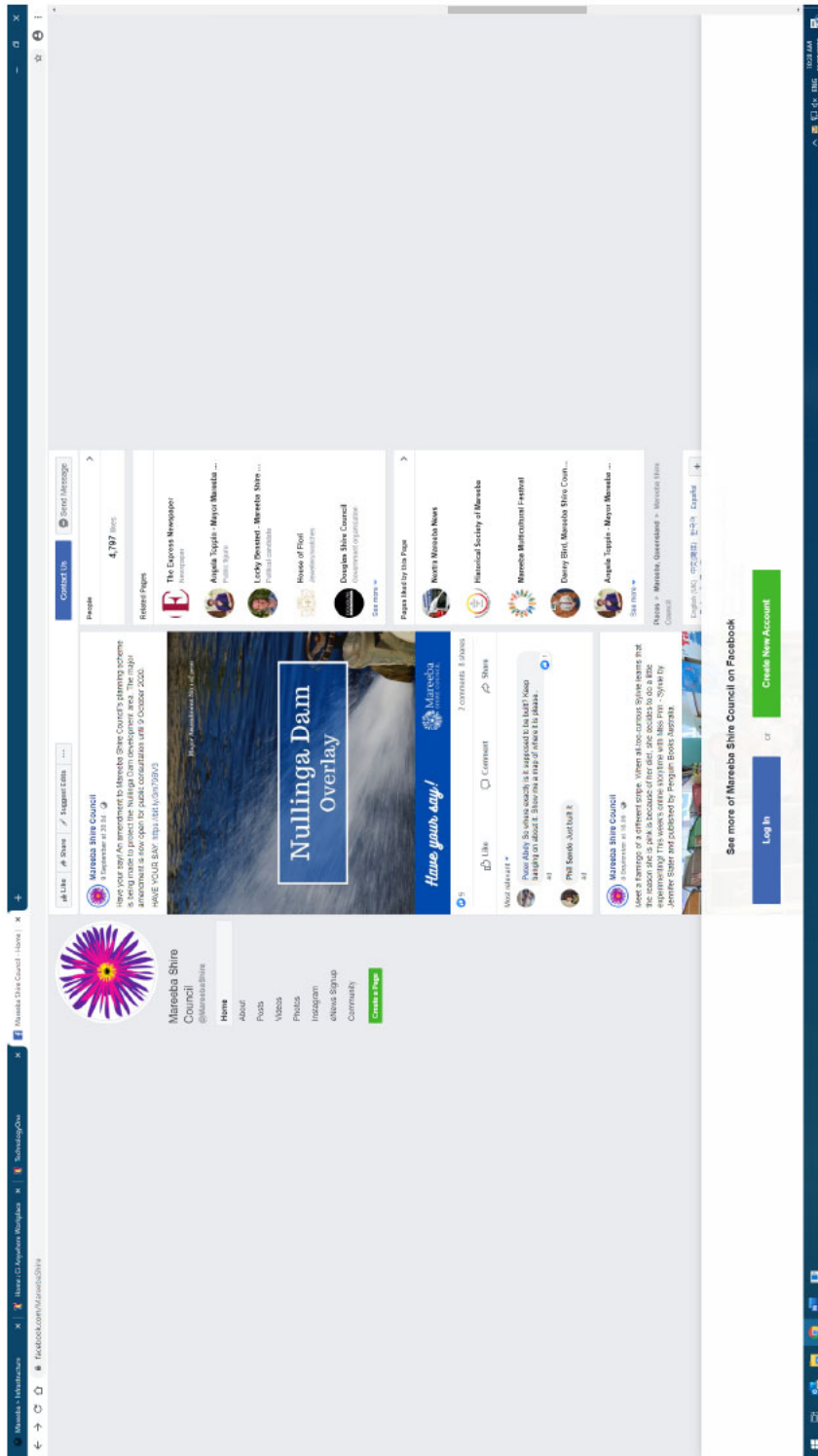
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The latest push was abandoned by the Queensland Government 13 months ago when it determined the infrastructure would not be economically viable. But Natural Resources Minister Anthony Lynham said at the time the dam site would be “locked down” as a precautionary measure.





Major Amendment No.1 of 2020

Have your say! An amendment to Mareeba Council's planning scheme is being made for the Nullingga Dam development area. The amendment is now open for public comment from 9 October 2020.

HAVE YOUR SAY: <https://bit.ly/3m79EV>

Roderico Cavallo, Michael Lawrence, Valerie Lewis and 6 others like this.

8 shares

Peter Abdy So where exactly is it supposed to be built? Keep banging about it. Show me a map of where please..

4d

Phil Sando Just built it

4d





Attachment 5

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657
F: 07 4086 4733

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: URP-SCH
Our Ref: PF:BM

8 September 2020

[REDACTED]
[REDACTED]
[REDACTED]
BRISBANE QLD 4001

Dear Sir/Madam

PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 - NULLINGA DAM DEVELOPMENT AREA - MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

On 6 July 2020, the Minister for Infrastructure and Planning directed Mareeba Shire Council in accordance with section 26 of the Planning Act 2016, to amend the Mareeba Shire Council Planning Scheme 2016 (the planning scheme) to protect the proposed Nullinga Dam site.

The Ministerial Direction requires that the planning scheme be amended by March 2021.

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

Nullinga Dam Overlay

Your property(s) described as Lot 100 on SP149568Springmount Road, Mutchilba has been identified as incorporating areas designated within the **Nullinga Dam Overlay**.

Major Amendment No.1 of 2020 will establish the Nullinga Dam Overlay to control new development within the proposed Nullinga Dam development area.

The overlay will make all development, except for a dwelling house and associated outbuilding/s, impact assessable development with the Nullinga Dam development area.

Major Amendment No.1 of 2020 will require new development within the Nullinga Dam development area to be limited in size and designed to be relocatable.

Public Consultation of Major Amendment No.1 of 2020
Mareeba Shire Council Planning Scheme 2016

Page 2
8 September 2020

Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.

Attached for your information is a fact sheet on Major Amendment No.1 of 2020.

Public consultation period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

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Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

Yours faithfully



PETER FRANKS
CHIEF EXECUTIVE OFFICER

FACT SHEET



Major Amendment No.1 of 2020—Nullinga Dam development area

What is the Nullinga Dam development area?

The Nullinga Dam development area is generally based on the predicted 100 percent water level, plus 200 metre lineal buffer, of the proposed Nullinga Dam.

The Nullinga Dam development area is mapped by the Nullinga Dam Overlay (Overlay Map OM-013).

The proposed Nullinga Dam is a regionally significant water resource and will perform an essential future role by supplying irrigation and domestic water supplies to a number of communities.

In recognition of its significance, on 6 July 2020, the Minister for Infrastructure and Planning directed Council to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam development area.

What does the Nullinga Dam Overlay mean for development?

Development applications within the Nullinga Dam Overlay will be assessed against the Nullinga Dam Overlay Code. The code seeks to achieve:

The 'Nullinga Dam development area' is protected from development that is likely to compromise the future construction and associated structural integrity of the Nullinga Dam.

Development does not increase the number of buildings, lots and infrastructure within the 'Nullinga Dam development area' by ensuring:

(i) Land within the 'Nullinga Dam development area' is maintained in its current configuration; and

(ii) Residential and non-residential infrastructure, including cropping infrastructure is limited in size and designed to be relocatable;

Land within the 'Nullinga Dam development area' is not reconfigured to create additional lot/s situated within the 'Nullinga Dam development area';

Development does not compromise or impact on the structure, stability or geology of land within the 'Nullinga Dam development area';

For more information about the major amendment No. 1 of 2020:

T: 1300 308 461

E: info@msc.qld.gov.au

W: www.msc.qld.gov.au

What are Overlays?

Overlays identify areas of land with particular characteristics that require special planning consideration when a development is proposed.

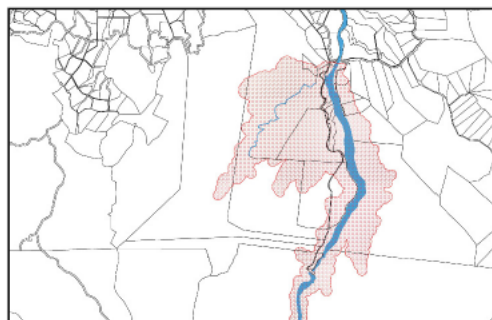
The characteristics may relate to natural hazards such as bushfire, flooding or landslides, a value such as Good Quality Agricultural Land, Biodiversity or Heritage, or a constraint such as proximity to an airport, quarry or major water resource (e.g. proposed Nullinga Dam).

Not all properties are affected by overlays; however, some properties may be affected by more than one (e.g. Bushfire and Landslide Overlays).

The Mareeba Shire Council Planning Scheme provides maps that outline the impact of overlays on properties. The Planning Scheme contains specific requirements relating to each overlay that must be addressed if a development triggers an overlay.

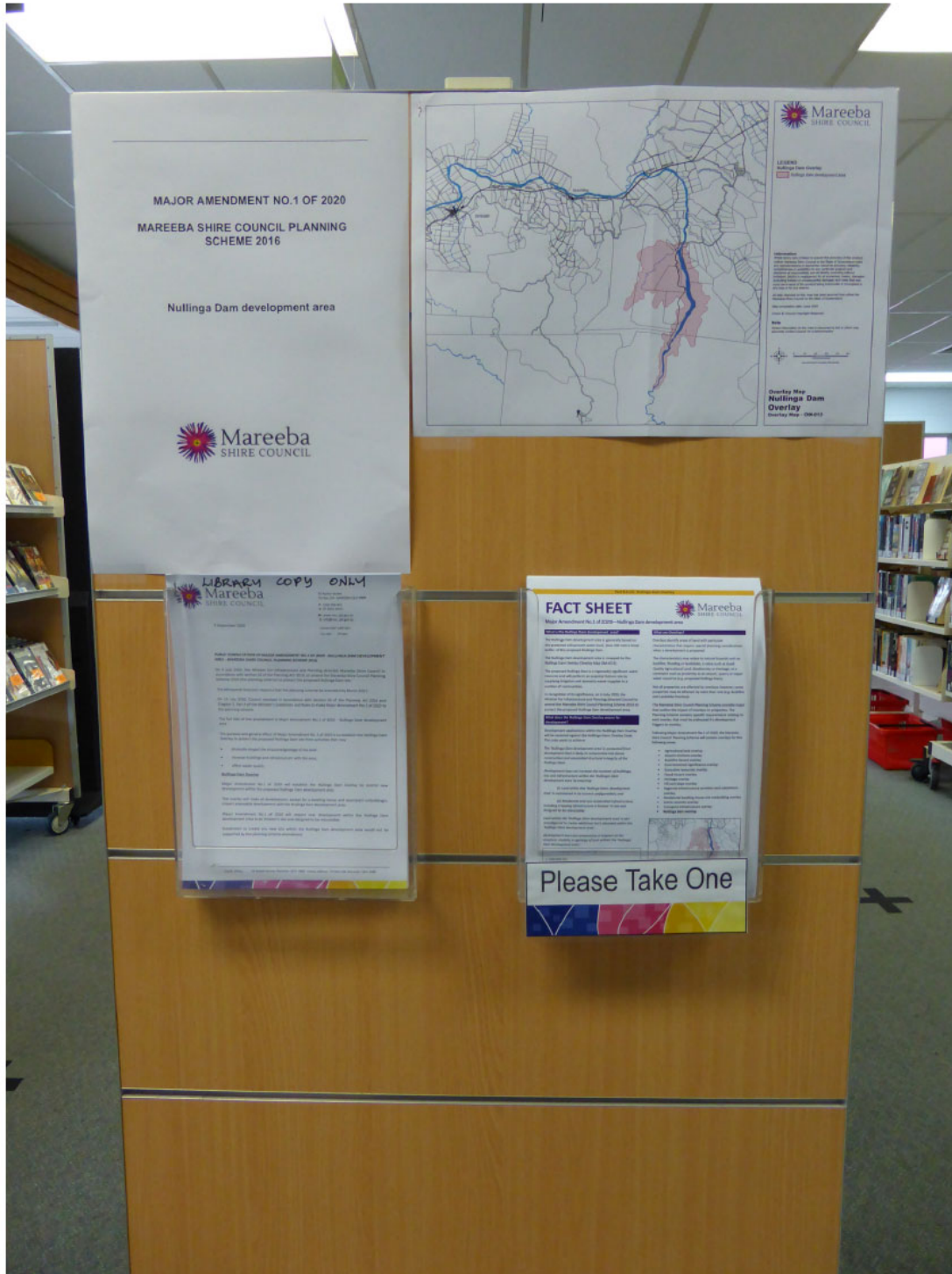
Following Major Amendment No.1 of 2020, the Mareeba Shire Council Planning Scheme will contain overlays for the following areas:

- Agricultural land overlay
- Airport environs overlay
- Bushfire Hazard overlay
- Environmental significance overlay
- Extractive resources overlay
- Flood Hazard overlay
- Heritage overlay
- Hill and slope overlay
- Regional infrastructure corridors and substations overlay
- Residential dwelling house and outbuilding overlay
- Scenic amenity overlay
- Transport infrastructure overlay
- **Nullinga dam overlay**



Disclaimer: This fact sheet is intended to help the public gain a general understanding of planning scheme matters and is a guide only. The content of this fact sheet does not replace the provisions of the MSC Planning Scheme, nor should it be interpreted as Council policy.

Attachment 6



Attachment 7

Submission 1



PO Box 689
Mareeba QLD 4880
07 4092 6050
0499 045 979
admin@mareebachamber.com.au
mareebachamber.com

6th October, 2020

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880

Submission to Major Amendment No.1 of 2020 – Nullinga Dam development area.

The Mareeba Chamber of Commerce opposes the establishment of the Nullinga Dam overlay to control new development within the proposed Nullinga Dam development area.

The Chamber is a strong advocate of growth and development in Mareeba shire, and has worked collaboratively with all levels of government, and community stakeholders, to ensure our region continues to thrive economically and socially.

Nullinga has long been mooted as part of a multi-thronged solution to providing long-term water security for Mareeba Shire, however, the Queensland Government's business case cast serious doubts about the feasibility of the project.

"The business case analysis reveals construction of the proposed Nullinga Dam is neither financially or economically viable. The proposed Nullinga Dam site is located in a poor performing catchment requiring a costly build solution." NDIMP Detailed Business Case, July 2019.

We oppose moves to secure the development area of the dam site for a number of reasons.

The Queensland Government's business case revealed the cost to purchase water from Nullinga Dam would start at \$15,000 which is grossly prohibitive for farmers.

The government would need to subsidise the purchase of water allocations back to current market price to enable agriculture to be able to enter the market. Of equal concern is the cost for administering the scheme. The business case makes the water cost prohibitive for agricultural production.

We are aware of concerns regarding water quality in the Walsh Catchment from old tin mines in the Watsonville area, and believe this would also negatively impact on the likelihood of the dam being built.

For these reasons, we believe that Nullinga is not considered a feasible option to provide long-term water security for the region and, therefore, question the need to protect the dam area by establishing the proposed overlay



PO Box 689
Mareeba QLD 4880
07 4092 6050
0499 045 979
admin@marebachamber.com.au
marebachamber.com

Agriculture is an economic powerhouse in the Mareeba Shire and beyond. It delivers enormous economic flow-on effects to businesses within the shire and beyond.

The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for residential and non-residential infrastructure including subdivision and agriculture.

The Chamber vehemently opposes any moves to deny landholders, whose land is within the dam's development area, opportunities to develop their land, or be required to comply with a rigorous development application process to do so.

The Chamber submits that if development rights are removed, landholders should be fairly compensated at market value.

Yours sincerely

Joe Moro

Joe Moro
President
Mareeba Chamber of Commerce

Submission 2



President: Mr Joe Moro

Email: moro_joe@hotmail.com

Secretary: Mrs Maree Lopez

Email: jam.lopez97@gmail.com

PO Box 989

MAREEBA QLD 4880

Telephone: (07) 4092 6099

Email: mdfvqa@bigpond.com

7 October 2020

The Chief Executive Officer

Mareeba Shire Council

PO Box 154

Mareeba QLD 4880

Submission to Major Amendment No.1 of 2020 – Nullinga Dam development area

FNQ Growers opposes the establishment of the Nullinga Dam overlay to control new development within the proposed Nullinga Dam development area.

FNQ Growers is the united voice for horticulture growers in Far North Queensland. We represent more than 300 growers from Lakeland in the north, south to Tully and west to Dimbulah.

Long-term, reliable and equitable water security is critical to the region.

Nullinga has long been mooted as part of a multi-thronged solution to providing long-term water security for Mareeba Shire, however, the Queensland Government's business case cast serious doubts about the feasibility of the project.

FNQ Growers has grave concerns about the viability of the proposed new dam, based on information released in the Queensland Government's Business Case, which showed the high cost of water allocations based on a full cost recovery methodology.

The Nullinga business case revealed the cost of water would start at around \$15,000 which is grossly prohibitive for farmers. Without a reasonable subsidy from the government, it is unlikely farmers, in particular cane and horticulture, would be able to afford to purchase water allocations.



President: Mr Joe Moro

Email: moro_joe@hotmail.com

Secretary: Mrs Maree Lopez

Email: jam.lopez97@gmail.com

PO Box 989

MAREEBA QLD 4880

Telephone: (07) 4092 6099

Email: mdfvaa@bigpond.com

"The business case analysis reveals construction of the proposed Nullinga Dam is neither financially or economically viable. The proposed Nullinga Dam site is located in a poor performing catchment requiring a costly build solution." NDIMP Detailed Business Case, July 2019.

Further, we have concerns about water quality in the Walsh Catchment from old tin mines in the Watsonville area, and believe this would also negatively impact on the likelihood of the dam being built.

For these reasons, we believe that Nullinga is not considered a feasible option to provide long-term water security for the region and, therefore, question the need to protect the dam area by establishing the proposed overlay

Agriculture is an economic powerhouse in the Mareeba Shire and beyond, with its value to the Tableland's economy increasing by 45% over the last four years (*Tablelands Agricultural Profile with 2018/2019, Queensland Department of Agriculture, 2019*).

Our farmers are price takers, not price setters and contend with a variety of challenges, driven by external influences, that they have no control over. Denying development rights is ill-guided and shows a lack of support for agriculture.

The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for residential and non-residential infrastructure including subdivision and agriculture.

FNQ Growers submits that if development rights are removed, landholders should be fairly compensated at market value.

Sincerely

Joe Moro

Joe Moro

Submission 3

Howe Farming Enterprises Pty Ltd

ACN: 099 827 791
ABN: 63 099 827 791

PO Box 926
MAREEBA QLD 4880
1687 Chewko Road
WALKAMIN QLD 4872



Ph: 07 4093 3791
Fax: 07 4093 3779
admin@howefarms.com

Dennis Howe
1687 Chewko Road,
Walkamin 4872

24/09/2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154,
Mareeba QLD 4880

To Whom it May Concern,

I am writing to you to express my opposition to Major Amendment No.1 of 2020 – Nullinga Dam development area.

Howe Farming Enterprises has a combination of leasehold and freehold properties amounting to 825Ha within the overlay area. The implementation of this amendment and the restrictions it would bring; will devalue the freehold land and interfere with the ongoing operations of our business. I would ask that the State and Local government reconsider moving forward with this amendment.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Dennis Howe'.

Dennis Howe
Managing Director
Howe Farming Enterprises P/L

Submission 4



To Whom It May Concern,

We, Shane Edward Bell and Shenae Ebony Bell of Lot 162 on RP843529 situated at 255 Collins Weir Road, Mutchilba strongly object to any proposed amendment of the Nullinga Dam Development area.

Namely, Major Amendment no. 1 of 2020-Nullinga Dam development area.

We purchased our property as a freehold rural land holding with the intention of establishing a dwelling and any associated buildings for livestock grazing, which to our knowledge are conditions adequate within the zoning of our property.

Therefore, strongly disagree with any further future development within the overlay, and/or restrictions placed over our property which will adversely affect further development and additional value added to our property.

Also strongly disagree with the proposal of the preservation of the land for future development which would obviously greatly affect the valuation & saleability of our property & all other properties concerned within the proposed catchment area & believe adequate compensation should therefore be applied to all affected properties if the amendment was to be enforced.

Property Owners

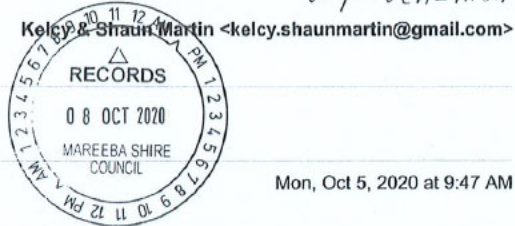
Shane Edward Bell - *S Bell* Date: 5-10-2020

Shenae Ebony Bell - *S Bell* Date: 5-10-2020

Submission 5

10/5/2020

Gmail - Nullinga Dam Development Area



Nullinga Dam Development Area

1 message

Kelcy & Shaun Martin <kelcy.shawnmartin@gmail.com>
To: info@msc.qld.gov.au

Mon, Oct 5, 2020 at 9:47 AM

To Whom it May concern regarding the Nullinga Dam Development Scheme,

As the owners of Lot 164 on RP843529 situated at 447 Collins Weir Road Mutchilba we Shaun Barry Martin & Kelcy Allen Martin fully object to the proposed development and protection of the proposed site.

We have worked extremely hard to move from out west to our dream property. We bought and own this property and it is our 3 small childrens only home. We have over the years begun big developments to secure our children's future on this property. We run a small business from this property and spent money and time building it up. We also run a 2nd small business on this property utilising the land which we have worked hard to own and build, this place is our home, our children's home and our livelihood. Too loose it would completely upturn all our plans, our hard work, our hopes and dreams and completely break our hearts.

We fully object to any hold on our land to protect the site.
We fully object to the development of the Nullinga Dam in full

Please respond to this email, as confirmation that this letter has been received and reviewed by the appropriate parties.

Kind Regards
Shaun & Kelcy Martin

—
Shaun & Kelcy Martin

S & K Fencing

P.O. Box 103
Mutchilba QLD 4872
Phone: 0429 456 211
Email: kelcy.shawnmartin@gmail.com
Find us on Facebook!

Submission 6

SA & KJ Gargan
PO Box 1959
Mareeba
Qld 4880

P: 07 40934313
M: 0455534316 (Simon)
E: skgargan@outlook.com.au

6th October 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Dear Sir

RE: SUBMISSION REGARDING PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 – NULLINGA DAM DEVELOPMENT AREA – MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

We are the owners of Lot 50 on SP220744 and Lot 49 on SP220774 situated on 78 Collins Weir Road, both of which have been identified as incorporating areas designated within the Nullinga Dam Overlay, proposed in Major Amendment 1 of 2020. We will be negatively affected by the amendment to the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site and as such are objecting to it.

We have already been living with the uncertainty surrounding the dam for several years and are not confident that a decision will be made any time soon. On that basis it seems unjust to limit our ability to develop the farm indefinitely.

We purchased the 2226 hectare Freehold property from John Gargan (Simon Gargan's father) in 1996 and have spent the last 24 years developing the land, at considerable cost. All our income from the farm has been reinvested into it, allowing it to become a viable entity with considerable potential for further growth.

Currently the land incorporates the following:

- Approximately 400 acres under pivot irrigation
- 400 acres of dry land farming
- Further land suitable for approximately 500 head of cattle
- Several dams and sheds
- Two houses

The property has far more potential, something we hope to achieve through the continued investing of earnings back into the farm.

Correspondence dated 8 September 2020 from the Mareeba Shire Council states that:

"The purpose of the Major Amendment No. 1 of 2020 is to establish the Nulling Dam Overlay to protect the proposed Nulling Dam site from activities that may:

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

The development area is based on the predicted 100 percent water level, plus 200 metre lineal buffer, of the proposed Nulling Dam."

The measures listed above would prevent us from making any further improvements or developments to our farm.

We built a house in 2006 on our property well above the expected water level of the dam, however, the excessive 200m buffer means that it is within the overlay.

We have 3 children and our hope has always been that we could pass a small block of land on to each of them for either farming or recreational purposes. We are at the stage of life when we must consider our future and succession planning, so this situation is of great concern to us and our family.

In June 2019, the business case analysis conducted by Building Queensland and Sunwater, stated that the Nulling Dam was neither financially nor economically viable. In view of this information we fail to see how it can be justified to have our rights to our land, our home and our livelihood taken away from us.

Should the amendment to protect the dam site take place we would no longer have the option to:


- Increase cropping by developing further land
- Subdivide the land
- Pass on a block of land to each of our children for them to develop and build on. Relocatable buildings are not acceptable as long term family homes.

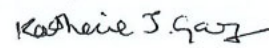
The amendment would therefore result in a significant decrease to the value of our land and potentially make it unsaleable, due to the continued uncertainty surrounding the dam. It is possible this situation could go on many years into the future.

Whilst we can work with a dam going ahead or a dam not going ahead it is extremely difficult to work with this "in limbo" situation.

As such we strongly object to the Major Amendment No. 1 of 2020 – Nullinga Dam Development Area – Mareeba Shire Council Planning Scheme 2016 and find it totally unreasonable on all accounts. To impose such restrictions, which would both devalue our land and prevent us from doing anything to it to improve its profitability and add to its value, just so the Government can minimise the cost of acquiring the land at some undetermined date in the future, seems very unjust. If a final decision regarding whether or not the dam goes ahead cannot be made, we feel that the fairest outcome would be for the State Government to either resume our land now, at market value, or leave us to continue to develop our property without restrictions.

Yours Faithfully


Simon Gargan
Property owner


Katherine Gargan
Property owner

Submission 7


07 October, 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEEBA QLD 4880


Dear Sir,


**RE: PUBLIC CONSULTATION OBJECTION SUBMISSION FOR THE MAJOR AMENDMENT
NO.1 OF 2020. MAREEBA SHIRE COUNCIL PLANNING SCHEME, 2016 - NULLINGA
DAM DEVELOPMENT AREA.**


As the registered Landowners of Stankovich Road, Mutchilba and more particularly described as Lot 41 on SP188672, We, TONKA STANKOVICH, MIRKO BORIS STANKOVICH, KAREN LORRAINE STANKOVICH, BORIS STANKOVICH, SALVATORE GERARD MUSUMECI and MARYJANE VANJA MUSUMECI find attached a Submission (Objection) in relation to the abovementioned proposed Major Amendment, prepared and lodged on our behalf by Freshwater Planning Pty Ltd.

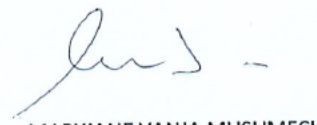

TONKA STANKOVICH


MIRKO BORIS STANKOVICH


KAREN LORRAINE STANKOVICH


BORIS STANKOVICH

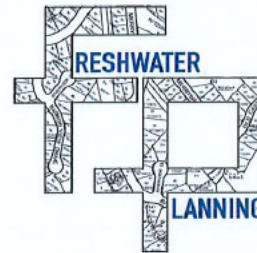

SALVATORE GERARD MUSUMECI


MARYJANE VANJA MUSUMECI

Your Ref:
Our Ref: F20/24

07 October, 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880



Attention: Regional Land Use Planning Group

Dear Sir,

**RE: PUBLIC CONSULTATION OBJECTION SUBMISSION FOR THE MAJOR AMENDMENT NO.1 OF 2020
MAREEBA SHIRE COUNCIL PLANNING SCHEME, 2016 - NULLINGA DAM DEVELOPMENT AREA.**

Freshwater Planning Pty Ltd has been engaged by B, T, M B & K L STANKOVICH and S G & M V MUSUMECI, the owners of Lot 41 on SP188672, situated on Stankovich Road, Mutchilba to review and provide an Objection in relation to the Nullinga Dam Development Area that is currently undergoing Public Consultation by the Mareeba Shire Council. The Letter is considered to be a Formal Objection by way of Submission provided in relation to the Major Amendment No.1 of 2020 for the Mareeba Shire Council Planning Scheme – Nullinga Dam Development Area.

Submitter's Interest in the Nullinga Dam Development Area

The Submitters Land, Lot 41 on SP188672, is located on Stankovich Road, Mutchilba and directly adjoins the Walsh River. Their site is designated as containing Nullinga Dam Development Area within the Nullinga Dam Overlay proposed with the Major Amendment No.1 of 2020.

The Stankovich Road original parcel of Land was initially purchased by the Landowners in 1997/1998 and an Extractive Industry Permit was placed and held on the property for Extraction of Sand and Rock for Quarry purposes. The Landowners were working in River Extracting Material up until approximately 2005 with a then Department of Natural Resources Licence however, Approved volumes reduced considerably, and the Permit was extinguished. In 2004/2005 the Stankovich Road Property, originally 2320.16 hectares, and was Subdivided into five (5) River Frontage Allotments. The current site, Lot 41 on SP188672, was retained by the Landowners to be further developed/subdivided in the future.

This Land, Lot 41, is irregular in shape, has an area of 262 hectares, contains frontage to Stankovich Road, vacant vegetated land and borders the Walsh River. The site is currently intersected by Easement A on SP188672 which is an Access Easement burdening the site in benefit of Lot 40 on SP188682. The Mareeba Shire Council has recently Approved with Conditions a Reconfiguration of a Lot – 1 Lot into 4 Rural Lots being Development Application RAL/20/0008 which encompasses land designated within the proposed Overlay Mapping – Nullinga Dam Overlay (Overlay Map OM-013).

Freshwater Planning Pty Ltd
t/e The Freshwater Trust
ACN 603 020 220 | ABN 31 187 983 959

P: 0402729004
E: FreshwaterPlanning@outlook.com
A: 17 Barron View Drive, FRESHWATER QLD 4870

Major Amendment No.1 of 2020 – Nullinga Dam Development Area

The Minister for Infrastructure and Planning has exercised his powers under Section 26 of the Planning Act, 2016 to direct the Mareeba Shire Council to take action to Amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site (Nullinga Dam Development Area).

The proposed Major Amendment No.1 of 2020 states that 'A detailed business case for the proposed Nullinga Dam was prepared by Building Queensland and completed in June 2019. The business case concluded that the dam was not currently financially or economically viable and consequently construction should not progress at this time'.

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In August 2019, the State Government endorsed the findings of the detailed business case for the Nullinga Dam and decided that construction would not proceed at this time. The State Government recommended, however, the Coordinator-General, in conjunction with the Department of Natural Resources, Mines and Energy (DNRME) take immediate steps to protect the proposed Nullinga Dam site (dam site) as a strategic precautionary measure, including investigation and potential declaration of a State Development Area.'

This Major Amendment No.1 of 2020 is to 'establish a new planning scheme overlay to control new development within the proposed dam site. The overlay would make all development, except for a dwelling house and associated outbuilding/s, impact assessable development with the Nullinga Dam development area. A key requirement of the planning scheme amendment would be to ensure any new development within the Nullinga Dam development area is limited in size and designed to be relocatable. Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.'

This now requires that any Development Application within the Nullinga Dam Overlay will be assessed against the Nullinga Dam Overlay Code. The Nullinga Dam Overlay Fact Sheet, provided by the Mareeba Shire Council, notes that the Nullinga Dam Overlay Code seeks to achieve:

The 'Nullinga Dam development area' is protected from development that is likely to compromise the future construction and associated structural integrity of the Nullinga Dam.

Development does not increase the number of buildings, lots and infrastructure within the 'Nullinga Dam development area' by ensuring:

- (i) Land within the 'Nullinga Dam development area' is maintained in its current configuration; and*
- (ii) Residential and non-residential infrastructure, including cropping infrastructure is limited in size and designed to be relocatable;*

Land within the 'Nullinga Dam development area' is not reconfigured to create additional lot/s situated within the 'Nullinga Dam development area';

Development does not compromise or impact on the structure, stability or geology of land within the 'Nullinga Dam development area';

Landowners Objections

The Mareeba Shire Fact Sheet informs that *'the Nullinga Dam Development Area is generally based on the predicted 100 per cent water level, plus 200 metre lineal buffer, of the proposed Nullinga Dam'*. This 200 metre lineal buffer does not take into account the topography of the area and in particular the topography within the Landowners site. The Overlay Mapping designation comprises of almost all of the useable portion of the property in addition to covering steep mountainous areas. The lineal 200 metre buffer is considered to be a poor representation on any Development Area due to the Overlays lineal buffering not taking into consideration the physical features and contours of the site and within the immediate surrounding area.

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The Landowners of the site are comprised of professionals that reside within the Property Development, Extractive Industries and Earth Moving and Raw Materials realms within the Mareeba Shire and over the Tablelands. These Landowners have previously developed land within the surrounding area, held and applied for several Sand Extraction Permits within the Walsh River and have recently received Approval through the Mareeba Shire Council to subdivide their current property into four (4) Rural Allotments. This clearly demonstrates the Landowners historic Development credentials of which they intended to utilise in developing the current site. The proposed Nullinga Dam Development Area will deprive the site of any Development Potential, including Improvement Potential and value adding while reducing the Marketability and Valuation of the site. The current property and Approved Reconfiguration have the ability to provide four (4) Rural Allotments fronting the Walsh River, in addition to any Extractive Industries or Rural Activities Potential of the site. The introduction of the Nullinga Dam Development Area will ensure to remove any current or future potential Improvements/Development over the site effectively resulting in a vacant parcel/parcels of Land that are undevelopable for the future whilst the Council still collects full Rates over the property/properties while their Land Valuation plummet.

The Major Amendment No.1 of 2020 notes that Building Queensland undertook a detailed Business Case in June, 2019 that concluded that *'the dam was not currently financially or economically viable and consequently construction should not progress at this time'* with the State Government, in August 2019, endorsing these findings and decided *'that construction would not proceed at this time'*. As the State Government has undertaken a comprehensive and detailed Study and endorsed that the Dam is not currently financially nor economically viable directing any construction not to proceed clearly demonstrates that any Dam Project is will not be feasible within the short nor medium term future, if at all. However, the State Government feels the need to excise their powers to direct the Mareeba Shire Council to protect this land for the future. Neither the State Government nor the Local Government have provided any predicted timeframe for the Nullinga Dam, however, are more than accepting to remove any As of Right abilities/Accepted Development, Improvements/Enhancements, and Development Potential of the properties within this Development Area. Any possible Development Potential, Improvements or As of Right (Accepted Development or Self Assessable Development) Uses over these properties are now Impact Assessable adding a significant cost and restrictions to any property owners/companies within this Nullinga Dam Development Area. It is accepted that the proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture.

The proposed Amendments deny any Subdivision Potential for any of the large Rural Allotments with the Nullinga Dam Overlay Code Performance Criteria P04 stating that *'Any Reconfiguring a Lot in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013) does not involve the creation of a new lot.'*

The proposed Amendments significantly reduces the ability for any additional Infrastructure, including cropping Infrastructure, to be provided onsite ensuring any Infrastructure to be limited in size and designed to be relocatable. The Code's Performance Criteria ensures that any Development does not include any activities that alter the physical landscape, surface water or groundwater quality, or activities that may increase Infrastructure and/or the number of buildings over the property.

The proposed Amendments also restrict any new Extractive Industries to be Development within the Nullinga Dam Development Area.

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4

These restrictions to any Development, Improvements, Agriculture (Rural Activities), Subdivision Potential or As of Right/Acceptable Uses within the Rural Zone ensure that these parcels of land within the Nullinga Dam Development Area are undevelopable, and unusable to anything else then what is currently existing.

The Major Amendment No.1 of 2020 notes that within the Explanatory Statement, the Office of the Coordinator General and the Department of Natural Resources, Mines and Energy identified that '*activities that may potentially increase the cost of land acquisition in the future*'. This demonstrates that any property Mapped as containing the the Nullinga Dam Development Area is unable to be further Improved or Developed due to increasing the cost of land acquisition in the future, therefore restricting the ability for the landowners to undertake, improve or enhance activities over their properties because it will cost the Government more to acquire these properties in the future, if the Nullinga Dam ever goes ahead.

The Nullinga Dam Development Area has stripped any potential for the landowners within the Development Area, resulting in these properties to remain as is, whilst being Rated at the same value as similar properties outside the Development Area that retain their Development Potential. The proposed Amendments significantly and substantially affect the Landowners of Lot 41 on SP188672, located on Stankovich Road, Mutchilba. As previously mentioned, the Landowners are currently heavily involved within Extractive Activities and resulting Earthmoving and Raw Materials Uses. The proposed Amendments, in particular Performance Criteria P03 of the Nullinga Dam Overlay Code states that '*no new extractive industry is developed in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013)*'. As the Overlay Mapping encompasses the majority of the accessible site and in particular within proximity and along the Walsh River, these Amendments ensure that a main purposes for the Landowners purchasing/retaining the property was due to its Extractive Activities Potential which the Nullinga Dam Overlay Code now prohibits. The Landowners have historically used the surrounding area for Extractive Industries purposes. Freshwater Planning Pty Ltd understands that the Landowners had planned to use the site (Lot 41) in the meantime as a processing site for Raw Materials extracted from the Walsh River. Additional Extractive Industries Permits have been applied for since 2005 however, to date the Landowners have been unable to secured Approval for Extractive Industries within the Walsh River as the State Government did not want any Extraction from the Walsh River as they were not confident that the Nullinga Dam would ever proceed. Due to this the Landowners have undertaken Preliminary Investigations in relation to Extractive Industries over the current site of which the Nullinga Dam Overlay Code now prohibits.

In addition to the Extractive and Earthmoving and Raw Materials Industries, the Landowners also current and historically are Land Developers throughout the Tablelands and in particular within the Mareeba Shire. The site is currently one of five (5) Rural Allotments that was previously Subdivided by the Landowners from the original Stankovich Road Property, totaling 2,320.16 hectares. The Landowners retained Lot 41 on SP188672 due to its further Developmental and Subdivisional Potential. The proposed Amendments have denied any Subdivision Potential of their site and with P04 of the Nullinga Dam Overlay stating that '*any Reconfiguring a Lot in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013) does not involve the creation of a new lot*'. The majority of the properties which are located within the Nullinga Dam Overlay comprise

of large Rural Allotments with significant Subdivision Potential. In this instance, the Landowners have recently successfully achieved Approval for a Reconfiguration over the site for the provision of four (4) Rural Allotments. However, under the proposed Amendments any Accommodation Activity that is able to be provided within these Approved Allotments, whilst being "Accepted Development subject to requirements", are significantly restricted to Dwelling House and domestic outbuildings with any Dwelling House not exceeding 200 m² of Gross Floor Area and the cumulative Gross Floor Area of all domestic outbuildings must not exceed 200 m². In addition to this, all structures must be designed and constructed to allow or their future removal. This effectively ensures that these properties that are Mapped within the Nullinga Dam Overlay, which are Zoned Rural and contain areas greater than 60.0 hectares in size, are restricted to removable or designed to be removed within the future Dwellings of Gross Floor Area of 200m² with cumulative outbuildings not exceed 200 m². Under the Mareeba Shire Planning Scheme Rural Zoned Allotments are required to be a minimum 60.0 hectares with the Amendments proposing an allowed Gross Floor Maximum Area of 400 m² (Dwelling 200 m² and Cumulative Outbuildings 200 m²) resulting in a restricted site coverage no greater than 0.00067% that is required to be either removable or designed to be removed within the future.

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As the property is designated within the Rural Zone and adjoins the Walsh River, the proposed Amendments 'key requirement of the Planning Scheme Amendments would be to ensure that any new development within within the Nullinga Dam development area is limited in size and designed to be relocatable' in addition to the Nullinga Dam Overlay Code's Purpose for the protection of the Nullinga Dam Development Area, notes that any 'Development does not increase the number of buildings, lots and infrastructure within the Nullinga Dam Development Area by ensuring that (i) land within the Nullinga Dam Development Area is maintained in its current configuration; and (ii) Residential and Non-Residential Infrastructure including cropping infrastructure is limited in size and designed to be relocatable'. This Amendment will ensure to squash any potential for Rural Activities within this Rural Allotment which adjoins the Walsh River as no Agricultural Venture is going to start up whilst being restricted to:

- no additional Buildings or Improvements;
- restrictions in size Infrastructure; and
- any reduced Infrastructure has to be designed to be removable as the most viable portion of the property lies within the Mapped Nullinga Dam Development Area.

The unallocated timeframe additionally provides no assurance for anyone wanting to improve their property or Use it as it is intended to for other Rural Zoned Allotments throughout the Shire.

The proposed Major Amendment No.1 of 2020 within the Mareeba Shire Planning Scheme for the Nullinga Dam Development Area has destroyed any Subdivision Potential, As of Right Uses/Accepted Uses, Rural Activities and Extractive Industries over the site of which the Landowners originally purchased/retained the property for given their professional areas of expertise. These Amendments will significantly reduce the Property Values of the site and immediate vicinity by removing any Developmental Potential or ability for As of Right Uses over the property, effectively ensuring that the site stays vacant whilst collecting Rates similar to those of a full developable property. These Amendments will continue to force the Devaluation of the site and other properties within the Nullinga Dam Development Area. If these proposed Amendments are accepted, then the site becomes effectively prohibited for any Development and required to remain as a vacant parcel of land forever in a day, just so there is no 'increase the cost of land acquisition in the future' for the State Government.

Conclusion

The proposed Major Amendments No.1 of 2020 within the Mareeba Shire Planning Scheme for the Nullinga Dam Development Area is not considered to be reasonable, relevant, appropriate nor acceptable to B, T, M B & K L STANKOVICH and S G & M V MUSUMECI, the owners of Lot 41 on SP188672, situated on Stankovich Road, Mutchilba. The proposed Amendments which have been enforced by the Minister removes any Development Potential of the property whilst ensuring that no improvements/enhancements are acceptably provided nor the Use of the property for its As of Right Uses/Accepted Development. Any Uses that are able to be provided over the site will be substantially restricted to a point that is not considered acceptable, appropriate or viable to the property. The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture. Page 6

In summary, the Landowners Object to the proposed Major Amendment No.1 of 2020 within the Mareeba Shire Planning Scheme, 2016 encompassing the Nullinga Dam Development Area. The proposed Amendments are not considered to be reasonable nor relevant and significantly restrict and prohibit properties within the Nullinga Dam Overlay to protect a future Dam that is considered by the State to be '*not financially or economically viable*' just so there is no '*increase the cost of land acquisition in the future*' for the State Government. In particular, the concluded Landowner's Objections to the proposal Major Amendment No.1 of 2020 are:

- ✚ The State Government has undertaken a comprehensive and detailed Study and endorsed that the Dam is not currently financially nor economically viable directing any construction not to proceed clearly demonstrates that any Dam Project is will not be feasible within the short nor medium term future, if at all. However, the State Government feels the need to excise their powers to direct the Mareeba Shire Council to protect this land for the future;
- ✚ The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture;
- ✚ Neither the State Government nor the Local Government have provided any predicted timeframe for the Nullinga Dam, however, are more than accepting to remove any As of Right abilities/Accepted Development, Improvements/Enhancements, and Development Potential of the properties within this Development Area;
- ✚ Any possible Development Potential, Improvements or As of Right (Accepted Development or Self Assessable Development) Uses over these properties are now Impact Assessable adding a significant cost and restrictions to any property owners/companies within this Nullinga Dam Development Area;
- ✚ The proposed Amendments deny any Subdivision Potential for any of the large Rural Allotments with the Nullinga Dam Overlay Code Performance Criteria P04 stating that '*Any Reconfiguring a Lot in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013) does not involve the creation of a new lot*';
- ✚ The proposed Amendments significantly reduces the ability for any additional Infrastructure, including cropping Infrastructure, to be provided onsite ensuring any Infrastructure to be limited in size and designed to be relocatable. The Code's Performance Criteria ensures that any Development does not include any activities that alter the physical landscape, surface water or groundwater quality, or activities that may increase Infrastructure and/or the number of Buildings over the property;
- ✚ The proposed Amendments restrict any new Extractive Industries to be Development within the Nulling Dam Development Area;

- ✚ Restrictions to any Development, Improvements, Agriculture (Rural Activities), Subdivision Potential or As of Right/Acceptable Uses within the Rural Zone ensure that these parcels of land within the Nullinga Dam Development Area are undevelopable, and unusable to anything else then what is currently existing;
- ✚ Any allowed Improvements or Buildings will be overly onerously restricted (size and form) to a point that will make them not viable nor appropriate or acceptable to and landowner;
- ✚ This Amendment will ensure to squash any potential for Rural Activities within this Rural Allotment which adjoins the Walsh River as no Agricultural Venture is going to start up whilst being restricted to no additional Buildings or improvements; restrictions in size Infrastructure; and any reduced Infrastructure has to be designed to be removable as the most viable portion of the property lies within the Mapped Nullinga Dam Development Area;
- ✚ The Amendment will continue to force the Devaluation of the site and other properties within the Nullinga Dam Development Area. If these proposed Amendments are accepted, then the site becomes effectively prohibited for any Development and required to remain as a vacant parcel of land forever in a day, just so there is no *'increase the cost of land acquisition in the future'* for the State Government; and
- ✚ The Office of the Coordinator General and the Department of Natural Resources, Mines and Energy identified that *'activities that may potentially increase the cost of land acquisition in the future'*. This demonstrates that any property Mapped as containing the the Nullinga Dam Development Area is unable to be further Improved or Developed due to increasing the cost of land acquisition in the future, therefore restricting the ability for the landowners to undertake, improve or enhance activities over their properties because it will cost the Government more to acquire these properties in the future, if the Nullinga Dam ever goes ahead

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The Landowner believe that the restrictions of the Nullinga Dam Overlay are such that if implemented, the property's potential is significantly reduced to become an unviable investment for its owners with the yearly holding cost (rates, insurance, etc) being an ongoing financial burden with no realistic potential for a profitable return. If the Overlay is implemented, the Landowners consider that the impacts are such that it would be considered reasonable that the property is resumed by the State Government at its current fair Market Value.

Yours faithfully,



MATTHEW ANDREJIC ON BEHALF OF B, T, M B & K L STANKOVICH AND S G & M V MUSUMECI

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

A: 17 Barron View Drive, FRESHWATER QLD 4870

Submission 8

Elizabeth Taylor
Town Planner
23 Vallely Street
FRESHWATER QLD 4870

Ref: ET20-026
Council Ref: URP-SCH

30 September 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

**RE: SUBMISSION IN RELATION TO MAJOR AMENDMENT NO. 1 OF 2020 – NULLINGA DAM
DEVELOPMENT AREA – MAREEBA SHIRE PLANNING SCHEME 2016.**

The following submission has been prepared on behalf of Mr Rob Lowden, landowner of Lot 40 SP188672, which is impacted by the proposed Nullinga Dam Development Area.

Statutory Considerations

Section 26(2) of the Planning Act 2016 specifies that the Minister can require the Local Government to take action - (b) to protect, or give effect, to a State interest.

'State interest' is defined in Schedule 2 of the Planning Act 2016, as follows:

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

Section 3 (1) of Chapter 1 of the Planning Act 2016, outlines the Purpose of the Act, as follows:

- (1) 'The purpose of this Act is to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability.'*

Section 3(2) of the Planning Act 2016, outlines Ecological sustainability, as follows:

- (2) 'Ecological sustainability is a balance that integrates-*
- (a) The protection of ecological processes and natural systems at local, regional and State and wider levels; and*
- (b) Economic development; and*
- (c) The maintenance of the cultural, economic, physical and social wellbeing of people and communities.'*

In the Minister's directive to Council, dated 06 July 2020, to commence amendments to the Planning Scheme to protect the proposed Nullinga Dam site, it states:

- *To protect the proposed Nullinga Dam site from activities that may:*
 - *Physically impact the structure/geology of the land;*
 - *Increase buildings and infrastructure within the area;*
 - *Affect water quality.*

On face value, protecting the Nullinga Dam Development Area from activity that would compromise the future development of the Dam, as a major regional water resource, appears to:

1. Qualify as a State interest;
2. Align with the purpose of the Act; and
3. Achieve ecological sustainability.

However, the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvements – Business Case/Cost Benefit Analysis Report suggests otherwise.

The Building Queensland website, states:

NULLINGA DAM AND MAREEBA DIMBULAH WATER SUPPLY SCHEME IMPROVEMENTS

Building Queensland led the development of the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvements Detailed Business Case in partnership with Sunwater.

The business case provides a robust assessment of the opportunities and challenges of increasing water availability in support of potential future agricultural demand in the Mareeba Dimbulah Water Supply Scheme.

The business case investigated improving the Mareeba Dimbulah Water Supply Scheme rules and operation, and upgrading the existing Arriga and East Barron Channels. An in-depth analysis of the design and construction of Nullinga Dam was also undertaken.

The business case analysis reveals construction of the proposed Nullinga Dam is neither financially or economically viable. The proposed Nullinga Dam site is located in a poor performing catchment requiring a costly build solution. To construct a dam that would meet identified demand would require an extended and costly construction program relative to the volume of water that would be available.

The detailed business case was completed in June 2019.

The analysis considers five (5) Nullinga Dam options, as follows:

No.	Description	Yield (ML/a)	Real upfront Capital Costs ¹¹ (2018-19) \$M	Nominal upfront Capital Costs ¹² \$M	Nominal Capital Costs (including capitalised maintenance) \$M
Reference Project 1 – Nullinga Dam (58,000 ML/a)					
1A	Nullinga Dam (FSL 545m AHD), standalone, two proposed pipelines - Cairns and A3 Walsh River Pipeline	58,000	755.5	1070.9	1112.1
1B	Nullinga Dam (FSL 545m AHD), conjunctive, upgrade of the Arriga Main Channel	58,000	713.7	1009.5	1027.9
Reference Project 2 – Nullinga Dam (74,000 ML/a)					
2A	Nullinga Dam (FSL 556m AHD), standalone, two proposed pipelines - Cairns and A3 Walsh River Pipeline	74,000	1068.0	1493.4	1551.1
2B	Nullinga Dam (FSL 556m AHD), partially conjunctive, upgrade of Arriga Main Channel and a new A3 Walsh River Pipeline	74,000	1022.8	1429.5	1454.8
2C	Nullinga Dam (FSL 556m AHD), fully conjunctive, upgrade of Arriga Main Channel and a new A3 West Barron Pipeline	74,000	999.1	1395.7	1417.4

The Executive Summary of the Report, states:

Table 1-4 Summary of economic analysis findings, discounted at 7% real

COMPONENT	REFERENCE PROJECT, NPV \$M				
	1A Standalone 58,000 ML/a	1B Conjunctive 58,000 ML/a	2A Standalone 74,000 ML/a	2B Part. Conjunctive 74,000 ML/a	2C Full. Conjunctive 74,000 ML/a
Present Value of Benefits \$M	\$50.5m	\$50.5m	\$63.2m	\$63.2m	\$63.2m
Present Value of Costs \$M	\$457.5m	\$422.9m	\$628.2m	\$589.4m	\$575.5m
NPVs \$M	-\$406.9m	-\$372.4m	-\$565.1m	-\$526.2m	-\$512.3m
BCR	0.11	0.12	0.10	0.11	0.11

Broadly, all considered Reference Projects result a BCR of approximately 0.1. This means for every dollar spent in the delivery and operations of the a proposed Nullinga Dam, only 10 cents in economic benefits would be realised.

Table 1-4 clearly demonstrates that all five (5) Nullinga Dam options are not economically/socially viable.

Table 1-5 Estimated upfront water charges under full cost recovery approaches

APPROACH	UPFRONT CAPITAL CHARGE (\$/ML) Differential charging		UPFRONT CAPITAL CHARGE (\$/ML) Flat charging	
	MP	HP	MP (and MP equivalent)	HP price based on MP equivalent ¹⁶
Reference Project 1A	6,800	49,200	17,000	24,286
Reference Project 1B	6,300	46,000	15,900	22,714
Reference Project 2A	8,900	57,600	18,000	25,714
Reference Project 2B	8,400	54,800	17,100	24,429
Reference Project 2C	8,200	53,500	16,700	23,857

Under the full cost recovery approaches presented above:

- differential charging approach would result in extremely high HP water prices, which are 10 to 13 times higher than current HP prices in the MDWSS, with HP customers paying \$46,000 per ML or higher
- a flat charging regime would result in an upfront payment of between 4 and 9 times the current stated price, with customers being required to pay approximately \$15,900 per ML or greater.

Under any considered full cost recovery model, the pricing would be commercially unattractive for all current (and future) MDWSS customers. The central case scenario adopted for consideration in the DBC has therefore assumed:

- a proposed Nullinga Dam would not operate under a full cost recovery model
- water pricing would reflect willingness and capacity to pay assumptions (i.e. upfront price of \$2,000 to \$3,000 per ML for MP and HP respectively)
- ongoing fees set to recover operating, maintaining and refurbishing costs of the asset only.¹⁷

The adoption of the above pricing is inconsistent with current pricing and cost recovery principles of both the Queensland and Commonwealth Governments¹⁸ for new water infrastructure; however, without capping upfront charges and limiting ongoing charges to the recovery of Operating and Maintenance (O&M) costs only, it is reasonably anticipated that no customer would be willing or able to pay the associated prices.

Table 1-5 establishes that under a 'full cost recovery' policy no water user would pay the estimated cost of water and therefore Nullinga Dam could not operate under a full cost recovery model. Currently both the Queensland Government and the Commonwealth Government operate under full cost recovery water pricing policies.

The key findings and recommendations of the detailed business case report are reproduced below and confirm the Nullinga Dam is not viable.

Table 1-8 Findings from the DBC

Area	Key finding
Demand	<ol style="list-style-type: none"> 1) There is no immediate need for additional urban water supply for Cairns, as CRC has strategies to meet supply requirements over the next 40 years 2) There is an opportunity to support expanded agricultural activities in the MDWSS through access to additional allocations, at a stated price of \$2,000 to \$3,000 per ML 3) There is little capacity for customers to pay more than the stated price of \$2,000 to 3,000 per ML (even for the highest priority water) where sugarcane is the predominant crop type (as it currently is for the NDMIP central case demand)
Considered options	<ol style="list-style-type: none"> 4) Based on an assessment of the identified non-infrastructure options, with the adoption principle of exploring and converting MP to HP where there are customers able and willing to pay, it is acknowledged that as part of ongoing water plan review activities: <ol style="list-style-type: none"> a. DNRME should consider changing the water year to three months later than currently stated in the water plan b. Sunwater should continue to strengthen water ordering processes and consider potential opportunities for continuous sharing arrangements 5) The remaining unfunded modernisation works identified in the PBC, and outside the current MDWSS Efficiency Improvement Project, will not result in a positive socio-economic return on investment 6) Two proposed Nullinga Dam options are the identified Reference Projects for the DBC, along with sub-options that consider both standalone and conjunctive scheme approaches
Reference Project	<ol style="list-style-type: none"> 7) Reference Project 1 would cater for 58,000 ML/a 8) Reference Project 2 would cater for 74,000 ML/a 9) Only Reference Project 2 (and associated sub-options) would be able to support potential local operator demand
Economic analysis	<ol style="list-style-type: none"> 10) None of the Reference Projects considered will result in a positive socioeconomic return. With no BCR greater than 0.12, the cost of each Reference Project significantly exceeds its expected benefits. 11) The Nullinga Dam option with the highest BCR (Reference Project 1B) has less than 1 per cent chance of achieving a BCR of 0.39 or higher, based on applied probabilities of all considered cost and benefit variables
Financial analysis	<ol style="list-style-type: none"> 12) Any full cost recovery pricing model, which would align with current Queensland and Commonwealth Government water pricing policies, are commercially unviable, with a cost recovery approach resulting in: <ol style="list-style-type: none"> a. customers paying \$15,900 per ML for MP (and MP equivalent) water allocations b. an upfront payment of between 4 and 9 times higher than customers willingness and capacity to pay for the majority of the known crop types 13) Adoption of the stated price of \$2,000 for MP and \$3,000 for HP, and recovery of O&M costs only through ongoing charges, for the central case demand scenario, will result in all Reference Projects return a negative FNPV 14) All Reference Projects would result in a funding gap equal to 90% (or greater) of upfront capital costs. This funding requirement would need to be met to support a water price of \$2,000 to \$3,000 per ML.

1.10 Recommendations

It is recommended that the Queensland Government endorse the DBC and notes:

- Nullinga Dam is not financially nor economically viable under any scenario, with BCRs of approximately 0.1 and negative FNPVs ranging from -\$394.9m to -\$531.3m (or lower) for each of the investigated options.
- The nominal costs¹⁹ of the proposed Nullinga Dam options, based on a Class 3 cost estimate²⁰ and corresponding level of design documentation, include:
 - capital expenditure, including implementation and risk costs, of between \$1,027.9m to \$1,551.1m
 - O&M costs of between \$96.1m to \$250.2m.
- Any full cost recovery pricing model, which would align with current Queensland and Commonwealth Government water pricing policies, are commercially unviable, with a full cost recovery charging approach resulting in:
 - \$15,900 per ML for MP (and MP-equivalent) water allocations (or higher)
 - an upfront payment of between four and nine times higher than customers' willingness and capacity to pay for the majority of the known crop types
 - no demand and no revenue.
- At prices current customers are willing and able to pay (\$2,000 per ML for MP and \$3,000 per ML for HP), potential nominal revenues²¹ associated with the Nullinga Dam options include:
 - upfront water sales of \$272.7m to \$357.1m
 - ongoing fee revenue of \$88.9m to \$231.0m.

1.11 Risks

Should any of the considered Nullinga Dam options be progressed to detailed planning and delivery phase, the following risks have been identified, each having the potential to adversely impact the cost estimate and delivery schedule:

- commercially binding agreements are required to be entered into with future customers
- existing water plan does not make allowance for a Nullinga Dam and consideration would need to be given to amending the plan if Nullinga Dam were to proceed to construction
- limited environmental studies completed to date
- an EIS is required including mandatory cultural heritage and native title investigation and management activities
- engineering and design documentation to be further developed.

Based on the timeframe to deliver an EIS and other approval processes, detailed design, dam construction and the likely period for the dam to fill post-construction, the implementation of any of the Reference Projects, should any be progressed, would likely not result in water sales occurring until 2035 onwards.

On 08 August 2019 the State Government, through the Minister for Natural Resources, Dr Anthony Lynham, announced alternative options would be considered in light of the findings and recommendations of the Report. However, the Minister went on to state:

Despite those trepidations, Dr Lynham said the Palaszczuk Government recognised that there might be strategic benefits for Far North Queensland in preserving the site.

"The Co-ordinator General and the Department of Natural Resources, Mines and Energy are working on the best way to do this now," he said.

The Minister's statement, above that there "might be" strategic benefits to Far North Queensland in preserving the dam site is uncertain and imprecise and suggests a lack of intent to follow through over the longer term, particularly if viable alternative options are identified.

The proposed amendment of the Mareeba Shire Planning Scheme to introduce the Nullinga Dam Development Area Overlay Map, Code and Table of Assessment, allows the State Government to a have 'a bet each way' while sterilizing development opportunities for affected land owners, in the short, medium and long term, with the very real prospect that the Nullinga Dam may never proceed if an alternative option, down the track, proves viable.

This heavy-handed approach to land use forward planning does not align with the purpose of the Act, or promote ecological sustainability and rather than being a project of State interest, Nullinga Dam Development Area can be more accurately described as a "moth-balled white elephant"; with all affected landowners to pay the price.

Mareeba Shire Council is being forced to "carry the can" with the State Government resiling from designating the Nullinga development area a State Development Area, which confirms the "two way bet" approach being taken by the State Government to now consider other options, while hanging affect land owners along the Walsh River in the Nullinga Dam development area, out to dry.

Town Planning Considerations

Mayor Amendment No. 1 of 2020 - Nullinga Dam Development Area is comprised of three (3) planning mechanisms:

- Nullinga Dam Development Area Overlay Map; and
- Nullinga Dam Overlay Code; and
- Nullinga Dam Overlay Table of Assessment.

The amendments currently state that ONLY land located in the designated Development Area will be impacted by the Code.

The boundary of the Nullinga Dam Development Area, as shown on the Overlay Map, is stated to include, the extent of the predicted 100% water level line and a 200-metre lineal buffer. These two different boundary lines are not shown on the Overlay Map and the scale of the Overlay Map makes it impossible for a landowner to identify that part of his/her lot, which is either in or out of the Development Area. Given that the planning/development implications of whether land is in or out is critical to a landowner in determining his/her development opportunities/constraints, the Overlay Map should be refined to:

- Clearly identify the extent of both the 100% water level line and the 200-metre lineal buffer boundary; and
- Clearly identify the contour line/s where the outer Development Area boundary line is located on each impacted property.

The Nullinga Dam Overlay Code effectively limits development on land within the Development Area to a Dwelling house – max. 200m² and all associated outbuildings- max. 200m² with all structures designed to be removable; and prohibits activities that impact on the structure and geology of the

land or impact on surface/ground water, in particular extractive industry; and also prohibits the creation of new lots.

To achieve this the Table of Assessment for Nullinga Dam Overlay changes the level of assessment for all development (other than a Dwelling house and associated out-buildings) to Impact assessable development.

This means that land uses previously able to establish on Rural zoned land as Accepted development (AD)/Accepted developed subject to requirements (ADSR) or Code assessable development (CAD), are now all Impact assessable development.

The list includes:

1. Agricultural supplies store - CAD;
2. Animal husbandry – AD;
3. Aquaculture – ADSR/CAD;
4. Caretaker's accommodation – ADSR/CAD;
5. Cropping – AD/ADSR/CAD;
6. Emergency services – ADSR/CAD;
7. Environment facility – CAD;
8. Extractive industry – CAD;
9. Food & drink outlet (if temporary) – AD;
10. Home based business – ADSR/CAD;
11. Intensive animal industry - ADSR;
12. Intensive horticulture -ADSR;
13. Nature-based tourism (if temporary) – AD or CAD;
14. Park – AD;
15. Permanent plantation – ADSR/CAD;
16. Roadside stall – ADSR/CAD;
17. Rural industry – AC/ADSR/CAD;
18. Rural workers accommodation – AD/ACDSR/CAD;
19. Substation – AD;
20. Tourist attraction – CAD;
21. Tourist park – CAD;
22. Transport depot – ADSR/CAD;
23. Utility installation – AD;
24. Veterinary services – CAD;
25. Wholesale nursery – CAD;
26. Winery -CAD.

Twenty six (26) land uses that currently either do not require a planning approval or only require a code assessable planning approval will now require Impact assessment against the whole of the Planning Scheme, public notification and significant time delays and significant increases in cost to the landowner with the possibility of refusal at the end of the process, just to protect land for a Dam that may never be built.

Given that the Council was only directed to commence preparation of the Planning Scheme amendment in July 2020 and only 2/3 months later the work is done, it is very obvious that the

amendments are blunt and need refinement and that little consideration of the impacts on landowners has been undertaken.

As an example: of the 26 land uses listed above the following should not have been listed as Impact assessable development:

1. Agricultural supplies store - effectively a shed that can be removed from the land in the future, if necessary and should be able to establish without Impact assessment;
2. Animal husbandry – an expected rural use, containing ancillary yards, coups, stables and temporary holding facilities and should be able to establish without Impact assessment;
3. Caretaker's accommodation – a modest accommodation activity and should be able to establish without Impact assessment;
4. Cropping – an expected rural use that should be able to establish on rural land without Impact assessment;
5. Emergency Services – if ever needed in the area why require Impact assessment?
6. Food & drink outlet (if temporary) meets the temporary test;
7. Home based business – establishes in an existing dwelling, why require Impact assessment;
8. Intensive animal industry - an expected rural use, containing animal enclosures, ancillary storage of feed and should be able to establish without Impact assessment;
9. Intensive horticulture - an expected rural use, contained in easily moveable greenhouses and structures, ancillary storage and packaging areas and should be able to establish without Impact assessment;
10. Permanent plantation – could establish until land needed for Dam, if ever;
11. Roadside stall – temporary structure;
12. Rural industry – sheds that can be relocated and should be able to establish without Impact assessment;
13. Tourist park – low impact land use on rural land and should be able to establish without Impact assessment;
14. Transport depot – shed, which can be relocated and should be able to establish without Impact assessment;
15. Wholesale nursery – low impact use, easily relocated and should be able to establish without Impact assessment.

The Nullinga Dam may never proceed and if it does, it is many years away; therefore, in fairness to existing landowners greater thought and a greater level of refinement should have been introduced into the Overlay Map, Code and Tables of Assessment, to allow a range of rural land uses/developments to be able to establish on land in the future, within the clearly identified boundaries Development Area, if the amendment were to proceed.

There is also the opportunity for future Planning Schemes to provide more stringent controls, should the Dam project be funded and be identified as proceeding, down the track, after alternative options have been considered; but at this point in time, the proposed Nullinga Dam planning provisions are too blunt, ill-considered and do not take into consideration the significant and unnecessary impost on effected landowners in the short, medium and long term.

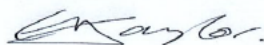
In Conclusion

Major Amendment No. 1 of 2020 – Nullinga Dam Development Area, is not good planning and should not proceed, for the following reasons:

- The Governments' own reports and studies confirm that the Nullinga Dam is unviable because it will cost too much to build, with all 5 options having a funding gap of 90% of upfront capital costs and none of the 5 options having a positive socio-economic return; the dam site is located in a poor performing catchment; construction will have significant environmental impacts; there are alternative options that offer a better economic outcome and less capital expenditure; and the cost of water will be too high, being 5 to 6 times, what water users could pay, from \$2,000.00 to \$3,000.00 per ML up to \$15,900.00 ML;
- Therefore, the Major Amendment No. 1, is contrary to the Purpose of the Act and it does not achieve the principle of ecological sustainability and should not be driven forward under the pretext of a State Interest;
- The Major Amendment does not represent well-founded strategic forward planning or a State interest, rather it represents "a bet each way" by the State Government, at the expense of affected landowners, sterilising their land;
- The Major Amendment is ill-considered and imposes an unreasonable impost on affected landowners for no beneficial regional planning outcome, in the short, medium or long term, if ever;
- The Overlay Map, Code and Table of Assessment provisions are un-refined, unclear and particularly onerous on affected landowners, with little thought having been given to the actual implications of making all future development (except a dwelling house and associated outbuildings) Impact assessable development for potentially the next 30/40 years;
- Given the considerable lead time for any future dam or alternative water option the proposed amendment is unwarranted in the life of the current Planning Scheme.

Proposed Major Amendment No. 1 of 2020 – Nullinga Dam Development Area, is premature, unwarranted, and contrary to the Planning Act 2016 and should not proceed.

Yours faithfully,



Elizabeth Taylor
Town Planner