



CHAPTER 10

PUBLIC INTEREST CONSIDERATIONS

Nullinga Dam and Other Options Preliminary Business Case



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10 PUBLIC INTEREST CONSIDERATIONS

CHAPTER SUMMARY AND CONCLUSIONS

- Initial public interest effectiveness criteria are met through all shortlisted options conforming to Australian Government objectives including developing Northern Australia and providing water security to sustain agricultural industries and boost jobs and regional development.
- Additional public interest effectiveness criteria are met through all shortlisted options conforming to the Queensland Government planning objectives including developing water infrastructure/additional supplies in the order of the State Infrastructure Plan hierarchy: reform (Option 2), better use of existing (Option 3); and new build (Option 4). For this reason, it is considered that the options should be prioritised in this order.
- All three options will have a range from limited to significant impacts on key stakeholders, including customers and the local community (although most are positive).
- Stakeholder consultation identified a clear need for additional water for agricultural growth with many additional benefits identified.
- There is significant social licence for all shortlisted options to proceed, however, a limited to moderate number of local stakeholders have been consulted to date.
- Option 2: Improve MDWSS rules and operation will impact mainly on existing irrigation customers, SunWater and various Queensland Government Departments. Marginal increases in production will have minor impacts on various other stakeholders.
- Option 3: Modernise MDWSS and convert losses will impact mainly on existing irrigation customers and other irrigators within existing scheme boundaries. It will increase the volume of production and have moderate positive flow on effects for local processors. It may impact on local tourism operators and raise environmental concerns for the local community. Option 3 will place greater pressure on SunWater (or a local management entity) to deliver the project including capital works, convert losses with government and deliver water in accordance with scheme rules. Government processes will ensure that this is done appropriately.
- Option 4: Nullinga Dam for agricultural use will impact on landholders living in the inundation area, residents of the Walsh River catchment and potentially downstream communities. Construction will impact on residents and on local infrastructure. It will raise limited, moderate and potentially some significant environmental considerations.
- Option 4 will greatly increase irrigated agricultural production area and values in the area and place demands on SunWater (or another proponent) and the Queensland and Australian Government departments as part of their role in seeking, assessing and making planning and other approvals.
- Public access is not a consideration for Options 2 and 3. Public access to Nullinga Dam (Option 4) for recreational purposes was identified by stakeholders as a legitimate matter for discussion – as the community may seek Nullinga Dam as a potential source of increased amenity and tourism.
- Equity concerns for all options focus on the ability of elderly, non-English speaking and disadvantaged members of the community to participate in further planning and consultation exercises.



10.1 Purpose

The purpose of this chapter is to assess whether the shortlisted options are in the public interest and to ensure that, on balance, they provide equitable outcomes for all stakeholders.

10.2 Defining the Public Interest

The Queensland Office of the Information Commissioner states:

Public interest considerations are those affecting the good order and functioning of the community and government affairs, for the well-being of citizens.

Public interest considerations are generally common to all members of, or a substantial segment of, the community, as distinct from matters that concern private or personal interests. However, some public interest considerations can apply for the benefit of an individual.’¹

Public interest considerations are initially based around the effectiveness of the shortlisted options (individually) in meeting government objectives.

The shortlisted projects each conform to broad government objectives in terms of developing Northern Australia and providing water security to sustain agricultural industries and boost jobs and regional development.

To further refine the public interest aspects of the options under consideration, this chapter identifies stakeholders with an interest in the project and provides an assessment of:

- Potential impacts of the shortlisted options on these stakeholders
- Public access and equity issues
- Consumer rights
- Security
- Privacy.

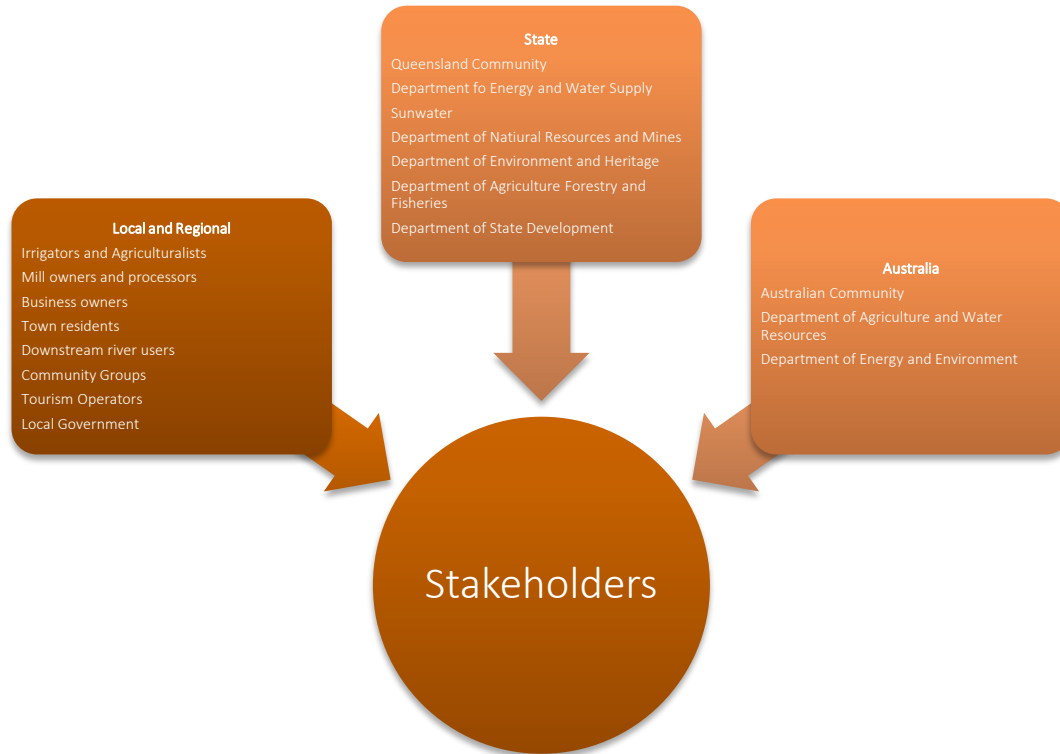
10.3 Impact on Stakeholders

A stakeholder is defined as any person who may be impacted directly or indirectly by the project and/or who may have an interest or influence over the success of the project. Stakeholders associated with the project have been broadly categorised as shown in Figure 1.

¹ Queensland Office of the Information Commissioner, *Public Interest Balancing Test*, <https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/decision-making/public-interest-balancing-test>, accessed 27 January 2017



Figure 1 Stakeholder Group Categories



Tables 1 to 3 outline the potential interests and impacts on stakeholders identified for each option. Table 1 outlines *regional* considerations for each shortlisted option. Table 2 outlines *statewide* considerations for each shortlisted option. Table 3 outlines *national* considerations for each shortlisted option.

Table 1 Regional Key Stakeholders—Interest in or Impacts of Shortlisted Options

STAKEHOLDER	DESCRIPTION	INTEREST IN OR IMPACTS OF PROJECT		
		OPTION 2	OPTION 3	OPTION 4
Irrigators and Agriculturalists	Irrigators and other land holders undertaking agricultural activities in the boundaries of the MDWSS	Changes in long established water use and behaviours to maximise water usage and production	Access to greater volumes of water to increase production levels. Potential land resumption	Access to significantly greater volumes of water and potential expansion into new sites for irrigation. Loss of access to property Land resumption
Mill owners and processors	Owners of sugarcane and fruit processing enterprises in the Tablelands agricultural area	Marginal interest mainly from integrated grower processor perspective	Greater volume of product for processing	Far greater volume of product for processing and additional value adding
Business Owners	Owners of businesses that	Minor interest mainly from incremental	Minor demand from new infrastructure	Major demand from new infrastructure



STAKEHOLDER	DESCRIPTION	INTEREST IN OR IMPACTS OF PROJECT		
		OPTION 2	OPTION 3	OPTION 4
	support irrigation activities	increase in demand from improved scheme performance	construction activities	construction activities
Town Residents	Residents in towns and surrounding areas in Tablelands Agricultural area	No impact	Changes to flow regimes in local creeks and waterways. Potential loss of supply in some areas	Disruption of normal activities, additional traffic and employment opportunities
Downstream River Users	Residents and agriculturalists in downstream areas of Walsh River	No impact	Minor impacts	Significant impacts from damming of Walsh river and changes in river hydrology and land use patterns
Community Groups	Community groups active in the MDWSS	No impact	Impacts on Mareeba wetlands may raise concerns	Environmental impacts from dam may raise significant community concerns
Tourism Operators	Tourism operators active in the MDWSS	No impact	Impacts on Mareeba wetlands may affect existing tourism businesses	Environmental impacts from dam may impact on tourism operations
Local Government	Mareeba and Tableland Local Governments	No impact	Minor impacts from increased planning and development applications	Major impacts from construction and operational phases of project including impacts on local infrastructure

Table 2 Queensland Key Stakeholders—Interest in or Impacts of Shortlisted Options

STAKEHOLDER	INTEREST IN OR IMPACTS OF PROJECT		
	OPTION 2	OPTION 3	OPTION 4
Queensland community	No impact	Greater production and employment Minor concern over environmental impacts	Potential Queensland Government subsidy Far greater production and employment Major concern over environmental impacts



STAKEHOLDER	INTEREST IN OR IMPACTS OF PROJECT		
	OPTION 2	OPTION 3	OPTION 4
SunWater	Short-term impacts on staffing and management from rule changes Need for engagement, equity and transparency in establishing scheme reform	Medium-term impacts on staffing and management from loss reduction program Need for engagement, equity and transparency in establishing loss reduction production	Significant organisational impacts
DAF DEWS DNRM DEHW DSD	Need to redefine scheme rules requiring additional resourcing	Minor impacts. Changes to loss allocation framework	Alteration of Water Resource Plans Significant role in dam and environmental approvals Soil capability mapping Regional planning

Table 3 National Key Stakeholders—Interest in or Impacts of Shortlisted Options

STAKEHOLDER	INTEREST IN OR IMPACTS OF PROJECT		
	OPTION 2	OPTION 3	OPTION 4
Australian Community	No impact	Greater production and employment Concern over environmental impacts	Far greater production and employment Major concern over environmental impacts
Department of Agriculture and Water Resources Department of Energy and Environment	No impact	Potential funding support for construction	Funding support for construction. Major role in environmental approvals process

10.4 Stakeholder Consultation and Social Licence

It is not possible to determine a social licence for the shortlisted options from the consultation undertaken for the PBC, however a number of observations can be made:

- There is broad stakeholder acceptance of the identified drivers for urban growth (population and tourism). However, the agricultural drivers also need to consider other factors, such as electricity costs, distribution infrastructure, irrigation types and crop types.
- Stakeholders agree that water trading and water efficiency (on farm and system-wide) measures should be priorities, as they are already well-used tools.
- There is an expectation these options be considered as a system rather than in isolation, and that interrelationships between options are considered.



- There is broad stakeholder acceptance of Nullinga Dam, or other bulk water source. However, the comparative yield of Nullinga Dam and Tinaroo Falls Dam resulted in an observation that Nullinga Dam may not provide the ‘silver bullet’ solution that some stakeholders were expecting.
- There is an appreciation that construction of a bulk water source requires a considerable lead time for impact assessment and approvals processes to occur. Stakeholders expect that these lead times will be considered.

Broader consultation beyond regionally based individuals and organisations will be required to test the wider social licence considerations. Stakeholder consultation has been targeted and conducted at a regional level. A full business case for any of the three shortlisted options would need a far broader scope of consultation.

10.5 Public Access and Equity

Issues regarding public access and equity aspects of the shortlisted options are addressed in Tables 4 and 5.

10.5.1 Public Access

Table 4 Public Access Aspects of Each Shortlisted Option

OPTION	PUBLIC ACCESS ASPECTS
Option 2	No public access impacts identified.
Option 3	Limited public access impacts identified. Some minor potential impacts during construction phase. Additional infrastructure will have limited public access.
Option 4	Significant public access issues during construction phase. New dam may have potential for recreation and enhanced public access when completed.

10.5.2 Equity

Table 5 Equity Aspects of Each Shortlisted Option

OPTION	EQUITY ASPECTS
Option 2	Consultation identified that a minority of existing irrigation licence holders are elderly or from non-English speaking backgrounds. Consultation regarding scheme rule changes will need to account for vulnerable groups.
Option 3	Similar to Option 1—broader consideration will need to be given to ensure equitable treatment in terms of siting of new infrastructure. Equity considerations in terms of sale of water need to also be considered.
Option 4	Groups downstream of dam may be from disadvantaged backgrounds and unable to participate fully in the consultation process without additional support. Equity consideration in sale of water to also be considered.

10.6 Consumer Rights

Issues regarding consumer rights aspects for each of the options are addressed in Table 6.

Table 6 Consumer Rights Considerations for Each Shortlisted Option

OPTION	CONSUMER RIGHTS CONSIDERATIONS
Option 2	Changes in scheme rules could potentially impact on existing consumer and customer rights.
Option 3	Changes to irrigation patterns because of loss reduction technologies will impact on existing drainage irrigation patterns.
Option 4	Potential compulsory land acquisition.



10.7 Safety and Security

The project will be developed to address applicable security, health and safety requirements. The regulatory and legislative frameworks that may inform the reference project within a detailed business case include:

- *Aboriginal Cultural Heritage Act 2003 (Qld)*
- *Building Act 1975 (Qld)*
- *Disability Discrimination Act 1992 (Qld)*
- *Environment Protection & Biodiversity Conservation Act 1999 (Cth)*
- *Environmental Protection Act 1994 (Qld)*
- *Fisheries Regulation 2008 (Qld)*
- *Forestry Act 1959 (Qld)*
- *Land Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- Mareeba Shire Council Planning Scheme January 2016
- *Nature Conservation Act 1992 (Qld)*
- *Regional Planning Interests Act 2014 (Qld)*
- *Sustainable Planning Act 2009 (Qld)*
- *Transport Infrastructure Act 1994 (Qld)*
- *Vegetation Management Act 1999 (Qld)*
- *Water Act 2000 (Qld)*
- *Water Supply (Safety and Reliability) Act 2008 (Qld)*
- *Water Reform and Other Legislation Amendment Act 2014*
- *Water (Local Management Arrangements) Amendment Act 2017*
- *Work Health and Safety Act 2011 (Qld).*

10.8 Privacy

Information received from the public during the PBC stakeholder consultation process will be treated in accordance with the *Information Privacy Act 2009 (Qld)*.

10.9 Conclusion

Initial public interest effectiveness criteria are met through all shortlisted options conforming to Australian Government objectives including developing Northern Australia and increasing agricultural production.

In addition, public interest effectiveness criteria are met through all options conforming to the Queensland Government planning objectives including developing water infrastructure/additional supplies in the order of the SIP hierarchy: reform (Option 2), better use of existing infrastructure (Option 3); and new build (Option 4).

All three shortlisted options will have a range from limited to significant impacts on key stakeholders, including customers and the local community (although most are positive).



Stakeholder consultation identified a clear need for additional water for agricultural growth with many additional benefits identified.

It is not possible to determine a social licence for the shortlisted options from the consultation undertaken for the PBC. Stakeholder consultation has been targeted and conducted at a regional level only. A full business case for any of the three shortlisted options would need a far broader scope of consultation.

Option 2: Improve MDWSS rules and operation will impact mainly on existing irrigation customers, SunWater and various other Queensland Government departments. Marginal increases in production will have minor impacts on various other stakeholders.

Option 3: Modernise MDWSS and convert losses will impact mainly on existing irrigation customers and other irrigators within existing scheme boundaries. It will increase the volume of agricultural production and have moderate positive flow on effects for local processors. It may impact on local tourism operators and raise environmental concerns for the local community. Option 3 will place greater pressure on SunWater (or a local management entity) to deliver the project including capital works, convert losses with government and deliver water in accordance with scheme rules. The government's processes will ensure that this is done appropriately.

Option 4: Nullinga Dam for agricultural use will impact on landholders living in the inundation area, residents of the Walsh River catchment and potentially downstream communities. Construction will impact residents and local infrastructure. It will raise limited, moderate and potentially some significant environmental considerations.

Option 4 will greatly increase irrigated agricultural production area and values in the area and place demands on SunWater (or another proponent) and the Queensland and Australian Government departments as part of their role in seeking, assessing and making planning and other approvals.

Public access is not a consideration for Option 2 and 3. Public access to Nullinga Dam (Option 4) for recreational purposes was identified by stakeholders as a legitimate matter for discussion – as the community may seek Nullinga Dam as a potential source of increased amenity and tourism.

Equity concerns for all options focus on the ability of elderly, non-English speaking and disadvantaged community members to participate in further planning and consultation exercises.