

State Development and Public Works Organisation Amendment Regulation 2021

Explanatory notes for SL 2021 No. 101

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

The short title of the regulation is the *State Development and Public Works Organisation Amendment Regulation 2021* (the amendment regulation).

Authorising law

Sections 99, 100, 108, 109 and 173 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

Policy objectives and the reasons for them

Far North Queensland Health and Innovation Precinct project

The proposed Far North Queensland Health and Innovation Precinct supports the Queensland Government initiatives to support local innovation, regional economies and the health of communities.

The proposed precinct will assist the Cairns and Hinterland Hospital and Health Service to progress towards Cairns Hospital becoming a university hospital and bring together clinical services with research and education.

The proposed precinct will assist the creation of skilled jobs and grow the local knowledge economy, improve health outcomes for Aboriginal and Torres Strait Islanders and across Far North Queensland, foster and grow innovation in models of care/service.

The current Cairns Hospital site is constrained, land-locked and vertically restricted, and additional space must be sought offsite.

The Coordinator-General may be required to assist facilitation of the precinct using various functions and powers of the Coordinator-General. These functions and powers include, but are not limited to, those which relate to acquisition, access to land and the opening or closure or otherwise rearrangement of roads. The proposed amendment to the *State Development and Public Works Organisation Regulation 2020* is required to authorise the use of these powers.

Currumbin Eco Parkland project

The proposed Currumbin Eco Parkland would see the creation of one of the largest parks in Australia and could feature:

- Recreational facilities for families, sporting clubs and schools
- Protections for local koala habitats, including fodder eucalypt plantation
- Eco-tourism facilities to support more tourism jobs
- Nature based recreational trails through 46 hectares of blackbutt forest.

The proposed parkland will provide benefits to the overall public and ensure the identified site remains outside of the urban footprint for the benefit of the Gold Coast for generations to come.

The Coordinator-General may be required to assist facilitation of the parkland using various functions and powers of the Coordinator-General. These functions and powers include, but are not limited to, those which relate to acquisition, land access and road closures. The proposed amendment to the *State Development and Public Works Organisation Regulation 2020* is required to authorise the use of these powers.

Toowoomba to Warwick Water Pipeline project

The proposed Toowoomba to Warwick Water Pipeline would provide a raw water pipeline to Warwick from the Wivenhoe Dam via Toowoomba. The pipeline will connect the Toowoomba Regional Council reticulated water system to the Southern Downs Regional Council water treatment plant at Warwick. The proposed works will provide future benefits to the overall public and ensure long-term water security for the Southern Downs Region.

The Coordinator-General may be required to assist facilitation of the pipeline using various functions and powers of the Coordinator-General. These functions and powers include, but are not limited to, those which relate to land access, and temporary road closures. The proposed amendment to the *State Development and Public Works Organisation Regulation 2020* is required to authorise the use of these powers.

Achievement of policy objectives

Far North Queensland Health and Innovation Precinct project

The objective of the amendment regulation is to create a new section within the *State Development and Public Works Organisation Regulation 2020* that directs Cairns and Hinterland Hospital and Health Service to undertake the project works and also directs the Coordinator-General to undertake the reserved works, in accordance with sections 99, 100, 108, 109 and 173 of the SDPWO Act.

It is intended that the Coordinator-General will be able to exercise the Coordinator-General's functions and powers to undertake works to facilitate the Far North Queensland Health and

Innovation Precinct. Functions and powers that can be used include securing tenure, access to land, rearrangement and closure of roads.

This has been done previously for projects such as the Building Future Schools Fund and the New Performing Arts Venue.

Currumbin Eco Parkland project

The objective of the amendment regulation is to create a new section within the *State Development and Public Works Organisation Regulation 2020* that directs the Minister for Economic Development Queensland to undertake the project works and directs the Coordinator-General to undertake the reserved works, in accordance with sections 99, 100, 108, 109 and 173 of the SDPWO Act.

It is intended that the Coordinator-General will be able to exercise the Coordinator-General's functions and powers to undertake works to facilitate the Currumbin Eco Parkland. Functions and powers that can be used include securing tenure, access to land, rearrangement and closure of roads.

This has been done previously for projects such as the Building Future Schools Fund and the New Performing Arts Venue.

Toowoomba to Warwick Water Pipeline project

The objective of the amendment regulation is to create a new section within the *State Development and Public Works Organisation Regulation 2020* that directs the Queensland Bulk Water Supply Authority (Seqwater) to undertake the works reasonably connected with, or incidental to, the investigation and planning of the Toowoomba to Warwick Water Pipeline project, and to direct the Coordinator-General to undertake the reserved works, in accordance with sections 99, 100, 108, 109 and 173 of the SDPWO Act.

It is intended that the Coordinator-General will be able to exercise the Coordinator-General's functions and powers to undertake reserved works to facilitate the Toowoomba to Warwick Pipeline. Functions and powers that can be used include access to land, temporary occupation, closure, or re-arrangement of roads.

This has been done previously for projects such as the Building Future Schools Fund and the New Performing Arts Venue.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the primary objectives of the SDPWO Act and amends the *State Development and Public Works Organisation Regulation 2020*.

The Coordinator-General's functions and powers under the SDPWO Act are intended to facilitate large-scale and complex projects while ensuring their environmental and social impacts are properly managed.

The amendment regulation is also consistent with Part 6, Division 4 (Undertaking of works by Coordinator-General) of the SDPWO Act. Sections 99 and 100 within Division 4 state that a regulation may direct any local body to undertake works following consideration and approval of the regulation by Governor in Council. Sections 108 and 109 within Division 4 state that a regulation may direct the Coordinator-General or other person to undertake works, following consideration and approval of the regulation by Governor in Council.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

Alternative ways of achieving the policy objectives (including the option of not making subordinate legislation) have not been adopted.

Acquisition of land and any other works required may not be able to be delivered within required timeframes without the use of the Coordinator-General's functions and powers under the SDPWO Act and the amendment regulation.

Benefits and costs of implementation

Far North Queensland Health and Innovation Precinct project

The Queensland Government has committed \$15 million to acquire land for a new research precinct near Cairns Hospital to be built in partnership with James Cook University, with the intention to transition Cairns Hospital to a university hospital.

This forms part of an overall commitment of \$67.9 million toward upgrades for Cairns Hospital. Working in partnership with James Cook University, the investment will provide better health care for Far North Queensland. The Cairns Hospital will acquire an expanded emergency department, a new endoscopy suite and operating theatre. These upgrades will deliver world-class health facilities for the region.

Currumbin Eco Parkland project

The Queensland Government has committed \$15 million to acquire land to meet the commitment to transform land in the Currumbin Valley, Southern Gold Coast, into a major new Eco Parkland.

The proposed parkland will provide benefits to the overall public and ensure the identified site remains outside of the urban footprint for the benefit of the Gold Coast for generations to come.

Toowoomba to Warwick Water Pipeline project

The Queensland Government has committed \$19.3 million to a drought resilience package for the Southern Downs Region to ensure water security for the region. The package includes \$8.1 million towards preparatory works for the Toowoomba to Warwick Pipeline, including detailed design, surveying and geotechnical works.

The proposed pipeline will provide sustainable water supply for the City of Warwick and surrounding communities.

Consistency with fundamental legislative principles

The proposed direction for the Coordinator-General to undertake works, by the making of the amendment regulation, is consistent with the principles of good legislation including the fundamental legislative principles. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

Consultation

The Office of Best Practice Regulation (OBPR) in Queensland Treasury was consulted under the *Queensland Government Guide to Better Regulation* (the Guidelines) to determine if further assessment was required under the Regulatory Impact Analysis (RIA) system. OBPR reviewed a Preliminary Impact Assessment and advised that the proposed amendment to the *State Development and Public Works Organisation Regulation 2020* appears to relate to the internal management of the public sector, where a function is moved between departments (i.e. it is a function Department of Resources could have undertaken, albeit in a longer timeframe). Given this, OBPR advised that the amendment is unlikely to result in significant adverse impacts in comparison to the status quo and accordingly, no further regulatory impact analysis is required under the Guidelines.

Far North Queensland Health and Innovation Precinct project

James Cook University has engaged with Cairns Regional Council and the intent for the precinct has been well-received, with Cairns Regional Council supportive of the approach being undertaken and will continue to work with James Cook University to advance the precinct vision. James Cook University undertook stakeholder consultation to detail the scope of the precinct and a variety of groups were represented including Allied Health Clinical Education, Community Representatives, Working Groups.

The Department of State Development, Infrastructure, Local Government and Planning has engaged with Queensland Health, the Cairns and Hinterland Health and Hospital Service and James Cook University in relation to the location and planning for the precinct, as well as the appropriate regulatory mechanisms to plan and deliver the precinct. Cairns and Hinterland Health and Hospital Service was nominated as the appropriate local body to be directed to complete the works.

James Cook University indicated it also planned to include Indigenous engagement, traffic, transport and parking, community and industry input into the process and development of a precinct master plan. A precinct master planning steering group was established by James Cook University, which included representatives from Advance Cairns. A joint master plan will now be coordinated by the State in collaboration with James Cook University and Cairns and Hinterland Hospital and Health Service.

Furthermore, existing legislated landowner protections will continue to apply to the use of the Coordinator-General's powers in accordance with the SDPWO Act and the process in the

Acquisition of Land Act 1967. For example, statutory provisions relating to notice periods for entry to land and entitlements to compensation for any damage as a result of entry.

Currumbin Eco Parkland project

Economic Development Queensland (EDQ) has undertaken preliminary discussions with the Gold Coast City Council and with the current landowner.

The current landowner is aware that all options remain open to the State to acquire the site. Preliminary discussions have indicated the Gold Coast City Council's interest, however a formal position in relation to Council ownership and project participation has not been confirmed.

Furthermore, existing legislated landowner protections will continue to apply to the use of the Coordinator-General's powers in accordance with the SDPWO Act and the process in the *Acquisition of Land Act 1967*. For example, statutory provisions relating to notice periods for entry to land and entitlements to compensation for any damage as a result of entry.

Toowoomba to Warwick Water Pipeline project

Consultation has occurred between the Department of Regional Development, Manufacturing and Water, Seqwater, Queensland Treasury and the Department of State Development, Infrastructure, Local Government and Planning to identify an approval pathway for the water pipeline.

Additional consultation has occurred between Seqwater and the impacted State and Local Government stakeholders including the Department of Transport and Main Roads, Queensland Rail, Toowoomba Regional Council and Southern Downs Regional Council with an aim to determine and negotiate land access requirements for the road and rail corridors potentially impacted by the proposed pipeline.

The Department of Regional Development, Manufacturing and Water advised that Seqwater has only been directed to do the preliminary works at this stage, and a decision on who will construct the project will be made if the State decides to proceed to construction.