

State Development and Public Works Organisation (Construction and Commissioning of Toowoomba to Warwick Water Pipeline) Amendment Regulation 2024

Explanatory Notes for SL 2024 No. 115

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

State Development and Public Works Organisation (Construction and Commissioning of Toowoomba to Warwick Water Pipeline) Amendment Regulation 2024

Authorising law

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

Policy objectives and the reasons for them

The Toowoomba to Warwick Water Pipeline will carry water from Wivenhoe Dam and connect with Toowoomba Regional Council's existing water infrastructure to deliver water to Warwick. It will also deliver water to two of Toowoomba's satellite communities along the way. The pipeline is of economic and social significance to the Southern Downs Region and will provide long term sustainable water security to the region.

There are functions and powers in the *State Development and Public Works Organisation Act 1971* (SDPWO Act) to facilitate large-scale projects and assist to achieve timely delivery of the Toowoomba to Warwick Water Pipeline project. This includes the power to make a regulation directing a local body and/or the Coordinator-General or a person on behalf of the Coordinator-General to undertake works where approved by the responsible Minister and the Governor in Council.

A consequence of the regulation being made is that the subject of the direction cannot be made an assessable development under a local categorising instrument, removing the requirement for local government planning scheme approvals. Under the SDPWO Act, the Coordinator-General has powers

in respect of land acquisition, access to land, the laying of pipes over, under or through any road or land, and in respect of roads, the power to open, close, rearrange roads and redirect traffic.

The SDPWO Act is a strong lever which can be used to facilitate and expediate delivery of key infrastructure like the Toowoomba to Warwick Water Pipeline project. Use of the SDPWO Act and the associated powers of the Coordinator-General are an appropriate choice of tools to support delivery of long term water security and assist to meet project timeframes for delivery by Seqwater, if required and where appropriate.

The powers of the Coordinator-General under the SDPWO Act have previously been used for this project to enable preparatory and investigative works to occur. The proposed amendment to the State Development and Public Works Organisation Regulation 2020 (SDPWO Regulation) is required to authorise the use of these powers in respect of the construction and commissioning of the pipeline.

Achievement of policy objectives

The objective of the *State Development and Public Works Organisation (Construction and Commissioning of Toowoomba to Warwick Water Pipeline) Amendment Regulation 2024* (Amendment Regulation) is to assist Queensland Bulk Water Supply Authority (trading as Seqwater) with the efficient delivery of the project. It would do this by enlivening powers of the Coordinator-General under the SDPWO Act to assist in the facilitation of project works.

To achieve the objective, it is proposed to create a new division within the SDPWO Regulation to direct Seqwater to undertake works reasonably connected with, or incidental to, the construction and commissioning of the Toowoomba to Warwick Water Pipeline project, and to direct the Coordinator-General to undertake reserved works for the project, in accordance with sections 99, 100, 108, 109 and 173 of the SDPWO Act.

The effect of the amendment would be that the Coordinator-General's functions and powers would be available to be used in relation to construction and commissioning of the pipeline, to assist in streamlining approvals timeframes and expedite any reserved works that may be required to support the project, including but not limited to, works to provide access to land, facilitate acquisition of tenure interests and rearrange roads.

Similar regulations have been made previously for investigative and preparatory works for the pipeline and for projects such as the Rookwood Weir Project and Building Future Schools Fund Project.

Consistency with policy objectives of authorising laws

The Amendment Regulation is consistent with the primary objectives of the SDPWO Act and amends the SDPWO Regulation.

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 of the SDPWO Act. Sections 99 and 100 of the SDPWO Act state that a regulation may direct a local body to undertake works following

consideration and approval of the regulation by the Governor in Council. Sections 108 and 109 of the SDPWO Act state that a regulation may direct the Coordinator-General or other person on behalf of the Coordinator-General, to undertake works following consideration and approval of the regulation by the Governor in Council.

Section 173(1) of the SDPWO Act provides for the Governor in Council to make regulations not inconsistent with the Act in respect to a range of matters.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The proposed works will provide future benefits to the overall public and ensure long-term water security for the Southern Downs region.

Amendment of the SDPWO Regulation will allow the Coordinator-General to facilitate construction of the Toowoomba to Warwick Water Pipeline project. Any acquisition of land and other works required may not be able to be delivered within required project timeframes without the use of the Coordinator-General's functions and powers under the SDPWO Act.

Consistency with fundamental legislative principles

The proposed direction for Seqwater to undertake works and the Coordinator-General to undertake reserved 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 the Coordinator-General engaged with Seqwater and Department of Regional Development, Manufacturing and Water (DRDMW) as a member of the project working group and continues to regularly engage with Seqwater and DRDMW on this matter.

Seqwater has been involved in ongoing engagement with various State and local government agencies, private landowners, and other key entities. This approach is to ensure that all relevant parties are informed, involved, and their concerns heard throughout the project lifecycle. Entities involved in consultation include Toowoomba Regional Council, Southern Downs Regional Council, the Department of Transport and Main Roads, Queensland Rail and the Department of Resources.