

# State Development and Public Works Organisation (Borumba Pumped Hydro Energy Storage Project Exploratory Works) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 202

made under the

*State Development and Public Works Organisation Act 1971*

## General Outline

### Short title

*State Development and Public Works Organisation (Borumba Pumped Hydro Energy Storage Project Exploratory Works) Amendment Regulation 2024 (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

The Queensland Energy and Jobs Plan (QEJP) outlines the State's pathway to a clean, reliable and affordable energy system. A significant part of this transition is the development of pumped hydro energy storage (PHES) as a key long-duration 'deep storage' component of the renewables based Queensland energy grid.

The Borumba PHES Project was identified as one of two cornerstone facilities to deliver on the QEJP renewable energy targets, to provide 2,000 megawatts of stored energy for up to 24hr energy generation capacity for Queensland. Under the QEJP the Borumba PHES Project is to be delivered by 2030. Timely delivery is crucial to enhance energy reliability, facilitate decarbonisation, and contribute to Queensland's legislated renewable energy targets of 70 per cent by 2032 and 80 per cent by 2035, as prescribed under the *Energy (Renewable Transformation and Jobs) Act 2024*.

The exploratory works will inform the project design development and constructability of the Borumba PHES Project Main Works and aid data capture to inform the environmental impact statement (EIS). The exploratory works are scheduled to commence in late-2024 and be completed by late-2026.

In August 2023, the *State Development and Public Works Organisation Regulation 2020* (the Regulation) was amended to insert a direction to the proponent and the Coordinator-General in relation to the Borumba PHES Project Exploratory Works – Temporary Workers Accommodation Camps. The amendment was confined to the scope of works in the ‘Borumba Pumped Hydro Energy Storage Project Exploratory Works – Temporary Workers Accommodation Camps Project Report’ (July 2023).

## **Achievement of policy objectives**

The objective of the Amendment Regulation is to direct Queensland Hydro to undertake Project Works in accordance with sections 99 and 100 of the SDPWO Act and to direct the Coordinator-General to undertake Facilitation Works in accordance with sections 108 and 109 of the SDPWO Act.

The Amendment Regulation removes the requirement for development permits and approvals under the relevant local planning scheme for the Project Works, and enlivens Coordinator-General powers and functions to facilitate works reasonably required to support the Project Works that can be carried out by the use of Coordinator-General powers or functions under the SDPWO Act.

The Amendment Regulation will support the timely delivery of the exploratory works, which will support the delivery of the Borumba PHES project and the meeting of Queensland’s legislated renewable energy targets.

The works that would usually be assessed through the local planning scheme, will be considered by the Coordinator-General and managed through a traffic impact assessment, a construction environmental management plan and supporting management plans, to be submitted to the Coordinator-General and agreed prior to commencement of construction. These plans will also be published on Queensland Hydro’s website.

The majority of the exploratory works cannot commence without first obtaining approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), which are currently under assessment by the Australian Department of Climate Change, Energy, the Environment and Water.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the primary objectives of the SDPWO Act and amends the Regulation to utilise existing powers under the SDPWO Act.

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

The Amendment Regulation is consistent with Part 6, Division 3 and Division 4 of the SDPWO Act. Sections 99 and 100 within Division 3 state that a regulation may direct any local body to undertake particular 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 another person on behalf of the Coordinator-General 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.

Project Works will not be delivered within required timeframes without the Amendment Regulation.

## **Benefits and costs of implementation**

Under the QEJP, the proposed Borumba PHES Project will be capable of dispatching 2,000 megawatts of stored energy for up to 24 hours. Fully operational, the pumped hydro facility would have the capacity to power up to two million Queensland homes. The \$14.2 billion PHES project is a cornerstone piece of infrastructure to intended to assist the State transition to clean, reliable and affordable energy and achieve its renewable energy targets.

The 2023–24 Queensland Budget approved up to \$6 billion in equity funding over the project’s construction phase. In 2024–25, Queensland Hydro is investing \$935.9 million to progress approvals, continue exploratory works and procure the main works for this project.

The Amendment Regulation will support the exploratory works to be undertaken to inform the design development and constructability of the Borumba PHES Project Main Works and aid data capture to inform the EIS.

## **Consistency with fundamental legislative principles**

The direction for a local body to undertake Project Works and for the Coordinator-General to undertake Facilitation 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**

An Indigenous Land Use Agreement (ILUA) was reached between the Kabi Kabi First Nation Traditional Owners Native Title Group (Kabi Kabi People) and Queensland Hydro

that authorises the exploratory works to be carried out within ILUA areas mutually agreed upon. The National Native Title Tribunal registered the ILUA on 21 June 2024 (Q12024/003).

Queensland Hydro has committed to continue regular engagement with the Kabi Kabi People throughout the duration of the Project Works and Facilitation Works.

Queensland Hydro has and will continue to regularly engage with stakeholders and will prepare a Social Assessment Management Plan and Community Stakeholder Engagement Plan for the exploratory works, that will be submitted to the Coordinator-General and published on Queensland Hydro's website.

State Government agencies and Gympie and Somerset Regional Councils have been consulted and indicated general support for the Amendment Regulation.

The Office of the Coordinator-General will continue engagement with Gympie and Somerset Regional Councils regarding implementation of the works regulation and maintain coordinated consultation with DTMR regarding traffic impacts from the exploratory works and works to the local and state traffic network.

The Borumba PHES Project Exploratory Works are subject to Commonwealth assessment under the EPBC Act which includes a statutory public consultation process providing a platform for public comments to be considered and addressed. The Commonwealth Minister (or delegate) must consider all public comments.