

# State Development and Public Works Organisation (Paradise Dam Improvement Project–Early Works) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 41

made under the

*State Development and Public Works Organisation Act 1971*

## General Outline

### Short title

*State Development and Public Works Organisation (Paradise Dam Improvement Project–Early Works) Amendment Regulation 2025* (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 Paradise Dam (previously called the Burnett River Dam) was constructed between 2003 and 2005 to provide a reliable source of water to support the future growth of the agricultural industry in the Bundaberg and Burnett regions. Following significant flooding events in 2010, 2011 and 2013, technical investigations were conducted which identified structural problems with the dam. The investigations identified a risk of dam failure under certain extreme weather scenarios. Subsequently, essential works were completed as a short-term risk reduction exercise to lower the dam wall height reducing the risk of dam failure.

In 2022, the Queensland and Australian Governments agreed to jointly fund the restoration of the dam to its original 300,000ML full supply level.

In early 2024, the Queensland Government announced a \$13 million roadwork contract to upgrade a 10-kilometre section of the road to Paradise Dam to improve safety and allow for increased traffic movements in preparation for construction of the replacement dam wall.

In December 2024, the Queensland Government reaffirmed support for the proposed Paradise Dam Improvement Project (PDIP) involving the construction of a new dam wall, returning the structure to its original full supply level, which is required to ensure a safe and secure water supply for the Bundaberg and Burnett regions.

## **Achievement of policy objectives**

The objective of the Amendment Regulation is to create a new division in the *State Development and Public Works Organisation Regulation 2020* that directs Sunwater Limited (Sunwater) to undertake all parts of the defined project works, that are not facilitation works, in accordance with sections 99 and 100 and directs the Coordinator-General to undertake facilitation works in accordance with sections 108 and 109 of the SDPWO Act.

The Amendment Regulation will achieve its objective of providing a safe and secure water supply for the Bundaberg and Burnett regions by removing the requirement for development permits under local planning schemes for the construction of project works. The Coordinator-General will be able to assist by using powers under the SDPWO Act.

The effect of the Amendment Regulation will be minor as the project works' impacts will be considered by the Coordinator-General through the submission of a Construction Environmental Management Plan and the majority of the project works will occur on land where Sunwater has tenure.

## **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* to utilise the 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 their 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 works following consideration and approval of the Amendment Regulation by Governor in Council. Sections 108 and 109 within Division 4 state that a regulation may direct 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 the 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**

As the proposed regulation includes direction for the Coordinator-General to undertake works under sections 108 and 109 of the SDPWO Act, it is prudent for the Office of the Coordinator-General to consider arrangements for resourcing and treatment of assets and interests. The Office of the Coordinator-General will work with Sunwater to establish governance, resourcing and other relevant contractual arrangements while the drafting of the regulation is progressed.

## **Consistency with fundamental legislative principles**

The proposed direction for a Local Body to undertake all parts of the defined project works, that are not facilitation 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**

State and Local Governments support the safe and secure water supply provided for by the project and the use of the Amendment Regulation to allow the quicker realisation of these benefits. The Coordinator-General has discussed the proposed approval pathway with relevant Directors-General.

Representatives from the Office of the Coordinator General have consulted the North Burnett Regional Council and Bundaberg Regional Council about the project and proposed approval pathway. Both Councils are supportive of the project and welcomed the progression of the proposed early works.

The regulation amendment is considered minor as the impacts, usually assessed through a development application with relevant local authorities, will be considered by the Coordinator-General for the Project Works. Enlivening powers and functions of the SDPWO Act for a project of this significance aligns with community expectations.

Consequently, the regulatory proposal is minor and machinery in nature, and no further impact assessment is required under the Queensland Government Better Regulation Policy.