

State Development and Public Works Organisation (Barlil Weir and Cooranga Weir Projects—Investigation Works) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 150

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

*State Development and Public Works Organisation (Barlil Weir and Cooranga Weir
Projects—Investigation Works) Amendment Regulation 2025*

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 Barlil Weir Project consists of a weir to be built on Barambah Creek, northwest of Murgon in the South Burnett to secure 1,500ML of water.

The Cooranga Weir Project consists of a weir to be built on the Boyne River south of Mundubbera in the North Burnett to secure 2,500ML of water.

The weirs are within the Barker Barambah Water Supply Scheme and the Boyne River and Tarong Water Supply Scheme respectively and are intended to improve regional water security and support agricultural growth in the Burnett region.

Sunwater are responsible for delivery of the proposed weirs and need to undertake a range of studies to support the assessment and planning of both projects. Site investigations such as groundwater assessments, geotechnical investigations, terrestrial surveys, feature and asset surveys will need to be undertaken to progress those studies and help inform the weir projects.

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 proposed Barlil Weir Project and Cooranga Weir 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. Under the SDPWO Act, the Coordinator-General has powers to authorise access to land for the purposes of works.

Use of the SDPWO Act and the associated powers of the Coordinator-General would support delivery of long term water security and assist to meet project timeframes for delivery by Sunwater, if required and where appropriate.

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 carrying out works for investigation purposes.

Achievement of policy objectives

The objective of the *State Development and Public Works Organisation (Barlil Weir and Cooranga Weir Projects—Investigation Works) Amendment Regulation 2025* (Amendment Regulation) is to assist Sunwater to undertake site investigations and meet project delivery timeframes. It would do this by enlivening powers of the Coordinator-General under the SDPWO Act to facilitate the investigation works.

To achieve the objective, it is proposed to create a new division within the SDPWO Regulation to direct Sunwater to undertake works reasonably connected with, or incidental to, carrying out investigation works for the Barlil Weir and Cooranga Weir projects and to direct the Coordinator-General to undertake reserved works to secure access to land to carry out the investigation works for the projects, 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 pertaining to authorising access to land would be available to be used to undertake the investigation works for the weir projects. Where Sunwater are unable to reach an access agreement with landowners, they could then seek assistance from the Coordinator-General to access the land and complete the investigation works within the project timeframes. It is anticipated that this would only occur for a limited number of properties.

Similar regulations have been made previously for investigative and planning works for the Toowoomba to Warwick Water Pipeline Project and works to secure access to land for the Rookwood Weir Project.

Consistency with policy objectives of authorising law

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 weirs are expected to provide future benefits to the overall public by improving long term water security for the South Burnett and North Burnett regions.

Amendment of the SDPWO Regulation will allow the Coordinator-General to facilitate access to land to undertake site investigations for the weir projects. The studies required to inform the weir projects may not be able to be completed within 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 Sunwater 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 regularly engaged with Sunwater and the Department of Local Government, Water and Volunteers on this matter.

Sunwater has consulted with South Burnett Regional Council (SBRC) and North Burnett Regional Council (NBRC) as the proposed weir locations are within these local government areas.

SBRC and NBRC also participated in the Stakeholder Advisory Group for the Bundaberg and Burnett Regional Water Assessment, which recommended both weirs for future consideration.

Sunwater has undertaken preliminary engagement with private landowners, key entities and the wider public through introduction meetings, project updates for water scheme customers and fact sheets and newsletters available online.

The Office of Best Practice Regulation was notified of the regulatory proposal in accordance with the *Queensland Government Better Regulation Policy*. The Impact Analysis Statement denotes the regulatory proposal is minor and machinery in nature and no further analysis is required.

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