

State Development and Public Works Organisation (State Development Areas) (Cairns South) Amendment Regulation 2018

Explanatory notes for SL 2018 No.183

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 (State Development Areas) (Cairns South) Amendment Regulation 2018*.

Authorising law

Sections 77(1) (3), 82(1) and 173(1) of the *State Development and Public Works Organisation Act 1971* (SDWPO Act).

Policy objectives and the reasons for them

A State development area (SDA) is a clearly defined area of land for industry, multi-user infrastructure corridors or major public infrastructure, which is established under the SDWPO Act to promote economic development in Queensland.

SDAs are intended to:

- provide guidance and development certainty to industry;
- control development in a way that considers existing development; and
- recognise and manage environmental, cultural, and social values.

Achievement of policy objectives

Over the past 10 years, the Department of State Development, Manufacturing, Infrastructure and Planning has been investigating industrial land supply in the Cairns region. Findings concluded that, while the Cairns region provides adequate land for low impact industrial development, there is a predicted shortfall in suitably zoned land for medium to high impact

industrial development. Demand for medium to high impact industrial land may be exceeded over the long term.

The approximately 856-hectare Cairns South SDA has been identified in response to the predicted shortfall. Its identification was based on a range of investigations that considered economic development opportunities, physical and environmental constraints, environmental and community impacts, and infrastructure requirements. The approach taken to identify the proposed Cairns South SDA sought to manage the needs of new regionally significant industrial development opportunities whilst minimising any potential impacts on stakeholders and the environment.

The proposed Cairns South SDA is strategically located and benefits from direct access to the Bruce Highway and North Coast Line and is separated from major residential areas in the Cairns southern growth corridor. These features provide an excellent opportunity to attract industry that requires large blocks of land to operate 24/7 and/or be located away from sensitive land uses. This could include intermodal and freight related development, warehousing, and heavy and civil engineering businesses.

Declaration of the proposed Cairns South SDA will facilitate the expansion of existing industries in the Cairns region that are limited in their ability to expand in situ because of urban encroachment. Furthermore, the proposed Cairns South SDA supports diversification of the Cairns regional economy by attracting development associated with the government's priority industries, including biofutures, advanced manufacturing and defence. In addition to the facilitation of regionally significant industrial development, a significant portion of land within the proposed Cairns South SDA will support the ongoing cultivation of sugar cane and supply to the Mulgrave Mill, provide a buffer for industry, and/or remain for environmental management purposes.

The proposed Cairns South SDA is expected to generate jobs and make a significant contribution to the regional economy. The declaration of the proposed Cairns South SDA is expected to provide a suitable location for regionally significant industrial development with minimal impact to the region's sugar cane industry.

Consistency with policy objectives of authorising law

The *State Development and Public Works Organisation (State Development Areas) (Cairns South) Amendment Regulation 2018* (Amendment Regulation) is consistent with the objectives of the SDPWO Act and amends the *State Development and Public Works Organisation (State Development Areas) Regulation 2009*.

The Amendment Regulation is also consistent with Part 6 of the SDPWO Act, which specifically provides that a regulation may declare any part of the State or of any area over which the State claims jurisdiction to be a SDA, if the Governor in Council is satisfied that the public interest or general welfare of persons resident in any part of the State requires it.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The declaration of the Cairns South SDA will address a predicted medium-long term shortfall in existing industrial land in the Cairns region, with demand expected to exceed this supply.

Declaration will support diversification of the Cairns regional economy by providing a consolidated area for regionally significant industrial development that cannot be readily accommodated within the existing land supply. Declaration of the proposed Cairns South SDA will preserve strategic land and protect this land from incompatible land uses.

Funds are being sourced from the existing budget for the costs associated with the declaration and administration of the proposed Cairns South SDA. However, as with other SDA, costs associated with development assessment of SDA applications are proposed to be recovered from the developers of industrial and infrastructure projects within the Cairns South SDA.

Consistency with fundamental legislative principles

The declaration of the proposed Cairns South SDA 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

From 11 July 2017 to 25 August 2017, the Coordinator-General undertook public consultation on the proposed Cairns South SDA, including its boundary. Key stakeholders consulted included industry proponents, affected landholders, local government, government departments and industry and business organisations.

Key stakeholders and all landowners within the boundary of the proposed Cairns SDA were advised by letter and provided an information package. A media statement was released, an advertisement was placed in the relevant newspapers regarding the formal consultation stage and the Coordinator-General's website included information about the proposed Cairns South SDA. The community was invited to provide formal submissions to the Coordinator-General about the proposed Cairns South SDA and/or contact a dedicated phone number for further information. A range of stakeholder presentations and meetings were held.

There were 52 submissions received during the public consultation period. The Coordinator-General thoroughly reviewed the submissions. The consultation process did not identify any issues that would warrant changing the proposed SDA.

The Office of Best Practice Regulation (OBPR) in the Queensland Productivity Commission was also consulted under the *Queensland Government Guide to Better Regulation* (the Guidelines) to determine if further assessment was required under the Regulatory Impact Assessment (RIA) system. OBPR advised the Amendment Regulation is an administrative matter provided for under the SDPWO Act and that no further assessment is required under the Guidelines.