

State Development and Public Works Organisation (State Development Areas) (Tropical North) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 48

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) (Tropical North) Amendment Regulation 2019*.

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, which may be established to promote economic development in Queensland.

SDAs are intended to:

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

Achievement of policy objectives

On 28 October 2017, the Queensland Government announced a proposed Global Tourism Hub (GTH) to be developed for Tropical North Queensland at the City Port Precinct in Cairns, located east of the Cairns Central Business District (CBD) and adjoining the Trinity Inlet. The objectives of the Tropical North GTH are to:

- drive new tourism investment in Cairns and Tropical North Queensland;

- provide Cairns and Tropical North Queensland with an entertainment precinct to provide increased attraction for a wide range of tourists to visit;
- stimulate broad investment and economic development in Tropical North Queensland, focusing on job creation, tourism, culture, events, entertainment, food, and hospitality;
- stimulate the property and construction sectors of Tropical North Queensland to drive the next major phase of economic development for Cairns and the region;
- transform the Port of Cairns' long-term future, complementing existing developments and drive new vigour and opportunities in its operation including; cruise shipping, superyachts, marina activities, cargo, ship works and port activities;
- incorporate community events and cultural activities that celebrate and support the historic cultures of Tropical North Queensland and the Torres Strait;
- attract more people to Cairns and Tropical North Queensland with new tourism activities, culture and events; and
- promote social interaction and a broad range of urban activities from the city to the marina and historical wharves.

The proposed Tropical North SDA will comprise an area of approximately 14 hectares and will include the preferred site for the Tropical North GTH as well as the Cairns Convention Centre, the Pullman Hotel and Resort, The Reef Hotel Casino and sections of Wharf, Hartley, Lake, Sheridan and Abbott Streets.

The declaration of the Tropical North SDA will facilitate the timely development of the Tropical North GTH and manage the integration and coordinated planning of key adjoining sites and transport routes. Through the development scheme, the SDA will provide for the establishment of a regionally significant tourism industry development in North Queensland which will generate jobs, make a substantial contribution to the regional economy, facilitate the provision of open space including the delivery of new public realm, and provide recreational opportunities for Cairns residents and tourists.

Consistency with policy objectives of authorising law

The *State Development and Public Works Organisation (State Development Areas) (Tropical North) Amendment Regulation 2019* (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 any area over which the State claims jurisdiction to be an 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 Tropical North SDA will facilitate development of the Tropical North GTH. Through the development scheme, the SDA will provide for the establishment of a regionally significant tourism industry development in North Queensland which will generate jobs, make a substantial contribution to the regional economy, facilitate the provision of open space including the delivery of new public realm, and provide recreational opportunities for Cairns residents and tourists.

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

Consistency with fundamental legislative principles

The declaration of the proposed Tropical North 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 26 November 2018 to 15 February 2019, the Coordinator-General undertook public consultation on the investigation into a potential Tropical North SDA. Feedback was invited to help the Coordinator-General decide whether an SDA should be declared, and the boundary for a potential SDA. Key stakeholders consulted included Cairns Regional Council, Far North Queensland Ports Corporation Limited (Ports North), industry proponents, affected landholders, government departments and industry and business organisations.

To inform the consultation, a broad indicative SDA investigation area was identified to enable the Coordinator-General to consider how key sites and transport routes may integrate with the Tropical North GTH.

Key stakeholders, and all landowners within the boundary of the proposed Tropical North SDA, as well as occupants of residential buildings adjoining the proposed Tropical North SDA, were advised by letter and provided with an information package. A public notice was placed in local newspapers regarding the formal consultation stage and the Coordinator-General's website included information about the proposed Tropical North SDA. The community was invited to provide formal submissions about the proposed Tropical North SDA or contact a dedicated phone number for further information. A range of stakeholder presentations and meetings were also held.

There were 26 submissions received during the public consultation period. Key themes identified in the submissions included:

- land uses;
- second casino;
- public realm and green space;

- economic need;
- traffic and transport;
- built form;
- boundary;
- planning framework; and
- port protection.

Based on submissions and further consultation with key stakeholders, the boundary of proposed Tropical North SDA has been amended to exclude the operational wharves and critical port areas. It has also been amended to include the Sheridan Street, Hartley Street, and Lake Street road reserves adjacent to the Cairns Convention Centre so the SDA can include the area of proposed expansion plans. Part of the Abbott Street road reserve has also been included in the boundary to allow the development scheme to address integrated pedestrian movement through the site and any necessary on-street works.

Additional consultation has been undertaken with the Cairns Regional Council and Ports North as the regulatory entities currently responsible for land within the proposed Tropical North SDA boundary; these entities have indicated their support for the proposed boundary.

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