

# **State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020**

Explanatory notes for SL 2020 No. 76

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 (Cairns Convention Centre Expansion Project) Amendment Regulation 2020*

### **Authorising law**

Sections 108, 109(a), and 173(1) of the *State Development and Public Works Organisation Act 1971*

### **Policy objectives and the reasons for them**

The policy objective is to enable the permanent closure of the relevant parts of Sheridan and Wharf Streets in the Cairns central business district (CBD) to facilitate the Cairns Convention Centre Expansion Project (the CCCE project). The area of road reserve proposed to be closed for the CCCE project is in the existing road verge and has no impact on traffic movement in the carriageway.

On 8 August 2019, the Queensland Government announced the CCCE project with works to commence in May 2020 and an expected completion date in early 2022.

The CCCE project is being managed by the Department of Housing and Public Works (DHPW). To ensure the timely closure of the roads to align with project timeframes, DHPW has requested that the Coordinator-General facilitate the project using various functions and powers under the *State Development and Public Works Organisation Act 1971* (SDPWO Act),

particularly those functions and powers that relate to the closure of roads. The proposed amendments to the *State Development and Public Works Organisation Regulation 2010* are required to enliven these functions and powers.

## **Achievement of policy objectives**

The policy objectives will be achieved by including a new section in the *State Development and Public Works Organisation Regulation 2010* that directs the Coordinator-General to undertake facilitation works. The intent is that the Coordinator-General will be able to exercise functions and powers to undertake works to facilitate the timely delivery of the project, including through the closure of roads.

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

The *State Development and Public Works Organisation (Cairns Convention Centre Expansion Project) Amendment Regulation 2020* (the amendment regulation) is consistent with the objectives of the SDPWO Act and amends the *State Development and Public Works Organisation Regulation 2010*.

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, to create economic and social development opportunities in Queensland.

The amendment regulation is also consistent with Part 6, Division 4 (Undertaking of works by Coordinator-General) of the SDPWO Act. Sections 108 and 109 within Division 4 state that a regulation may direct the Coordinator-General or other person to undertake particular works, following consideration and approval of the regulation by the Governor in Council.

The use of road closure powers under the SDPWO Act is consistent with the purpose of the SDPWO Act, with these powers being previously used to facilitate the Building Future School Fund and the New Performing Arts Venue.

## **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**

An alternative to the amendment regulation to achieve the policy objectives is a road closure application process to the Department of Natural Resources, Mines and Energy (DNRME), the managing entity for the *Land Act 1991*. DHPW was advised the processing times for a road closure application with DNRME would take approximately 12 months, which would not accord with project timeframes.

If the amendment regulation is not progressed, the closure of the roads cannot be undertaken within the timeframe required to facilitate delivery of the project in line with the committed project schedule.

## Benefits and costs of implementation

The \$176 million CCCE project will create 570 full-time jobs and involves the upgrade and expansion of the Cairns Convention Centre to meet potential unmet demand for national and international conventions in Cairns.

The CCCE project seeks to provide additional exhibition and meeting facilities to cater for an increase in patrons including a new entry, space for 36 exhibitor booths, three meeting rooms, a plenary space and a rooftop banqueting space.

Funds are being sourced from the Department of State Development, Tourism and Innovation existing budget for the costs associated with the amendment regulation, including advertising and gazettal requirements. No other costs are anticipated.

## Consistency with fundamental legislative principles

The proposed direction for the Coordinator-General to undertake 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 CCCE project was subject to a Ministerial Infrastructure Designation (MID) process in accordance with the *Planning Act 2016*. This process involved a period of public consultation during 10 February to 9 March 2020.

The following three submissions were received during public consultation:

- Cairns Regional Council;
- Ports North; and
- the Kunggandji Gurrabuna People of Kamoi.

Cairns Regional Council provided support for the road closures to facilitate the project. No other submitters raised concerns regarding the proposed road closures.

In addition to the MID consultation process, the Cairns Regional Council had previously provided in-principle support to DHPW for the permanent closure of the relevant parts of Sheridan and Wharf Streets to facilitate the expansion of the Cairns Convention Centre.

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 noted:

- once a development scheme is finalised for the Tropical North State Development Area, the Coordinator-General will have road closure powers under the SDPWO Act;
- the Cairns Regional Council, as the road authority, has been consulted on the proposal and provided in principle endorsement of the road closure; and

- a traffic management plan, to mitigate potential impacts to pedestrians and the local road network, is being prepared by DHPW and will require endorsement from the Cairns Regional Council prior to construction.

Accordingly, given the above, OBPR considered the proposal appears unlikely to result in significant adverse impacts therefore no further regulatory impact analysis is required under the guidelines.