

Report on public consultation

Draft guideline: master planning for priority ports

November 2016

The Department of State Development

The Department of State Development exists to drive the economic development of Queensland.

The department brings together the functions of the Coordinator-General, economic and regional development, major project delivery, and government land management into a strong central agency.

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1. Background

The Queensland Government is advancing master planning for the priority ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay in accordance with the *Sustainable Ports Development Act 2015* (Ports Act).

Priority ports are the state's major bulk-commodity ports operating in and adjacent to the Great Barrier Reef World Heritage Area (GBRWHA). In 2013-14, the priority ports combined, represented \$32 billion worth of trade and 77 per cent of the total throughput of all Queensland ports.

Priority port master planning is a key port-related commitment of the *Reef 2050 Long-Term Sustainability Plan* (Reef 2050) which will enable the Queensland Government 'to optimise infrastructure and address operational, economic and environmental and social relations as well as supply chains and surrounding land uses.' (Reef 2050, page 27)

The Queensland Government is leading port master planning processes in consultation with port authorities, local governments and other key stakeholders.

Under the Ports Act, the Minister may make guidelines about matters that may be considered in preparing a master plan for a priority port, including matters that may be considered in identifying the master planned area for the port.

Towards this outcome the Queensland Government released a draft guideline in February and March 2016 for public consultation. The draft guideline was prepared in consultation with state agencies, priority ports and other key stakeholders.

The guideline is a non-statutory reference outlining a strategic framework for implementing master planning for priority ports. The guideline will be applied with consideration to the individual circumstances of each priority port and its surrounding land and marine areas.

2. About this report

The purpose of this report is to provide a summary of submissions received through the public consultation process on the *Draft guideline: master planning for priority ports* (the draft guideline). The Queensland Government has considered each submission received through the process and this report provides an overview of:

- the submissions received during the consultation period
- the government response to relevant matters raised in these submissions.

This report does not reflect each individual respondent contribution, instead addresses the themes raised by submitters, including dissenting views. This report also acknowledges a number of issues that are out of scope of the guideline, but to be addressed by the Queensland Government during the ongoing implementation of priority port master planning under the Ports Act.

This report, as well as relevant details in the submissions received, will inform the finalisation of the guideline and the development of master plans for the priority ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay.

3. Consultation overview

3.1 Consultation methodology

The draft guideline was released for public consultation for a period of 42 days, from 2 February 2016 to 14 March 2016.

Prior to public consultation, the state engaged with port authorities responsible for priority ports, local government representatives and state agencies in developing the draft guideline.

As part of public consultation, the draft guideline was published on the department's website at www.statedevelopment.qld.gov.au/sustainableports. In addition, a public notice with details of the opportunity to comment on the draft guideline and how to make a submission was published in the following national, state and regional newspapers:

- The Australian
- The Courier-Mail
- Gladstone Observer
- Mackay Daily Mercury
- Townsville Bulletin
- Bowen Independent.

A number of other activities were conducted to communicate the release of the draft guideline for public comment including:

- a Government media statement
<http://statements.qld.gov.au/Statement/2016/2/2/qld-speaks-on-the-future-of-priority-ports>
- a web page on the draft guideline and submission details including a fact sheet and an online submission form
- an email to the project stakeholders distribution list
- public displays of the draft guideline and an associated fact sheet about the consultation at public libraries in Brisbane, Gladstone, Bowen, Mackay and Townsville
- twitter posts on the Department of State Development's twitter accounts @QldEconDev and @AbbotPoint
- web page on the Queensland Government's consultation portal, Get Involved
- project hotline for managing enquiries on the draft guideline and the public consultation.

Media coverage of the public consultation included articles reflecting the information in the government's media statement and included articles in the online international journal, Dredging Today, and in Queensland regional newspapers including the Bowen Independent, Townsville Bulletin and the Gladstone Observer.

3.2 Submission summary

A total of 26 submissions were received through the consultation period, from a variety of stakeholder groups and individuals. Categories of submitter groups included:

- port authorities
- local governments
- Queensland Government agencies
- Australian Government agencies
- environment and conversation peak bodies
- utility providers
- port users
- community groups
- private submitters.

The majority of submissions were received via email to the priority ports inbox. One submission was received via post.

4. Themes of consultation

Through the review of submissions a number of themes were identified:

- objectives and content of guideline
- function of the port overlay
- environmental management framework (EMF)
- governance, consultation and responsibilities
- environmental issues
- planning

The government has assessed all comments in the submissions and has made responses to relevant specific comments. Amendments to the guideline have been informed by the overall review of submissions and have, wherever possible, been noted in the responses.

The Queensland Government acknowledges the positive comments provided by submitters for the priority ports master planning program and that no submissions indicated a lack of support for the program.

The focus of the following analysis of submissions is on the areas of concern or improvement of the draft guideline to ensure the development of a final version that presents a robust framework for implementing master planning for priority ports.

4.1 Objectives and content of guideline

4.1.1 Objectives of guideline

Comments

A number of submitters requested that more balance between economic and environmental concerns should be incorporated into the guideline, referring to the emphasis in the draft on links to Reef 2050, and the perception of inconsistency with the Ports Act which in its purpose states a number of development-related items. It was also suggested that to incorporate further balance, infrastructure coordination and planning be included in the principles for master planning.

Response

The Queensland Government reaffirms the purpose of the Ports Act which is to protect the Great Barrier Reef World Heritage Area (GBRWHA) through port-related development in and around the area in a way that also achieves:

- long-term planning for priority ports
- concentrating port development
- recognising the diverse functions of the port network

- efficiently using port and supply chain infrastructure
- expanding port and supply chain capacity in a staged and incremental way
- identifying and protecting land and infrastructure critical to the effective operation of the port network.

Through priority port master planning, the Queensland Government is working to achieve a balance of sustainable port development and environmental protection, particularly the Outstanding Universal Value (OUV) of the GBRWHA. This balance is reflected in the final guideline and links between master planning and the purpose of the Ports Act will be made clearer. Each principle must be considered equally, with a balance to be struck between environmental considerations and sustainable development of priority ports.

4.1.2 Content of guideline

Comments

Several submitters suggested that the guideline should have more emphasis on the content of master plans and port overlays, rather than the current focus on the master planning process and statutory requirements. Suggested areas for further content detail include:

- port overlay – including information regarding determining levels of assessment, connection of the master plan to the port overlay, and implementation and monitoring of the port overlay
- state interests – including how they are determined and provision of examples of state interests
- planning issues – including clarification of how to deal with inconsistencies between planning instruments, and management of interface areas.

Response

The guideline is intended to be a high level document based on statutory requirements that maintains currency for a reasonable period of time. It does not deal with implementation methods for master plans or port overlays.

4.2 Function of the port overlay

4.2.1 Regulation by exception

Comments

A number of submitters queried the function of the port overlay in relation to other planning and regulatory instruments. Issues raised include:

- a request for further information in the guideline to show how the outcomes of the master plans will be managed through planning and regulatory instruments, and associated actions

- a submitter seeking reassurance that approved development including resource tenements will remain in place
- a request that master planning must not duplicate existing regulation.

Response

In general, the regulatory approach to be taken by the port overlay will be 'regulation by exception'. This means that where actions are being regulated sufficiently to meet the outcomes required by the master plan and the port overlay:

- existing regulation will not be modified
- the existing planning and development decision making responsibilities will not change.

Existing planning and regulatory instruments will be examined and assessed in relation to their ability to fulfil the requirements of the master plan and overlay. If a local government planning scheme or port land use plan contains any inconsistencies with the port overlay, the port overlay will prevail to the extent of any inconsistency.

However, the port overlay does not impact existing resource tenements, environmental approvals or development approvals. Master planning will not duplicate any existing regulation. It cannot deal with regulatory duplication where it already exists.

The final guideline describes the regulatory planning framework for priority ports and the implementation of the port overlay within this framework. The Queensland Government will develop additional guidance for the implementation of port overlays in consultation with key stakeholders as it advances port master planning processes.

4.2.2 State Development Areas and Priority Development Areas

Comments

A number of submitters sought further information about the relationship of master planning to State Development Areas (SDAs) under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) and Priority Development Areas (PDAs) under the *Economic Development Act 2012* (ED Act). In particular, submitters asked for clarification on:

- the matters that would be considered to be an 'inconsistency' between a port overlay and an approved development scheme for either a PDA or an SDA
- the recognition of existing lawful uses under PDA or SDA development schemes.

Response

Under the Ports Act, master planning processes must recognise existing approved uses under existing PDA and SDA development schemes. The port overlay does

not prevail to the extent of any inconsistency with PDA or SDA development schemes. However, in the instance of an inconsistency that must remain, a statement of reasons must be tabled in Parliament by either the Coordinator-General or the Minister for Economic Development Queensland (as required). An inconsistency occurs where the expression of state interest for the purposes of master planning, and the expression of state interest for either a PDA or an SDA are incompatible. The final guideline clarifies the relationship of master planning to SDAs and PDAs through discussion and a diagram (Figure 6).

4.3 Environmental management framework

4.3.1 Environmental management framework requirements

Comments

A number of queries were received in the submissions seeking clarification as to what is required to complete an EMF. Submissions sought clarification around:

- the processes and documentation required to complete and implement an EMF
- priority management measures and how they can assist with achieving the purposes of the Ports Act, and fit with existing code structures in local government planning schemes
- what the risk assessment process will involve
- how cumulative impacts will be considered.

Response

Additional high-level information about the EMF and its requirements has been included in the final guideline. This provides the broad approach that will form the basis of developing an EMF for each master plan. It is anticipated that the detail will continue to be developed in consultation with stakeholders and the community as port master planning processes advance.

4.3.2 Links to Reef 2050 Long-Term Sustainability Plan

Comment

Submitters consistently sought clearer links between the EMF and Reef 2050, including how Reef 2050 commitments, actions and principles are incorporated into the EMF including key principles such as net benefit, cumulative impact considerations, reef attribute condition and trend, offsetting and integrated monitoring. A further submitter suggested consideration of how the EMF could be linked to the Reef Integrated Monitoring and Reporting Program action in Reef 2050. A submitter also expressed concern that the Ports Act and the guideline do not fulfil the Queensland Government's Reef 2050 commitments.

Response

The Queensland Government is committed to delivering on its Reef 2050 actions. The guideline for priority port master planning is an action under Reef 2050 (EBA3) and its delivery will support the implementation of other port-related Reef 2050 actions including those outlined in Appendix H of Reef 2050 (page 89). Clearer links between the function of the EMF and Reef 2050 have been drawn in the guideline at a strategic level. However it should be noted that many Reef 2050 actions and commitments are out of scope of the EMF.

The approach for incorporating Reef 2050 principles and related implementation and monitoring mechanisms will be developed throughout the master planning process for each priority port. High-level information has been provided in the guideline regarding how the Queensland Government is meeting the key port-related Reef 2050 actions and commitments.

4.4 Governance, consultation and responsibilities

4.4.1 Governance structure

Comment

The submissions contained broad support for the concept of a reference group, and a number of submitters requested membership on this group or commentary on who should be involved in the reference group. It was also evident that further information was required on the reference group and other opportunities for stakeholders to engage in the port master planning process.

It was also noted that Australian Government agencies should be kept informed throughout port master planning including the intent, direction and desired outcomes of the process.

Response

The guideline has been amended to provide clarity about the reference group and its membership. The reference group will have a strategic advisory role in supporting priority port master planning processes. It will be chaired by a senior representative of the Department of State Development and involve members from relevant Queensland Government agencies. The reference group may consult relevant port authorities and local governments and request other stakeholders to provide advice as required. This advice may relate to matters such as planning, environmental management, cultural heritage, infrastructure development and local communities.

The Terms of Reference for the reference group will be developed in consultation with key stakeholders and will be made public once finalised.

The Australian Government will be engaged at appropriate points in the master planning process.

The final guideline provides further information on the governance structure for priority port master planning, including the establishment of priority port master planning working groups. Each priority port master planning process will have a working group established to support the preparation of draft master plans and draft port overlays. The working groups represent a formal stakeholder engagement mechanism for port master planning.

4.4.2 Consultation on master planning documentation

Comment

The submissions broadly requested involvement in preparation of port master plans, EMFs and port overlays, and determination of the master planned area. Many submitters also expressed that statutory consultation timeframes are inadequate.

Response

The statutory consultation periods contained in the Ports Act are the minimum acceptable timeframes. At any point, consultation beyond Ports Act requirements may be undertaken with any necessary stakeholders including private landholders, industry, environmental and community groups.

The guideline has been amended to reflect this, and the Queensland Government is developing additional guidance information regarding stakeholder and public consultation for priority port master planning.

It is important to note that a port master planning process is expected to take approximately 12 to 18 months, depending on the nature of each priority port.

4.4.3 Implementation

Comment

Submitters commented that the guideline should clarify various issues relating to implementation of the port overlay relating to:

- updating planning schemes
- implementing codes
- responsibility for costs
- monitoring arrangements for priority management measures (PMMs)

Response

Figure 6 in the final guideline provides further clarity on the implementation of the port overlay. Further guidance will be developed and released on specific matters regarding the implementation of port overlays. Monitoring arrangements for PMMs will be determined as part of the port master planning process in consultation with key stakeholders including state agencies, priority ports, local governments and the Australian Government.

4.5 Environmental issues

4.5.1 Management

Comments

A number of submitters questioned how the guideline deals with management of environmental issues at various scales, including:

- the use of the term 'manage' with regard to environmental impacts and suggesting that 'avoid' would be a more appropriate term to use
- including 'integrity' as an OUV criteria
- considering natural hazards and climate change in the master plan
- stating that the guideline should address the impacts of current maintenance dredging and dredge spoil disposal on the OUV of the GBRWHA
- considering impacts from anchorages.

Response

Through the Ports Act, the Queensland Government will prohibit the development of new ports in the GBRWHA. The purpose of the Ports Act with regard to priority ports is to manage port development in and adjacent to the GBRWHA. Therefore the use of the term 'manage' is in keeping with the purpose of the Ports Act.

With regard to the inclusion of integrity as a criterion for OUV, it should be noted that the Great Barrier Reef was inscribed on the World Heritage list because it meets the four criteria outlined in the draft guideline (Figure 5). Integrity is an overarching value that includes these four criteria, and also includes the components of wholeness, intactness and threats on a reef-wide scale. These components can form part of considerations during master planning, however detailed consideration of both World Heritage criteria and integrity on a reef scale is out of scope of the guideline. The guideline has been amended to include a reference to integrity with regard to OUV.

The guideline has been amended to include a reference to natural hazards and climate change as these issues are considered essential to establishing PMMs.

The issue of anchorages is out of scope of the guideline because almost all anchorages are in areas that cannot be covered by the master plan (i.e. marine parks) and other processes currently exist for addressing the direct impact of anchorages.

Maintenance dredging is not expressly referenced in the guideline; however this issue is being considered as part of master planning in light of the maintenance dredging strategy (Reef 2050 port-related action), being prepared by the Department of Transport and Main Roads. The master planning project team is a stakeholder in this process.

4.5.2 Surrounding areas

Comment

The use of the term ‘surrounding areas’ in the Ports Act has also been queried by a number of submitters, who have asked what control stakeholders involved in the master planning process may have over surrounding areas, and requested more information as to what constitutes a ‘surrounding area’.

Response

Master planning will not define a boundary for surrounding areas. The Queensland Government considers that the requirement in the Ports Act to identify and map environmental values in the priority port master plan area and surrounding areas relates to the consideration of foreseeable impacts on surrounding areas, rather than an attempt to have a regulatory impact on surrounding areas. The identification of environmental values in the priority port master planned area and surrounding areas will be an integral part of the development to the EMF and will involve consultation with key stakeholders, as appropriate.

4.6 Planning

4.6.1 Fit of master planning in the broader planning landscape

Comments

Several submitters suggested that the guideline could include a clearer explanation of the ‘fit’ of master plans within the existing planning framework, particularly with regard to the existing port planning landscape, including:

- national and state level port strategies
- planning instruments under the *Sustainable Planning Act 2009* including regional plans, the State Planning Policy and local government planning schemes
- coastal planning regimes
- port land use plans.

Response

Master planning under the Ports Act will work with instruments, strategies and policies within the existing planning framework for priority ports. It is not intended to duplicate existing regulatory effort. The final guideline includes a diagram (Figure 6) illustrating the implementation of the port overlay within the context of existing regulatory planning instruments for priority ports.

4.6.2 Integrated planning

Comment

Several submitters supported the use of evidence-based planning and noted that integrated land use and infrastructure planning is important to this approach. It was also noted by one submitter that as part of this approach, an understanding of supporting infrastructure is important.

Response

Evidence-based planning will remain a key principle for priority port master planning, and the Queensland Government considers integrated land use and infrastructure planning to be of central importance. This is consistent with Reef 2050 (EHA25) and the best principles for port planning identified in the Independent Review of the Port of Gladstone.

4.6.3 Amenity management

Comment

Additional consideration of amenity management was considered important by a submitter, particularly with regard to noise, light, dust and odour from port-related operations.

Response

Master planning will deal with amenity management at a strategic planning level. Additional reference to amenity management at this level will be made in the final guideline.

4.6.4 Local Heritage register

Comment

A submission requested that sites within the master planned area that are on local government Local Heritage Registers be identified, protected and preserved.

Response

Local Heritage Registers will be consulted during the master planning process, and sites within the master planned area will be identified, protected and preserved as necessary. Further guidance will be provided regarding consideration of Local Heritage Registers and the guideline has been amended as a source of information to be included in the evidence gathering process.

5. Out of scope matters

Some submissions raised matters that were out of scope for the guideline. These matters were:

- the preservation of local government related use and development rights
- compensation as a result of reduction in development rights
- infrastructure planning and charges.

The Department of State Development is currently reviewing these matters and will provide clarity to relevant stakeholders prior to the release of any draft master plan for public comment.

6. Timing and next steps

The Queensland Government has developed a final guideline with consideration to:

- the submissions gained during public consultation on the draft guideline
- this consultation report
- ongoing liaison with key stakeholders of master planning processes underway.

The final guideline has been released and has been published on the department's website (www.statedevelopment.qld.gov.au/sustainableports).

In consultation with key stakeholders, the Queensland Government is also developing further guidance material for use in priority port master planning. This guidance material will be provided to key stakeholders and, as appropriate, released on the project website.

Master planning for priority ports is advancing and will be conducted in accordance with the Ports Act and the guideline.

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