

Guideline: master planning for priority ports

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The Department of State Development

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Port of Abbot Point – page 8 and 20

Port of Gladstone – page 2, 6, 14 and 17

Port of Hay Point – page 12 and 19

Port of Mackay – front cover and page 11, 16, 19 and 20

Port of Townsville – page 5, 9, 13 and 15

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1.

Introduction

Historically, regulation of port planning in Queensland has been limited to land use planning on strategic port land—the land owned or controlled by a port authority under the *Transport Infrastructure Act 1994*.

The Sustainable Ports Development Act 2015 (Ports Act) introduces a strategic planning process for Queensland's priority ports—the ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay. Master planning will look beyond port boundaries and assist with the optimisation of infrastructure and address operational, economic, environmental and social relationships. Supply chains and surrounding land uses will also be key considerations.

Through master planning of priority ports Queensland will deliver on its key port-related actions under the *Reef 2050 Long-Term Sustainability Plan*.

The Queensland Government is seeking to strike a balance between environmental considerations and the protection and development of a critical element of the state's economic infrastructure—the priority ports.

Through port master planning, the government will effectively manage the land and marine areas needed for the efficient development and operation of the priority ports, while ensuring that the Outstanding Universal Value of the Great Barrier Reef World Heritage Area (GBRWHA) is an intrinsic consideration in priority port development, management and governance.

In meeting the purpose of the Ports Act, priority port master planning will assist the Queensland Government to:

- ▶ concentrate development in priority ports leading to more effective management of port development in the GBRWHA
- ▶ efficiently use existing port and supply chain infrastructure
- ▶ identify and protect land and infrastructure critical to the effective operation and future expansion of priority ports
- ▶ facilitate economic development and job creation in regional areas.

As specified in the Ports Act, the priority ports are:

- ▶ Port of Abbot Point
- ▶ Port of Gladstone
- ▶ Ports of Hay Point and Mackay
- ▶ Port of Townsville.

The outcomes of the master planning for each priority port will include:

- ▶ a long-term strategic vision and associated strategic objectives for the port master planned area
- ▶ articulation of the state interests in relation to the priority ports and how those interests must be considered in all planning decisions made within the port master planned area
- ▶ an environmental management framework for the port master planned area that is consistent with the principles of ecologically sustainable development.

A port overlay will be made for each priority port master planned area in line with the Ports Act. The port overlay is a regulatory instrument that implements the master plan over the master planned area.

This guideline outlines a strategic implementation framework for master planning of priority ports, to be applied in the context of the individual circumstances of each port. It is a non-statutory tool for use by the state in preparing priority port master plans and port overlays and to assist port authorities, local governments and others involved in the master planning process.

In the development of master plans and port overlays, if there are any inconsistencies between the guideline and the Ports Act, the Ports Act prevails.

Reef 2050 Long-Term Sustainability Plan

Section 4.4 — Principles in decision making

In making decisions about management and protection of the World Heritage Area, decision makers will have regard to the principles set out below.

Maintaining and enhancing Outstanding Universal Value in every action

- ▶ Protecting the Outstanding Universal Value of the World Heritage Area is the prime consideration when planning, development and management decisions are made.
- ▶ Values and ecological processes in poor condition are restored and values and ecological processes in good condition are maintained.
- ▶ Economic growth is sustainable and consistent with protecting Outstanding Universal Value.

Basing decisions on the best available science

- ▶ Decisions are based on the full range of knowledge, including scientific understanding, Traditional Owner and community knowledge.
- ▶ Decisions take into consideration information on the current and emerging risks associated with climate change.

- ▶ Management is adaptive and continually improving, informed by the outcomes of monitoring programs.

Delivering a net benefit to the ecosystem

- ▶ Decisions are underpinned by the principles of ecologically sustainable development, including the precautionary principle.
- ▶ Impacts are avoided and residual impacts mitigated.
- ▶ Offsets are considered only where impacts cannot be avoided or mitigated.
- ▶ Actions that restore ecosystem health and resilience—delivering an overall improvement in the Reef’s condition—are fostered.

Adopting a partnership approach to management

- ▶ Governance arrangements are transparent and accountable.
- ▶ Decisions continue to support a wide range of opportunities for sustainable economic, social and cultural activities, including traditional use.
- ▶ Management is cooperative, fostering stewardship and strong community support.
- ▶ Innovation in management is fostered.

Figure 1 Principles of decision making on the Great Barrier Reef World Heritage Area in Reef 2050

1.1 National policy settings

There are a number of documents at the national level that inform the direction of priority port master planning in Queensland.

National Ports Strategy

The *National Ports Strategy* was drafted in 2011 and endorsed by the Council of Australian Governments in 2012, as part of a collaborative approach to the future development and planning of Australia’s port and freight infrastructure.

The *National Ports Strategy* recommends the development of long-term integrated master plans for ports guided by leading practice and supported by various levels of planning.

Development of priority port master plans and port overlays will be

consistent with the *National Ports Strategy*.

Reef 2050 Long-Term Sustainability Plan

On 21 March 2015, the Australian and Queensland governments released the Reef 2050 Long-Term Sustainability Plan (Reef 2050), a comprehensive plan developed to secure the health and resilience of the Great Barrier Reef and protect the Outstanding Universal Value (OUV) of the GBRWHA.

The Queensland Government is implementing its Reef 2050 commitments through the Ports Act by:

- ▶ protecting greenfield sites by restricting new port development in and adjoining the GBRWHA to within current port limits and outside Commonwealth and state marine parks

- ▶ prohibiting major capital dredging for the development of new or expansion of existing port facilities in the GBRWHA outside the priority ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay
- ▶ prohibiting the sea-based disposal of port-related capital dredge material within the GBRWHA
- ▶ mandating that capital dredge material generated at the priority ports be beneficially reused.

Master planning for the priority ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay is also a key port-related commitment of Reef 2050. Through the Ports Act, the state government has enacted this Reef 2050 commitment as a statutory requirement.

A specific action for the Queensland Government under Reef 2050 is to:

Introduce a guideline for port master planning for the ports of Gladstone, Hay Point/Mackay, Abbot Point and Townsville, that optimises infrastructure and considers operational, economic, environmental and social relationships as well as supply chains and surrounding land uses (EBA3, Reef 2050, page 100).

This guideline meets this Reef 2050 action.

Reef 2050 sets out principles for decision making about management and protection of the GBRWHA, as outlined in Figure 1, which are incorporated in the central principles for priority port master planning.

Independent Review of the Port of Gladstone

The *Independent Review of the Port of Gladstone* was commissioned by the Australian Government in 2013 to examine the environmental management arrangements and governance of the Port of Gladstone.

An important outcome of the review was a broader examination of the potential economic growth and subsequent requirement for port developments along the Queensland coast and adjacent to the GBRWHA. It outlines best practice principles for port planning within and adjacent to the GBRWHA.

Development of priority port master plans and port overlays will be undertaken with regard to these best practice principles.

1.2 Sustainable Ports Development Act 2015

On 20 November 2015 the Ports Act commenced, providing a legislative framework for sustainable port development in Queensland and implementing the state's key port-related commitments and actions of Reef 2050.

The purpose of the Ports Act is to:

Provide for the protection of the Great Barrier Reef World Heritage Area through managing port-related development in and adjacent to the area (Part 1, Clause 2).

The Ports Act identifies a number of objectives towards this purpose, including:

- ▶ long-term planning for priority ports to provide a strategic and coordinated approach to managing economic, environmental, cultural and social values in the GBRWHA
- ▶ 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.

The objectives highlight the balance that the Queensland Government is working to achieve through the legislation.

The Ports Act requires master plans for the priority ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay.

A master plan must:

- ▶ identify the master planned area (including the establishment of a boundary)
- ▶ apply to the whole master planned area¹
- ▶ state the strategic vision, objectives and desired outcomes for the master planned area
- ▶ identify state interests affected or likely to be affected by existing uses at the port and future development in, or associated with the port
- ▶ include an environmental management framework.

The Minister administering the Ports Act is responsible for making and reviewing priority port master plans and must be satisfied that each master plan adequately considers the principles of ecologically sustainable development.

The Ports Act also requires that a port overlay be established for each master planned area. The port overlay is a regulatory instrument that implements the master plan over the master planned area.

This non-statutory guideline is established under section 18 of the Ports Act which identifies that the Minister may make a guideline for master planning for priority ports.

¹The port master planned area must not include any area covered by tidal water outside the port's port limits (as defined by the *Transport Infrastructure Act 1994*), and an area within a Commonwealth or State marine park.



1.3 Principles for priority port master planning

Master planning for priority ports will apply a number of principles. Each principle must be considered equally, with a focus on achieving the requirements of the Ports Act.

Evidence-based planning

Priority port master planning should be based on analysis of the priority port and the proposed port master planned area including associated markets, infrastructure, supply chains and environmental values.

Throughout this analysis, master planning should maintain an objective, accountable and transparent approach with a focus on understanding and applying the best available information relevant for future planning.

Applying an evidence-based planning approach is in accordance with the Reef 2050 action to:

Ensure Great Barrier Reef ports planning incorporates evidence-based measures to support protection, restoration and management of coastal ecosystems that contribute to Reef health and resilience (EHA25, Reef 2050, page 37).

Transparency and stakeholder engagement

The Queensland Government will consult with key stakeholders and the community throughout the priority port master planning process in accordance with the Ports Act. This is consistent with the Queensland Government's consultative approach in establishing the legislative framework.

In developing master plans and port overlays, the Queensland Government will:

- ▶ work closely with port authorities, local governments and other key stakeholders including industry, community and environmental groups
- ▶ make timely information about priority port master planning processes and activities available for the community and stakeholders in a range of formats, subject to the necessary confidentiality restrictions
- ▶ seek public submissions at key points of the master planning and port overlay making processes.

Ecologically sustainable development

Ecologically sustainable development must be considered in the

development and any amendment of a master plan for a priority port.

Under the *Environment Protection and Biodiversity Conservation Act 1999*, the principles of ecologically sustainable development are:

- ▶ decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations
- ▶ if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- ▶ intergenerational equity—the present generation should ensure that the health, diversity and productivity of the environment is maintained and enhanced for the benefit of future generations
- ▶ the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making
- ▶ improved valuation, pricing and incentive mechanisms should be promoted.

Outstanding Universal Value

Consistent with Reef 2050, the protection of the OUV of the GBRWHA must be an intrinsic consideration in all elements of port development.

To achieve this, port master plans will:

- ▶ identify OUV criterion relevant to the proposed priority port master planning area
- ▶ assess the attributes and value of the master planned area relevant to each OUV criterion
- ▶ consider potential development impacts
- ▶ propose actions required to maintain OUV
- ▶ contribute to wider actions under the Reef 2050.

1.4 Priority port master plan and port overlay

Priority port master plan

The master plan is a strategic document, which will:

- ▶ establish a long-term vision for the port that considers the capacity for future growth in

conjunction with principles of ecologically sustainable development

- ▶ enable coordinated planning of port-related land areas beyond the boundaries of strategic port land
- ▶ enable coordinated planning of port-related marine areas to the boundaries of existing port limits
- ▶ identify environmental values in the port master planned area to be considered and managed in port development related decision making
- ▶ enables greater transparency in understanding the relationships and impacts of port development beyond existing strategic port land.

The Ports Act provides that the master plan must:

- ▶ state the strategic vision, objectives and desired outcomes for the master planned area
- ▶ identify state interests affected or likely to be affected by existing uses or future development at the port

- ▶ include an environmental management framework that states priority management measures for managing impacts on environmental values in the master planned area and surrounding areas.

Contents of a master plan

- ▶ Master planned area
- ▶ Strategic vision
- ▶ State interest/s
- ▶ Objectives
- ▶ Desired outcomes
- ▶ Environmental management framework
 - Values
 - Impacts
 - Objectives
 - Priority management measures

Figure 2 Contents of a port master plan

Port overlay

The port overlay is a regulatory instrument that implements the master plan over the master planned area.

The purpose of the port overlay is to ensure that:

- ▶ the vision, objectives and desired outcomes of the master plan are achieved
- ▶ priority management measures are applied consistently across a master planned area
- ▶ duplication of actions required to achieve priority management measures is avoided.

The port overlay will operate as part of a broader regulatory planning framework for priority ports as indicated in Figure 6. At the strategic level, the function of the port overlay will be to achieve consistency of state interests while retaining the autonomy of decision making for existing planning authorities in relation to their respective planning instruments.

Contents of a port overlay

- ▶ Purpose of the port overlay
- ▶ Priority management measures
- ▶ Implementation
- ▶ Responsible entities

A port overlay may include:

- ▶ for the *Planning Act 2016*—
 - requirements for making or amending planning instruments
 - levels of development assessment
 - matters to be considered in assessing development
- ▶ for the *Transport Infrastructure Act 1994*—
 - requirements for making or amending port land use plans
 - otherwise regulate development
 - stating aspects of development that may not take place
- ▶ any other matter prescribed by regulation.

Figure 3 Contents of a port overlay



2.

Governance

2.1 Need for consultation

As part of priority port master planning, the Queensland Government will work closely with port authorities, local governments and other key stakeholders including port users, industry, community groups.

The statutory requirements for consultation during the priority port master planning process are outlined in section 3 of this guideline. These are minimum requirements under the Ports Act and as required, the Minister may undertake further consultation or extend statutory consultation periods.

In addition to statutory requirements, the government will undertake consultation and engagement with stakeholders during the process of preparing the draft priority port master plan and associated draft port overlay at the earliest available opportunity.

This will allow the government to:

- ▶ seek and receive early feedback on potential issues within the proposed master planned area
- ▶ ‘fact check’ the evidence upon which the priority port master planning process is based, ensuring that the underlying assumptions for the master planning process are sound

- ▶ identify any additional stakeholders who may be consulted during the process
- ▶ understand and manage differing stakeholder views and expectations.

Consultation should be as comprehensive as necessary, enabling all stakeholders the opportunity to present views and input into the process. It should also be on a port by port basis and aim to identify local, statewide, national and international matters relevant to the specific priority port master planning process. As well as relevant port authorities, state government entities and local governments, stakeholders may include private landholders, industry, peak bodies, and community groups. The Australian Government, including the Great Barrier Reef Marine Park Authority, should also be engaged as appropriate.

An outcome of the consultation process is to ensure that the interests of all stakeholders, particularly those with ownership rights and planning jurisdiction in the master planned area, are brought together in a way that is consistent with the interests of the state.

2.2 Governance structure

Formal communication channels will be established to facilitate decision making and stakeholder consultation at key points in the priority port master planning process.

Priority port master planning reference group

A priority port master planning reference group will be established to guide priority port master planning processes, and provide advice to inform Ministerial decision making.

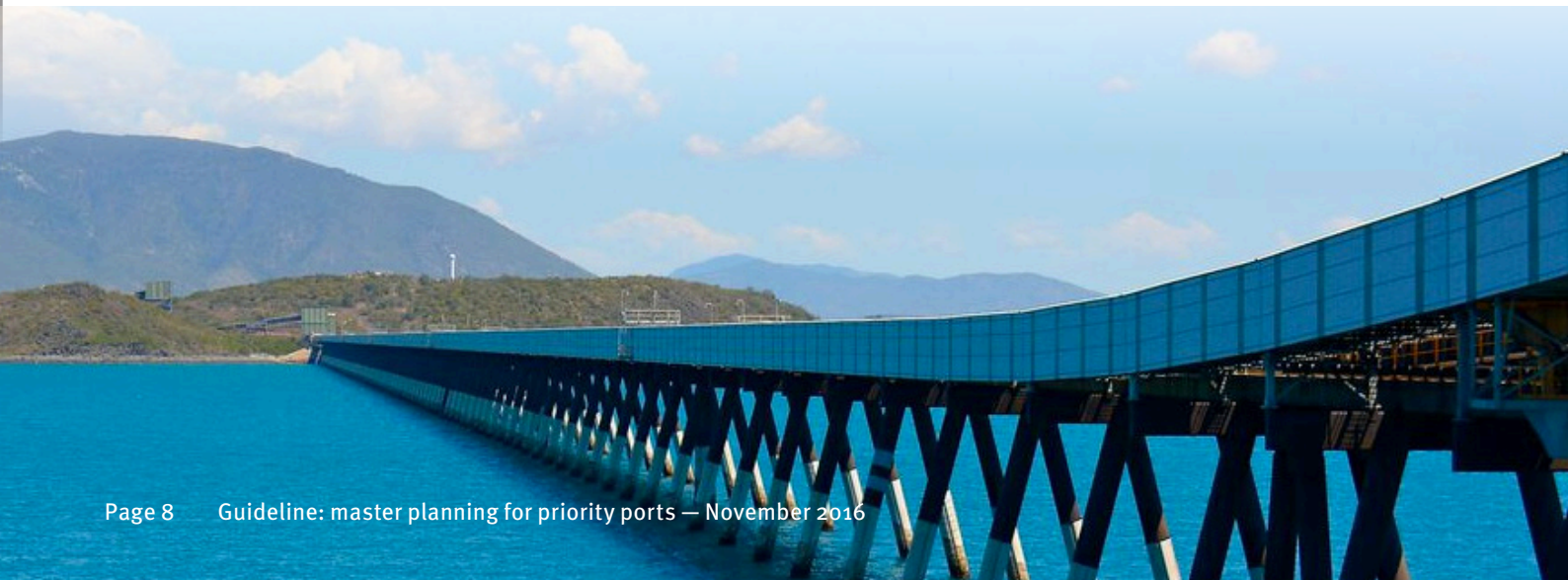
The reference group will be guided by a terms of reference outlining the role of members and the outcomes of the reference group.

The reference group will be chaired by a senior representative of the Department of State Development.

Membership will comprise of senior representatives from relevant Queensland Government agencies.

The reference group will consult relevant port authorities and local governments as appropriate.

Other entities including port users, peak bodies, the Australian Government and community groups





may be requested to provide advice to the reference group.

The purpose of the reference group is to:

- ▶ ensure effective consultation with a range of key stakeholders
- ▶ seek advice on managing risks and issues encountered in the master planning process
- ▶ review draft master planning material
- ▶ finalise advice to inform master plan decision making under the Ports Act.

Priority port master planning working groups

For each priority port master planning process, a working group will be established to support the preparation of the draft master plan and draft port overlay.

The working group will be led by a senior representative of the Department of State Development and include representatives from state government entities, the relevant port authority and the relevant local government. The working group will

consult other representatives, both internal and external to the state government, where required, during the process of developing master plans for each priority port.

The priority port master planning working groups will support the reference group and the Minister in meeting the requirements of the Ports Act.

2.3 Information and confidentiality

The Queensland Government will work with relevant port authorities, local governments and other stakeholders to ensure comprehensive evidence-based master planning processes are undertaken for all priority ports.

To ensure a comprehensive evidence base exists, a variety of records associated with the planning processes will likely be created and managed by the state government.

As a key principle is transparency, the community must be able to access information as to how decisions were made and the outcomes of these decisions.

Accordingly, the Ports Act outlines requirements for registers, publication and access of port master planning documents.

The Queensland Government must take into account the sensitivity of information arising from port master planning processes, particularly for priority ports that operate as commercial entities in competitive global markets.

Provisions must therefore be made for secure exchanges of commercially sensitive information and discussions where necessary.

Agreements will be established, as appropriate and necessary, to protect the confidentiality of:

- ▶ the master planning process, prior to public consultation
- ▶ any confidential or commercially sensitive information that may be disclosed as part of the priority port master planning process
- ▶ personal information except for a purpose to which the information is relevant, in accordance with *Information Privacy Act 2009* (Privacy principle 9, schedule 3).

3.

Guidance material

The Ports Act enables the Minister to make a master planning guideline about matters that may be considered in preparing or reviewing a master plan, including identifying the master planned area.

These matters may include the principles and processes that may be applied according to individual port circumstances such as geography, environment, trade profiles, changing markets and demand. Master planning may also consider matters beyond traditional port boundaries including supply chain connections, existing and proposed infrastructure and surrounding land uses.

The principles for priority port master planning outlined in section 1.3 of this guideline should also be reflected where possible in all master planning processes and decisions.

Figure 4 below reflects the priority ports master planning process, including statutory consultation requirements and the preparation of the port overlay.

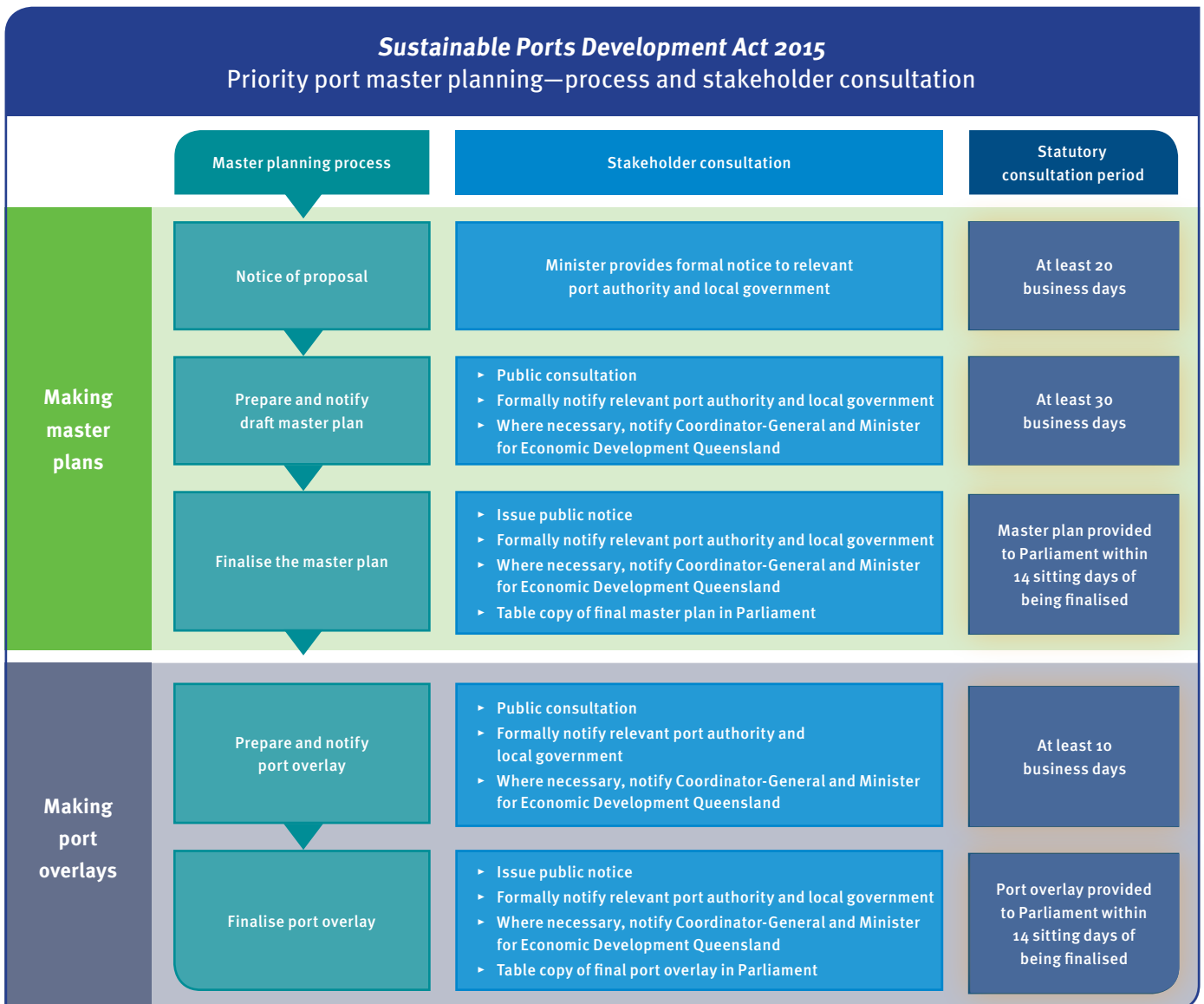


Figure 4 Statutory requirements for priority port master planning consultation

3.1 Preparation for master planning

Identify key stakeholders

Development of the draft master plan will be led by the Queensland Government in close collaboration with port authorities and other key stakeholders.

These key stakeholders must be identified at an early stage in the master planning process to facilitate an evidence-based and transparent master planning process.

Categories of stakeholders may include:

- ▶ existing planning and assessment managers in the proposed master planned area
- ▶ any stakeholders who may be required to provide input during the collection and analysis of evidence for the preparation of the master plan, include local industry and community groups
- ▶ those with responsibility for existing state planning instruments and broader applicable government policies.

Notice of proposal

A notice of proposal must be issued to the relevant port authority and each local government whose local

government area includes the port. This notice is to ensure that the port authority and local government have adequate time to prepare for the master planning process.

Statutory requirement—notice of proposal

Refer to *Sustainable Ports Development Act 2015* section 9.

The Minister must give notice of the proposal to make a master plan to the relevant port authority and local governments.

The notice must state:

- ▶ that the Minister proposes to make a master plan for the priority port
- ▶ the name of the priority port to which the proposed master plan relates
- ▶ that the entity may make a written submission to the Minister about the proposal within a stated period of at least 20 business days.

Evidence gathering and analysis

At a minimum, the evidence gathering and analysis process should provide the basis for the determination of:

- ▶ the boundary of the master planned area
- ▶ the strategic vision, objectives and desired outcomes for the master planned area
- ▶ state interests affected or likely to be affected by existing uses and/or future development at the port
- ▶ an environmental management framework, including priority management measures for the port master planned area.

Matters to consider when gathering and analysing evidence required to prepare a master plan may include:

- ▶ **the regulatory and policy context**—including current national, state and local legislation and regulation, relevant national and state policies, international agreements
- ▶ **port history**—including history of the development of the port and surrounds where such information provides insight or has bearing on current and proposed development
- ▶ **infrastructure**—including critical infrastructure, supply chain infrastructure, local government trunk infrastructure and marine infrastructure activities directly and indirectly related to the





business of the port, the ongoing safety of port operations, and existing interface management measures

- ▶ **Land uses and activities**—including existing land uses, activities directly and indirectly related to the business of the port, the ongoing safety of port operations and existing interface management measures
- ▶ **OUV of the GBRWHA**—specifically the World Heritage criteria² in Figure 5, consideration of which will assist master planning to contribute to the ongoing integrity of the GBRWHA
- ▶ **available data and mapping of environmental values**—including matters of national environmental significance, matters of state environmental significance,

matters of local environmental significance and other notable environmental features

- ▶ **economic factors**—including current or proposed projects, regional or state economic indicators, supply chains, relevant economic assumptions, trade volumes and values and industry trends, forecasting and scenarios
- ▶ **Other environmental factors**—including natural hazards, climate change and amenity issues including noise, dust, light and odour from port-related operations
- ▶ **social factors**—including management of cultural heritage values (both Indigenous and non-Indigenous), contents of local heritage registers, the social

impact of proposed expansions and planned proposals within the proposed master planned area.

The gathering and analysis of evidence also offers the opportunity to identify any information gaps, assess the relevance of those gaps and possible actions to be undertaken in master planning.

Early engagement with stakeholders

The evidence gathering and analysis stage provides an early opportunity to engage with stakeholders on matters including:

- ▶ areas that may be included within the draft master planned area boundary
- ▶ high level state interests that will inform the preparation of the priority port master plan

World Heritage List			
Natural Criteria for the assessment of Outstanding Universal Value			
Criterion (vii)	Criterion (viii)	Criterion (ix)	Criterion (x)
Contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance.	Be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features.	Be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.	Contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of Outstanding Universal Value from the point of view of science or conservation.

Figure 5 Natural World Heritage criteria

² www.environment.gov.au/heritage/about/world/world-heritage-criteria

- ▶ key environmental issues for consideration in the master planning process
- ▶ ‘fact check’ of the evidence as it is being gathered.

Determining a proposed master planned area boundary

The proposed boundary for the master planned area will be informed by the evidence gathered through consultation with stakeholders. These stakeholders may include assessment managers, land holders and industry representatives.

A master planned area will include the port’s strategic port land under the *Transport Infrastructure Act 1994* and may also include:

- ▶ land within state development areas (SDA) or priority development areas (PDA)
- ▶ local government areas (LGAs)

- ▶ marine areas (subject to the constraints of the Ports Act).

The proposed master planned area boundary must be released for public consultation as part of the draft master plan.

Statutory requirement—master planned area

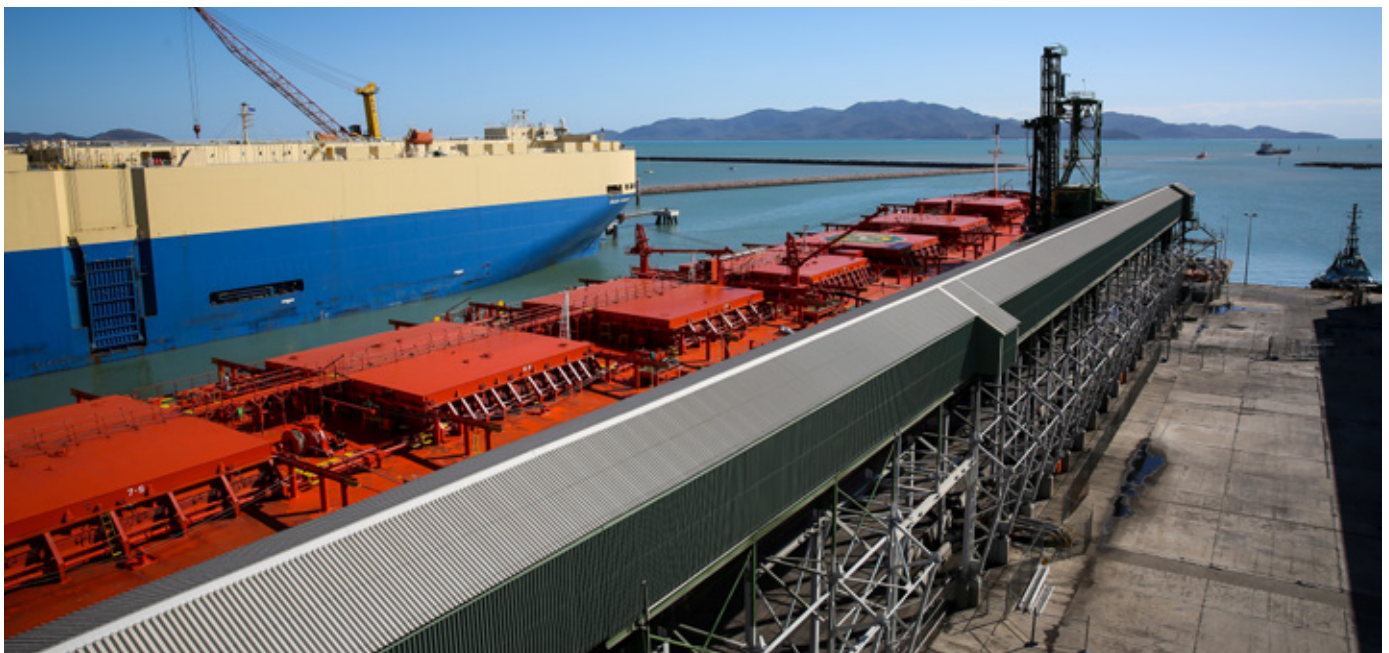
Refer to *Sustainable Ports Development Act 2015* section 6.

The master planned area for a priority port cannot include an area covered by tidal water that is outside the port’s port limits under the *Transport Infrastructure Act 1994*, or an area within a Commonwealth marine park or a state marine park, even if the area is within the port’s port limits.

Spatial considerations

The proposed boundary of the port master planned area will be geographically fixed (for example, lot on plan). It will not be described in terms of features that are likely to change over time due to modification, demolition or wear. The way in which the boundaries will be geographically fixed will be based on the needs of each individual master plan and may not necessarily be related to tenure.

When finalised, the port master planned area boundary will be published in the master plan through delineation on a map and/or by written description such as through latitude and longitude coordinates. The master planned area will be approved by regulation.





3.2 Preparing a draft master plan

The master plan document

Master plans will have a long-term outlook of approximately 30 years and articulate state interests that should be dealt with consistently in a master planned area.

The master plan for each priority port will include:

- ▶ a long-term strategic vision and associated strategic objectives for the port master planned area
- ▶ articulation of the state interests in relation to the priority ports and how those interests must be considered in all planning decisions made within the port master planned area
- ▶ an environmental management framework for the port master planned area that reflects ecologically sustainable development.

State interests

The identification of state interests for the master planned area is central to the master plan. The purpose of

determining a state interest is to provide a clear, consolidated and comprehensive view of the interest of the state in planning and development within the port master planned area boundary. State interests for a priority port master planned area will be consistent with the existing state interest for strategic ports as expressed in the State Planning Policy:

Planning protects the operation of strategic ports and enables their growth and development.

Each port master planned area will contain a unique set of interests which must be managed and protected through the port master planning process.

Under the Ports Act, a state interest is an interest the Minister considers to be:

- ▶ an economic, community or environmental interest of the state or part of the state, or
- ▶ the interest of ensuring the Ports Act's purpose is achieved.

Issues that may be considered in determining state interests for a particular master planned area may include:

- ▶ future planned development and forecast opportunities for expanded trade and economic activity in the master planned area and surrounds
- ▶ the current state of environmental values in the port, existing environmental protection measures and potential threats
- ▶ local amenity, recreational uses and cultural heritage values
- ▶ interface issues, where there is conflict between the interests of the state identified through the master planning process and regulation of development under existing planning instruments
- ▶ optimisation of infrastructure.

Environmental management framework

The environmental management framework (EMF) is a part of the master plan and will contribute to the Queensland Government's Reef 2050 action to ensure ports planning incorporates evidence-based measures to support protection, restoration and management of coastal ecosystems.

Statutory requirement—draft master plan public consultation

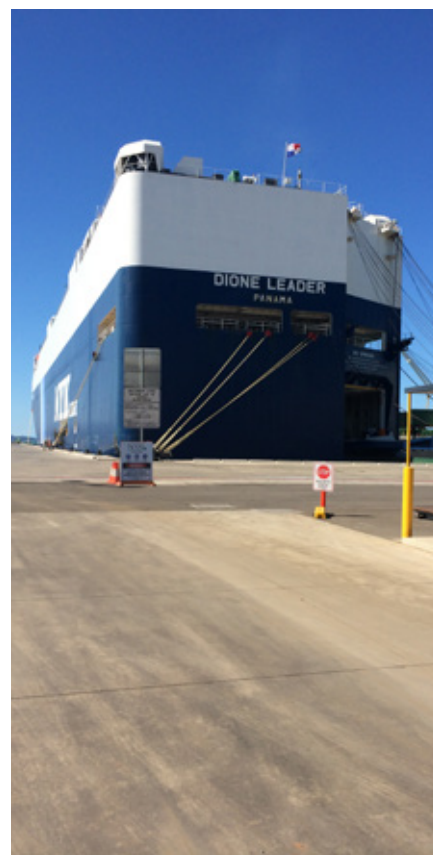
Refer to *Sustainable Ports Development Act 2015* section 11 and 12.

After preparing a draft of a proposed master plan, the Minister must publish a public notice stating:

- ▶ where copies of the draft master plan may be obtained
- ▶ contact details for further information about the draft master plan
- ▶ that written submissions may be made to the Minister about the draft master plan
- ▶ requirements for making a submission, including the period for making submissions, which must be at least 30 business days from publication of the notice.

The Minister must give a copy of the notice and the draft master plan to the port authority and the affected local government(s). If the proposed master planned area includes a SDA or a PDA, the Minister must also give a copy of the notice to the Coordinator-General or the Minister for Economic Development Queensland respectively.

Following the closure of public consultation, the Minister must consider all submissions made in accordance with the public notice and decide to make the master plan, to make the master plan with amendments, or not to make the master plan.



The EMF will draw directly on the evidence-base and, in accordance with the Ports Act, will:

- ▶ identify and map environmental values in the master planned area and surrounding areas
- ▶ identify any impacts development in the master planned area may have on the environmental values, through consideration of potential future development scenarios and their interactions with surrounding land uses and the existing environment
- ▶ state objectives and measures (priority management measures) for managing the impacts that have been identified.

As part of the EMF development process, a risk assessment will be conducted against the identified environmental values to identify impacts, management measures and describe residual risks, focusing primarily on the OUV of the GBRWHA.

The EMF will consider the range of relevant Commonwealth, state and local government management

and reporting arrangements for the identified values and impacts. The EMF will then identify gaps, inconsistencies or opportunities for improvement, and propose measures to address these requirements. It is these measures required to address residual management requirements that will, where relevant, become 'priority management measures', for implementation through the port overlay.

Public consultation on draft master plan

The Ports Act sets the statutory requirements for public consultation, including the minimum period for receipt of submissions. It is recommended that public consultation be as comprehensive as necessary to ensure appropriate consideration is given to stakeholder views and input.

Consequently, public consultation will be undertaken in line with the Ports Act and with regard to each priority port master planning process.

Methods of engagement with stakeholders

Across all priority port master planning processes stakeholders will be engaged at the working group and reference group levels and through formal notifications as required by the Ports Act.

Further methods for engagement with stakeholders will be undertaken and may vary from port to port. The following methods may be considered:

- ▶ utilisation of existing stakeholder groups to disseminate any further information
- ▶ electronic mailing lists and regular teleconferences with individual stakeholders where distance and accessibility are issues
- ▶ direct mail or telephone contact with land holders
- ▶ public information sessions at key milestones to discuss important issues and display draft master planning material
- ▶ website content with relevant links and contact details.



3.3 Making the master plan and regulation

The Ports Act establishes the required process for making the master plan for a priority port, including the requirement for the master planned area to be approved by regulation and specifying how a master plan comes into effect.

Drafting and approval processes for the regulation identifying the master planned area should be scheduled to enable the master plan and regulation to come into effect at the same time where practicable. The area identified in the regulation must be identical to the area identified in the master plan.

3.4 Preparation of the port overlay

Function of the port overlay

The Ports Act requires that a port overlay be made for each master planned area. The port overlay regulates development and implements the master plan for the

Statutory requirement—master planned area approved by regulation

Refer to *Sustainable Ports Development Act 2015* section 6.

The master planned area for a priority port must be identified in a master plan, and be approved by regulation.

Statutory requirement—making of a master plan

Refer to *Sustainable Ports Development Act 2015* section 12.

Following public consultation, if the Minister decides to make the proposed master plan (with or without amendments), the Minister must publish the decision in a public notice stating the day the master plan was made, and where a copy of the master plan is available for inspection and purchase.

The Minister must give a copy of the notice to the relevant port authority and the affected local government(s). If the proposed master planned area includes a SDA or PDA, the Minister must also give a copy of the notice to the Coordinator-General or the Minister for Economic Development Queensland respectively.

Within 14 sitting days after the master plan or amendment is made, the Minister must also table in the Legislative Assembly a copy of the master plan or amendment.

The master plan has effect on the day after the public notice is published in the gazette, or a later day stated in the master plan.

whole of the master planned area including achievement of the priority management measures contained in the master plan and specifying the entities responsible for implementing priority management measures. The port overlay may also contain:

- ▶ requirements for making and amending planning instruments under other acts
- ▶ levels of assessment for development
- ▶ matters to be considered in assessing development
- ▶ other measures for regulating development.

Inclusion of other measures in the port overlay is based on protecting and enhancing those elements required for the development of priority port master planned area and, where necessary, to complement other planning and legislative mechanisms. The objective is to reduce the risk of environmental harm or serious adverse cultural, economic or social impacts in the port master planned area.

Statutory requirement—port overlay

Refer to *Sustainable Ports Development Act 2015* sections 19.

As soon as practicable after a master plan takes effect for a priority port, the Minister must make a port overlay for the priority port.

The port overlay must apply to the entire master planned area, and the Minister must be satisfied that the port overlay implements the master plan.

A port overlay cannot regulate development in an SDA or PDA.

Development of the port overlay will be led by the Queensland Government in collaboration with planning and assessment managers in the master planned area.

This may include the port authority, local government(s), the Office of the Coordinator-General and Economic Development Queensland.

Consultation should also include other land and maritime managers in the master planned area as appropriate.

Development of the port overlay should where possible take place concurrently with the master plan to

enable the overlay to come into effect as soon as practicable after the master plan is made. The master plan does not have regulatory affect until the port overlay is made.

Decision making under the port overlay

The existing planning and development decision responsibilities do not change in a master planned area, under a priority port master plan and port overlay.

The Ports Act establishes the relationship between the port overlay and planning instruments under other



Regulatory planning framework for priority ports

Implementation of the port overlay

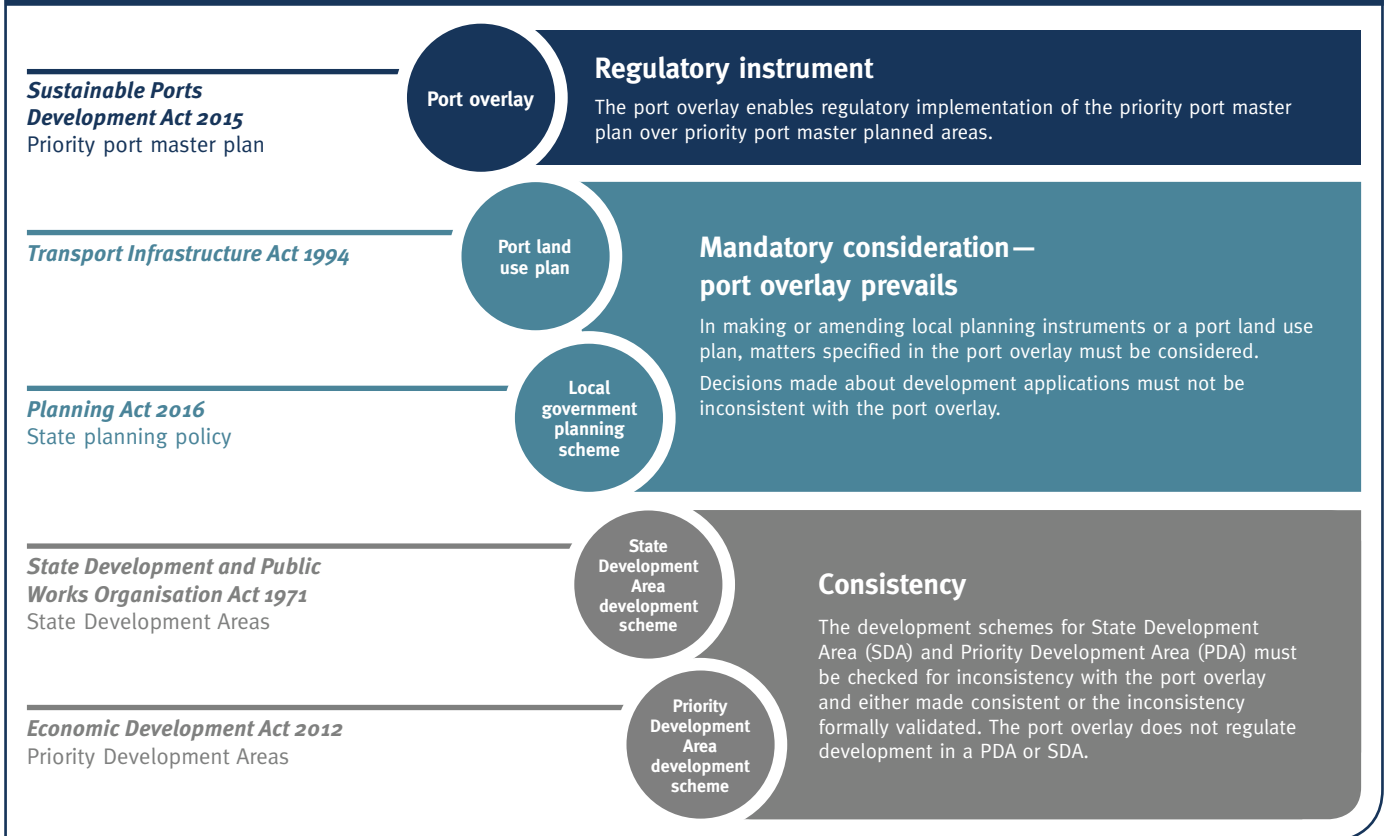


Figure 6 Regulatory instruments alignment—port overlay implementation

legislation, including actions required by the Coordinator-General or the Minister for Economic Development Queensland or as planning authorities in considering and responding to the port overlay. Figure 6 reflects the alignment of planning instruments relevant to priority ports and the implementation of the port overlay.

Content of the port overlay

The port overlay will address inconsistencies between the existing planning instruments in the master planned area and the master plan.

The port overlay must contain:

- ▶ identification of the master planned area to which the port interest overlay will apply
- ▶ a statement about the purpose of the overlay
- ▶ explanation of how the priority management measures are to be achieved including who is responsible for each measure.

The port overlay may contain:

- ▶ a statement of the purpose of each precinct within the master planned area

- ▶ implementation instructions for priority management measures for the environmental management framework within the port master planned area, for example, specific actions, standards, indicators and reporting requirements
- ▶ the levels of assessment and development conditions required to achieve consistency in the assessment of applications under the *Planning Act 2016* and the *Transport Infrastructure Act 1994*

- ▶ guidance to assist with considering the consistency of the port overlay with
 - a development scheme under the *State Development and Public Works Organisation Act 1971* by the Coordinator-General
 - a development scheme under the *Economic Development Act 2012* by the Minister for Economic Development Queensland.

Public consultation on the draft port overlay

The Ports Act sets the minimum requirements for public consultation on the port overlay, including the requirement to issue a public notice inviting submissions.

This consultation should be as comprehensive as necessary to ensure appropriate consideration is given to stakeholder views and inputs, taking into account the nature of public consultation undertaken on the associated master plan.

Statutory requirement—draft port overlay public consultation

Refer to *Sustainable Ports Development Act 2015 section 22*.

After preparing a draft port overlay, the Minister must publish a public notice stating:

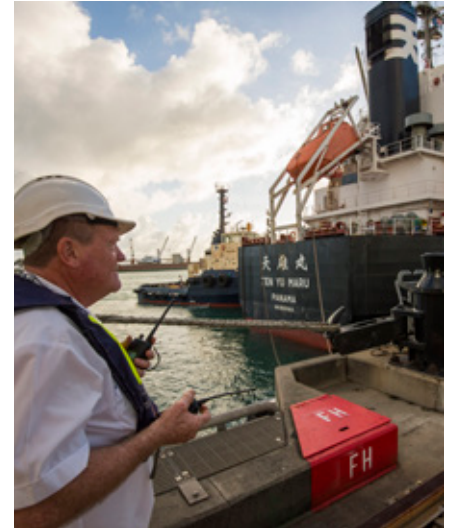
- ▶ where copies of the draft port overlay may be obtained
- ▶ contact details for further information about the draft port overlay
- ▶ that written submissions may be made to the Minister about the draft port overlay
- ▶ requirements for making a submission, including the period for making submissions, which must be at least 10 business days after the notice is published in the gazette.

The Minister must give a copy of the notice and the draft port overlay to the port authority and the affected local government(s). If the proposed master planned area includes a SDA or a PDA, the Minister must also give a copy of the notice to the Coordinator-General or Minister for Economic Development Queensland respectively.

Following the closure of public consultation, the Minister must consider all submissions made in accordance with the public notice and decide to make the port overlay, to make the port overlay with amendments, or not to make the port overlay. If the Minister decides to make the proposed port overlay the decision must be published in a public notice stating:

- ▶ the day the port overlay was made
- ▶ where a copy of the instrument is available for inspection and purchase.





3.5 Making the port overlay

The Minister may make or amend a port overlay by publishing a notice stating the day the overlay was made. The Minister must also give a copy to the port authority, affected local governments, and if master planned area contains all or part of:

- ▶ a PDA to the Minister for Economic Development Queensland, or
- ▶ a SDA to the Coordinator-General.

A public notice means a notice published in the gazette and in a newspaper circulating in the proposed master planned area to which the overlay relates.

A port overlay, or an amendment to it, takes effect on the day it is published in the gazette, or if a later day is stated in the instrument, that day.

A port overlay, or an amendment to it, must be tabled in the Legislative Assembly within 14 sitting days after it is made.

No additional consultation is mandated as the issues regulated have been expressed and consulted on through the master planning process.

Statutory requirement— port overlay tabled in the Legislative Assembly

Refer to *Sustainable Ports Development Act 2015* sections 20 and 22 and *Statutory Instruments Act 1992* sections 49 and 50.

The port overlay must be tabled in the Legislative Assembly within 14 sitting days after it is notified. The Legislative Assembly may pass a resolution disallowing the port overlay if notice of a disallowance motion is given by a member within 14 sitting days after the tabling.

The port overlay will cease to have effect if it is not tabled in the Legislative Assembly within 14 sitting days, or if it is disallowed by the Legislative Assembly.

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