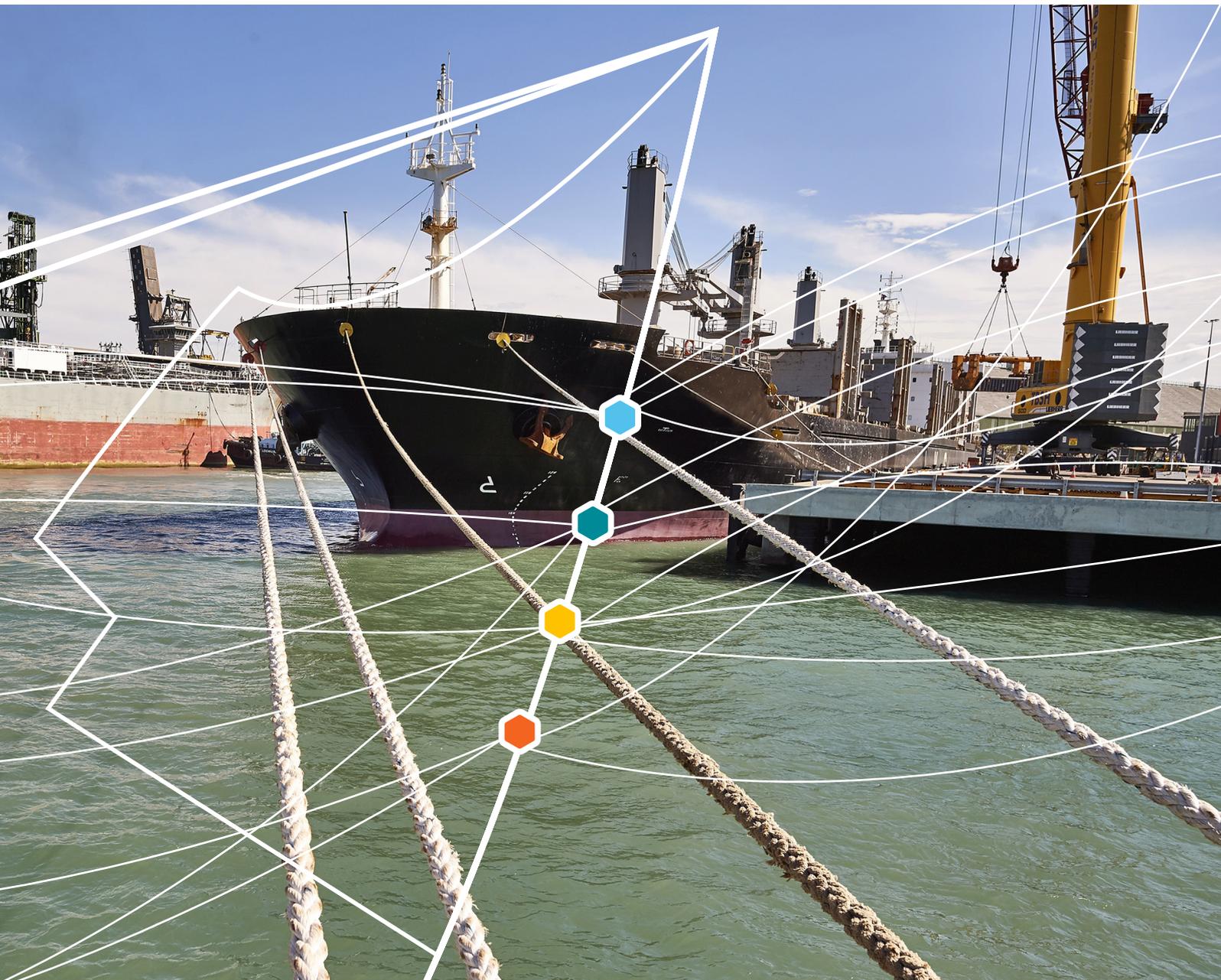


Draft priority ports master planning guideline

Queensland | Australia | 2019



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Port images courtesy of Port of Townsville Limited, Gladstone Port Corporation Limited, and North Queensland Bulk Ports Corporation Limited.

Contents

1. Introduction	2
1.1 Purpose of the guideline	3
2. The policy environment	4
2.1 Reef 2050 Long-Term Sustainability Plan	4
2.2 Australian Infrastructure Plan	5
2.3 National Freight and Supply Chain Strategy	5
2.4 National Ports Strategy	5
2.5 North-East Shipping Management Plan	5
2.6 Our North, Our Future: White Paper on Developing Northern Australia	5
2.7 Queensland Coastal Passage Plan	5
2.8 Maintenance Dredging Strategy	5
2.9 Our Future State: Advancing Queensland's Priorities	5
2.10 Queensland Freight Strategy: Advancing Freight	7
2.11 Smarter Solutions: Network Optimisation Framework	7
2.12 State Infrastructure Plan	8
2.13 State Planning Policy	9
2.14 Transport Coordination Plan	9
2.15 Queensland Transport Strategy	9
3. Sustainable Ports Development Act 2015	10
4. Priority port master planning	11
4.1 Principles for priority port master planning	12
4.1.1 Evidence-based planning	12
4.1.2 Transparency and stakeholder engagement	12
4.1.3 Ecologically sustainable development	12
4.1.4 Outstanding Universal Value	13
4.1.5 Policy setting	13
4.1.6 Regulation by exception	13
4.2 State interests	13
4.3 Environmental management framework	14
4.4 Public consultation	15
4.4.1 Stakeholder engagement	15
5. Preparing a master plan	16
5.1 Notice of proposal	16
5.2 Identify key stakeholders	16
5.3 Information gathering and analysis	16
5.4 Access to information and confidentiality	17
5.5 Consulting with stakeholders	18
5.6 Determining a proposed master planned area	19
5.7 Public consultation on draft master plan	19
5.8 Making the master plan	19
6. Port overlay	20
6.1 Preparation of the port overlay	22
6.1.1 Function of the port overlay	22
6.1.2 Decision making under the port overlay	22
6.1.3 Port overlay content	22
6.1.4 Public consultation on draft port overlay	23
6.1.5 Making the port overlay	23

1. Introduction

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

The Sustainable Ports Development Act 2015 (Ports Act) provides a master planning process for Queensland’s priority ports—the ports of Gladstone, Townsville, Hay Point/Mackay and Abbot Point.

Master planning looks beyond port boundaries to address environmental, economic, and social factors, such as optimising infrastructure and the supply chain.

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

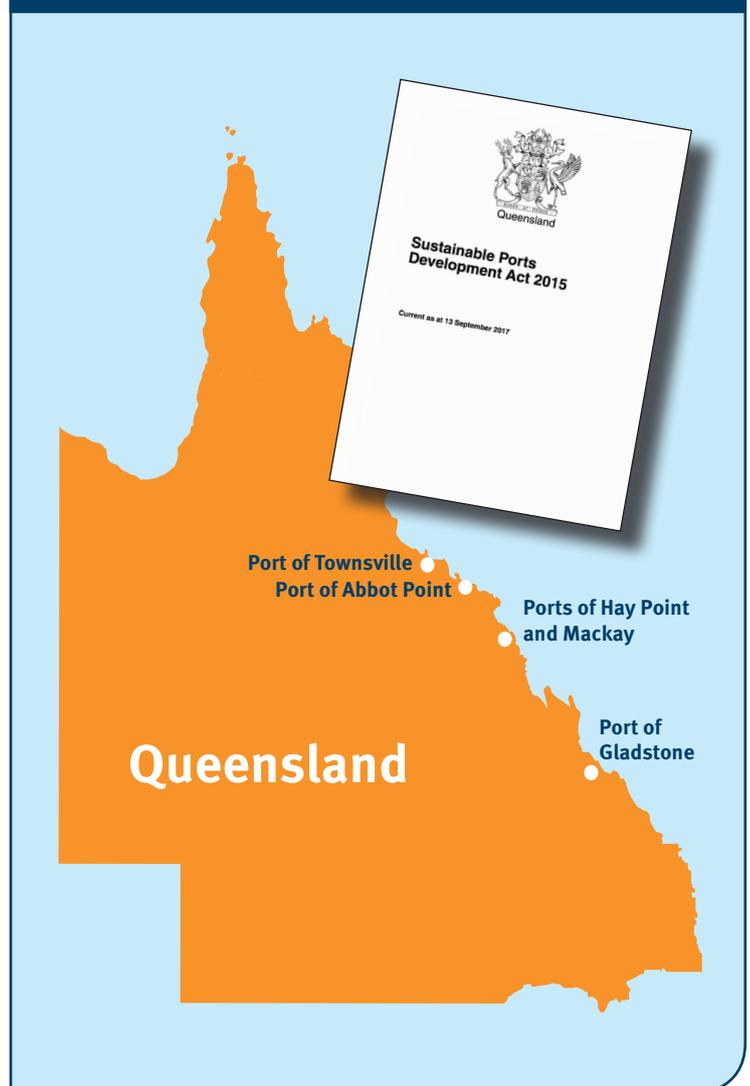
- concentrate development in priority ports leading to more effective management of port development in the GBRWHA
- efficiently use existing port and supply chain infrastructure
- identify and protect land and infrastructure critical to the effective operation and future expansion of priority ports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

The Ports Act designates four priority ports, these are:

- Port of Gladstone
- Port of Townsville
- ports of Hay Point and Mackay
- Port of Abbot Point.

The outcomes of master planning for each priority port include a master plan and port overlay that provide for the long term sustainable development of the port.

Figure 1 — Sustainable Ports Development Act 2015 designates four priority ports in Queensland



1.1 Purpose of the guideline

The purpose of this guideline is to help the community and other stakeholders better understand priority port master planning. It outlines the master planning process and matters considered when developing a master plan.

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



Aerial image of the Port of Townsville Limited

2. The policy environment

There are a number of Australian and Queensland government policy documents that are relevant to the ongoing operation of ports and to port master planning in general.

2.1 Reef 2050 Long-Term Sustainability Plan

The Reef 2050 Plan is a comprehensive plan developed by the Australian and Queensland governments in 2015 to secure the health and resilience of the Great Barrier Reef, and to protect the OUV of the GBRWHA. The Reef 2050 Plan includes a number of commitments that related to the management of port-related development.

The commitments involved restricting capital dredging to the four priority ports, prohibiting the sea-based placement of capital dredged material from port-related development, and mandating the beneficial re-use of port-related capital dredged material.

A mid-term review of the Reef 2050 Plan in 2018 monitored the government's progress in meeting its commitments. It recognised the introduction of the Ports Act as a key policy response to managing port development in the GBRWHA.

Following the mid-term review, the updated Reef 2050 plan outlines one master planning port-related action which relates to completing master planning for priority ports in accordance with the Ports Act, (refer to Figure 2).

Figure 2 — Reef 2050 Long-Term Sustainability Plan

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 OUV in every action

- ▶ Protecting the OUV 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 OUV.

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 co-operative, fostering stewardship and strong community support.
- ▶ Innovation in management is fostered.

2.2 Australian Infrastructure Plan

The *Australian Infrastructure Plan*, prepared by Infrastructure Australia, identifies infrastructure reforms and investments required to manage population growth, the Asia-Pacific's growing demand for Australian goods and services, and environmental challenges. The plan aims to maximise the potential of fast-growing regions to boost productivity and promote careful regional planning.

2.3 National Freight and Supply Chain Strategy

Following the *Inquiry into National Freight and Supply Chain Priorities Report* in 2018, the Council of Australian Governments' Transport and Infrastructure Council agreed to a framework for developing a 20-year *National Freight and Supply Chain Strategy*. The strategy will build on the outcomes of the inquiry and outline an integrated, national approach for the efficient movement of goods across state and territory borders through freight systems and appropriate infrastructure. The Transport and Infrastructure Council is working with state, territory and local governments to implement the strategy.

2.4 National Ports Strategy

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.

Master planning for priority ports is consistent with this strategy.

2.5 North-East Shipping Management Plan

The *North-East Shipping Management Plan* was prepared by the Australian Maritime Safety Authority to demonstrate how shipping is managed in sensitive marine environments and propose actions to minimise environmental impacts on the OUV of the GBRWHA, ensure safety and manage increases in shipping traffic. The North-East Shipping Management Group, including both Australian and Queensland government agencies, implements the actions on an ongoing basis.

2.6 Our North, Our Future: White Paper on Developing Northern Australia

The four priority ports are defined as part of Northern Australia in accordance with the *Northern Australia Infrastructure Facility Act 2016*. Released in 2015, *Our North, Our Future: White Paper on Developing Northern Australia* provides a vision and an economic development plan to unlock the economic potential of Northern Australia, based on proximity to Asia, enhanced international trade opportunities and national security.



Port Central, Gladstone

2.7 Queensland Coastal Passage Plan

The *Queensland Coastal Passage Plan* is produced by the Australian Maritime Safety Authority which seeks to improve pre-pilotage communications and the readiness of vessels transiting coastal pilotage areas within the Great Barrier Reef. The *Queensland Coastal Passage Plan* operates with the Great Barrier Reef and Torres Strait Vessel Traffic Service (REEFVTS) ship reporting system based in Townsville, and Under Keel Clearance Management requirements, to assist safe passage of vessels transiting through the Great Barrier Reef.

2.8 Maintenance Dredging Strategy

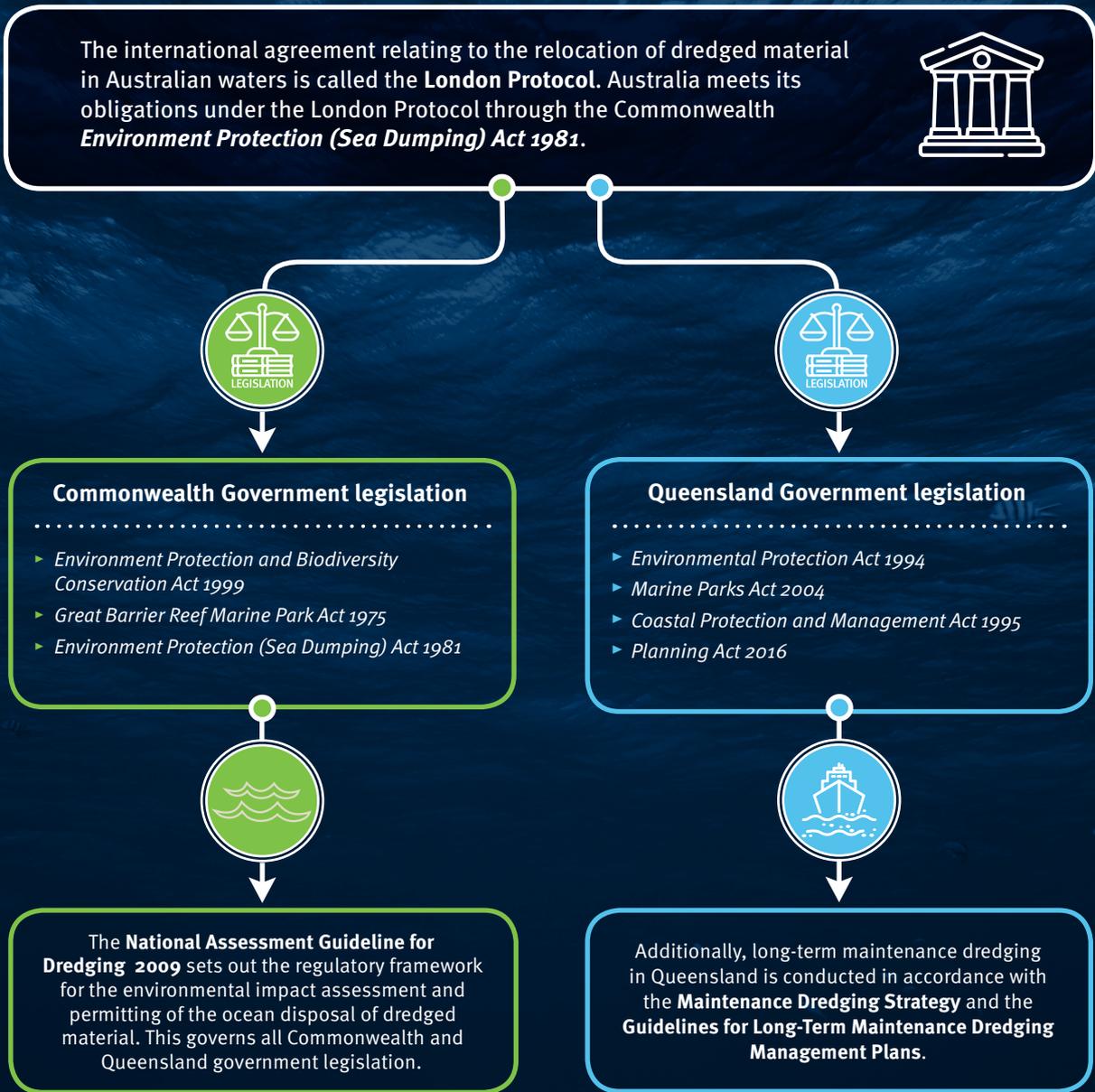
The *Maintenance Dredging Strategy for Great Barrier Reef World Heritage Area Ports* provides a framework for leading practice management of maintenance dredging in Great Barrier Reef World Heritage Area ports to ensure their safe and effective operation and contribution to the health and resilience of the Great Barrier Reef. The requirement for the development of *Long-term Maintenance Dredging Management Plans* (LMDMP) by the ports ensures that there is a robust long-term approach to the planning, consultation, monitoring and reporting of maintenance dredging activities (refer to Figure 3).

The preparation of a LMDMP demonstrates a robust long-term approach to the planning, consultation, monitoring and reporting of maintenance dredging activities. The LMDMP offers an avenue for continued improvement in maintenance dredging management, environmental performance, transparency, and accountability.

2.9 Our Future State: Advancing Queensland's Priorities

The Queensland Government has committed to 'Protect the Great Barrier Reef' as one its key priorities identified in *Our Future State: Advancing Queensland's Priorities*. Protecting the environmental, social, and economic value of the Great Barrier Reef drives many of the Queensland Government's environmental policies and activities, including priority port master planning.

Figure 3 — Management of maintenance dredging in Queensland

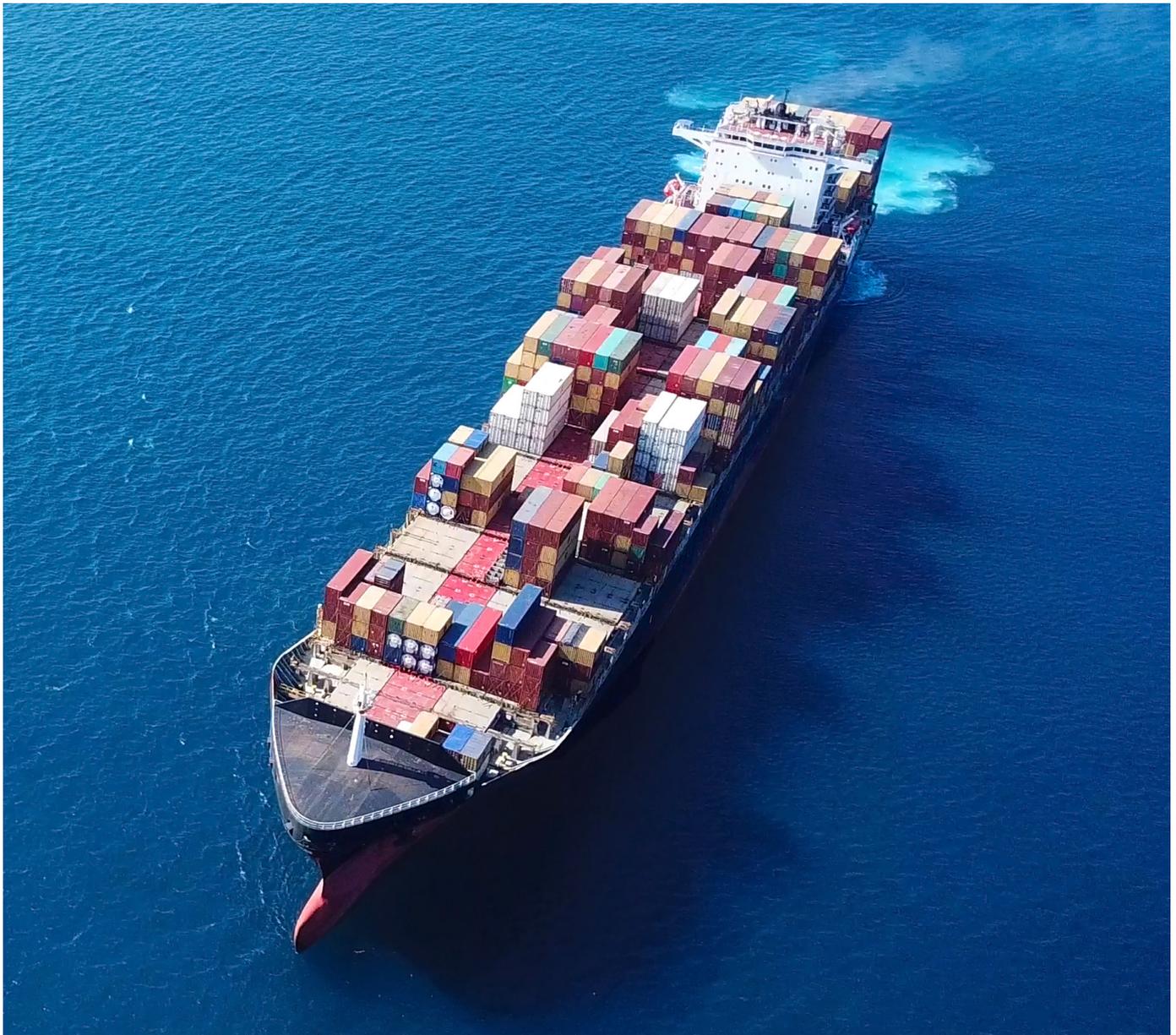


2.10 Queensland Freight Strategy: Advancing Freight

The *Queensland Freight Strategy: Advancing Freight* is a 10-year strategy to support heavy vehicles, shipping, rail, and air cargo across Queensland. It recognises that the freight network is comprised of public and private infrastructure and services provided by transport operations, which together make up the freight system. The strategy outlines five shared commitments critical to building an integrated, resilient and safe Queensland freight system: build effective partnerships; unlock economic opportunity; smarter connectivity and access; a resilient freight system; and safer freight movements. The strategy also acknowledges the importance of delivering solutions that sustain freight and provide for social and environmental outcomes that aligns with priority port master planning.

2.11 Smarter Solutions: Network Optimisation Framework

The Queensland Government's *Smarter Solutions: Network Optimisation Framework* prioritises the consideration of low cost and non-infrastructure solutions within the planning and investment process. The framework encourages network optimisation solutions to ensure the existing transport network and infrastructure is optimised before major investment. In certain situations, this may generate outcomes comparable to new infrastructure, and reduce or delay the need for significant capital expenditure and potential environmental impacts that may arise from new development.



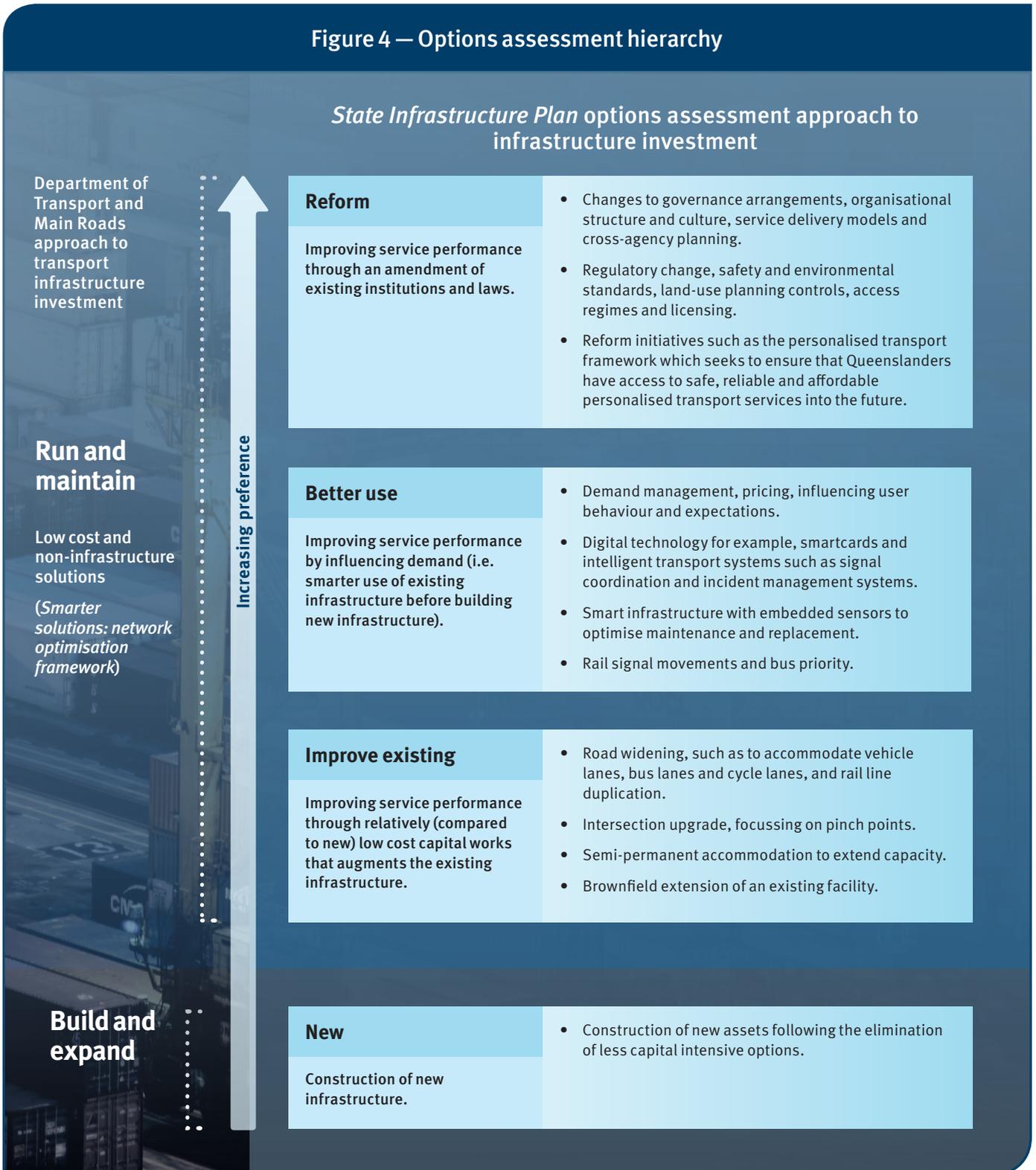
Containerised freight

2.12 State Infrastructure Plan

The *State Infrastructure Plan* (SIP), outlines the Queensland Government’s strategic direction for the planning, investment and delivery of infrastructure in Queensland. The SIP outlines ports as key logistical infrastructure which provide access to

markets, and the importance of coordinating infrastructure and planning initiatives.

See **Figure 4** for the hierarchy when assessing infrastructure investment.



2.13 State Planning Policy

The *State Planning Policy* (SPP) outlines the state interests in land use planning and development that must be considered in every planning scheme across Queensland. The SPP recognises the importance of ports to the national and state supply chains and includes a state interest to protect the growth and support the development of strategic ports.

2.14 Transport Coordination Plan

The *Transport Coordination Plan 2017–2027* (TCP) brings a contemporary approach to the coordinated planning and management of transport, including a strong focus on customer needs and technology. The TCP provides a strategic framework for the planning and management of transport resources in Queensland for the next 10 years.

Further, the TCP includes a specific objective for transport to facilitate the efficient movement of people and freight to grow

Queensland's economy and includes a commitment to focus on improving connectedness along key freight corridors in regional areas. The TCP also outlines an investment prioritisation hierarchy which focuses on optimising existing infrastructure before investing in new infrastructure.

2.15 Queensland Transport Strategy

The 2019 draft *Queensland Transport Strategy* (QTS) is a future-focused, whole-of-system transport strategy based around strategic customer outcomes and objectives from the TCP. The final QTS will guide how TMR responds to future change and position Queensland to respond to, and maximise the benefits from, transformational changes over the long term. It will also ensure our future transport system continues to meet customer needs. Both the TCP and the QTS recognise the pivotal role that port and freight supply chains play in supporting the state's economy—connecting Queensland industries with domestic and international markets.



Aerial image of the Port of Mackay



Port of Abbot Point trellis

3. 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 the Reef 2050 Plan.

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, Townsville, Hay Point/Mackay and Abbot Point.

A master plan must:

- identify the master planned area (including the establishment of a boundary)
- apply to the whole master planned area
- 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 statutory instrument that implements the master plan over the master planned area.

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

The Ports Act dictates the legislative steps to develop master plans and port overlays.

4. Priority port master planning

Figure 5 below reflects the priority port master planning process, including statutory consultation requirements, and the preparation of port overlays.

Figure 5 – Priority port master planning process

Notice of proposal

Informing intention to prepare or amend a priority port master plan

A notice of proposal:

- ▶ is issued by the Minister to the port authority and local government at the priority port
- ▶ formally initiates the master planning process under the *Sustainable Ports Development Act 2015*
- ▶ enables each entity to make an early submission about the proposal to prepare a master plan.

Evidence base

Master plan preparation

Evidence based planning provides a balanced and objective approach to:

- ▶ inform the preparation of the master plan by analysing the economic, environmental, and social factors relevant to the priority port, including the OUV of the GBRWHA
- ▶ identify long-term infrastructure, supply chain, and port development requirements
- ▶ undertake an assessment of the regulatory framework to understand how impacts from development will be sustainably managed.

Master plan

Master planning

The master plan is a strategic document that:

- ▶ outlines the role and function of the port and factors to manage sustainable growth
- ▶ states the long-term strategic vision, outcomes, and objectives for the master planned area
- ▶ establishes land and marine precincts within the master planned area
- ▶ identifies environmental values, potential impacts, and how impacts are managed.

Port overlay

Implementing the master plan

The port overlay is the statutory instrument that:

- ▶ adopts a regulation-by-exception approach to implement the master plan
- ▶ states how priority management measures will be achieved
- ▶ operates alongside existing planning instruments to achieve the outcomes of the master plan.

Review

Reviewing the master plan

The Ports Act requires the master plan be reviewed at least every ten years to assess changes since the first master plan was made including:

- ▶ the boundaries of the master planned area
- ▶ the effectiveness of the implementation of the priority management measures.

4.1 Principles for priority port master planning

Several key principles have been identified to underpin master planning processes. These principles are to be considered equally, with a focus on achieving the requirements of the Ports Act. The principles should be reflected, where practicable, in master planning processes and decisions.

The principles are:

- evidence-based planning
- transparency and stakeholder engagement
- ecologically sustainable development
- OUV
- policy setting
- regulation by exception.

4.1.1 Evidence-based planning

Priority port master planning should be based on the analysis of information relevant to the priority port and the proposed priority 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 an action from the original Reef 2050 Plan 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).

4.1.2 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.

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 subject to privacy/confidentiality restrictions
- seek public submissions at key points of the master planning and port overlay making processes.

4.1.3 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* (Cwlth), 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
- to ensure 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.



Aerial image of Port of Townsville

4.1.4 Outstanding Universal Value

OUV is the central concept of the World Heritage Convention. The Great Barrier Reef was inscribed by the World Heritage Committee for all four of the natural criteria specified in the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (World Heritage Convention). These criteria are identified in **figure 6** (below).

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

To help 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 plan.

4.1.5 Policy setting

The broad and strategic nature of port master planning means that there are numerous Australian, Queensland, and local government policies and initiatives that are relevant to port master planning. They may include environmental, social, and economic related matters that can help shape port master plans. A number of these are identified in **Section 2** of this guideline.

4.1.6 Regulation by exception

Priority port master planning adopts an approach for managing impacts which involves regulating development by exception. This means that new regulation will only be proposed where gaps are identified in the existing requirements that apply to development within a master planned area. This recognises that existing planning and regulatory frameworks across all levels of government already provide a comprehensive system for the management of environmental impacts.

4.2 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 priority port master planned area. 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 master planned area will contain a unique set of interests which must be managed and protected.

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.

**Figure 6 – 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 OUV from the point of view of science or conservation.

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

- future planned development and opportunities for expanded trade and economic activity in the master planned area and surrounds
- the current state of environmental values, existing environmental protection measures, and potential threats
- local amenity, recreational uses, and cultural heritage values
- interface issues, including the management of impacts from port development on surrounding areas
- optimisation of infrastructure.

4.3 Environmental management framework

The EMF is a part of the master plan and will contribute to the Reef 2050 Plan action to ensure port planning incorporates evidence-based measures to support protection, restoration, and management of coastal ecosystems.

The EMF will draw directly on information gathered to inform master planning and, in accordance with the bounds of the Ports Act:

- 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
- state objectives and measures (priority management measures) for managing the impacts that have been identified.

A review of potential development activities will be undertaken to identify potential impacts on the environmental values within and surrounding the master planned area. This assessment considers the existing Commonwealth and state legislation, state and local planning instruments, operational environmental management measures and approval processes, and their effectiveness in managing potential impacts on environmental values from development.

The approach for managing potential impacts from development will be achieved by implementing the environmental management hierarchy of avoid, mitigate and/or offset through existing legislation.

Figure 7 – State interests for the master plan

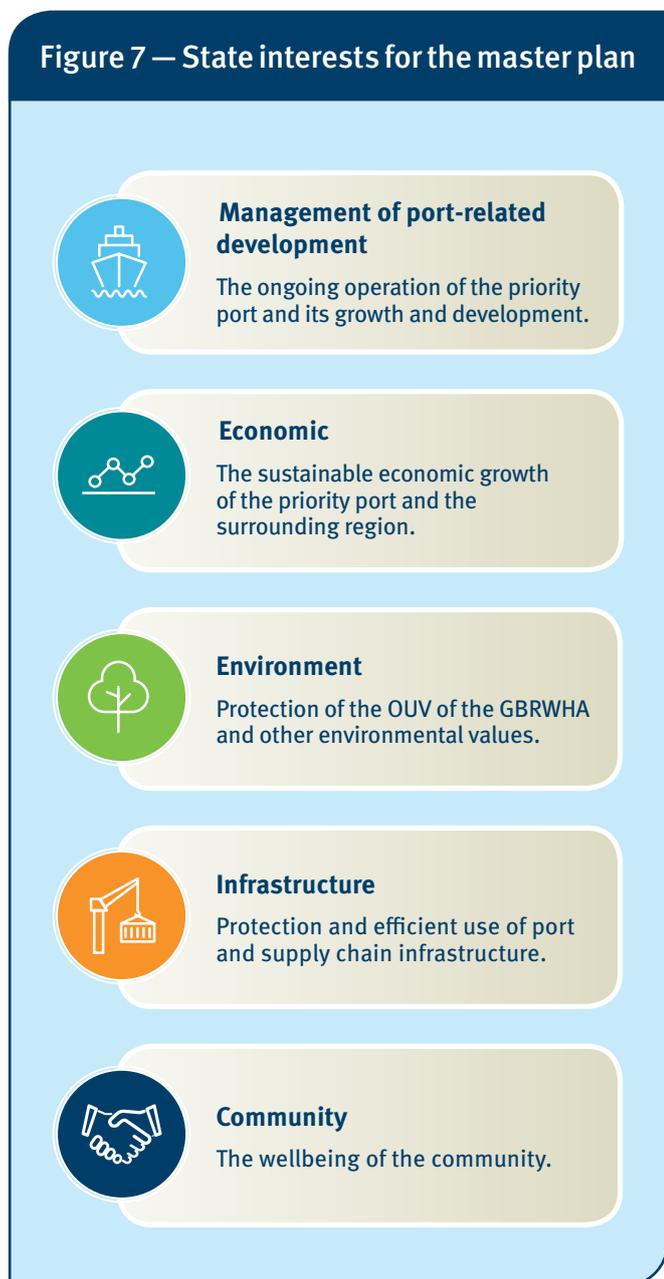
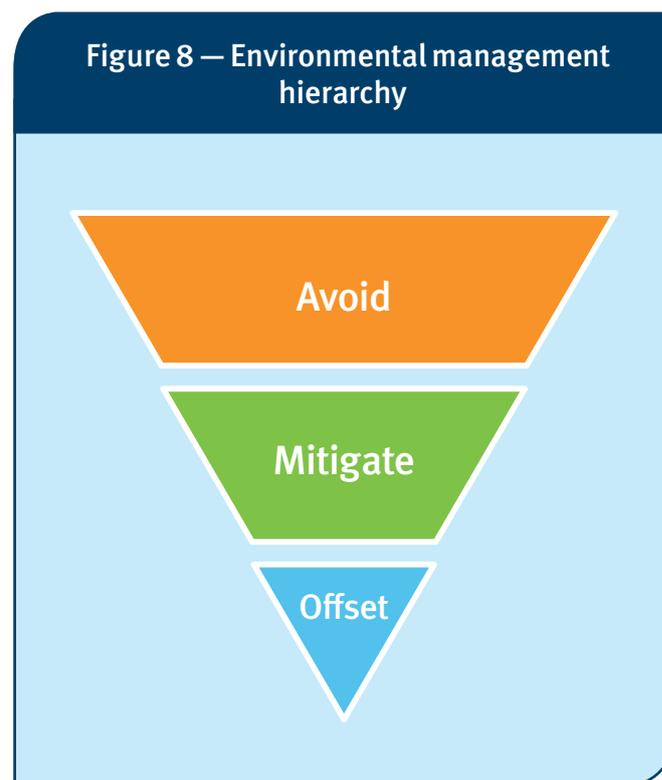


Figure 8 – Environmental management hierarchy





4.4 Public consultation

The Ports Act sets out the statutory requirements for public consultation, including the minimum periods for public consultation on draft master plans and overlays. Anyone may make a submission during public consultation periods.

It is recommended that public consultation be as comprehensive as necessary to ensure appropriate consideration is given to stakeholder views and input.

4.4.1 Stakeholder engagement

Additional stakeholder engagement activities may be undertaken to further support master planning processes.

The timing and methods for engagement with stakeholders that may be undertaken will vary. The following methods may be considered:

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

Figure 9 — Master plan consultation statutory requirement

Refer to *Sustainable Ports Development Act 2015* s. 10

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 draft master plan to the 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.

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.

5. Preparing a master plan

Master plans for priority ports are strategic documents that have a long-term outlook for the sustainable development of port operations to 2050.

Long-term master planning provides a strategic and coordinated approach to managing port-related development and considers issues including marine and land-based impacts as well as port and supply chain infrastructure optimisation. Master planning also ensures the OUV of the GBRWHA is an intrinsic consideration in managing port-related development.

Master plans have a long-term outlook of about 30 years and articulate state interests that should be addressed consistently in the master planned area.

The master plan for each priority port 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 beyond the boundaries of SPL
- enable coordinated planning of marine areas to the boundaries of existing port limits
- identify environmental values in the priority port master planned area to be considered and managed
- enable greater transparency in understanding the relationships and impacts of development beyond existing SPL.

The Ports Act provides that a 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.

5.1 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 to advise the commencement of the master planning process. This notice gives the port authority and local government adequate time to prepare for the master planning process.

5.2 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.

The key stakeholders must be identified at an early stage in

Figure 10 — 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.

the master planning process to facilitate an informed and transparent master planning process.

Categories of stakeholders may include:

- government agencies responsible for plan making, development assessment, and policy development relevant to the proposed master planned area
- local industry, community groups, and individuals who may be able to contribute or otherwise assist in the collection and analysis of information.

5.3 Information gathering and analysis

At a minimum, the information gathering and analysis process should provide the basis to support 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 priority port master planned area.

Matters to consider when gathering and analysing information to support preparation of a master plan may include:

- the regulatory and policy context—including current national and state legislation, local regulatory requirements, relevant national and state policies, and 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
- land use and activities—including existing land uses and activities of the port and surrounds
- OUV of the GBRWHA—specifically the World Heritage Criteria identified in **Figure 6**, consideration of which will assist master planning to contribute to the ongoing integrity of the GBRWHA
- social factors—including management of contents of local heritage registers, the social impact of proposed expansions, and planned proposals within the proposed master planned area
- cultural heritage—both Indigenous and non-Indigenous cultural heritage values
- 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 regional or state economic indicators, supply chains, relevant economic assumptions, trade volumes and values, industry trends, forecasting, and current or proposed projects
- 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.

The gathering and analysis of information will also assist with the identification of any information gaps and the assessment of the relevance of those gaps.

5.4 Access to information and confidentiality

The Queensland Government will work with relevant port authorities, local governments, and other stakeholders to ensure comprehensive evidence-based master planning is undertaken for all priority ports. For this to occur a comprehensive information base comprising a variety of records associated with the planning processes may need to be created and managed.

The Ports Act includes requirements for registers, publication, and access of port master planning documents.

The Queensland Government must consider 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 or personal/private information and discussions where necessary.

Arrangements 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* and any other applicable legislation.



View of Port of Gladstone to Mount Larcom

5.5 Consulting with stakeholders

As part of priority port master planning, the Queensland Government will work with port authorities, local governments, other key stakeholders and the general community.

The Ports Act includes provisions to ensure public consultation is undertaken during port master planning. In addition to these statutory requirements, further consultation and engagement with stakeholders may be undertaken as required during the process of preparing port master plans and associated draft port overlays.

Stakeholder engagement and consultation will help support master planning by:

- seeking and receiving early feedback on potential issues within the proposed master planned area
- fact-checking the validity and currency of information being used to inform master planning processes
- identifying additional stakeholders who may be consulted during the process
- confirming key environmental issues for consideration in the master planning process

- better understanding of differing stakeholder views and expectations.

Consultation should be as comprehensive as necessary, to enable all stakeholders the opportunity to present views and input into the process. It should also be undertaken on a port-by-port basis and aim to identify local, state, 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, and Department of Defence 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.

Figure 11 – Master planning considerations



5.6 Determining a proposed master planned area

The proposed boundary for the master planned area will be informed by information gathered and consultation with stakeholders with direct interest in areas being considered. Such stakeholders may include state agencies and land holders.

A master planned area may include:

- SPL under the *Transport Infrastructure Act 1994*
- land within a State Development Area (SDA) or Priority Development Area (PDA)
- local government areas
- marine areas (subject to the constraints of the Ports Act).

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

The proposed boundary of the priority port master planned area will be geographically fixed. 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.

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

The final master planned area will be approved by regulation.

5.7 Public consultation on draft master plan

The Ports Act sets the minimum requirements for public consultation on the master plan, 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.

5.8 Making the master plan

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.

Figure 12 — Making a final master plan statutory requirement

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

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

Refer to *Sustainable Ports Development Act 2015* s. 11

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.

6. Port overlay

A port overlay is a statutory instrument that implements the master plan over the master planned area. The Ports Act stipulates what a port overlay may and may not do.

In general, a port overlay provides regulatory effect for a master plan by providing requirements that are delivered through existing planning instruments that regulate development within the master planned area.

The purpose of the port overlay is to ensure that:

- the strategic 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.

Port overlays operate as part of a broader regulatory planning framework for priority ports as indicated in **Figure 13**.

At the strategic level, the function of the port overlay is to achieve consistency of state interests while retaining the autonomy of decision making for existing planning authorities in relation to their respective planning instruments.

A port overlay generally cannot regulate development in a SDA or PDA.

Figure 13 – Implementation of the port overlay within the current planning frameworks

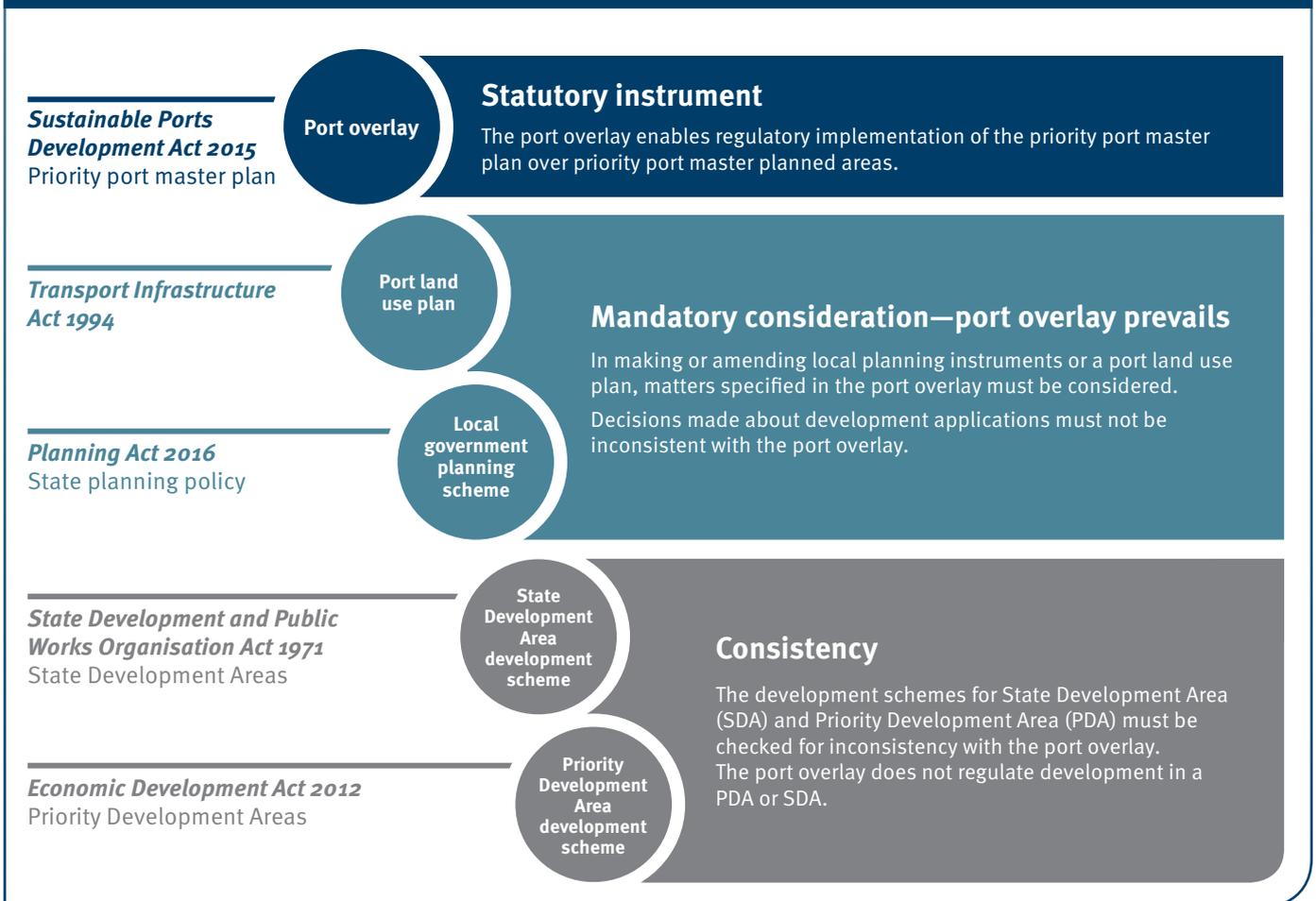
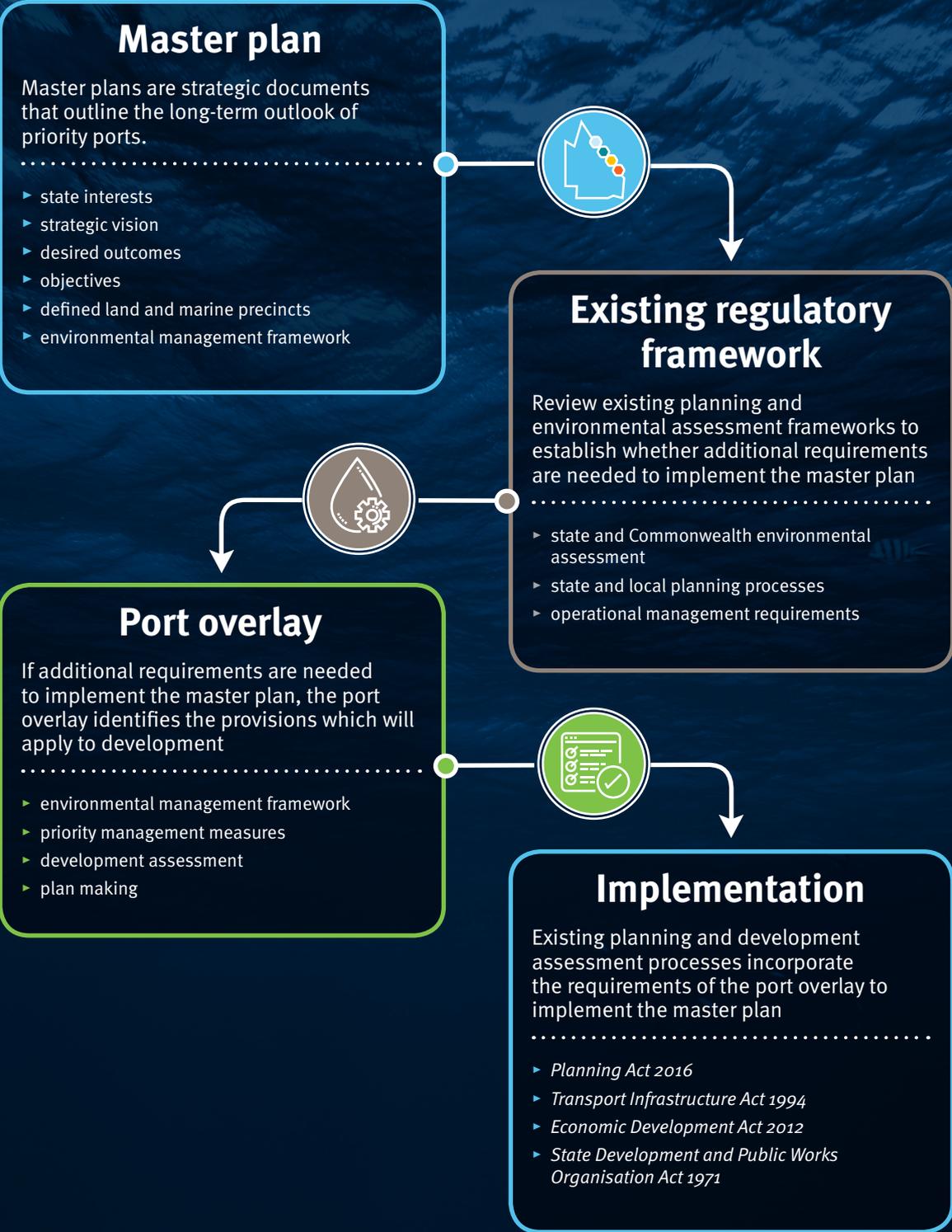


Figure 14 — Implementing master plans



6.1. Preparation of the port overlay

6.1.1 Function of the port overlay

The Ports Act requires that a port overlay be made for each master planned area. The port overlay implements the master plan and seeks to regulate development in the master planned area only where requirements are necessary to implement the master plan in addition to existing planning instruments and other legislation. Importantly, the port overlay minimises duplication of requirements by allowing existing instruments and approvals to operate where they already offer adequate management of development.

Development of a 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, the Office of the Coordinator-General and Minister for 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 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 effect until the port overlay is made.

Figure 15 – Port overlay statutory requirements

Refer to *Sustainable Ports Development Act 2015* s. 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 that is regulated by a development scheme for a SDA or PDA.

6.1.2 Decision making under the port overlay

The existing planning and development decision making framework does 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 legislation,

including actions required by the Coordinator-General, the Minister for Economic Development Queensland, or planning authorities in considering and responding to the port overlay. **Figure 13** reflects the alignment of planning instruments relevant to priority ports and the implementation of the port overlay.

6.1.3 Port overlay content

The Ports Act contains specific provisions about the content of port overlays. The provisions include that a port overlay must:

- state the purpose of the overlay
- state how priority management measures are to be achieved including the entity responsible for a measure
- any other matter prescribed by regulation (the *Sustainable Ports Development Regulation 2018*).

Port overlays may also include content:

- for the *Planning Act 2016*:
 - ▶ the assessment levels of a particular development in the master planned area
 - ▶ assessment benchmarks that assessable development under the port overlay must be assessed against
 - ▶ the matters a local government or Port Authority must have regard to in assessing assessable development under the port overlay
 - ▶ the matters a local government must consider in making or amending their planning scheme or other local planning instrument.
- for the *Transport Infrastructure Act 1994*:
 - ▶ the matters a port authority must consider in making or amending their land use plan.
- for the *State Development and Public Works Organisation Act 1971*:
 - ▶ matters which the Coordinator-General must consider when making or amending a State Development Area Development Scheme.
- for the *Economic Development Act 2012*:
 - ▶ matters which the Minister for Economic Development Queensland must consider when making or amending a Priority Development Area Development Scheme.

Inclusion of other measures in the port overlay is based on protecting and enhancing those elements required for development within the master plan 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 priority port master planned area.

Figure 16 — Contents of a port overlay

A port overlay must:

- identify the area to which it applies
- implement the master plan
- state the purpose of the port overlay
- state priority management measures and responsible entities.



A port overlay may include:

- for the *Planning Act 2016*
 - ▶ requirements for making or amending schemes
 - ▶ categories of assessment and assessment benchmarks
 - ▶ matters to be considered in assessing development.
- for the *Transport Infrastructure Act 1994*
 - ▶ requirements for making or amending port land use plan
- otherwise regulate development in the master planned area.
- any other matter prescribed by regulation.

6.1.4 Public consultation on 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.

6.1.5 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 *Queensland Government 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 *Queensland Government 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.



Aerial image of the Port of Hay Point





Port of Townsville at night

