

Review of inner harbour capital dredging for the Port of Cairns – *Sustainable Ports Development Act 2015, section 35*

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Queensland
Government

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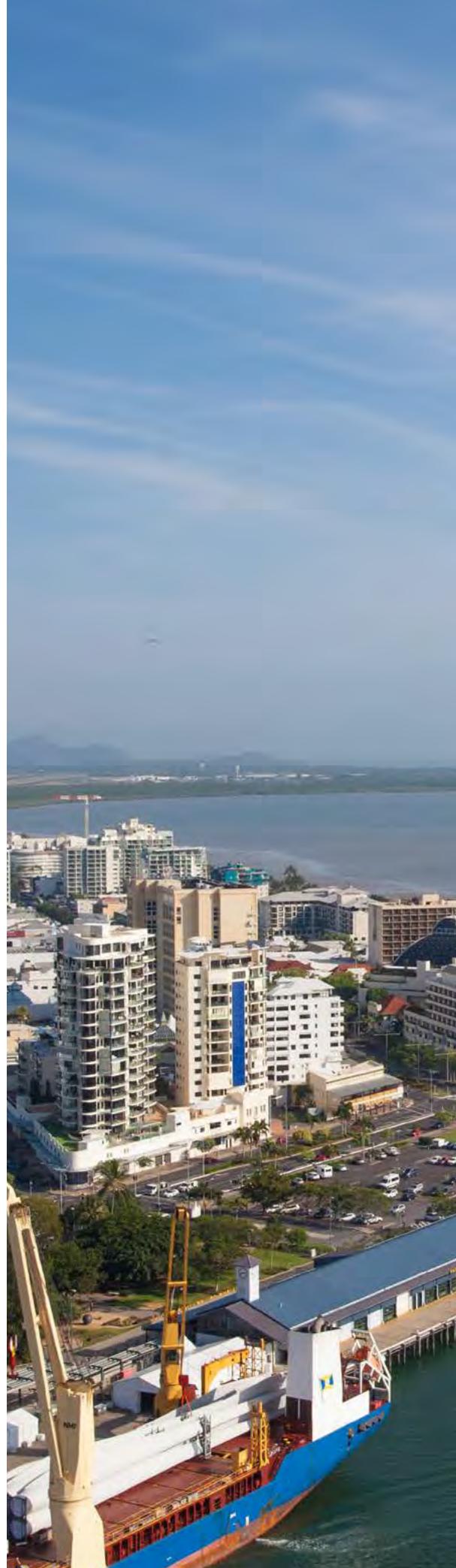
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Abbreviations

Consultation report	Report on public consultation for the review of inner harbour capital dredging for the Port of Cairns, 2020
Cairns Shipping Development Project	A project to deliver upgrades at the Port of Cairns to improve access for larger ships, including cruise ships, through capital dredging and other works
Explanatory notes	Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Anthony Lynham MP, Minister for State Development and Minister for Natural Resources and Mines
GBRWHA	Great Barrier Reef World Heritage Area
HMAS Cairns	Royal Australian Navy's HMAS Cairns base
Minister	Minister for Transport and Main Roads
National Assessment Guidelines for Dredging	National Assessment Guidelines for Dredging 2009
OUV	Outstanding Universal Value
Parliamentary Committee	Infrastructure, Planning and Natural Resources Committee
Ports Act	<i>Sustainable Ports Development Act 2015</i>
Ports Bill	Sustainable Ports Development Bill 2015
Ports North	Far North Queensland Ports Corporation Limited, trading as Ports North
Recommendation 12	Recommendation 12 of the Sustainable Ports Development Bill 2015 Report No. 6, 55th Parliament, Infrastructure, Planning and Natural Resources Committee, September 2015
Reef 2050 Plan	Reef 2050 Long-Term Sustainability Plan
Submitter/s	Submitter/s to the review of section 35(2)(b) and (3) of the <i>Sustainable Ports Development Act 2015</i>
The review	The review of section 35(2)(b) and (3) of the <i>Sustainable Ports Development Act 2015</i>
The Strategy	The Queensland Freight Strategy – Advancing Freight in Queensland
TMR	The Queensland Department of Transport and Main Roads
UNESCO	United Nations Educational, Scientific and Cultural Organization

1. Introduction

On 20 November 2015 the *Sustainable Ports Development Act 2015* (Ports Act) commenced. The purpose of the Ports Act is to provide for the protection of the Great Barrier Reef World Heritage Area (GBRWHA) through managing port-related development in and adjacent to the area (Part 1, Clause 2).

For the Port of Cairns, the Ports Act includes specific provisions (section 35(2)(b) and (3)) that allow the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns. Up to 50,000 cubic metres of material can be approved to a limit of no more than 150,000 cubic metres of material in a four-year period. These provisions were included in response to a recommendation from the then Infrastructure, Planning and Natural Resources Committee (Parliamentary Committee). The provisions recognise the importance of the Port of Cairns to the regional and State economy.

The Ports Act also includes provisions (section 38) that require a review of section 35(2)(b) and (3) to be completed within four years of the Act's commencement. The object of the review is to decide whether section 35(2)(b) and (3) are effectively achieving a balance between economic development and the protection of the GBRWHA. This report documents the outcomes of that review and summarises matters considered through it.



2. Object and requirements of the review

The Ports Act stipulates the object of the review and review requirements. These are presented in section 38:

Ports Act - section 38 review of s 35 in relation to capital dredging for Port of Cairns

- (1) *The Minister must review the operation of section 35(2)(b) and (3) within 4 years after its commencement.*
- (2) *The object of the review is to decide whether section 35(2)(b) and (3) is effectively achieving a balance between economic development and the protection of the Great Barrier Reef World Heritage Area.*
- (3) *Before carrying out the review, the Minister must publish a public notice stating–*
 - (a) *that the Minister proposes to review the operation of section 35(2)(b) and (3); and*
 - (b) *a phone number or email address to contact for information about the review; and*
 - (c) *that an entity may make a written submission to the Minister about the review; and*
 - (d) *the requirements for properly making a submission; and*
 - (e) *the period within which a submission may be made, which must be at least 20 business days after the public notice is published in the gazette.*
- (4) *In carrying out the review, the Minister must consider all submissions made in accordance with the public notice.*
- (5) *The Minister must, as soon as practicable after finishing the review, table a report about the outcome of the review in the Legislative Assembly.*

2.1 Object of the review

The object of the review is specified in section 38(2) of the Ports Act which states:

Ports Act - section 38(2)

The object of the review is to decide whether section 35(2)(b) and (3) is effectively achieving a balance between economic development and the protection of the Great Barrier Reef World Heritage Area.

Consistent with section 38 of the Ports Act, the purpose of the review can be summarised as:

- consider whether existing provisions that can permit the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns of up to 50,000 cubic metres of material to be approved to a limit of no more than 150,000 cubic metres of material in a four-year period are effectively achieving a balance between economic development and the protection of the GBRWHA.

Sections 35(2)(b) and (3) of the Ports Act stipulate the location and quantum of capital dredging that can occur for the Port of Cairns:

Ports Act - sections 35(2)(b) and (3)

- (2) *However, subsection (1) does not apply to an approval for development that is, or includes, capital dredging carried out for the purpose of establishing, constructing or improving a port facility–*
- (b) *for the Port of Cairns, if–*
- the dredging will be carried out in the port's inner harbour; and*
 - the approval does not permit the extraction or excavation of more than 50,000m³ of material; and*
 - the approval will not result in more than 150,000m³ of material being extracted from, or excavated in, the port's inner harbour in a 4-year period*
- (3) *In calculating whether an approval will result in more than 150,000m³ of material being extracted or excavated in a 4-year period, only the following amounts are relevant–*
- the amount of material being extracted or excavated under the approval;*
 - the amount of material extracted or excavated, or to be extracted or excavated, under another approval for development that is, or includes, capital dredging unless the capital dredging was the subject of an EIS [Environmental Impact Statement] process started before commencement.*

The Ports Act defines port facility to mean:

Ports Act - schedule 1

Port facility–

- Port facility means a facility or land used in the operation or strategic management of a port authority's port.*
- Port facility does not include a small-scale port facility to be used for tourism or recreation purpose.*

Examples of a small-scale port facility–

Boat ramp, boat harbour, marina.

2.2 Requirements of the review

Section 38(3), (4) and (5) of the Ports Act includes specific requirements for the conduct of the review which state:

Ports Act - section 38

- (3) Before carrying out the review, the Minister must publish a public notice stating—
- (a) that the Minister proposes to review the operation of section 35(2)(b) and (3); and
 - (b) a phone number or email address to contact for information about the review; and
 - (c) that an entity may make a written submission to the Minister about the review; and
 - (d) the requirements for properly making a submission; and
 - (e) the period within which a submission may be made, which must be at least 20 business days after the public notice is published in the gazette.
- (4) In carrying out the review, the Minister must consider all submissions made in accordance with the public notice.
- (5) The Minister must, as soon as practicable after finishing the review, table a report about the outcome of the review in the Legislative Assembly.

2.3 Review scope

The review was undertaken to fulfil the requirements of section 38 of the Ports Act. The review is specific to and limited by sections 38(2) and 35(2)(b) and (3) of the Ports Act. The review only relates to capital dredging activities within the inner harbour of the Port of Cairns. Matters relating to dredging in general, maintenance dredging, dredging outside the Port of Cairns inner harbour, or at other ports are beyond the scope of this review.

2.4 Policy objective of section 35(2)(b) and (3) and the review

The explanatory notes for amendments to be moved during consideration in detail for the Sustainable Ports Development Bill 2015 (Ports Bill) identify the policy objectives of amendments relevant to section 35(2)(b) and (3) of the Ports Act.

In its report about the Parliamentary Committee's consideration of the Ports Bill, a recommendation in relation to the Port of Cairns (Recommendation 12) was made. The Parliamentary Committee's recommendation was based on its concern that future growth of the port could be 'stilted' if the Port of Cairns was not designated a priority port.

Recommendation 12

The committee unanimously recommends the Minister considers declaring the Port of Cairns as a priority port following a considered assessment of:

- *the environmental impacts on the Great Barrier Reef*
- *the economic benefits to the Cairns region, and*
- *the government's commitments made to UNESCO and under the Reef 2050 Long-Term Sustainability Plan.*

In response to Recommendation 12, amendments to the Ports Bill were included to ensure future growth at the Port of Cairns while ensuring the protection of the GBRWHA. Section 35(2)(b) and (3); section 36(1)(b); and section 38 of the Ports Act resulted from those amendments. These sections:

- Allow an approving authority to permit the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns. Up to 50,000 cubic metres of material can be approved to a limit of no more than 150,000 cubic metres of material in a 4-year period.
- Require a review of the operation of section 35(2)(b) and (3) within four years of the Ports Act's commencement.

The limit on capital dredging approvals of 50,000 cubic metres or less was noted in the Explanatory Notes for the Ports Bill as being consistent with the *National Assessment Guidelines for Dredging* for small projects.

The inner harbour of the Port of Cairns was defined as being:

- *south of latitude 16°55'0.7" south and within the port's limits under the Transport Infrastructure Act, but outside the State marine park.*

Figure 1 – The inner harbour of the Port of Cairns



3. Review process

In recognition of requirements specified within the Ports Act for the review, the following was undertaken to meet section 38(1) and 38(3)(a-e):

- On 3 December 2019 public notices were published in The Cairns Post, The Australian and The Courier-Mail newspapers, detailing:
 - ▶ the Minister had initiated the review
 - ▶ the public consultation period
 - ▶ how to make a submission
 - ▶ that any person or entity may make a written submission about the review.
- The public consultation period extended from 3 December 2019 to 7 February 2020; a period of 45 business days (67 days in total).
- Information was also published on the Department of Transport and Main Roads (TMR) website and the Queensland Government Get Involved website including a fact sheet about the review (**Appendix A**); a fact sheet on how to make a submission; public notice advertisements; and contact details for readers seeking information.
- Two community and two industry information sessions were held during the public consultation period where departmental officers and officers from Ports North were available to talk to the community about the review.

Following the conclusion of the public consultation period, a consultation report (**Appendix B**) was prepared to document the consultation process and matters raised in submissions.

4. Examination of provisions

This section considers the provisions relevant to the review, the views of submitters received in response to the review and the reviews findings. The review is specific to and limited by sections 38(2) and 35(2)(b) and (3) of the Ports Act.

4.1 Submitter views

Submitters expressed a range of views about how dredging should or should not be regulated at the Port of Cairns.

Submitters strongly agreed with the need to balance economic development, social outcomes and the protection of the GBRWHA and the environment generally. Submitters also widely acknowledged the importance of the Port of Cairns to the community and economies of the region and State.

Most submitters queried if the HMAS Cairns navy facility is subject to the Ports Act and sought clarification about the application of provisions. Many of these submitters also commented on the importance of HMAS Cairns to the region and the importance of providing for its future expansion. Submitters recommended that HMAS Cairns and Defence projects be exempted from the provisions. They also recommended exemptions for any private/civilian projects that may require capital dredging to be undertaken because of works HMAS Cairns undertakes.

Most submitters commented that the Australian and Queensland government regulatory frameworks that apply to dredging are already sufficient to ensure the protection of the GBRWHA and the environment in general. These submitters also called for reducing restrictions that apply to the Port of Cairns.

Suggestions from submitters who called for reducing restrictions included:

- removing all restrictions
- removing the 50,000 cubic metre limit per approval on material that can be extracted
- allowing capital dredging of the outer shipping channel
- increasing the amount of material allowed to be extracted per individual approval and/or per four-year period.

Other submitters commented that existing restrictions applying to the Port of Cairns should be maintained. They noted that the Ports Act restrictions on capital dredging for the Port of Cairns were a key part of the Queensland Government response to the UNESCO World Heritage Committee's concern about the management of the GBRWHA.

Some submitters commented on the practicality of provisions and how they would operate. They suggested that provision should be made for larger dredging campaigns above the 50,000 cubic metre limit per approval. They argued that the 50,000 cubic metre limit per approval was arbitrary and that there was potential for adverse environmental and economic outcomes in situations where a project may need to be broken down into smaller separate components instead of being assessed and managed as a whole.

Other submitters commented that the 50,000 cubic metre limit per approval was an acceptable amount for individual proposals because of concerns about potential environmental impacts.

A number of submitters noted that the provisions had not been utilised since the commencement of the Ports Act in 2015. Some of the submitters who noted this commented that as the provisions had not been needed, a cautious approach should be taken if changes were considered because of recent reports about the condition and trend of the GBRWHA. Others commented the reason why the provisions hadn't been used was because of the Cairns Shipping Development Project, which included significant capital dredging of both the outer channel and inner harbour.

Several submitters commented on the importance of retaining provisions that permit at least some capital dredging to occur at the Port of Cairns to enable the port's future growth. These submitters noted the important role the port plays in the regional and State economy because of its strategic location, proximity to Asia, Papua New Guinea and the broader Far North Queensland region.

A number of submitters called for regulation to be evidence based. No stakeholder submitted that the provisions allowing capital dredging should be removed.

Submitters generally commented that further public consultation should be undertaken should any changes be proposed, with a number of submitters also calling for future reviews of the provisions.

Further information about the consultation process and matters raised submissions can be found in **Appendix B**.

4.2 Findings

The range of views and matters raised by submitters are acknowledged. Following consideration of all submissions received during the consultation period, the main finding of this review is that, at this point in time, section 35(2)(b) and (3) of the Ports Act are considered to be effectively achieving a balance between economic development and the protection of the GBRWHA.

These findings have been informed following consideration of the:

- completion of capital dredging activities for the Cairns Shipping Development Project
- absence of any applications and approvals for capital dredging seeking to utilise section 35(2)(b) and (3) since the commencement of the Ports Act
- absence of any known planned future capital dredging activities that would be hampered by the provisions.

Cairns Shipping Development Project

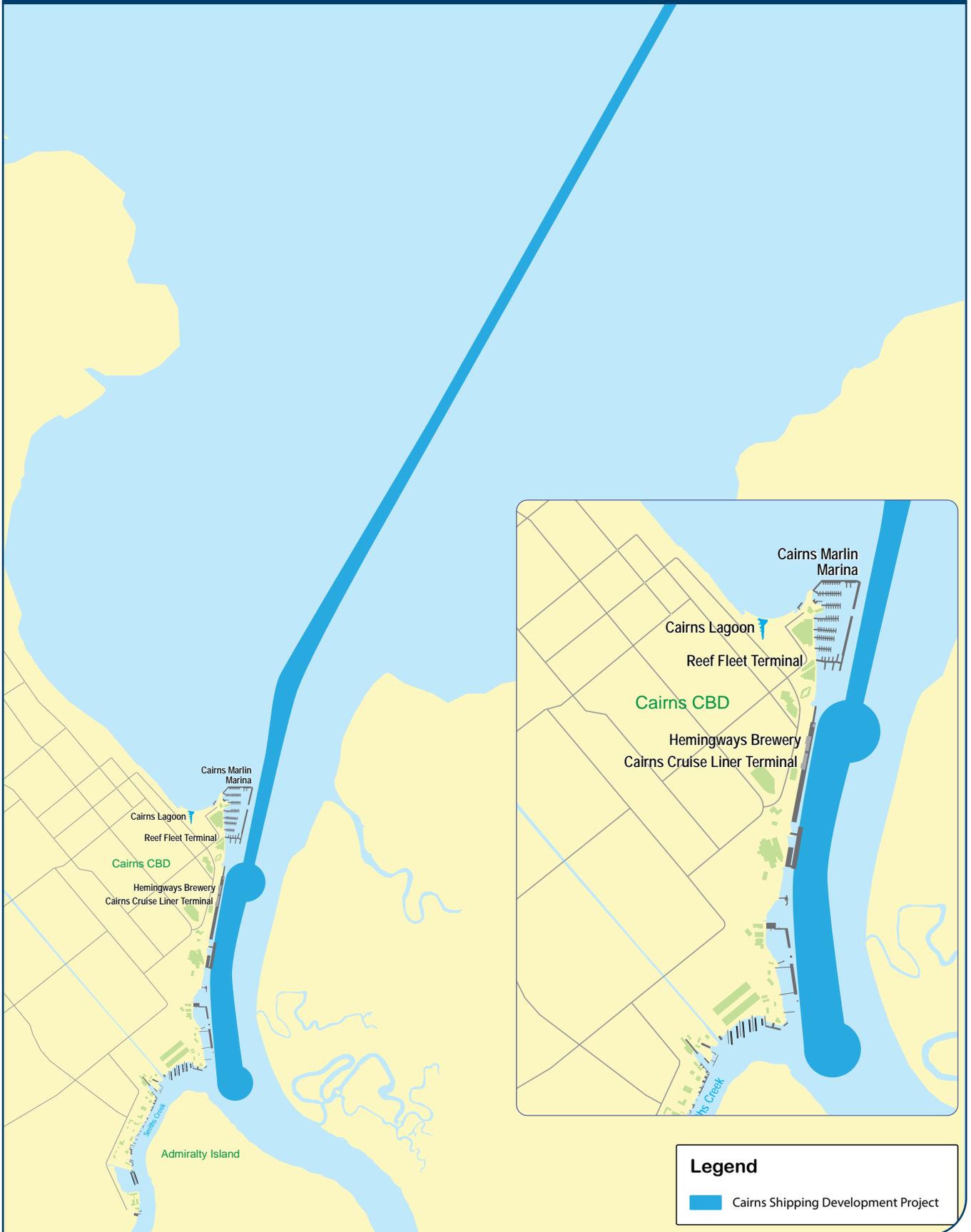
The Cairns Shipping Development Project is the major capital dredging project completed at the Port of Cairns since the commencement of the Ports Act. The project was a AU\$127 million investment by the Queensland Government to support the long-term economic future of the Port of Cairns.

The Cairns Shipping Development Project has resulted in significant improvements to maritime access and usability at the Port of Cairns, including the inner harbour. It included widening and deepening of the shipping channel, deepening of the existing Crystal swing basin, establishment of a new Smiths Creek swing basin and expansion of berth pockets. The project has enabled access for larger cruise ships and cargo carriers up to 300 metres in length, and enables the future expansion of the HMAS Cairns Naval Base by relocating an existing swing basin and allowing improved channel access for naval vessels.



Cruise ship at the Cairns Cruise Liner Terminal

Figure 2 – The Cairns Shipping Development Project



Applications and approvals for capital dredging

Since the commencement of the Ports Act, no applications or approvals for capital dredging for a port facility subject to sections 35(2)(b) and (3) of the Ports Act have occurred within the Port of Cairns's inner harbour. It is acknowledged that delivery of the Cairns Shipping Development Project has likely meant that other individual applications/approvals for capital dredging within the inner harbour of the Port of Cairns have not been required.

Planned future dredging activities

No submissions identified an immediate capital dredging need within the inner harbour or a scheduled need. A number of submitters did allude to, and comment on, possible future capital dredging requirements within the inner harbour but did not provide sufficient evidence to indicate that such dredging could not occur because of the provisions. It is recognised that capital dredging is normally undertaken in response to an immediate need, which explains why submitters were unable to provide definitive plans for future dredging requirements.

It is understood that the Department of Defence is planning to undertake capital dredging works and other improvements to marine infrastructure at the HMAS Cairns naval facility. Specific information about the works and the timeframes were not available to inform the review.

Based on a common understanding of the application of State legislation to Commonwealth entities (including the Department of Defence), it is understood that dredging works proposed to be undertaken by the Department of Defence would not be subject to the Ports Act and other State legislation from which approvals would normally be required for capital dredging works.

It is noted that the provisions subject to review do not restrict small-scale capital dredging for tourism or recreation purposes such as boat ramps, boat harbour or a marina.

Managing the protection of the GBRWHA

The Ports Act implements several Queensland Government port-related commitments and actions made under the Reef 2050 Long-Term Sustainability Plan (Reef 2050 Plan) to manage port-related development and to protect the Outstanding Universal Value of the GBRWHA. The commitments include restricting port-related capital dredging in the GBRWHA, 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.

The Queensland Government remains committed to protecting the Great Barrier Reef and the measures it has established through the Ports Act to meet its commitments under the Reef 2050 Plan.

Future review

It is recommended the provisions be reconsidered when the Ports Act is next reviewed. Any such review and subsequent recommendations for changes should follow established processes ensuring the community has an opportunity to have their say through public consultation.

5. Other matters raised by submitters

Submitters took the opportunity to raise many matters during the public consultation period. Some submitters acknowledged matters they raised were outside the scope of the review.

The list below is ordered by frequency of matters raised by submitters:

- priority port status for the Port of Cairns
- timing of the review
- placement of dredged material
- matters relating to the Cairns Shipping Development Project
- the advantages of sea freight over other means of cargo transport
- dredging at other ports
- marine park boundaries.

Priority port status for the Port of Cairns

Many submitters requested that Cairns be declared a priority port under the Ports Act citing its strategically important role in servicing the communities of Far North Queensland, its economic contribution to the region and State, its role in servicing defence needs and the recommendation from the Parliamentary Committee report into the Ports Bill.

Whilst not identified as a priority port, the Port of Cairns is recognised as a vital trade and tourism gateway for Far North Queensland. The Ports Act includes specific provisions that allow the carrying out of limited capital dredging within the inner harbour of the Port of Cairns. These provisions were included in recognition of the importance of the Port of Cairns and allow port capacity to expand in a staged and incremental way.

Timing of the review

Many submitters questioned the timing of the review. These submitters commented that it would have been better to undertake the review following the:

- formal completion of the Cairns Shipping Development Project
- release of the Business Case for the Cairns Shipping Development Project
- completion of shipping simulations to determine ship access following completion of the Cairns Shipping Development Project.

Submitters also commented that it would have been preferable to conduct public consultation for the review outside of the December/January school holiday period.

The requirement to conduct the review is set in the Ports Act. Section 38(1) of the Ports Act states that the Minister must review the operation of section 35(2)(b) and (3) within four years of the Act's commencement. The Ports Act commenced on 20 November 2015 making the review due at the end of 2019.

Placement of dredged material

Some submitters commented on Ports Act requirements related to the placement of dredged material and particularly the prohibition of at sea disposal. Submitters commented that a review should be undertaken into the environmental outcomes of placement restrictions to determine if they are resulting in better outcomes than at sea disposal.

The Ports Act delivers a number of Queensland Government key port-related commitments under the Reef 2050 Plan. These commitments banned sea-based placement of capital dredged material, and mandated that the material is beneficially reused. Examples of beneficial reuse include land reclamation, beach nourishment and environmental restoration, such as restoring wetlands or nesting islands.

Matters relating to the Cairns Shipping Development Project

Some submitters questioned the design and scope of the Cairns Shipping Development Project. They submitted that the scope of the project should have been scaled to ensure that Voyager Class cruise ships (which are longer than 300 metres) could access the Port of Cairns. These submitters commented that the trend in the cruise ship industry was for cruise lines to purchase increasingly larger ships that would be unable to access the Port unless further dredging is undertaken.

The final design and scope of the project was determined to provide the most cost-effective way of addressing the service needs and infrastructure challenges facing the port. It was the subject of a detailed business case developed by Building Queensland in partnership with Ports North. Building Queensland is an independent statutory body responsible for providing expert advice to Queensland Government agencies, government-owned corporations and selected statutory authorities.

The advantages of sea freight over other means of cargo transport

Some submitters commented on the advantages of moving cargo by sea rather than other transport modes. Such comments noted benefits such as reductions in greenhouse gas emissions, safety and improved environmental and economic outcomes.

Queensland has a diverse freight system that moves goods across the state using a mix of road, rail, sea and air transport. TMR is focused on ensuring that Queensland is well-positioned to capitalise on growth opportunities with a strategy to ensure the safe, efficient and sustainable movement of freight. Sea freight is recognised as an important component of the transport mix in *The Queensland Freight Strategy – Advancing Freight in Queensland*. The Strategy also recognises the importance of environmental considerations.

In addition to the Strategy, the Queensland Government has established a Maritime Jobs Taskforce to work with industry and maritime unions to identify practical ideas and opportunities that will support maritime jobs, and encourage intrastate shipping. By finding ways to encourage growth in intrastate shipping, Queensland can explore opportunities for job creation, especially in the area of vessel crewing and training and increasing the use of local crews in Queensland.

Dredging at other ports

One stakeholder suggested that capital dredging should be allowed at other Queensland ports in addition to that permissible at the four priority ports and the Port of Cairns.

The Ports Act establishes a legislative framework to balance the protection of the Great Barrier Reef with the development of the state's major bulk commodity ports in that region. The Ports Act concentrates port development in the Great Barrier Reef by prohibiting major capital dredging for the development of new or expansion of existing port facilities in the GBRWHA outside the priority ports of Gladstone, Townsville, Hay Point/Mackay and Abbot Point and the inner harbour of the Port of Cairns.

Marine Park boundaries

One stakeholder suggested changes to the marine park boundaries to excise the Port of Cairns limits so as to remove conflict of use.

The boundaries of the Great Barrier Reef Marine Park (Australian Government) and the Great Barrier Reef Coast Marine Park (Queensland Government) are defined in Australian and Queensland legislation outside the Ports Act. Changes to the boundaries of these areas are not being considered.

6. Review conclusion

The economic and social importance of the Port of Cairns to Far North Queensland and the State is undisputable. Since it was first established the port has evolved to meet the needs of the community and region it serves. The port has evolved from supporting the hinterland mining industry to being a vital hub for Far North Queensland facilitating tourism, trade, marine maintenance, sustaining our remote northern communities and supporting defence through the Royal Australian Navy's HMAS Cairns base (HMAS Cairns).

The importance of the port was evident in the submissions received about this review. Submitters canvassed a broad range of matters and made many suggestions predominantly focused on ensuring the port can continue to grow in a managed way that achieves a balance between economic development and protection of the GBRWHA.

The Queensland Government also recognises the importance of the Port of Cairns and is investing in its future. The Cairns Shipping Development Project is the most recent example of this. The Government's \$127 million investment through this project has delivered a wider and deeper shipping channel and associated upgrades to wharves and the inner harbour.

In addition to the Cairns Shipping Development Project it is anticipated that works to improve the HMAS Cairns naval facility will be undertaken by the Australian Government Department of Defence. Based on the application of State legislation to Commonwealth entities (including the Department of Defence), it is understood that capital dredging works associated with improvements to HMAS Cairns will not be subject to the Ports Act and other State legislation from which approvals would normally be required for capital dredging works.

The Cairns Shipping Development Project and improvements to the HMAS Cairns will ensure that the Port of Cairns is well positioned to cater for future economic growth.

Additionally, Ports North is currently undertaking a Master Planning Project to advance the Cairns Marine Precinct and the Port of Cairns. This work will ensure the Cairns Marine Precinct and its maintenance and repair facilities can continue to grow to the year 2050. The master planning process will consider economically feasible future growth pathways whilst ensuring environmental values are protected and that the port grows compatibly with the community.

In accordance with section 38(2) of the Ports Act, the review has considered whether sections 35(2)(b) and (3) are effectively achieving a balance between economic development and the protection of the GBRWHA. The completion of the Cairns Shipping Development Project, no fettering of future HMAS Cairns expansion by the provisions, and the absence of examples that demonstrate sections 35(2)(b) and (3) of the Ports Act are restricting economic development, means that no changes to the provisions are recommended at this time.

When the Ports Act is next reviewed the provisions should be reconsidered to ensure they are still effectively achieving a balance between economic development and the protection of the GBRWHA.



Appendix A

Consultation factsheet

Sustainable Ports Development Act 2015

Review of inner harbour capital dredging for the Port of Cairns

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1. Introduction

The *Sustainable Ports Development Act 2015* (the Ports Act) provides a legislative framework for sustainable port development in Queensland and implementing the governments key port-related commitments and other actions of the *Reef 2050 Long-Term Sustainability Plan* (Reef 2050 Plan). Restrictions on capital dredging are part of these requirements and commitments.

For the Port of Cairns, the Ports Act includes specific provisions (section 35(2)(b) and (3)) that allows the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns. Up to 50,000 cubic metres of material can be approved to a limit of no more than 150,000 cubic metres of material in a four-year period.

The Ports Act also includes provisions (section 38) that require a review of sections 35(2)(b) and (3) to be completed. The review required by section 38 of the Ports Act is currently underway and the purpose of this factsheet is to provide information about the review.

1.1 Reef 2050 Long-Term Sustainability Plan

The Reef 2050 Plan is a comprehensive plan developed by the Australian and Queensland Governments to secure the health and resilience of the Great Barrier Reef, and to protect the Outstanding Universal Value (OUV) of the Great Barrier Reef World Heritage Area (GBRWHA). The Reef 2050 Plan included commitments that related to the management of port-related development.

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.

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 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 several 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 between economic development and the protection of the GBRWHA that the Queensland Government is working to achieve through the legislation.

For the Port of Cairns, the Ports Act includes specific provisions (section 35(2)(b) and (3)) that allow the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns. Up to 50,000 cubic metres of material can be approved to a limit of no more than 150,000 cubic metres of material in a four-year period. These provisions were included in response to a recommendation from the Infrastructure, Planning and Natural Resources Committee (Parliamentary Committee). The provisions recognise the importance of the Port of Cairns to the regional and state economy.

The Ports Act also includes provisions (section 38) that require a review of section 35(2)(b) and (3) to be completed.



1.3 Ports North

Far North Queensland Ports Corporation Limited, trading as Ports North, is a Queensland Government Owned Corporation responsible for the development and management of the Ports of Cairns and several other smaller north Queensland ports. Ports North has a proud and rich history, being first established as the Cairns Harbour Board in 1906.

Under the *Transport Infrastructure Act 1994*, Ports North facilitates trade and waterfront related development, operations and maintenance, including provision of infrastructure for vessel access and trade (including channels and berths) and for the ongoing maintenance of the developed channel and inner port berth facilities.

The Port of Cairns facilitates passenger, cargo and tourism activities across several market sectors including:

- domestic and international cruise
- general and project based commodities
- bulk cargo such as fuels, sugar (wet and dry)
- marine maintenance
- defence through the Royal Australian Navy's 'HMAS Cairns' base located within Trinity Inlet

It also supports a range of significant tourism operators servicing the Great Barrier Reef and outer islands, and a significant fishing fleet of commercial vessels.



Cairns Marlin Marina premier destination for international super yachts

2. Review purpose and scope

This review is being undertaken to fulfil the requirements of section 38 of the Ports Act. The review is specific to, and limited by sections 38(2) and 35(2)(b) and (3) of the Ports Act. **The review only relates to new capital dredging activities within the inner harbour of the Port of Cairns.** Matters relating to dredging in general, maintenance dredging, dredging outside the Port of Cairns inner harbour, or at other ports are beyond the scope of this review.

Consistent with section 38 of the Ports Act, the purpose of the review is to:

- consider whether the existing provisions that can permit the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns of up to 50,000 cubic metres of material to be approved to a limit of no more than 150,000 cubic metres of material in a four-year period are effectively achieving a balance between economic development and the protection of the GBRWHA.

Section 38(2) states:

The object of the review is to decide whether section 35(2)(b) and (3) is effectively achieving a balance between economic development and the protection of the Great Barrier Reef World Heritage Area.

Sections 35(2)(b) and (3) state:

(2) However, subsection (1) does not apply to an approval for development that is, or includes, capital dredging carried out for the purpose of establishing, constructing or improving a port facility–

(b) for the Port of Cairns, if–

- (i) the dredging will be carried out in the port's inner harbour; and*
- (ii) the approval does not permit the extraction or excavation of more than 50,000m³ of material; and*
- (iii) the approval will not result in more than 150,000m³ of material being extracted from, or excavated in, the port's inner harbour in a 4-year period*

(3) In calculating whether an approval will result in more than 150,000m³ of material being extracted or excavated in a 4-year period, only the following amounts are relevant–

- (a) the amount of material being extracted or excavated under the approval;*
- (b) the amount of material extracted or excavated, or to be extracted or excavated, under another approval for development that is, or includes, capital dredging unless the capital dredging was the subject of an EIS process started before commencement.*

The Ports Act defines port facility to mean:

Port facility–

- 1 Port facility means a facility or land used in the operation or strategic management of a port authority's port.*
- 2 Port facility does not include a small-scale port facility to be used for tourism or recreation purpose.*

Examples of a small-scale port facility–

Boat ramp, boat harbour, marina

3. The Port of Cairns and its inner harbour

Cairns was established to provide a port for the hinterland mining industry. What we now know as the Port of Cairns (managed by Ports North) was first managed in 1906 by the then Cairns Harbour Board, then Cairns Port Authority and today, Ports North.

The port has been central to the growth of Cairns and the region and has evolved to meet changing needs and conditions.

The Port of Cairns inner harbour is delineated by the Ports Act to be the area that is:

- south of latitude 16° 55' 0.7" south and within the port's port limits under the *Transport Infrastructure Act 1994*;
- but outside the State Marine Park.

The inner harbour is shown in Figure 2.

The inner harbour area is not part of the Great Barrier Reef Marine Park.

3.1 Cairns and its port

The Port of Cairns is a vital hub for Far North Queensland, facilitating tourism and trade. The port is the backbone of the regional economy and plays a critical role connecting remote communities. It is a multipurpose regional port comprised of two main precincts, a northern tourism precinct and a southern trade and industrial precinct.

The tourism precinct includes:

- The Cairns Marlin Marina — a 261-berth facility accommodating a variety of cruising vessels and reef vessel operations servicing the Great Barrier Reef.

Figure 1 — The first staff of the Cairns Harbour Board, 1906



Figure 2 — Port of Cairns inner harbour



- Sailfish Quay, within the Cairns Marlin Marina, provides world-class superyacht berths. The Reef Fleet Terminal provides the gateway to the Great Barrier Reef for approximately one million passengers who visit the reef from Cairns each year.
- The Cairns Cruise Liner Terminal is also located within the tourism precinct and caters for up to 60 cruise ships each year, making it one of the top four cruise ship destinations in Australia.

The trade and industrial precinct includes multiple wharves and two barge ramps that cater for a diverse range of customers, from bulk and project cargo to general cargo for products such as petroleum products, sugar, fertiliser and liquid petroleum gas. The precinct is also the location of the Cairns Naval base, and mooring facilities for one of Australia's largest fishing fleet.

The trade and industrial precinct houses extensive ship building and repair services with four major slipways and dry docks with capacity of 3000 tonnes that cater for a range of ship maintenance requirements. There is a purpose-built lay down facility for heavy duty project cargo, and the precinct has key links to road and rail.

The Port of Cairns is the natural consolidation and redistribution centre for supplies shipped to the coastal communities north of Cairns as well as the Torres Strait Islands and the Gulf of Carpentaria.

3.2 The inner harbour environment and monitoring

The inner harbour of the Port of Cairns is a seasonally affected estuarine environment. There are adjacent urban and industrial areas as well as extensive mangrove forests adjacent to the inner harbour.

The values for which the Wet Tropics World Heritage Area and the GBRWHA were prescribed exist in the Cairns area. This section describes the general environmental values of the inner harbour and the areas immediately adjacent to it.

Ports North has established Environmental Management Systems to ensure compliance with regulation and to assist in the continual improvement of performance and leading environmental practice. Ports North also undertakes regular environmental monitoring including for the inner harbour area. Further information about Ports North's environmental monitoring activities can be found at <https://www.portsnorth.com.au/environment-community/environment/>

3.2.1 Water quality

Water quality within the inner harbour varies based on a range of factors that typically relate to the time of year and weather events. The types of anthropogenic sources that influence inshore marine areas such as Trinity Inlet are common along the Queensland coast.



Visiting naval vessels are a common site at the Port of Cairns, where the HMAS Cairns Naval Base is located

Ports North undertakes a regular water quality monitoring program for the Port of Cairns, which commenced on a routine basis in 1995. This led to the Trinity Inlet Water Quality Guidelines during the establishment of the Trinity Inlet Management Plan during the 1990s.

Storm water runoff from activities within the broader catchment or from port land has the potential to carry litter, sediments, nutrients and other contaminants into the surrounding port environment. Ports North's water quality monitoring aims to determine the condition of the waterway so the effectiveness of established control measures can be assessed.

Specific monitoring may be instigated during maintenance or development works where a possible risk to surrounding sensitive areas (e.g. seagrass) has been assessed, and monitoring is enacted as a management measure.

3.2.2 Marine sediment

Trinity Inlet and the inner port feature highly mobile fine sediment. This is due to Trinity Inlet being a north facing, sheltered coastal embayment with sediment accretion occurring because of longshore and riverine supplies of fine silts and clays. The findings of sediment testing indicate that outer channel and inner port sediments are typically characterised by a large proportion of silts and clays and small proportions of sand and gravel (near the mouth of Trinity Inlet).

Subtidal soft sediments comprise most benthic habitats within the port limits and wider Trinity Inlet area. High turbidity and low light regimes preclude the establishment of significant sub tidal seagrass beds, or 'reef' communities (coral, sponge, algal etc), and these habitat types reflect the prevailing sedimentary status of the Inlet. A full description of the marine sediment status for the Port of Cairns is outlined in the contemporary WQA17 report completed under the Reef 2050 Plan and is accessible via <https://www.tmr.qld.gov.au/business-industry/Transport-sectors/Ports/Dredging>

Detailed sediment quality characterisation studies have been undertaken within Cairns Port since 1995. Since that time, there has been an annual Sediment Analysis Plan process enacted, to evaluate potential contaminants and to understand overall ambient sediment quality within the port. This program, implemented as a component of the monitoring required for the various approvals, has indicated a stable or declining trend in priority contaminants of concern, namely those arising from shipping and vessel maintenance activities. Material from the inner port area has been assessed as uncontaminated.

3.2.3 Mangroves, seagrass and the Trinity Inlet declared Fish Habitat Area

Mangrove communities exist adjacent to the inner harbour area. The Trinity Inlet declared Fish Habitat Area (FHA) lies outside the border of the inner harbour area (shown in Figure 3).

The habitat values of the FHA include extensive mangrove zones, seagrass beds off the Cairns esplanade, patchy areas of saltmarsh and intertidal flats.

Due to the absence of significant intertidal areas of suitable topography within the inner port area, seagrass beds are generally only found in isolated pockets within the inner port area.

Seagrasses have been monitored annually in Cairns Harbour and Trinity Inlet since 2001. Each year all seagrass monitoring meadows representing the range of different seagrass community types found in Cairns are mapped and assessed for changes in biomass and species composition. These metrics are then used to develop a seagrass condition index. In addition to the established annual monitoring program, regular assessments of seagrass condition, seed bank density and viability, and benthic light are conducted at a key seagrass recovery site within the Ellie Point to the Esplanade intertidal meadows.

3.2.4 Benthic communities

Studies have found benthic communities of flora and fauna are of generally low densities in Trinity Inlet due to the high natural sedimentary regime and seafloor structure which comprises silts and clays. Macroinvertebrates ('infauna') in offshore and estuarine areas have significantly varying community assemblages dependent on sediment class and locations of sampling (by coastline proximity and depth), with variations in species diversity between wet and dry seasons.

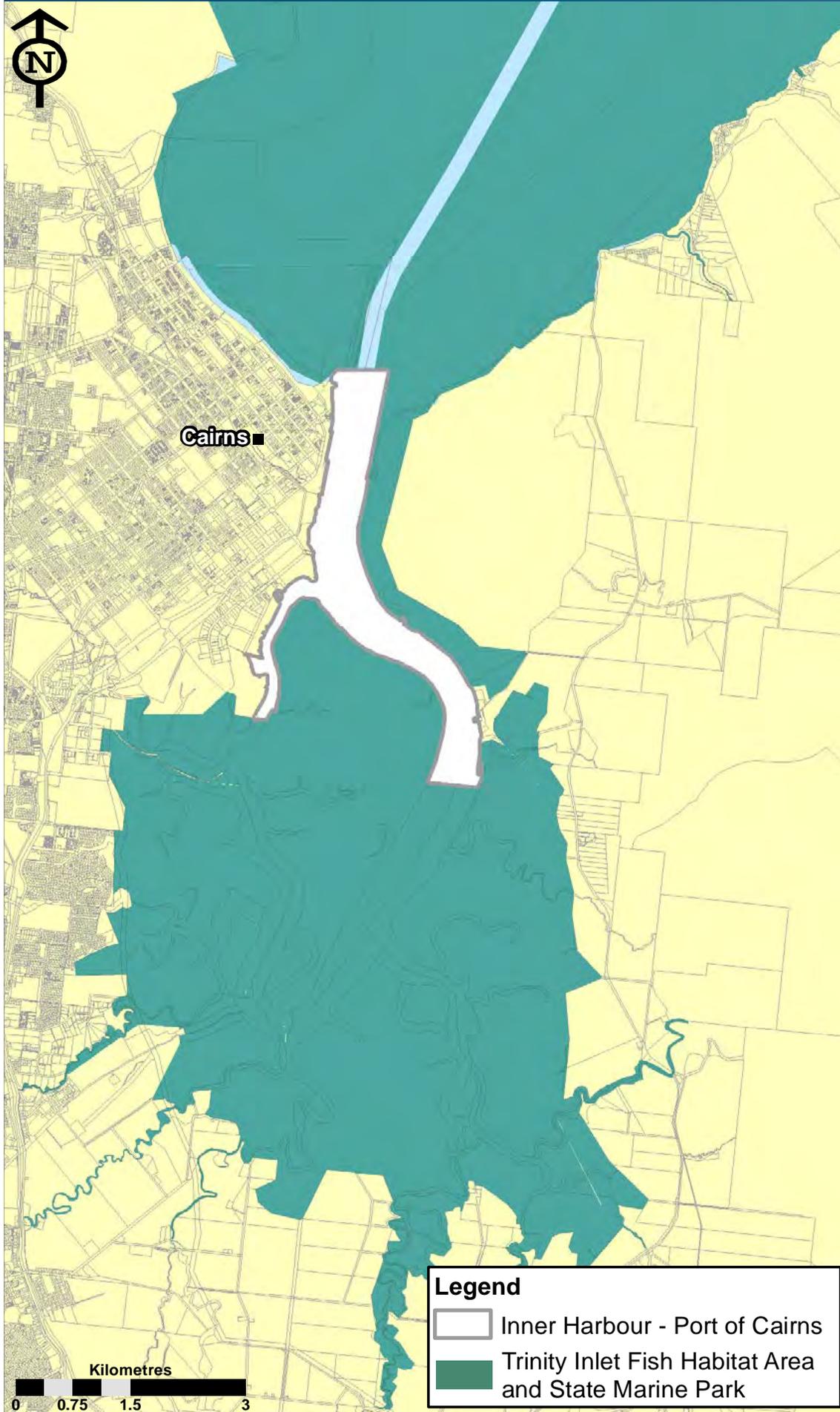
3.2.5 Protected wildlife

The Cairns region, and Trinity Inlet in particular, has a very low amount of resident protected marine wildlife, with occasional sightings of crocodiles, marine turtles and dolphins. Most sighted animals are likely to be transiting through the area.

3.2.6 Biosecurity

Baseline surveys for marine pests were completed at the Port of Cairns during the early 2000s to determine the existing marine communities and determine whether any non-indigenous species, of pest status or otherwise, were present. Sampling for certain marine pests is included in the Sediment Analysis Plan and through periodic checking of devices deployed in the water adjacent to port infrastructure (wharfs, moorings and jetties) to sample larval and juvenile marine pests if they establish. Ports North continues to work with and facilitate the monitoring efforts by the respective agencies with interests in marine bio-security, including Biosecurity Queensland to enhance awareness of and appropriate response to marine biosecurity matters.

Figure 3 — Fish Habitat Area and Marine Park boundaries



4. The economic importance of the Port of Cairns

The Port of Cairns and its future development is important for Far North Queensland and the state.

With ten wharves, easy channel access, no shipping congestion and a world-class maritime industry the Port of Cairns is the most northern trading port on the eastern seaboard of Australia, and the natural centre for supplies shipped to the mining and coastal communities north and west of Cairns including the North East Mineral Province, the Torres Strait Islands and Gulf of Carpentaria.

The port services a diverse range of users including a naval base, tourist operators, cruise ships, super yachts, cargo vessels, commercial fishers, shipyards and recreational users.

The inner port area is a key interface area, comprising the main areas of tourism, trade and industrial access for the facilitation of trade important to the Cairns central business district (CBD) and Far North Queensland and hinterland region. The economic importance of the wharf and associated channel infrastructure is significant in terms of direct and indirect benefits, but also

in terms of strategic positioning of defence and commercial fishing fleet, and the associated vessel sustainment.

It has been estimated that the value of 'Port Dependent Industries' for the Port of Cairns for 2013–14 were:

- \$58 million for sugar and molasses
- \$190 million for tourism
- \$40 million for general trade

'Port Dependent Industries' are those industries dependent on the use of the seaports for their existence including in the region, parts of tourism, sugar, live cattle and mineral production.

The estimated turnover and employment because of overall direct economic impacts for the Port of Cairns for 'Port Related Industries' for 2013–14 were estimated to be \$838 million and 3776 jobs respectively.



Superyachts berth at Sailfish Quay - Cairns Marlin Marina

'Port Related Operations' include all activities and servicing back-up for movements between land and sea through ports including those generated by tourism and recreation activities involving movement of people as well as loading and discharge of cargoes. They also include the operation of vessels for fishing, trade and work purposes, defence, and surveillance. It also covers the operations of slipways, the marine repair and maintenance activities and administrative and marine related government functions.

The economic activity generated by the Port of Cairns were estimated to account for a total of about 5.9 per cent of Gross Regional Product (GRP) and about 7.9 per cent of employment in the region including the Far North Queensland Statistical Division plus the Carpentaria area.

- 'Port Related Operations' were about 4.3 per cent of GRP and 5.7 per cent of employment.
- 'Port Dependent Industries' were about 1.6 per cent of GRP and 2.2 per cent of employment.

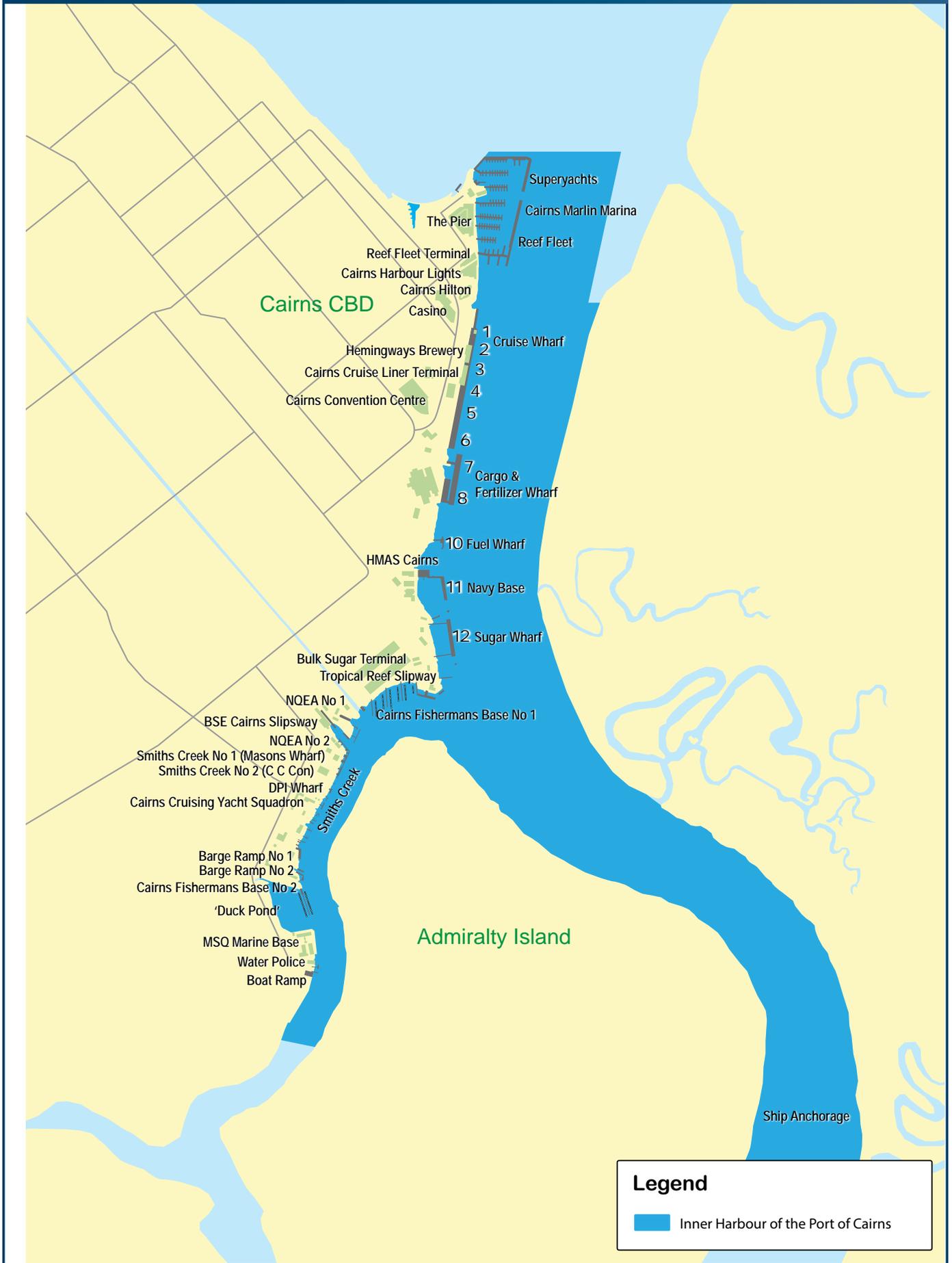
The Port of Cairns was estimated to generate employment approaching 10,500 composed of about 3776 directly in 'Port Related Operations', 2069 directly in 'Port Dependent Industries' generating a further flow-on of about 4651 extra jobs in the region.

The figures used in this section are from the report Economic Impact 2013/14 (J2782), September 2014 prepared by Cummings Economics for Ports North.



Cargo is loaded on to a barge at the cargo and fertiliser wharves 7&8 at the Port of Cairns

Figure 4 — Inner harbour - port infrastructure



5. What's capital and maintenance dredging?

'Dredging is an essential part of port operation. It will always be required to ensure shipping channels are developed and maintained to enable international trade and the economic growth of Australia (Dredging and Australian Ports; Subtropical and Tropical Ports' Ports Australia - April 2014).

There are two distinct types of dredging activities: capital dredging and maintenance dredging. Both types are subject to comprehensive regulatory approval processes. Further information about the management of dredging activities can be found at <https://www.tmr.qld.gov.au/business-industry/Transport-sectors/Ports/Dredging>

5.1 Capital dredging

Capital dredging is the removal and relocation of natural, previously undisturbed seabed to increase water depth for shipping channels, swing basins and berth pockets.

Sea dumping, or the placement of capital dredged material at sea is prohibited within the GBRWHA through Queensland and Australian Government legislation.

In Queensland the Ports Act puts into effect the Government's key port related commitments in the Reef 2050 Plan, including prohibitions on capital dredging, and banning the sea-based placement of capital dredged material (Part 3).

5.2 Maintenance dredging

Maintenance dredging is the removal of mobile natural sediments that settle into existing channels, basins and berth pockets to ensure continued safe navigational movement of vessels and port operations.

It is a Queensland Government requirement that all ports operating in the GBRWHA, develop a Long-term Maintenance Dredging Management Plan that complies with the Maintenance Dredging Strategy for Great Barrier Reef World Heritage Area Ports. Further information about maintenance dredging can be found at <https://www.tmr.qld.gov.au/business-industry/Transport-sectors/Ports/Dredging/Maintenance-dredging-strategy/Guidelines-for-long-term-maintenance-dredging-management-plans>



The cruise ship at the Cairns Cruise Liner Terminal

The review only relates to new capital dredging activities within the inner harbour of the Port of Cairns. Matters relating to dredging in general, maintenance dredging, dredging outside the Port of Cairns inner harbour, or at other ports are beyond the scope of this review.



6. Dredging history at the port

Dredging has occurred at the Port of Cairns since at least 1885 when the inhabitants of Cairns put a petition to government seeking assistance in dredging the port to allow ships to reach the existing wharves at any stage of the tide.

In 1885 dredging commenced on a 200-foot wide and 13-foot deep channel. The dredger *Platypus* was used to carry out the work and in 1887 a further programme of 15-foot dredging commenced. Thereafter dredging has kept the new channel open despite continual silt deposition. This dredging gave Cairns “the finest harbour in Queensland” according to the 1887 Pugh’s Queensland Almanac and Directory.

The then Cairns Port Authority (now known as Ports North) owned and operated its own dredge *The Trinity Bay* from around 1913 to 1974. This dredge was routinely used for land reclamation projects within the inner port and Portsmith areas before being sunk off Euston Reef in 1981 by RAAF aircraft. In general, dredge material would be placed onshore ‘when required’ with the majority being placed at sea. Records indicate

that around 100,000 tonnes of dredge material would be brought ashore annually, when land reclamation projects were in progress.

These activities probably included both capital and maintenance dredging activity, and retrieved a quality of material that was suitable to play a role in the early beneficial land-based reuse activities at the Port of Cairns, to build up low lying areas now under the Cairns CBD and adjacent industrial areas.

In 1990 capital dredging of the Trinity Inlet shipping channel was widened from 76 metres to 90 metres to accommodate the fuel tanker ‘*Ampol TVA*’. The *Ampol TVA* was the primary vessel commissioned to supply fuel to Queensland ports at that time.

CAIRNS.

Cairns is a Municipal town on Trinity Bay, at the mouth of Trinity Inlet, in S. Lat. 16°55, E. Long. 145°49. It possesses the finest harbour in Queensland, and vessels of any tonnage could discharge alongside the wharves if the bar were cut through. It is the nearest port for the Herberton tinfields, and also for the Mulgrave goldfield, and is surrounded by miles of the finest sugar lands, which include Messrs. Swallow and Derham’s, Loridan’s, Mount Buchan, Hop Wah and Co.’s and other plantations. It is also the port for enormous cedar forests. It has frequent and regular communication with the South, having two steamers calling every week, from north and south besides other vessels.



No. 4 Wharf Under Construction 1915. (This has since been Completed.)

Concrete wharves commence construction – 1910



S.S. "Perthshire" arriving at Concrete Wharf. The first overseas vessel to enter the Port of Cairns.

First overseas vessel docks in 1913 – SS Perthshire



Passengers on Burns Philip Wharf, Cairns, 1895



Cairns wharves early 1900s showing log paddock in foreground

Figure 5 – Cairns Shipping Development Project





REEF FLEET TERMINAL

MARLIN WHARF

Reef Fleet Terminal gateway to the Great Barrier Reef

7. Capital dredging 2015-2019

Within the review period 2015 to 2019, no capital dredging subject to sections 38(2) and 35(2)(b) and (3) of the Ports Act has taken place within the Port of Cairns's inner harbour for the purposes of port facilities as defined by the Ports Act.

Since the widening of the Trinity Inlet shipping channel in 1990, the only capital dredging that has occurred for a port facility was the CityPort marina dredging in 2002–2003, and more recently the Cairns Shipping Development Project (discussed below).

7.1 The Cairns Shipping Development Project

The Cairns Shipping Development Project is not subject to this review because its approval processes started prior to the commencement of the Ports Act and as such is exempted by the transitional provisions in section 49 of the Ports Act.

In 2012 Ports North submitted a proposal for capital dredging to improve access for larger cruise ships to the Port of Cairns. The project, the Cairns Shipping Development Project was approved by the Australian and Queensland Governments in 2018 because its approval processes started prior to the commencement of the Ports Act in 2015.

The Cairns Shipping Development Project was a Ports North initiative. It involved capital dredging to enable access for larger cruise ships (up to 300 metres in length) and to expand berthing capacity for the Royal Australian Navy's HMAS Cairns base. It included widening and deepening of the shipping channel and deepening of the existing Crystal swing basin, establishment of a new Smiths Creek swing basin and expansion of berth pockets, as detailed in Figure 8.

The Cairns Shipping Development Project was declared a significant project requiring an environmental impact statement on 24 September 2012 under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

On 28 February 2018 the Coordinator-General's evaluation report on the environmental impact statement was released. Separately, the Australian Government Department of Environment and Energy has made an assessment and granted approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Further information about the Cairns Shipping Development Project can be found at <https://www.portsnorth.com.au/ports-north-projects/cairns-shipping/>

Dredging works for the Cairns Shipping Development Project were successfully completed between June and September 2019 utilising the TSHD Balder R and Backhoe dredge Woomera with all material placed on land, including for beneficial reuse. Under a million cubic meters of material was removed and the depth and width of sections of the channel increased. Channel declaration was enhanced from -8.3 metres to -9.2 metres lowest astronomical tide (LAT).

7.2 Planning ahead

Ports North is currently undertaking a Master Planning Project for the Port of Cairns. The Master Plan will look forward for 30 years to the year 2050. The master planning process will consider economically feasible future growth pathways whilst ensuring environmental values are protected and that the port grows compatibly with the community.

Protection of World Heritage Values associated with the GBRWHA will be a key consideration.

Information about the Master Planning project can be found at <https://www.portsnorth.com.au/ports-north-projects/master-planning/>



8. How are capital dredging activities managed?

The Australian and Queensland governments have established comprehensive regulatory frameworks to assess proposals and manage capital dredging activities. All capital dredging activities in Queensland are managed under both State and Commonwealth legislation.

8.1 Prohibition of sea-based placement of capital dredged material

The placement of material in the Great Barrier Reef Marine Park from capital dredging projects is prohibited under both State and Commonwealth legislation.

The Ports Act came into effect on 20 November 2015 and gives effect to government port related commitments including:

- Prohibiting the sea-based placement of port-related capital dredged material within the GBRWHA.
- 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, Townsville, Hay Point/Mackay and Abbot Point.

The Australian Government has also established a regulation that ends the placement of dredge material in the Great Barrier Reef Marine Park from capital dredging projects such as port developments.

The regulation, under the *Great Barrier Reef Marine Park Regulations 1983*, came into effect on 2 June 2015.

The effect of the regulation is as follows:

- The Great Barrier Reef Marine Park Authority must not grant a permission for conduct that includes placement of capital dredged material in the Marine Park.
- The prohibition applies to existing permits for conduct that includes uncontained placement of capital dredge material in the Marine Park where the permits have yet to expire.

8.2 Australian Government legislation

Australian Government legislation relating to the regulation of dredging include:

- *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places (matters of national environmental significance).
- *Great Barrier Reef Marine Park Act 1975 (GBRMP Act)* provides for the long-term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.
- *The Great Barrier Reef Marine Park Regulations 1983* prohibits the placement of dredge material in the Great Barrier Reef Marine Park from capital dredging projects such as port developments.



Wind turbine blades being unloaded at Port of Cairns wharves 4 and 5



8.3 National Assessment Guidelines for Dredging 2009

The *National Assessment Guidelines for Dredging 2009* (NAGD) seeks to provide clear, consistent standards and criteria for assessment of dredged material, and to facilitate better decision-making by regulators, by improving the quality of information on which assessments are based. The NAGD are actively used by all ports and regulators and form the basis of the approvals process. The NAGD should be read in conjunction with all other Australian Government legislation relating to the regulation of dredging.

8.4 Queensland Government legislation

Queensland Government legislation applies to dredging that occurs within State Waters. As all ports within the GBRWHA also reside within Queensland State Waters, Queensland legislation is applicable to all GBRWHA port dredging operations.

The primary state legislation includes:

- *Transport Infrastructure Act 1994* requires Queensland ports to undertake dredging to fulfil their requirement to provide and operate effective and efficient port facilities and services.
- *Marine Parks Act 2004* supports the creation of a comprehensive and balanced zoning system within the GBR Coast Marine Park, providing protection of the GBR's unique biodiversity, while continuing to provide opportunities for the use of, and access to the marine park.
- *Sustainable Ports Development Act 2015* provides for the protection of the GBRWHA through managing port-related development in and adjacent to the area. It prohibits the sea-based placement of port-related capital dredged material within the GBRWHA.

- *Coastal Protection and Management Act 1995* provides for the protection, conservation, rehabilitation and management of Queensland's coastal zone, including its resources and biological diversity.
- *Environmental Protection Act 1994* provides for the protection of Queensland's environment through an integrated management program that is consistent with ecologically sustainable development.
- *Fisheries Act 1994* sets out Queensland's responsibilities for the economically viable, socially acceptable and ecologically sustainable development of Queensland's fisheries resources.
- *Planning Act 2016* provides for land use planning and development assessment to facilitate the achievement of ecological sustainability.

8.5 Regulators for dredging activities

Any proposal for capital dredging will be regulated by a variety of Queensland and Australian government departments depending on what is being proposed. The departments most commonly involved include:

- The Queensland Department of Environment and Science is the relevant regulator for activities in state waters and grants permits for dredging as part of a joint permit process with the Great Barrier Reef Marine Park Authority for the Great Barrier Reef Marine Park within state waters.
- The Australian Department of the Environment and Energy is the relevant regulator for Australian waters, excluding the Great Barrier Reef Marine Park, and provides advice about the EPBC Act.
- The Great Barrier Reef Marine Park Authority is the relevant regulator for waters within the Great Barrier Reef Marine Park.

9. Have your say

You are invited to have your say on the review of capital dredging provisions for the Port of Cairns (section 35(2)(b) and (3)) in the Ports Act.

Figure 6 — How to make a submission

Submissions on the Port of Cairns capital dredging review must:



be made
in writing



be made to the
Minister for Transport
and Main Roads



be received by
5pm on
7 February 2020



state the name and contact details
(email and/or postal address) of the
person/entity making the submission



be sent via email to
SustainablePorts@tmr.qld.gov.au

or posted to:

Sustainable Ports Planning, Transport Strategy and Planning
Department of Transport and Main Roads
GPO Box 1549, Brisbane QLD 4001



9.2 What happens next?

Following the close of public consultation, all submissions received during the consultation period will be considered during the preparation of a report about review outcomes.

In accordance with the Ports Act, the Minister for Transport and Main Roads will table the final report in the Legislative Assembly and a summary of submissions received during the consultation period will be made available on the Department of Transport and Main Roads website.

9.3 Further information

For further information about this review please visit:

- ▶ www.tmr.qld.gov.au/SustainablePorts-Cairns
- ▶ email SustainablePorts@tmr.qld.gov.au or
- ▶ call 13 23 80*

*Check with your service provide for call costs.



One of Australia's largest commercial fishing fleets at the Port of Cairns

Appendix B

Review consultation report

Sustainable Ports Development Act 2015

Report on public consultation

Review of inner harbour capital dredging for the Port of Cairns

Queensland | Australia | 2020



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1. Background

1.1 Review of *Sustainable Ports Development Act 2015* capital dredging provisions for the Port of Cairns

The *Sustainable Ports Development Act 2015* (Ports Act) provides a legislative framework for sustainable port development in Queensland and implementing the government's key port-related commitments and other actions of the *Reef 2050 Long-Term Sustainability Plan* (Reef 2050 Plan). Restrictions on capital dredging form part of these requirements and commitments.

For the Port of Cairns, the Ports Act includes specific provisions (section 35(2)(b) and (3)) that allows the carrying out of limited capital dredging for a port facility within the inner harbour of the Port of Cairns. Up to 50,000 cubic metres of material can be approved to a limit of no more than 150,000 cubic metres of material in a 4-year period.

The Ports Act also includes provisions (section 38) that require a review of sections 35(2)(b) and (3) to be completed (the review) within four years after its commencement.

1.2 The review

This review was undertaken to fulfil the requirements of section 38 of the Ports Act. The review is specific to, and limited by, sections 38(2) and 35(2)(b) and (3) of the Ports Act. The review only relates to new capital dredging activities within the inner harbour of the Port of Cairns.

Matters relating to dredging in general, capital dredging approved prior to the commencement of the Ports Act, maintenance dredging, dredging outside the Port of Cairns inner harbour, or at other ports are beyond the scope of the review.

1.3 Purpose

Under section 45 of the Ports Act, the Queensland Government is required to keep a register of matters raised in submissions made about the review during public consultation.

This report provides information on public consultation activities undertaken for the review during the public consultation period from 3 December 2019 to 7 February 2020.

The purpose of this consultation report is to meet the requirements of section 45 of the Ports Act by providing a summary of the matters raised in submissions received during the public consultation period.

2. Public consultation program

2.1 Consultation approach

The commencement of the review was notified on 3 December 2019 with the public consultation period extending from that date to 7 February 2020.

A public consultation program was delivered to meet the requirements of the Ports Act and included a range of communication and stakeholder engagement activities to raise community awareness of the scope and process, and provide the opportunity to comment on the review.

2.1.1 Notification of review commencement

In accordance with the Ports Act and to ensure the community was well-informed about the commencement of the review, the following notification activities were undertaken on 3 December 2019:

- A range of information was published on the Department of Transport and Main Roads (TMR) website (<https://www.tmr.qld.gov.au/SustainablePorts-Cairns>), including a fact sheet about the review; a fact sheet on how to make a submission; public notice advertisement; and contact details for readers seeking information.
- Public notice advertisements were printed in The Cairns Post, The Australian and The Courier-Mail newspapers, detailing that the Minister had initiated the review and details about the public consultation period.
- An extraordinary Gazette Notice was issued.
- Emails were sent to stakeholders from a database of subscribers announcing the commencement of the review, providing information on how to make a submission, and the project team's contact details.

2.1.2 Access to information about the review

Information about the review was made available through:

- the TMR website (<https://www.tmr.qld.gov.au/SustainablePorts-Cairns>)
- the Queensland Government Get Involved website (<https://www.getinvolved.qld.gov.au/gi/consultation/7200/view.html>)
- printed copies of documents at public information sessions and during stakeholder meetings.

2.1.3 Community information sessions

Two community information sessions were held during the public consultation period where departmental officers and officers from the Far North Queensland Ports Corporation Limited (Ports North) were available to talk to the community about the review. The information sessions provided members of the public an opportunity to speak directly with officers either one-on-one, or in small groups, and discuss topics relating to the review.

The details of the public information sessions were advertised in The Cairns Post on 7 December 2019, and on 18 January 2020.

The two community information sessions were held on:

- 10 December 2019 at the Shangri-La Hotel in Cairns between 5pm and 7pm. Four community members attended
- 21 January 2020 at the Shangri-La Hotel in Cairns between 5pm and 7pm. Two community members attended.

2.1.4 Industry information sessions

Two industry information sessions were held during the public consultation period where departmental officers and officers from Ports North were available to talk to the business community about the review. The information sessions provided industry stakeholders an opportunity to speak directly with officers either one-on-one, or in small groups, and discuss topics relating to the review.

The details of the public information sessions were advertised in The Cairns Post on 7 December 2019, and on 18 January 2020. Industry stakeholders were emailed an invitation to attend the information sessions.

The two industry information sessions were held on:

- 10 December 2019 at the Shangri-La Hotel in Cairns between 2pm and 4pm. Two people from local businesses and organisations attended
- 21 January 2020 at the Shangri-La Hotel in Cairns between 2pm and 4pm. Five people from local businesses and organisations attended.

On 21 January 2020 TMR Officers were invited to attend a meeting of the Cairns Port Advisory Group to brief the group on the review and provide information about how to make a submission. The Cairns Port Advisory Group meeting was attended by a variety of port/marine industry and government stakeholders.

2.1.5 Website statistics

During the public consultation period, TMR's website analytics showed that there were:

- 216 unique website views
- 24 downloads of the review information fact sheet
- 15 downloads of the review have your say fact sheet.



3. Submissions

3.1 Submission summary

Twelve (12) submissions were received during the public consultation period, from a range of stakeholder groups and individuals:

- Two (2) submissions from individual community members
- Two (2) submissions from environmentally focussed groups and peak environmental bodies
- Four (4) submissions from industry
- One (1) submission from an economic development representative organisation
- One (1) submission from a peak industry body
- One (1) submission from a local community group
- One (1) submission from a local government

A table showing the range of matters raised by submitters is provided below.



3.2 Themes of consultation and responses

A range of matters were raised in the submissions. These were categorised into main common themes. The themes identified in the table below have been ordered based on the number of submissions that raised them.

Theme	Sub-theme (if any)	Raised in submissions
Balancing economic development, social outcomes and protection of the Great Barrier Reef (environment)		9
The current condition and trend of the Great Barrier Reef		2
Marine park boundaries		1
Whether or not the Port of Cairns should be a priority port	Supportive of priority port status	9
	Not supportive of priority port status	2
Reducing legislative restrictions on capital dredging	About the quantum allowed to be dredged	10
	To allow capital dredging of the outer channel	4
	To allow capital dredging for/at Port of Mourilyan	1
Maintaining the established restrictions on capital dredging		2
The workability/practicality of the provisions under review and their application		2
The need for evidence-based regulation applying to dredging		4
Matters relating to the HMAS Cairns	Expansion of facilities at the HMAS Cairns	9
	Approval processes for any dredging required by HMAS Cairns	6
Submissions noting that the provisions subject to the review have not been utilised		4
The adequacy of the established Queensland and Australian Government regulatory frameworks that apply to dredging in addition to the Ports Act		7
Placement of dredged material		3
Submissions about the Cairns Shipping Development Project generally, including design and quantum of dredging		2
Submissions about the timing of the review	In relation to Ports North's master planning activities for the Port of Cairns	7
	About the release of the business case for the Cairns Shipping Development Project	2
	About formal completion and/or conclusion of shipping simulation studies for the Cairns Shipping Development Project	3
	In relation to undertaking public consultation for the review over the Christmas/New Year with and school holiday period	1
Requests for additional/future reviews		4
The advantages of sea freight/transport of other bulk transport methods including the potential to reduce carbon emissions		3

All submissions received were analysed and considered during preparation of the review report.

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