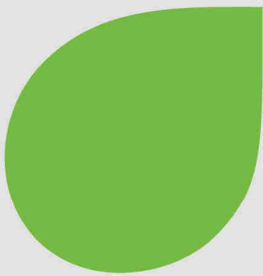


Appendix A

Preliminary draft port overlay supporting information



Supporting information

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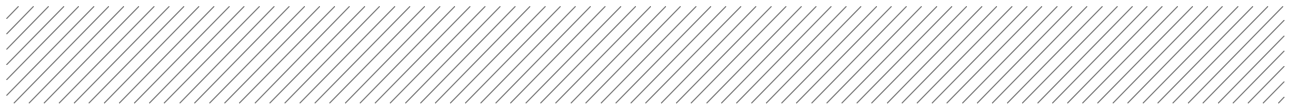
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Glossary of abbreviations and acronyms

Term	Meaning
ACH Act	<i>Aboriginal Cultural Heritage Act 2003</i>
AMA	Australasian Marine Associates
BOS	Biodiversity Offset Strategy
CG	Coordinator-General
CHMP	Cultural Heritage Management Plan
DNPSR	Department of National Parks, Sport and Racing
DNRM	Department of Natural Resources and Mines
DSD	Department of State Development
EA	Environmental Authority
ED Act	<i>Economic Development Act 2012</i>
EHP	Department of Environment and Heritage Protection
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMF	Environmental Management Framework
EP Act	<i>Environmental Protection Act 1994</i>
EP Reg	<i>Environmental Protection Regulation 2008</i>
ERA	Environmentally Relevant Activity
ESD	ecologically sustainable development
GBR	Great Barrier Reef
GBRWHA	Great Barrier Reef World Heritage Area
Gladstone SDA	Gladstone State Development Area
GPC	Gladstone Ports Corporation
GPC Port LUP	Gladstone Ports Corporation Port Land Use Plan 2012
GRC	Gladstone Regional Council
GRC Planning Scheme	Gladstone Regional Council Planning Scheme 2015
ha	hectares
ILUA	Indigenous Land Use Agreement
LGA	Local government area
LNG	liquid natural gas
LUP	Land Use Plan
MEDQ	Minister for Economic Development Queensland
OUV	Outstanding Universal Value
PDA	Priority Development Area
Planning Act	<i>Planning Act 2016</i>
PMM	priority management measure
Ports Act	<i>Sustainable Ports Development Act 2015</i>



Term	Meaning
Reef 2050	Reef 2050 Long-Term Sustainability Plan
SDA	State Development Area
SDPWO Act	<i>State Development and Public Works Organisation Act 1971</i>
SPL	Strategic Port Land
UNESCO	United Nations Educational, Scientific and Cultural Organization

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1 Introduction

1.1 Background

1.1.1 Port master planning

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

Master planning for priority ports is one of the port-related actions of the *Reef 2050 Long-Term Sustainability Plan* (Reef 2050), and is mandated under the Ports Act. Priority port master planning has a timeframe up to 2050 to align with the Reef 2050 (DSD 2016).

Through port master planning, the Queensland Government seeks to 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 port development, management and governance (DSD 2016).

The overarching purpose of master planning for each of Queensland's priority ports is to:

- define a long-term strategic vision, objectives and desired outcomes for each port master planned area
- identify the state interests in relation to the priority ports and articulate how those interests are to be considered in all planning decisions made within each port master planned area
- present an environmental management framework (EMF) that states priority management measures (PMMs) for managing potential impacts on environmental values in the master planned area and surrounding areas in accordance with the principles of ecologically sustainable development (ESD).

As part of master planning, the Ports Act prescribes the requirement for a port overlay to be made for each master planned area. The port overlay is a regulatory tool to implement the master plan over the master planned area.

1.1.2 Priority Port of Gladstone

The priority Port of Gladstone is located within the GBRWHA and is Queensland's largest multi-cargo port and the fifth largest coal export terminal in the world (by throughput). The port is located within a diverse region containing a range of urban communities, major industrial precincts and environmental values. There is significant opportunity for continued growth in the import and export of a range of commodities to Australia and the world, with the Port of Gladstone playing a pivotal role in the future growth of the national port trade. The Gladstone Ports Corporate (GPC) is the relevant port authority, responsible for the operation and management of the Port of Gladstone under the *Transport Infrastructure Act 1994* (Transport Infrastructure Act).

The Department of State Development (DSD) has prepared a draft master plan for the priority Port of Gladstone. In parallel with DSD's preparation of the draft master plan, Aurecon was commissioned by DSD to prepare a preliminary draft port overlay for the priority Port of Gladstone.

The purpose of the preliminary draft port overlay is to enable an early draft port overlay to be made available at the same time as the statutory draft master plan public notification process in order to demonstrate:

- the relationship and workability between the master plan and port overlay documents, including how the master plan will be implemented by the port overlay
- provide additional opportunity for public notification on the draft port overlay prior to the statutory notification period for the port overlay under the Ports Act.

1.2 The preliminary draft port overlay supporting report

This supporting report has been prepared to accompany the preliminary draft port overlay for the purpose of documenting the drafting process, as well as providing important background detail to support the understanding of, and justification for, the preliminary draft port overlay content. To achieve this purpose, the supporting report includes:

- information regarding the background legislative context relevant to port master planning and the preliminary draft port overlay (**Section 2**)
- detail regarding the methodology and process undertaken to prepare the preliminary draft port overlay, including the consultation undertaken and how the results of the consultation have been considered and addressed in the drafting process to date (**Section 3**)
- detail regarding how the preliminary draft port overlay implements the master plan for the master planned area (**Section 4**)
- technical detail and notes on the preliminary draft port overlay content covering each of the port overlay matters, including:
 - PMMs (**Section 5**)
 - development assessment matters (**Section 6**)
 - plan making matters (**Section 7**)
- a list of reference documents (**Section 8**).

2 Priority Port of Gladstone master planning

2.1 Overview

This section provides a summary of the master planning process for the priority Port of Gladstone, together with details regarding the master planned area and the relevant legislative framework as it relates to the master planned area, master plan and preliminary draft port overlay.

2.2 Priority Port of Gladstone master planning process

The Queensland Government is leading the master planning process for the priority Port of Gladstone, working with GPC, Gladstone Regional Council (GRC) and other key stakeholders. The master planning process involves the preparation of a master plan and port overlay for the priority Port of Gladstone. Figure 2.1 details the current master planning process for Gladstone, including the parallel processes associated with the preparation of the master plan and port overlay.

2.2.1 Evidence base

As part of the master planning process, DSD has developed an evidence base to support and inform the preparation of the master plan and port overlay for the priority Port of Gladstone. The evidence base collates information on the economic, environmental, community and cultural aspects of the priority Port of Gladstone. The evidence base supports the master planning process and includes:

- Master planning evidence base assessment – Priority Port of Gladstone (AECOM 2016)
- Infrastructure and supply chain analysis – Priority Port of Gladstone (PSA Consulting 2016)
- Risk Assessment – Priority Port of Gladstone (Aurecon 2016)
- Addendum to evidence base – Priority Port of Gladstone (Aurecon 2017).

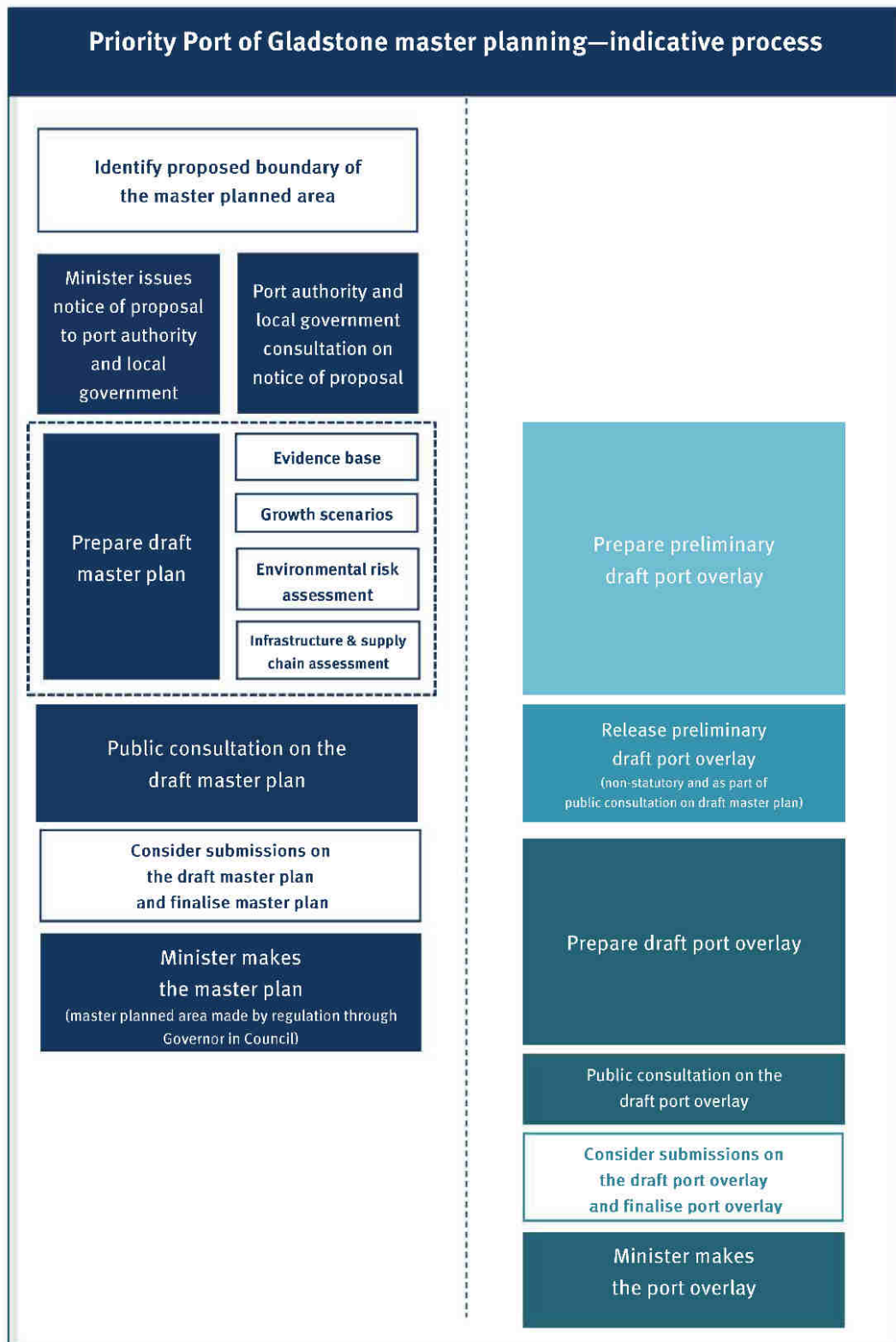


Figure 2.1 Priority Port of Gladstone master planning process

Source: DSD 2016

2.3 Priority Port of Gladstone master planned area

In mid-2015, DSD undertook public consultation on a proposed boundary for the priority Port of Gladstone master planned area. The proposed boundary was determined by DSD in consultation with GPC and other key stakeholders (DSD 2016).

The master planned area covers approximately 73,000 hectares (ha) across an area where development is currently regulated and managed under a number of statutory instruments, including:

- Gladstone State Development Area (SDA) Development Scheme 2015 (Gladstone SDA Development Scheme)
- Gladstone Ports Corporation (GPC) Port Land Use Plan 2012 (GPC Port LUP)
- Gladstone Regional Council Planning Scheme 2015 (GRC Planning Scheme)

The master planned area has been divided into distinct precincts. The precincts and the considerations utilised to identify the precinct boundaries are summarised in Table 2.1.

Table 2.1 Evidence base considerations in defining precinct boundaries

Evidence base considerations	Precinct
Areas with identified environmental values, including those that contribute to the OUV of the GBRWHA, and identified in planning instruments as having a predominantly environmental management purpose, where development should be limited	Environmental management
Existing and planned infrastructure and supply chain corridors over land and marine areas, where not already adequately identified in planning instruments	Infrastructure and supply chain corridors
Areas where there are known or possible incompatible land use activities that are not adequately addressed in planning instruments	Interface
Existing and planned marine infrastructure corridors and nodes	Marine infrastructure
Marine areas identified as having environmental values, including those that contribute to the OUV of the GBRWHA, where development should be limited	Marine
Areas identified in planning instruments to provide for marine services and recreation	Marine services and recreation
Areas identified in planning instruments to predominantly provide for port operations, industry and commerce	Port, industry and commerce

2.4 Legislative framework

Section 1.4 of the preliminary draft port overlay describes the legislative context of the port overlay and its relationship to other key instruments, including the *Planning Act 2016* (Planning Act), *Transport Infrastructure Act* and *State Development and Public Works Organisation Act 1971* (SDPWO Act).

The sections below provide further background detail on each of these key pieces of legislation together with other legislation relevant to the implementation of the port overlay.

2.4.1 Sustainable Ports Development Act 2015

2.4.1.1 Background

The Ports Act provides a legislative framework for sustainable port development in Queensland and to action the state's key port-related commitments of Reef 2050.

In doing this, the Ports Act responds to the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee recommendations on the Great Barrier Reef (GBR), ensuring the OUV of the Great Barrier Reef World Heritage Area (GBRWHA) is an intrinsic consideration in future port development.

To facilitate sustainable port development, the Ports Act:

- restricts new port development in and adjoining the GBRWHA to within current port limits and outside both the Commonwealth and state marine parks
- prohibits major capital dredging for the development of new, or the expansion of, existing port facilities within the GBRWHA outside the identified priority ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay
- prohibits the sea-based disposal of port-related capital dredged material anywhere within the GBRWHA, unless the material is beneficially reused.

In addition to the above, the Ports Act also achieves its purpose establishing the requirement for master planning for the priority ports of Gladstone, Abbot Point, Townsville, and Hay Point/Mackay.

As part of master planning, the Ports Act seeks to also achieve its purpose in a way that includes:

- long-term planning that provides a strategic and coordinated approach to managing economic, environmental, cultural and social values in the GBRWHA
- concentrating port development in priority ports
- recognising the diverse functions of the port network, including trade and tourism operations
- efficiently using port and supply chain infrastructure
- expanding port and supply chain capacity in a staged and incremental way to meet emerging demand for imports and exports
- identifying and protecting land and infrastructure critical to the effective operation of the port network.

2.4.1.2 Master plan

The Ports Act establishes the requirement to prepare and make a master plan for the priority Port of Gladstone. As a strategic document, the master plan takes a long-term outlook until 2050 and seeks to:

- establish a long-term vision for the master planned area that considers the capacity for future growth whilst adequately considering the principles of ESD
- enable coordinated planning of port-related land and marine areas beyond the current boundaries of SPL and existing port limits
- identify the local expression of the OUV of the GBRWHA and all other environmental values within and surrounding the master planned area that must be considered and managed as part of decision making for port-related development
- enable greater transparency in understanding the relationships and impacts of port development beyond existing SPL.

To support achievement of the above, the master plan establishes a strategic vision, objectives, desired outcomes, state interests and an EMF for the master planned area.

Under the Ports Act, a master plan must:

- identify a master planned area
- identify a long-term strategic vision, objectives and desired outcomes for the master planned area
- identify the state interests affected, or likely to be affected, by existing uses at the port and future development, at or, for the port
- adequately consider the principles of ESD

- include an EMF that identifies and maps environmental values within and surrounding the master planned area; identifies the impacts from development in the master planned area on the environmental values; and states the EMF objectives and PMMs for managing the impacts on the environmental values.

2.4.1.3 Port overlay

The Ports Act establishes the requirement to prepare and make a port overlay for the priority Port of Gladstone. The port overlay must be prepared in accordance with the Ports Act, and in making the port overlay, the minister must be satisfied that the port overlay implements the master plan for the whole of the master planned area.

The purpose of the port overlay is to provide regulatory effect for the priority Port of Gladstone master plan under the Ports Act, ensuring that the strategic vision, objectives, desired outcomes, state interests and PMMs of the master plan are implemented, managed and achieved.

Under the Ports Act, the port overlay must:

- state the purpose of the overlay
- state how the PMMs in the master plan are to be achieved, including the entity or entities responsible for the measures
- include any other matter prescribed by regulation.

In addition to the above, the port overlay may also contain:

- matters to be considered during development assessment processes under a local planning instrument and LUP
- the matters which a local government or port authority must consider when making or amending a planning instrument or LUP
- other matters to otherwise regulate development in the master planned area by, for example, stating aspects of development that may not take place; or including measures to reduce the risk of environmental harm, or serious adverse cultural, economic or social impacts, within and surrounding the master planned area
- other relevant matters, not related to development assessment that are necessary to ensure the consistent management and implementation of the strategic vision, objectives, desired outcomes and state interests for the master planned area.

The port overlay is a statutory instrument under the *Statutory Instruments Act 1992* and has the force of law as provided for under the Ports Act. The port overlay is not subordinate legislation.

The port overlay prevails over a planning instrument under the Planning Act to the extent of any inconsistency (for example, where a provision in a local government's planning scheme is inconsistent with the port overlay, the overlay would prevail to the extent of that inconsistency). Furthermore, the port overlay prevails over a port LUP made under the Transport Infrastructure Act to the extent of any inconsistency.

2.4.1.4 Capital dredging and dredged material placement

The Ports Act allows capital dredging to occur within the priority Port of Gladstone master planned area for the purpose of:

- (i) *creating or enlarging a channel, basin, port, berth or other similar thing; or*
- (ii) *removing material that is unsuitable as a foundation for a port facility; or*
- (iii) *creating a trench for a pipe, cable or tube; or*
- (iv) *an activity incidental to an activity mentioned in subparagraph (i) to (iii).*

However, capital dredging does not include dredging carried out for the purpose of:

- (i) maintaining a channel, basin, port, berth or other similar thing for its intended use; or
- (ii) protecting human life or property.

Section 36(2) of the Ports Act requires an approving authority for development that is, or relates to, capital dredging, to include a condition that material generated from capital dredging must not be deposited, or disposed of, in a restricted area (GBRWHA but outside the Commonwealth marine park) unless the material is beneficially reused.

The Ports Act gives examples of ways in which the material may be beneficially reused, including but not limited to:

- land reclamation (raising land above the high water mark)
- beach nourishment (replenishment of a beach system using imported material to balance erosion losses or to re-establish a wider dunal buffer zone)
- environmental restoration purposes, such as creating or restoring wetlands or nesting islands.

While the Ports Act does not define beneficial reuse of dredged material, the *Maintenance Dredging Strategy for Great Barrier Reef World Heritage Area Ports: Technical Supporting Document* states that:

'beneficial reuse can be defined as using dredged material for a purpose that provides social, economic or environmental benefits (or a combination of these). That is, the dredged material is managed as a valuable resource rather than a product destined for disposal. Beneficial reuse can involve the placement of dredged material on-land and in the aquatic zone (ie underwater or in intertidal areas). Consideration of beneficial reuse in the Queensland context to date has been focused on applications that provided economic benefits such as on-land processing and industry reuse or land reclamation.'

(Royal Haskoning DHV and AMA 2016)

2.4.2 Planning Act 2016

2.4.2.1 Background

The Planning Act is Queensland's principal planning legislation which establishes a system for land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability. The Planning Act establishes a planning system for development assessment, plan making and dispute resolution. The system is performance based, which allows for innovation and flexibility in how development can be achieved, whilst ensuring responsiveness to community needs and expectations.

2.4.2.2 Relevance to the port overlay

Under the Ports Act, Section 26 includes the relationship with planning instruments under the Planning Act and state that:

If there is an inconsistency between a port overlay and a planning instrument under the Planning Act, the port overlay prevails to the extent of the inconsistency.

The port overlay, prescribes categories of assessment and assessment benchmarks that apply to the master planned area.

Under the Ports Act, Section 30(5) and 30(6) states that:

- (5) *If the port overlay states matters the assessment manager for the development application must consider in assessing the application, the assessment manager must, in assessing the application under the Planning Act, consider the matters.*

- (6) *The assessment manager's decision under the Planning Act about the development application must not be inconsistent with the port overlay.*

The port overlay states the matters that GRC must consider in making or amending the GRC Planning Scheme under the Planning Act (refer Section 5.2) for the master planned area.

2.4.3 Transport Infrastructure Act 1994

2.4.3.1 Background

The overall objective of the Transport Infrastructure Act is to provide a regime that allows for and encourages the effective integrated planning and efficient management of a system of transport infrastructure. In particular, the objectives of Transport Infrastructure Act are to allow the government to have a strategic overview of the provision and management of all transport infrastructure, including roads, busways, rail (heavy and light), ports, air and public marine transport.

Port authorities

Section 275 of the Transport Infrastructure Act prescribes the functions of port authorities which include (but are not limited to) such functions as:

- to establish, manage and operate effective and efficient port facilities, and services its port
- to make land available for the establishment, management and operation of effective and efficient port facilities and services in its port by other persons, as well as other purposes consistent with the operation of its port
- to provide or arrange for the provision of ancillary services or works necessary or convenient for the effective and efficient operation of its port
- to keep appropriate levels of safety and security in the provision and operation of the facilities and services
- to provide other services incidental to the performance of its other functions or likely to enhance the usage of the port
- to perform any other functions conferred on it under the Transport Infrastructure Act or another Act or under the regulations.

Strategic port land

Chapter 8 of Transport Infrastructure Act establishes the regime under which port authorities operate as landowners and land managers of SPL and port facilities. Generally, port authorities are responsible for establishing, managing and operating effective and efficient port facilities and services within its port.

A LUP is prepared by a port authority for the planning and development of SPL and is the key tool for development assessment of future activities on SPL. Under the Planning Act, a port authority has statutory power as the assessment manager for development on SPL and within SPL tidal areas, and works identified as assessable development under its port LUP.

2.4.3.2 Relevance to the port overlay

Under the Ports Act, Section 27 includes the relationship with LUPs under Transport Infrastructure Act and states that:

If there is an inconsistency between a port overlay and a land use plan made under the Transport Infrastructure Act, chapter 8, part 4, the port overlay prevails to the extent of the inconsistency.

The port overlay also states the matters that GPC must consider in making or amending the GPC LUP under the Transport Infrastructure Act (refer Section 5.3) for the master planned area.

2.4.4 State Development and Public Works Organisation Act 1971

2.4.4.1 Background

The SDPWO Act provides for state planning and development through a system to coordinate and regulate public works, streamline the assessment of major project proposals, and manage major land and infrastructure assets. In doing so, the Act seeks to facilitate timely, coordinated and environmentally responsible land use and infrastructure planning to support Queensland's economic and social development.

Coordinated projects

The SDPWO Act also holds provisions for the declaration and assessment of a 'coordinated project' by the Coordinator-General (CG) where a project is considered to have economic, social and/or environmental significance to Queensland. Once declared, the CG is responsible for coordinating and evaluating the project through an environmental impact assessment process under either an Environmental Impact Statement (EIS) or Impact Assessment Report (IAR).

State Development Areas

Section 77 of the SDPWO Act holds provision for the planning, establishment and regulation of SDAs by the CG, with the approval of the Governor in Council and the involvement of the minister. The declaration of an SDA promotes economic development, including the development of land for large scale, heavy industry, multi-user infrastructure corridors and major public infrastructure sites.

The Gladstone SDA was first declared in 1993. Whilst being subject to a number of amendments, which include increases in the area, it now comprises an area of 29,000 ha with approximately 4,590 ha set aside as an environmental management precinct. Land use within the Gladstone SDA is regulated by the CG through the Gladstone SDA Development Scheme.

2.4.4.2 Relevance to the port overlay

Whilst the port overlay applies to all of the master planned area, it does not regulate development within the Gladstone SDA. The CG will continue to be the assessment manager for development regulated by the Gladstone SDA Development Scheme within the master planned area.

In accordance with the Ports Act, the CG is required to consider whether the Gladstone SDA Development Scheme is inconsistent with the port overlay after the port overlay takes effect. Where there is an inconsistency, the CG must decide whether to amend the Gladstone SDA Development Scheme to remove the inconsistency, or table a report in the Legislative Assembly detailing the reasons should the CG decide not to amend the Gladstone SDA Development Scheme.

Section 3.5 of the preliminary draft port overlay establishes the requirement for an environmental assessment guideline to be prepared and implemented for matters relating to the OUV of the GBRWHA and other environmental values.

The purpose of the environmental assessment guideline includes outlining the general approach and requirements for an EIS or IAR, including matters that a proponent should address as part of an EIS or IAR, and guidance for the EIS assessment manager on matters that should be considered during the preparation of a terms of reference for an EIS or IAR, or during the evaluation of an EIA or IAR.

2.4.5 Economic Development Act 2012

2.4.5.1 Background

The *Economic Development Act 2012* (ED Act) includes provision for the planning, establishment and regulation of Priority Development Areas (PDAs) by the Minister for Economic Development Queensland (MEDQ).

Whilst the port overlay applies to all of the master planned area, it does not regulate development within a PDA.

The Ports Act holds similar provisions for PDAs as it does for SDAs in requiring MEDQ to consider the requirements of the port overlay in making or amending a Development Scheme for a PDA. Where there is an inconsistency, the MEDQ must decide whether to amend the Development Scheme for the PDA to remove the inconsistency, or table a report in the Legislative Assembly detailing the reasons should MEDQ decide not to amend the Development Scheme.

2.4.5.2 Relevance to the port overlay

There are no proposed or declared PDAs within the priority Port of Gladstone master planned area, and as such, the port overlay does not currently contain any provisions in relation to PDAs. However, in the future should a PDA be proposed or declared within the master planned area, then MEDQ will be required to consider the requirements of the port overlay in making or amending any Development Scheme for that PDA.

2.4.6 Aboriginal Cultural Heritage Act 2003

2.4.6.1 Background

The *Aboriginal Cultural Heritage Act 2003* (ACH Act) binds all persons, including the state, the purpose is to provide recognition, protection and conservation of Aboriginal cultural heritage. Section 23 of the ACH Act states that *'a person who carries out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage'* (the 'cultural heritage duty of care'). The ACH Act is administered by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP).

Additionally, the ACH Act requires the development of a Cultural Heritage Management Plan (CHMP) if:

- a lease, licence, permit, approval or other authority is required for a project, under another Act, and that Act or another Act requires an EIS for the project
- under the Planning Act, a development application is required to be made for a project and the chief executive of the ACH Act is a concurrence agency and the chief executive requires a CHMP for the project.

Notwithstanding the above, Section 86 of ACH Act indicates that a CHMP is not required where a Native Title agreement, such as an Indigenous Land Use Agreement (ILUA) is in place.

As part of developing and implementing a CHMP under the ACH Act, a proponent has the requirement to undertake notification to the relevant Aboriginal party.

2.4.6.2 Relevance to the port overlay

Section 3.3 of the preliminary draft port overlay prescribes requirements for a proponent to demonstrate compliance with the duty of care under the ACH Act to ensure consistency in the management of cultural heritage as well as the involvement of relevant Aboriginal party/ies in planning and development assessment processes that apply to the master planned area.

2.4.7 Environmental Protection Act 1994

2.4.7.1 Background

The object of the *Environmental Protection Act 1994* (EP Act) is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. The EP Act, which is administered by the EHP, seeks to achieve this by an integrated management system that is consistent with ESD. The EP Act also establishes a 'general environmental duty' upon all persons to prevent and minimise environmental harm.

Environmental impact assessment

Chapter 3 of the EP Act includes provisions for an EIS process that applies primarily for resource activities. Resource activities which trigger an EIS under the EP Act require a project-specific terms of reference (which is used in parallel with EHP's generic terms of reference) to support and guide the preparation of the EIS.

Environmentally relevant activities

The EP Act, together with the Planning Act, provides a licencing regime for Environmentally Relevant Activities (ERAs), which are prescribed under Schedule 2 of the *Environmental Protection Regulation 2008* (EP Reg). Approval in the form of an Environmental Authority (EA) is required to lawfully undertake a prescribed ERA. Where a prescribed ERA is also listed as a concurrence activity in Schedule 2, a Development Permit for a Material Change of Use (MCU) under the Planning Act is also required.

The EP Act also requires that any person carrying out an ERA must be a Registered Suitable Operator. A Suitable Operator is a person or corporation who has been registered by EHP as being suitable to undertake an ERA.

2.4.7.2 Relevance to the port overlay

The requirement to prepare and implement an environmental assessment guideline, detailed in Section 3.5 of the preliminary draft port overlay, applies to the EIS process under the EP Act in the same way as for an EIS or IAR under the SDPWO Act, as described in Section 2.4.4.2.

The objectives of the environmental assessment guideline include providing guidance to an EIS assessment manager on matters they should consider during the preparation of the project-specific terms of reference for an EIS under the EP Act.

Additionally, Section 4.3 of the preliminary draft port overlay prescribes assessment benchmarks that must be considered by an assessment manager during development assessment triggered by the Planning Regulation. Included within these requirements are assessment benchmarks which relate to assessable development involving a MCU for an ERA that is prescribed under the EP Act.

3 Methodology and structure of the preliminary draft port overlay

3.1 Overview

This section:

- describes the general methodology used to prepare the preliminary draft port overlay
- provides detail regarding the consultation process undertaken as part of the methodology, including the key issues and outcomes of the consultation
- presents an overview of the structure of the preliminary draft port overlay.

3.2 Methodology

To date, the process of master planning for the priority Port of Gladstone has involved the preparation of an evidence base to inform the preparation of the draft master plan and the preliminary draft port overlay.

The preliminary draft port overlay draws upon the findings of the evidence base, and, in seeking to achieve the strategic vision, objectives, desired outcomes, state interests and EMF of the draft master plan, includes content in relation to PMMs, development assessment and plan making.

The key evidence base issues which have been incorporated into the preliminary draft port overlay have been identified in the following documents:

- Master planning evidence base assessment – Priority Port of Gladstone (AECOM 2016)
- Infrastructure and supply chain analysis – Priority Port of Gladstone (PSA Consulting 2016)
- Risk Assessment – Priority Port of Gladstone (Aurecon 2016)
- Addendum to evidence base – Priority Port of Gladstone (Aurecon 2017).

A key objective of the preliminary draft port overlay is to avoid duplicating provisions under existing statutory instruments.

Figure 3.1 illustrates the general methodology utilised to define the key evidence base issues and draft master plan matters that have informed the development of the preliminary draft port overlay.

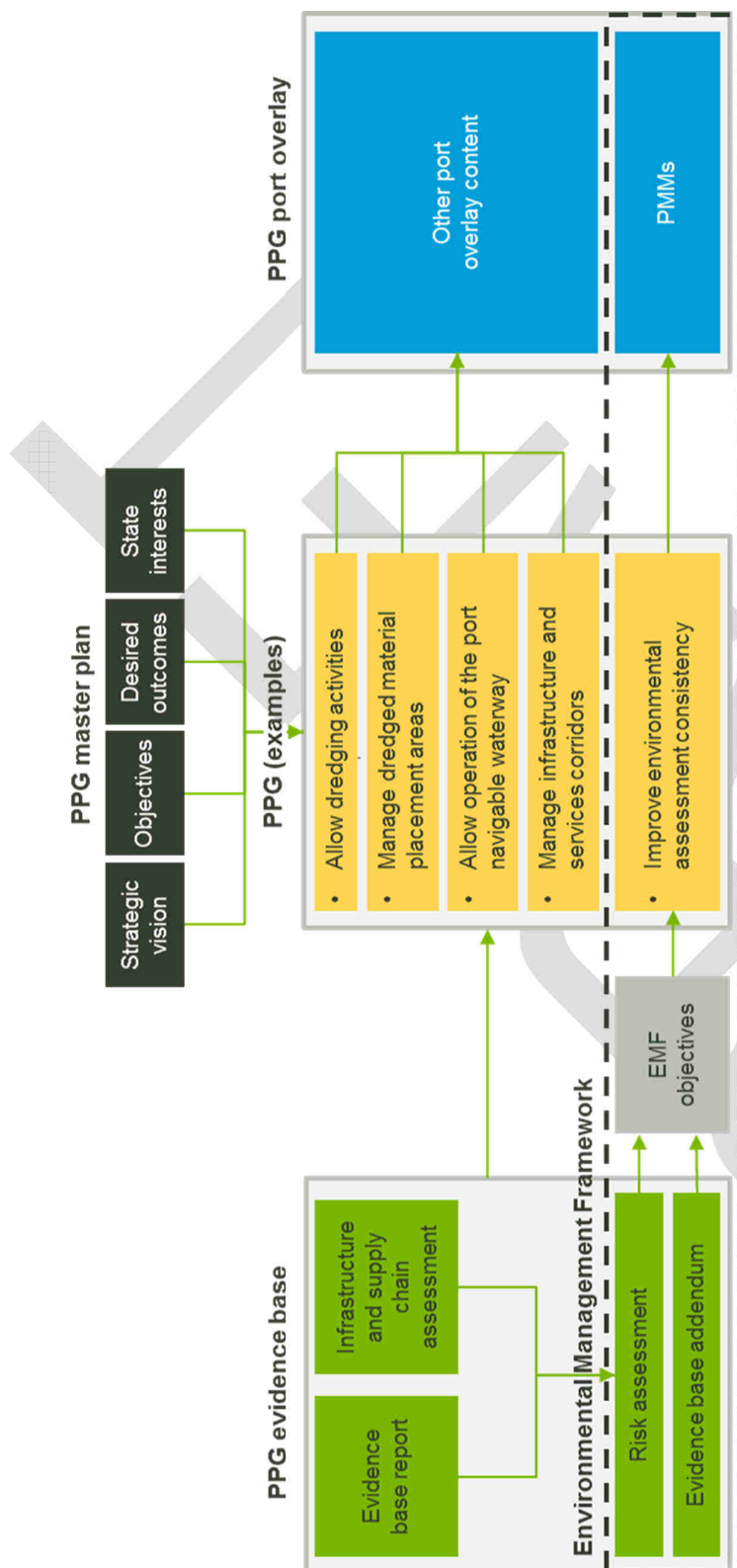


Figure 3.1 Methodology for preparation of the preliminary draft port overlay

3.3 Consultation process

The consultation process undertaken to date for the preparation of the preliminary draft port overlay includes:

- ongoing involvement by GPC in the drafting process
- ongoing discussions with relevant stakeholders
- stakeholder group workshops in Brisbane (6 December 2016 and 7 February 2017)
- stakeholder group workshops in Gladstone (9 December 2016 and 9 February 2017).

3.4 Preliminary draft port overlay structure

The structure of the preliminary draft port overlay is as follows:

- **Section 1** – provides an introduction to the preliminary draft port overlay detailing the background and purpose, and explains its application and role within the legislative framework
- **Section 2** – presents the strategic vision, objectives, desired outcomes and state interests for the master planned area, established by the master plan
- **Section 3** – presents the PMMs for the master planned area, established by the master plan, together with the implementation provisions for each PMM, including detail on how each PMM will be achieved
- **Sections 4 and 5** – provides the development assessment provisions (**Section 4**) and plan making considerations (**Section 5**) for the master planned area
- **Section 6** – provides a dictionary of terms to support interpretation of the preliminary draft port overlay along with relevant document references
- **Schedule** – contains the mapping to support the preliminary draft port overlay.

Figure 3.2 illustrates the structure of the preliminary draft port overlay.

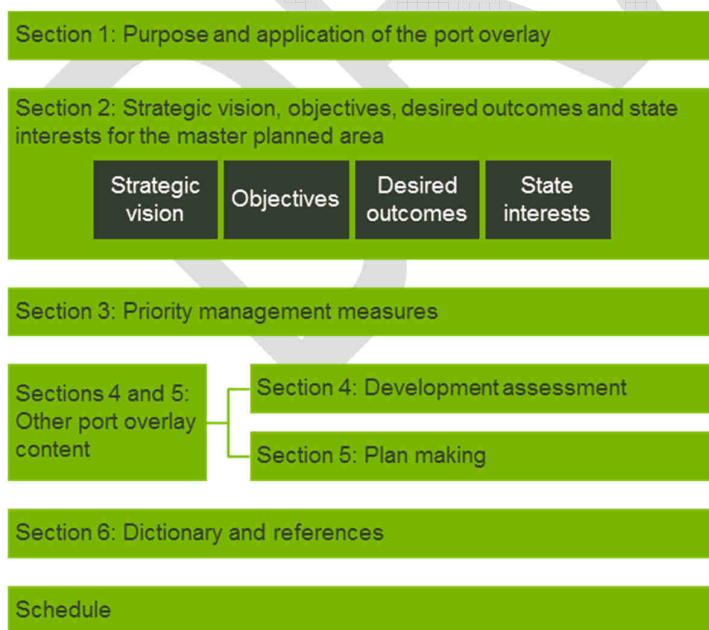


Figure 3.2 Structure of the preliminary draft port overlay