

Priority port master planning

# Report on public consultation

Draft port overlay for the priority Port of Gladstone

Queensland | Australia | 2020



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# 1. Background

## 1.1 Priority port master planning

The Queensland Government is leading master planning for the four priority ports of Gladstone, Townsville, Hay Point/Mackay, and Abbot Point, as required by the *Sustainable Ports Development Act 2015* (Ports Act) and the *Reef 2050 Long-Term Sustainability Plan* (Reef 2050 Plan).

Priority port master planning will support the sustainable development of critical economic infrastructure, the state's priority ports, in a way that will balance growth, job creation, environmental values, and community interests.

## 1.2 Master planning for the priority Port of Gladstone

The priority Port of Gladstone is Queensland's largest multi-commodity port, handling more than 30 different products including the export of coal, alumina, cement, Liquefied Natural Gas (LNG), petroleum and grain. It also supports the cruise shipping and tourism industries and plays a vital role in the region.

Through master planning, the Queensland Government has established a long-term vision for the future development of the priority Port of Gladstone, consistent with the principles of ecologically sustainable development. Master planning provides a strategic and coordinated approach, considering issues beyond strategic port land, including potential marine and land-based impacts, port and supply chain infrastructure capacity and connectivity, and economic, community, and environmental interests.

The Minister released the *Draft port overlay for the priority Port of Gladstone* (draft port overlay) for public consultation in accordance with the Ports Act. The Ports Act requires that draft priority Port overlays are publicly notified for at least 10 business days.

Public consultation for the draft port overlay opened on 4 November 2019 and closed on 16 December 2019, providing stakeholders and the community the opportunity to make submissions on the draft port overlay.

## 1.3 Purpose

Under section 45 of the Ports Act, the Chief Executive of the Department of Transport and Main Roads (TMR) is required to keep a register of matters raised in submissions on the draft port overlay during public consultation.

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.
- An overview of the Minister's response to the summarised matters, including how the matters raised were considered in preparing the final port overlay.

## 2. Public consultation program

### 2.1 Consultation approach

The draft port overlay was released for public consultation on 4 November 2019 to 16 December 2019.

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

#### 2.1.1 Notification of the release of the draft port overlay

In accordance with the Ports Act and to ensure the community was well-informed about the release of the draft port overlay, the following notification activities were undertaken on 4 November 2019:

- A range of information was published on the TMR website ([www.tmr.qld.gov.au/SustainablePorts-Gladstone](http://www.tmr.qld.gov.au/SustainablePorts-Gladstone)), including the draft port overlay; public notice advertisement; a fact sheet; and information about where hard copies of the draft port overlay were available for inspection.
- Public notice advertisements were printed in The Gladstone Observer, The Australian and The Courier-Mail, notifying the public that the Minister had made the draft master plan and providing details about the public consultation period.
- An extraordinary Gazette Notice was published.
- Information about the draft port overlay's release was made available on the government's get involved website.
- Letters from the Minister for Transport and Main Roads were sent to the Chief Executive Officer (CEO) of the Gladstone Ports Corporation Limited (GPC), the CEO of Gladstone Regional Council (GRC), the Mayor of GRC, and the Queensland Coordinator-General, informing these key stakeholders the draft port overlay had been prepared and released for public consultation.
- Emails were sent to stakeholders from a subscribers' database announcing the release of the draft port overlay, providing information on how to make a submission, and the contact details of the project team.

Additionally, public consultation on the draft port overlay was promoted through a range of communication tools, including:

- Social media posts on TMR's Twitter account published on 6 November 2019 and a LinkedIn post published on 7 November 2019.
- Letter box drop to residents within the Interface precinct containing information about the release of the draft port overlay and how to make a submission.
- Information about the public consultation sessions was published in the Gladstone Observer on 8 November 2019.
- Placing of posters at key locations around Gladstone and GPC offices containing information about the release of the draft port overlay and how to make a submission.
- Forwarding information about the release of the draft port overlay and how to make a submission to residents of Facing Island through GPC's contact list.
- A reminder email was sent to targeted stakeholders from a subscribers' database on 10 December 2019, reminding them of the consultation period and its closing date of 16 December 2019.
- A fact sheet was printed and distributed to the community at public information sessions, and also published on the TMR website to give Queenslanders an overview of the draft port overlay and provide information on how to make a submission.

### **2.1.2 Access to draft port overlay and supporting documents**

The draft port overlay and supporting information about it were made available through:

- The TMR website ([www.tmr.qld.gov.au/SustainablePorts-Gladstone](http://www.tmr.qld.gov.au/SustainablePorts-Gladstone)).
- Printed copies were made available at the Gladstone (39 Goondoon Street Gladstone) and Brisbane (Reddacliff Place, George Street, Brisbane) public libraries and at the TMR offices at 61 Mary Street, Brisbane.

### **2.1.3 Public information sessions**

Three information sessions were held during the public consultation period where TMR officers and officers from GPC and GRC were available to talk to the community about the draft port overlay. The information sessions provided members of the public and industry stakeholders an opportunity to speak directly with officers either one-on-one, or in small groups, and discuss topics of importance relating to the draft port overlay.

The details of the public information sessions were included on the TMR website, posters and the Gladstone Observer.

Industry stakeholders were emailed an invitation to attend an information session.

Information sessions included:

- A targeted industry session held on 20 November 2019 at the Gladstone Library between 1:30pm and 3:30pm; six people from industry attended.
- A community information session held on 20 November 2019 at the Central Queensland University Campus (Leo Zussino Building) between 7pm and 9pm; eight community members attended.
- A community information session held on 4 December 2019 at the Gladstone Library between 5:30pm and 7:30pm; four residents attended.

### **2.1.4 Other sessions and meetings**

During the public consultation period, briefings and meetings about the draft port overlay were held with:

- Gladstone Engineering Alliance on 19 November 2019
- Gladstone Conservation Council on 19 November 2019
- Port Central tenants on 20 November 2019 (held in conjunction with GPC)
- Residents of the Interface precinct (community working group) on 20 November 2019 (held in conjunction with the public consultation session) and 2 December 2019.

### **2.1.5 Gladstone Ports Corporation communications and media**

To increase awareness of the public consultation program, GPC:

- Shared the TMR LinkedIn post of 21 November 2019 and Facebook post of 21 November 2019
- Hosted a Port Central Tenant Forum on 20 November 2019
- Highlighted the Port Overlay during GPC's Gladstone Community Forum held on 20 November 2019

## 2.1.6 Website statistics

Documents were made available on TMR's program website during the public consultation period. Access by members of the community, local business, industry and stakeholders showed reasonable results:

- Website unique views — 452 views
- Draft port overlay — 116 downloads
- Supporting information about the draft port overlay, including:
  - Fact sheet — 14 downloads
  - Public notice — 4 downloads
  - Gladstone Master Plan — 40 downloads.

## 3. Submissions

### 3.1 Submission summary

Thirteen submissions were received during the public consultation period, from a range of stakeholder groups and individuals, including:

- seven submissions from individual community members
- two submissions from environmentally focussed groups and peak environmental bodies
- two submissions from industry
- one submission from a Government Owned Corporation
- one submission from a Queensland Government agency.

### 3.2 Themes of consultation and responses

All submissions received were reviewed and considered during preparation of the final port overlay for the priority Port of Gladstone. A wide range of matters were raised in submissions.

Submissions were reviewed and sorted into two categories. The first category of submissions related to the port overlay and the second category of submissions related to matters outside the scope of the port overlay.

Further review of the specific matters raised in the submissions identified seven common themes across the two categories.

The following tables identify the matters raised in the submissions within each theme and outline the Minister's response, including how the matters were considered in preparing the final port overlay.

It is recognised some matters may be relevant to more than one theme.

Theme	Matters related to port overlay content Times raised	Matters outside the scope of the port overlay Times raised
Refinement of the port overlay – content and drafting	7	-
The Port Central interface	6	-
Protection of environmental values	3	2
Infrastructure corridors and function	2	2
Relationship between port overlay and wider planning frameworks	3	3
Personal impacts from master planning process	3	4
Masterplan direction and content	-	5

### 3.2.1 Matters related to port overlay content

Theme	Number of submissions that raised the theme
Refinement of the port overlay – content and drafting	7
The Port Central interface	6
Protection of environmental values	3
Infrastructure corridors and function	2
Relationship between port overlay and wider planning frameworks	3
Personal impacts from master planning process	3

#### 3.2.1.1 Refinement of the port overlay – content and drafting

Matter raised	Response
<p>Improve the specificity of code content and Priority Management Measures, and incorporate more acceptable outcomes</p>	<p>The following amendments have been made to improve the specificity of the code content in the port overlay:</p> <ul style="list-style-type: none"> <li>• Consolidation of Performance Outcome (PO) 2, into PO1, of the Future port connections code</li> <li>• Text included to clarify the Future port connections code only applies within the master planned area</li> <li>• Identification of specific development types relevant to each performance outcome in the Parkland and education sub-precinct code</li> <li>• Footnote included to clarify key locations in the Port central sub-precinct code</li> <li>• Minor amendments to improve the alignment of PO4 (noise) in the Port, industry and commerce precinct code, with the requirements of the <i>Environmental Protection (Noise) Policy 2019</i></li> <li>• Specific matters to have regard to for development assessment included for the Future port connections code</li> </ul> <p>Code content within the port overlay relies on the performance-based planning framework and methodology established by the <i>Planning Act 2016</i> (Planning Act). Consistent with the framework, acceptable outcomes are not required to facilitate effective performance-based assessment and are not identified in the port overlay where they would limit the ability of the codes to effectively implement the master plan.</p> <p>The Priority Management Measures (PMMs) identified in the port overlay were established in the Port of Gladstone Master Plan which was released in November 2018. The PMMs are included as measures to facilitate improved management of Outstanding Universal Values (OUV) across the master planned area. PMMs operate across, and in addition to established legislative frameworks which include the <i>Aboriginal Cultural Heritage Act 2003</i>, Environmental Impact Assessment processes, land management processes, and monitoring requirements established by other processes.</p>

Matter raised	Response
	<p>The content of PMMs reflects their non-statutory role and relationship to established legislative frameworks. TMR will work with identified responsible entities and regulators to implement the master plan and port overlay. The Ports Act includes a requirement to review the master plan and assess the implementation of the PMMs by the port overlay.</p>
<p>Inclusion of additional areas within the East shores sub-precinct and the Marine services sub-precinct</p>	<p>The following changes have been made to the port overlay to align with outcomes envisaged by the master plan:</p> <ul style="list-style-type: none"> <li>• Figures 19 and 20 have been amended to include lots 226CTN1210, 6RP612440, and Lots 105, 106 and 107 on CTN607 in the East shores sub-precinct. Consequential amendments made to Table 5, section 6.2.5.1, and section 6.2.8.1 to align assessment requirements</li> <li>• Figure 19 includes additional land in the Marine services sub-precinct at the entrance to Spinnaker Park to reflect existing marine operations.</li> </ul>
<p>Include measures in the port overlay to protect and facilitate resource development</p>	<p>The legislative framework regulating resource development provides adequate mechanisms to protect and facilitate resource development, in conjunction with the existing mining leases granted in the master plan area.</p> <p>Refer Table 3.2.1.5 for clarification on the port overlay's relationship with the State Development Area.</p>
<p>Reduce overlap between code provisions and content</p>	<p>Amendments have been made to consolidate provisions and remove duplicate content. Changes include:</p> <ul style="list-style-type: none"> <li>• Consolidation of PO2 into PO1, of the Future port connections code</li> <li>• Retention of air and noise provisions in the Port, industry and commerce code and deletion of PO3 and PO4 (corresponding air and noise provisions) of the Port central sub-precinct code. The retained air and noise provisions have the same effect for the Port central sub-precinct area.</li> </ul>

### 3.2.1.2 The Port Central interface

Matter raised	Response
<p>The Interface precinct and Connectivity and interface buffer sub-precinct should be reduced</p>	<p>Managing potential impacts from port-related development on surrounding areas is a key outcome envisioned by the master plan. The port overlay relies on the interface precinct, Connectivity and interface buffer sub-precinct, and code provisions in the Port central sub-precinct to implement the master plan. Reducing the Interface precinct and Connectivity and interface buffer sub-precinct would limit the achievement of outcomes envisaged by the master plan.</p>

Matter raised	Response
Development triggers for Port Central will not adequately capture the expected development	<p>Amendments have been made to the port overlay to improve how development in the Port Central area triggers assessment for amenity impacts in recognition of the sensitive nature and proximity of surrounding uses. These include:</p> <ul style="list-style-type: none"> <li>• Replacing the term Gross Floor Area with Development Footprint in Table 5 of the port overlay</li> <li>• Addition of a footnote clarifying the scope of development captured for the Port central sub-precinct, in Table 5 of the port overlay.</li> </ul>
The port central area impacts the amenity of surrounding residents	<p>Managing potential impacts from port-related development on the surrounding area is a key outcome envisioned by the master plan. The port overlay relies on the interface precinct, Connectivity and interface buffer sub-precinct, and code provisions in the Port central sub-precinct to implement the master plan.</p> <p>The port overlay contains provisions for the Port Central area that require future development to address noise, odour, landscaping and lighting impacts. These requirements are in addition to requirements for development that already apply under the Planning Act.</p> <p>Amendments have been made to the Port, industry and commerce precinct code which improve alignment with the recent changes to the <i>Environmental Protection (Noise) Policy 2019</i>. Changes include:</p> <ul style="list-style-type: none"> <li>• Amendments to performance outcome 4 of the Port, industry and commerce precinct code (which is applied in the Port central sub-precinct)</li> <li>• Footnotes have been added to the Port, industry, and commerce precinct code and Port central sub-precinct code which provide further clarity on assessment requirements.</li> </ul>
Amenity provisions should be equitable to local residents	<p>Managing potential amenity impacts for interface areas is a key outcome envisioned by the master plan. Implementing this outcome requires consideration of both the port and surrounding areas.</p> <p>The port overlay contains provisions for the Port Central area that require future development to address noise, odour, landscaping and lighting impacts, in conjunction with a buffer provided by the Connectivity and interface buffer sub-precinct.</p> <p>The Residential interface sub-precinct includes a provision to improve acoustic amenity for future sensitive uses and residents.</p>
Support the provisions and codes relating to interface issues contained in the port overlay	<p>Managing potential impacts from port-related development on surrounding areas is a key objective of the master plan.</p>

### 3.2.1.3 Protection of environmental values

Matter raised	Response
<p>The Environmental Management Precinct does not provide adequate legislative protection</p>	<p>The Environmental Management Precinct was established by the Port of Gladstone Master Plan released on 5 November 2018. The recognition and management of OUV and environmental values are key outcomes envisioned by the master plan and the Environmental Management Precinct's purpose is to limit development and avoid adverse impacts on environmental values in this area.</p> <p>The port overlay operates in conjunction with existing environmental frameworks that regulate potential impacts on environmental values. In addition to existing environmental frameworks, the port overlay requires consideration of the values identified as being present within the Environmental Management Precinct through the plan-making process.</p> <p>The port overlay has been amended to include additional provisions for the Mt Larcom and Facing Island areas that regulate environmental and scenic amenity values through the development assessment process.</p> <p>These amendments include:</p> <ul style="list-style-type: none"> <li>• Inclusion of the Environmental management code in section 6.2 of the port overlay</li> <li>• Inclusion of a development trigger in Table 5 of the port overlay to facilitate assessment</li> <li>• Inclusion of EMF objectives for the Environmental Management Precinct (all areas of the precinct) as a matter to have regard to.</li> </ul>
<p>Amend port overlay provisions to treat all port precincts as 'urban areas' for vegetation clearing purposes</p>	<p>The port overlay relies on the existing environmental frameworks that operate within the master plan area, including those that apply to vegetation. Altering the effect of the vegetation management framework within the master plan area would not be consistent with the outcomes envisaged by the master plan.</p>
<p>Support the identification of environmental values in the port overlay</p>	<p>The port overlay references the environmental values within the master planned area for the Port of Gladstone identified through the master plan. The recognition and management of OUV and environmental values are key outcomes envisioned by the master plan.</p>

### 3.2.1.4 Infrastructure corridors and function

Matter raised	Response
Impact of infrastructure corridors on environmental values and Curtis Island	<p>The Infrastructure and supply chain corridors precinct was established by the Gladstone master plan released on 5 November 2018 and cannot be modified by the port overlay.</p> <p>Existing environmental frameworks regulate environmental values and remain in effect in conjunction with the port overlay. The recognition and management of OUV and environmental values are key outcomes envisaged by the master plan.</p> <p>In addition to existing environmental frameworks the port overlay requires consideration of environmental values identified in the marine precincts and the Environmental Management Precinct.</p> <p>The port overlay contains provisions that are limited to preserving the infrastructure corridor.</p>
The development triggers for the Infrastructure and supply chain corridors precinct should be refined	<p>Development triggers in the port overlay operate in conjunction with the <i>Planning Regulation 2017</i> (Planning Regulation) for the types of development that may occur. Table 5 of the port overlay has been amended to clarify assessment is limited to the master plan area only.</p>
Alignment of the Infrastructure and supply chain corridors precinct	<p>The Infrastructure and supply chain corridors precinct was established by the Gladstone master plan released on 5 November 2018. The alignment is consistent with the State Development Area Development Scheme precincts.</p>

### 3.2.1.5 Relationship between port overlay and wider planning frameworks

Matter raised	Response
Clarify the relationship between the port overlay and the Planning Regulation	<p>The port overlay has been amended to clarify that it does not affect the intent or function of Schedules 6 and 7 of the Planning Regulation. The port overlay is structured to work within the framework established by the Planning Regulation and TMR will work with and support stakeholders to ensure effective implementation of the port overlay.</p> <p>The following amendments have been made to the port overlay to clarify this relationship:</p> <ul style="list-style-type: none"> <li>• Inclusion of text in sections 1.3, 1.4 and Table 1 of the port overlay outlining the relationship to Schedules 6 and 7 of the Planning Regulation</li> <li>• Inclusion of text in sections 5.2 and 5.3 of the port overlay outlining the relationship to Schedules 6 and 7 of the Planning Regulation</li> <li>• Inclusion of a footnote to Table 5 of the port overlay outlining the relationship to Schedules 6 and 7 of the Planning Regulation.</li> </ul>

Matter raised	Response
Clarify the regulatory relationship between the port overlay and the State Development Area (SDA) Development Scheme.	Section 2.2 of the port overlay has been amended to further clarify that it does not regulate development that is SDA assessable development, SDA self-assessable development or excluded development.

### 3.2.1.6 Personal impacts from master planning process

Matter raised	Response
Master planning processes have caused personal distress and impacts	<p>The involvement of the local community throughout the master planning process is appreciated and has contributed significantly to master plan and port overlay outcomes.</p> <p>Port master planning is a requirement of the Ports Act and includes mandatory public consultation processes. The port overlay contains measures to implement the master plan and has been prepared to comply with the requirements of the Ports Act.</p> <p>Feedback from the community and other stakeholders about consultation processes is appreciated and will be used to inform future port master planning activities.</p>

## 3.2.2 Matters outside the scope of port overlay

Theme	Number of submissions that raised the theme
Masterplan direction and content	5
Protection of environmental values	2
Infrastructure corridors and function	2
Relationship between port overlay and wider planning frameworks	3
Personal impacts from master planning process	4

### 3.2.2.1 Master plan direction and content

Matter raised	Response
Master plan content and priorities expressed in the port overlay are inappropriate	<p>The Gladstone master plan was released on 5 November 2018 and the content reflected in the port overlay cannot be modified.</p> <p>The master plan was prepared in collaboration with the community, stakeholders, peak bodies and government agencies. It aims to enable the port to develop in a sustainable manner, ensuring OUV and any potential impacts to environmental, community wellbeing and cultural heritage are managed.</p>

Matter raised	Response
The inclusion of residents within the Interface precinct is inappropriate	<p>The precincts reflected in the port overlay, including the Interface precinct, were established in the Port of Gladstone Master Plan released on 5 November 2018 and cannot be modified by the port overlay.</p> <p>The port overlay contains measures to implement the master plan which includes managing the interface between the Port Central and adjoining residential areas (refer to Table 3.2.3 for detail).</p>

### 3.2.2.2 Protection of environmental values

Matter raised	Response
Capital dredging implications of the port overlay	<p>Capital dredging is regulated by existing legislative frameworks which remain in effect in conjunction with the port overlay.</p> <p>PMM3 highlights the importance of considering environmental values identified in the master plan area for existing legislative processes.</p> <p>References to capital dredging contained in the port overlay are from the Gladstone master plan released on 5 November 2018.</p>
Marine plants will be impacted by the port overlay	<p>The established environmental frameworks which regulate marine plants remain in effect and operate in conjunction with the additional requirements of the port overlay. The recognition and management of OUV and environmental values are key outcomes envisaged by the master plan.</p> <p>In addition to existing environmental frameworks the port overlay requires consideration of the values identified as being present within the Marine and Marine infrastructure precincts, which includes marine plants.</p>
LNG development impacts air quality and sea-turtles	<p>The port overlay regulates future development and cannot affect existing uses and approvals or uses established under other legislative processes outside the jurisdiction of the Ports Act.</p>

### 3.2.2.3 Infrastructure corridors and function

Matter raised	Response
Suggestions to improve regional infrastructure networks	<p>Regional infrastructure networks are important to facilitate port-related development and to support Queensland.</p> <p>The role of port master planning and the master plan is to guide the sustainable development of the port and does not extend to the planning of regional infrastructure networks.</p>

### 3.2.2.4 Relationship between port overlay and wider planning frameworks

Matter raised	Response
<p>The involvement of other state government entities in matters affecting the development of Gladstone is not appropriate</p>	<p>The Ports Act works alongside Queensland's established regulatory framework. It does not limit or remove legislative obligations established under other Acts.</p> <p>The port overlay is a statutory instrument that includes requirements for plan-making and development assessment. Other state government entities are however required to consider the content of the port overlay when deciding to either make or amend the respective development schemes or instruments, consistent with the requirements of the Ports Act.</p>

### 3.2.2.5 Personal impacts from master planning process

Matter raised	Response
<p>Master planning processes have caused personal distress and impacts</p>	<p>The involvement of the local community throughout the master planning process is appreciated and has contributed significantly to master plan and port overlay outcomes.</p> <p>Port master planning is a requirement of the Ports Act and includes mandatory public consultation processes. The port overlay contains measures to implement the master plan and has been prepared to comply with the requirements of the Ports Act.</p> <p>The master plan and overlay have been prepared in collaboration with the community, stakeholders, peak bodies and government agencies.</p> <p>Feedback from the community and other stakeholders about consultation processes is appreciated and will be used to inform future port master planning activities.</p>

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