



Submission No. 007
11.1.13

Gladstone Ports Corporation

Growth, Prosperity, Community.

Our Ref: #1177186
Sarah Hunter

13 July 2015

Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: IPNRC@parliament.qld.gov.au

Dear Sir/Madam

GLADSTONE PORTS CORPORATION SUBMISSION – PLANNING AND DEVELOPMENT BILL

Gladstone Ports Corporation Limited (GPC) welcomes the opportunity to make a submission on the Planning and Development Bill 2015. GPC has reviewed the Bill and would like to make the following comments.

Clause 34 - Assessment Manager Role

After reviewing the Bill it does not appear clear that Ports will be the Assessment Managers for development on Strategic Port Land. The commentary supporting the Bill suggests that for most applications, the prescribed assessment manager will remain as the relevant local government. However if the application is subject to “standard” assessment then an alternative assessment manager may be nominated.

GPC has multiple land users with complex infrastructure arrangements on single or several parcels of Strategic Port Land (SPL), this is a similar scenario to most Queensland Ports. There are concerns that without Ports managing development on SPL a situation could occur where ad hoc and incompatible development is approved with inappropriate conditions to manage ongoing Port operational issues.

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Solution

GPC considers that in relation to determining the use, configuration and operation of a development on SPL, that ports are best placed to assess and regulate matters relating to core port activities.

For development on SPL, the assessment manager role (or equivalent) is to remain with the Port Authorities.

Land Owners Consent

Currently the *Sustainable Planning Act 2009* requires that when development is proposed on leased land, then land owners consent is to be obtained from the State. An application is then lodged with the Department to be assessed against the intent of the lease. Once assessed, then a land owners consent notice is issued which permits the lodgement of a development application to be assessed under the provisions of the *Sustainable Planning Act 2009*. The land owners consent process for state land can be very time consuming, with the end result not adding any value or input into the development assessment process. This process largely affects offshore leases, specifically for Operational Works applications for Tidal Works and some onshore state lease areas or reserves which are all identified as SPL.

GPC considers that it should be the leaseholders responsibility to ensure that any development undertaken on the land is consistent with the intent of the lease. If the State deems the development to be inconsistent then there are clauses within the lease which can be actioned for a breach of lease, which would enforce the removal of the development.

Solution

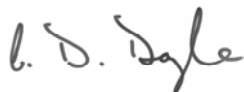
It is recommended that Clause 46 of the *Planning and Development Bill* be amended to include an additional provision that land owners consent is not require for development on SPL.

GPC has also participated in the preparation of the Queensland Ports Association (QPA) submission on the Bill, and endorses all elements of that submission.

GPC would welcome further involvement with the Department when consideration is given to how the implementation of the *Planning and Development Bill 2015* will integrate with the proposed *Sustainable Port Development Bill*.

If there are any questions relating to any comments made, please do not hesitate to contact [REDACTED]

Yours faithfully,



CRAIG DOYLE
CHIEF EXECUTIVE OFFICER