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2 July 2015

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

Dear Research Director

RE: SUBMISSION ON SUSTAINABLE PORTS DEVELOPMENT BILL 2015

On behalf of Whitsunday Regional Council, I write to you to request by way of this submission, a number of amendments to be considered on the final drafting of the proposed Queensland Government *Sustainable Ports Development Bill 2015* (the Bill).

Whitsunday Regional Council supports the intent of the proposed Bill to protect the impacts of port development on the Great Barrier Reef World Heritage Area; however, we request the following items be addressed prior to adoption of the Bill.

Section	WRC Response	
Clause 10(2)(c)	That the entity may make a written submission to the Minister about the proposal within a state period of at least 20 business days.	<p>This does not allow sufficient time to accurately review an entire master plan or amendment. A local government entity may require time to develop a policy as well as gaining a resolution from Council supporting the policy.</p> <p>It is recommended that the review process mimics Statutory Guideline 04/14 Making and amending local planning instruments and allow for between 40 and 60 business days.</p>

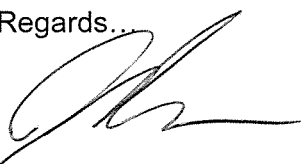


<p>Clause 11(2)(e)(i) & (ii)</p>	<p>The period (the consultation period) within which a submission may be made, which must be at least—</p> <p>(i) if the Minister proposes to make a master plan—30 business days after the public notice is published in the gazette; or</p> <p>(ii) if the Minister proposes to amend a master plan—20 business days after the public notice is published in the gazette.</p>	<p>This does not allow sufficient time to accurately review an entire master plan or amendment. A local government entity may require time to develop a policy as well as gaining a resolution from Council supporting the policy.</p> <p>It is recommended that the review process mimics Statutory Guideline 04/14 Making and amending local planning instruments and allow for between 40 and 60 business days.</p>
<p>Clause 11</p>	<p>Preparing and notifying draft instrument.</p>	<p>Should an entity review and provide a submission during public consultation, it is recommended that the Minister must respond to each entity in writing noting how each submission was addressed.</p> <p>To achieve this an additional clause may be included to read similar to the following:</p> <p>Clause 11(6) Any submission received by an entity must be taken by the Minister as a condition of the master plan or amendment. The Minister must respond to each submission notifying how the submission has been addressed.</p>
<p>Clause 16(2)(b)</p>	<p>State the reasonable period within which the information must be given.</p>	<p>To remain consistent with other sections of the Bill, it is suggested that a timeframe is stated within the legislation rather than identifying a “reasonable period”.</p> <p>It is recommended that the review process mimics Statutory Guideline 04/14 Making and amending local planning instruments and allow for between 40 and 60 business days.</p>
<p>Clause 32(2)(a) & (b)</p>	<p>However, subsection (1) does not apply to the following development—</p> <p>(a) the carrying out of dredging;</p> <p>(b) the disposal of material generated from dredging activities.</p>	<p>The current wording of the clause does not encourage the protection of the Great Barrier Reef World Heritage Area, which is the intent of the Bill. Council would encourage provisions to allow for each dredging application in the restricted area to be assessed on its merits and backed by scientific evidence.</p>

<p>Clause 34(1)(a)</p>	<p>An approving authority may grant an approval for development that is, or includes, the disposal of prescribed dredge material within a restricted area only if—</p> <p>(a) it is impracticable to beneficially reuse the prescribed dredge material; and...</p>	<p>Greater prescription needs to be placed around the word “impracticable”. This creates uncertainty for the public as to what could possibly be approved. It also makes it hard for the entity to determine what is impracticable.</p> <p>It is recommended that a proposal be assessed against particular issues, such as economic viability, environmental reporting and public safety.</p>
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On behalf of Whitsunday Regional Council, I thank you for the opportunity to provide input on the development of the draft *Sustainable Ports Development Bill 2015* and look forward to receiving your response to our submission soon.

Kind Regards...



Jamie Thorley
Executive Manager – Planning and Development

