

PROTECT KEPPEL BAY

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

By email: ipnrc@parliament.qld.gov.au

Dear Sir/Madam

Re: Sustainable Ports Development Bill 2015

The Keppel and Fitzroy Delta Alliance (KAFDA) was formed in late 2011 in the Central Queensland region to represent the regional community's concerns with regard to proposed coal port proposals in the Fitzroy Delta and Keppel Bay. It has since rapidly grown to include thousands of supporters from the region, all over Australia and internationally.

KAFDA recognises the importance of Queensland's resource industry to the wealth of, not only Queensland, but to the whole of Australia and further recognises the fact that there must be associated infrastructure developments (such as shipping ports) to support such industries.

However, we also hold the view that any new and proposed port infrastructure needs must be consolidated and optimised in already established major port precincts.

The rapid increase of coastal developments, including ports infrastructure and proposed ports infrastructure threatens the ecosystems of the Great Barrier Reef and we welcome the opportunity to respond to the Queensland Government's Sustainable Ports Development Bill 2015.

KAFDA acknowledge the government's intent to implement a number of its pre-election and Reef 2050 Plan commitments with this Bill. There are some concerns that omissions and reliance upon other regulatory mechanisms rather than inclusion within the Bill itself will render the Bill less effective at ensuring the intent of the government to protect the Great Barrier Reef and crucial coastal ecosystems.

Given the significance of the Fitzroy River as the largest river and largest catchment feeding into the Great Barrier Reef, the essential need to prevent any new port development in this area should be specifically determined by this Bill as detailed in point 4 below.

We understand the intent of the Gladstone Master Port Planning process to protect and separate this area from the Gladstone Master Port. However, as recognized by the UNESCO World Heritage Committee in all of their recent documentation, the entire area of the Fitzroy Delta, north Curtis Island and Keppel Bay, needs to be protected by the strongest mechanism possible.

There are some key issues of concern as follows:

1. *Ban on trans-shipping must be implemented, as promised*

The Queensland Government has committed to ban trans-shipping in the Great Barrier Reef Marine Park (GBRMP), both in pre-election policy commitments and in the Reef 2050 Long-Term Sustainability Plan (Reef 2050 Plan). This has not been provided for in the Bill, where it would logically sit. Restrictions on capital dredging and port facilities could lead to an increase in applications for trans-shipping

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through the GBRMP, so it is important that appropriate regulations are in place for trans-shipping by the time the new Ports Bill commences.

2. Ban on offshore dumping of dredge spoil should be fully implemented, as promised

We support the proposal to prohibit the sea based disposal of capital dredge spoil in the GBRWHA provided in clause 34. However, we do not support the limitation of this prohibition to only capital dredge material from port facility development, provided in the definition of 'prescribed dredge material' in clause 34(2).

The Queensland Government made a pre-election commitment to ban sea-based dumping, which has been supported by the World Heritage Committee in their recent draft decision. The Federal Government has provided a ban on offshore dumping of capital dredge spoil in the GBRMP that is not limited to port related dredging projects. This should be mirrored by the Queensland Government to fully implement this agreed commitment.

Maintenance dredging

Dumping of maintenance dredge spoil is also not dealt with by the Bill. On average, close to 1 million m³ of spoil from maintenance dredging is dumped offshore each year in the GBRWHA. In its 'Saving the Reef' election policy, the Queensland Government committed to providing for a statewide framework to reduce the impacts of maintenance dredging and spoil disposal. If this framework is not to be provided through this Bill, the Government should make a clear proposal as to the method and timing for the provision of this framework.

3. Restrictions on dredging and development of port facilities must be extended to GBRMP

We support the proposal to prohibit capital dredging for port facilities outside of the four major ports (clause 33). We further support the limitation of the development of port facilities to the 12 ports along the GBR coastline.

We do not support that these restrictions on capital dredging and port facilities do not apply to any waters inside the GBRMP. For example, this could allow port facilities such as a jetty to extend out to the GBRMP and then capital dredging to be undertaken. This is an oversight in the Ports Bill that could be addressed by restricting onshore development that facilities capital dredging or port facilities from being developed in the GBRMP, as per the suggested amendment to clause 33 below. To strengthen this regulation, we suggest that the Committee could recommend cooperation between the Reef Ministerial Council members to also implement these restrictions through Commonwealth legislation in the GBRMP.

4. Protection of the Greater Fitzroy Delta must be ensured, as promised by the Government's commitments:

'In Central Queensland a future Labor Government will prohibit any development in the Greater Fitzroy River delta and ensure that any necessary increase in port capacity is confined within the existing Port of Gladstone.' – ALP Policy, 'Saving the Great Barrier Reef', page 5.

'EHA22 Protect the Fitzroy Delta including North Curtis Island and Keppel Bay by:

- *extension and strengthened conservation zoning in the Great Barrier Reef Coast Marine Park*
- *extension of the existing Fish Habitat area*
- *establishment of a new net-free zone under fisheries legislation*
- *additional protections in associated intertidal and terrestrial areas.'* – Reef 2050 Plan, page 37.

We welcome the provisions in the Bill which will prevent capital dredging in minor ports along the GBR coastline, including Port Alma on the Fitzroy River Delta south of Rockhampton. The Queensland Government has wisely committed to protecting the Greater Fitzroy Delta.

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Currently the small port facilities at Port Alma allow for the import and export of salt from the local salt works, as well as dangerous goods such as explosives and defence equipment. We support the continued use of the Port for these purposes, but no new port facilities should be allowed for other purposes. As currently written the Bill will not prevent significant expansion of port facilities at Port Alma, using the existing shipping channel. This development could include proposals for trans-shipping operations. This omission is contrary to the commitment made by the Queensland Government to protect the Greater Fitzroy River Delta.

SOLUTIONS:

- (a) To ensure that the Greater Fitzroy Delta is protected, specific provisions should be provided to restrict port development in Port Alma to only necessary improvements to the existing facilities, not new facilities for different purposes.**

- (b) The Committee should request the Reef Ministerial Council to specify when and how improved conservation measures will be put in place for the Delta, to meet the government's other commitments for the region outlined in the Reef 2050 Plan.**

5. *Master planning should be improved*

We support the public notification proposed for master plans (clause 11) and the requirement that master plans be reviewed as to their effectiveness in ameliorating environmental impacts of ports (clauses 14 to 17). To ensure the community is able to be meaningfully involved in master plan preparation, linked to upholding transparency and accountability in governance which is discussed below:

- We suggest that his review should be a public process, the Minister should publish an invitation to the public inviting submissions and all relevant supporting documents should be available to the public to inform their submissions.

- The community needs to be able to see supporting documentation about the existing state of the master planned areas and what progress has been made against the objectives and measures. The supporting documentation behind each master plan review should be made available on the public register (clause 56).

- The making or amending of port overlays should also be subject to public consultation to ensure there is no ability for Minister's to make changes to these statutory instruments that do not reflect master plans which were subject to public consultation (clause 22).

Further, every 10 years is too long to be updated on achievement of priority management measures (clause 14). We are aware that planning scheme reviews are constantly delayed and so we suggest 7 years is a more appropriate time period.

Finally, there is no reference to the outstanding universal value (OUV) of the GBRWHA in the Bill or master plans. Since the Bill's key purpose is the protection of the GBRWHA, the Bill should be amended to include reference to the OUV.

Yours sincerely



Ginny Gerlach
Coordinator and Director