



Your REF: Ref: 11.1.5C
Our REF: SP – Submissions for State Government Bills

Submission no 034
11.1.5
2 July 2015

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Mr Jim Pearce MP
Chair Infrastructure, Planning and Natural Resource Committee
Parliament House
George Street
Brisbane Qld, 4000

RE: Submission to the Sustainable Ports Bill 2015

Dear Sir,

Thank you for your invitation to make a submission to the Infrastructure, Planning and Natural Resources Committee regarding the above proposed legislation. Council welcomes the opportunity to comment and matters of concern are raised below.

Consistent with the Bill's intent to protect the Great Barrier Reef, Council commends the inclusion of legislated an environmental management framework to protect the fragile land-based coastal and vegetation environments.

Council offered support for the Queensland Ports Strategy 2013 and remains generally supportive of clear direction for port expansion in the State. While this Bill is substantially changed from the Ports Bill 2014 and has an entirely different intent there remains some concerns for port expansion in the Mackay area. Concern remains principally around the non-statutory nature of the masterplanning and clarification of the purpose of the proposed overlay. These matters are outlined in detail below.

Issue 1: There is no statutory guidance for compilation of a master plan

Facts:

Section 8 of the Bill includes information which must be included in a master plan. This section deals well with the State interests but is devoid of local government interests and any information on the mechanics of a master plan to ensure transparent intent and facilitate common understanding.

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8 Content of master plan

(1) A master plan for a priority port must—

- (a) state the strategic vision, objectives and desired outcomes for the master planned area; and*
- (b) identify the State interests affected, or likely to be affected, by—*
 - (i) existing uses at the port; and*
 - (ii) future development at, or for, the port; and*
- (c) include an environmental management framework that—*
 - (i) identifies and maps environmental values in the master planned area and surrounding areas; and*
 - (ii) identifies any impacts development in the master planned area may have on the environmental values; and*
 - (iii) states objectives, and measures (the priority management measures), for managing the impacts identified under subparagraph (ii); and*
- (d) include any other matter prescribed by regulation.*

The master plan contents do not compel the port to identify any conflicting issues or recognise local planning instruments in the event the priority port area comprises land outside the existing boundaries as is possible under section 6 (1). Council has particular concerns in this regard where a port may indicate areas suitable for commercial or industrial development which may have a detrimental effect on the function of the local centres network and land supply.

Further, there is no guidance on the composition of a master plan in the context of the Queensland Planning Provisions (QPP), as local government is obliged to consider. In order that the master plan is truly transparent and enables timely review and response, the ports should also compose a master plan that reflects the core principles of the QPP such as consistent structure and terminology. A statutory guideline or additions to s8 (1) can allay these concerns.

Recommendation:

Council recommends that the guidelines for a master plan over a priority port area given statutory status and:

- include matters relevant to or inconsistent with a local planning instrument
- give consideration to how a master plan for a port priority area may affect a local planning instrument; and
- include guidance on the document composition generally in accordance with the QPP

Issue 2: The function and powers of the proposed overlay are unclear

Facts:

The explanatory notes advise:

A port overlay will have a similar effect to a State planning regulatory provision under the Sustainable Planning Act 2009, prevailing over an existing planning instrument in a master planned area to the extent of any inconsistency, including regulating development in that area.

It seems that the overlay is required to give the same effect to the land as declaration of Strategic Port Land under the *Transport Act*, in order it is recognised under the *Sustainable Planning Act* for any future assessments. This means that the ports master plan can legally affect private property by "*maintaining autonomy over the land*" (Guideline, p.6) without the need to purchase the land and having it declared under the *Transport Act*. This seems somewhat cumbersome and also overly advantageous to the ports.

Further, the practicalities of the overlay are unclear. Will the proposed SPRP be an amendment to the regional plans or the SPP? What will the SPRP say? S21 appears to create an additional planning process for little benefit. Additional clarification of the necessity and workability of this overlay is requested. The State's concern may be a declaration takes considerable time. In this instance, the process can be after the master plan is approved. Council's concerns are not for the land use but rather the addition of yet another new planning layer or process.

Recommendation:

Council recommends that the facts and circumstances of the proposed overlay are expanded and advice provided on why areas outside the existing strategic port land cannot continue to be declared through this process.

I trust this submission contribution is helpful. Please contact Julie Brook in the first instance in relation to the concerns raised [REDACTED] I look forward to further consultation with the legislative committee.

Yours faithfully,



David McKendry
A/ Chief Executive Officer