

**PLANNING AND ECONOMIC COMMITTEE****8 JULY 2015****3****SUSTAINABLE PORTS DEVELOPMENT BILL**

Neil Quinn | 1/58/14 | #4771706

**RECOMMENDATION:**

**That Council endorses the Submission made to the Infrastructure, Planning and Natural Resources Committee on the Sustainable Ports Development Bill 2015.**

**EXECUTIVE SUMMARY:**

The State Government introduced the Sustainable Ports Development Bill 2015 (the Bill) to provide for the protection of the Great Barrier Reef World Heritage Area through managing port-related development in and adjacent to the area.

Public Submissions in response to the Bill closed on 2 July 2015 and Council lodged a copy of the submission provided as **Attachment 1**.

Matters specifically addressed in the submission include:

1. The declaration of Cairns and Mourilyan as Priority Ports;
2. An expansion of the type of activities that are permitted in “Non Priority Ports” to include activities particularly relevant to Cairns.
3. Clarification of provisions concerning the re-use or disposal of dredge material on land; and
4. Clarification of the continued ability to undertake maintenance dredging and to dispose of the dredge material at sea.

**BACKGROUND:**

The Sustainable Ports Development Bill 2015 (the Bill) was introduced to the Queensland Parliament on 3 June 2015. The Bill has been referred to the Infrastructure, Planning and Natural Resources Committee who will report back to parliament on 1 September 2015. Public submissions were invited and closed on 2 July 2015.

The Government states that the key policy objective of the Bill is to provide for the protection of the Great Barrier Reef World Heritage Area (GBRWHA) through managing port-related development in and adjacent to the area.

Over the last few years, increasing local, national and international attention has been focussed on the challenges of balancing port development and protection of the GBRWHA. The Government has made election commitments in relation to dredging and port development in the GBRWHA and has committed in the *Reef 2050 Long-Term Sustainability Plan (LTSP)* to implementing a raft of actions to protect the GBRWHA.

The Explanatory Notes accompanying the Bill state that the Bill will:

- \* *protect greenfield areas by restricting new port development in and adjoining the GBRWHA to within current port limits;*
- \* *restrict capital dredging for the development of new or expansion of existing port facilities to within the regulated port limits of Gladstone, Hay Point/Mackay, Abbot Point and Townsville (to optimise the use of infrastructure at these long established major bulk commodity ports);*
- \* *prohibit the sea-based disposal of material into the GBRWHA generated by port-related capital dredging;*
- \* *mandate the beneficial reuse of port-related capital dredged material, such as for land reclamation, or disposal on land where it is environmentally safe to do so; and*
- \* *require master plans at the long-established major bulk commodity ports of Gladstone, Hay Point/Mackay, Abbot Point and Townsville to optimise the use of existing port infrastructure and address operational, economic, environmental and social relationships as well as supply chains and surrounding land uses.*

The impact of the proposed legislation will result in a restriction of any capital dredging outside of the Priority Ports for the development of new or expansion of existing port facilities except for capital dredging associated with:

- \* Small scale port facilities for a tourism or recreation purpose, ie boat ramp, boat harbour, marina.
- \* Projects that are subject to active Environmental Impact Statement processes such as the Cairns Shipping Development Project.

All other capital dredging (minor or major) associated with the development of new or existing port facilities, including private facilities, is prohibited.

Any capital dredging that is permitted will be prohibited for sea disposal.

The Bill exempts dredging to maintain the safe and effective ongoing operations of a Port facility.

**COMMENT:**

The Bill will impact on the Ports of Cairns, Mourilyan and Cape Flattery as well as any private or public marine infrastructure outside of the nominated Priority Ports.

Priority Ports will be required to implement master planning for their long term development in a way that is consistent with the principles of ecologically sustainable development. The master planning is envisaged to facilitate growth by articulating an economic and environmental vision for the port that extends beyond existing port land to optimise port development through coordinated planning of land and marine areas.

The requirement that this master planning be undertaken and the nomination of the specified ports as Priority Ports gives a clear indication of the future direction of Government in developing Queensland's port industry.

Note that Brisbane (a privatised port) and Bundaberg are not directly adjacent to the GBRWHA. Accordingly, the critical ports not included as Priority Ports in the Bill are Cairns and Mourilyan. Cape Flattery is unique due to its specific operations. As the Far North Queensland Ports are not considered to qualify as priority ports, the expectations for their future development are not reflected in the proposed legislation and remain unclear.

The Environmental Impact Statement (EIS) for the Cairns Shipping Development Project remains active at this time and this project remains exempt from the provisions of the legislation until such time as a decision is made on the project. If this Project is rejected, then no further capital dredging will be permitted in the Port of Cairns other than dredging of small scale facilities for tourism or recreation purposes i.e. boat ramps, boat harbours and marinas.

The Development Project and resultant capital dredging required to accommodate larger ships into the Port of Cairns is separate to the annual maintenance dredging that is required to ensure ongoing safe and efficient port operations, which do not appear at immediate risk in the proposed legislation. At this stage, maintenance dredging will be permitted to continue with disposal of the dredge material permitted in the Great Barrier Reef Marine Park.

Even if Cairns were to be classed as a priority port (and hence could undertake capital dredging), unlike other ports along the Queensland coast, Cairns has very limited alternatives for the disposal of dredge material on land. The Environmental Impact Statement (EIS) for the Cairns Shipping Development Project has clearly identified a preferred marine based site which was considered to deliver the best overall outcome from an environmental and financial perspective.

In its submission to the EIS, Council argued that approval for the marine based disposal of dredge spoil should be considered when applications are supported by the best available scientific studies assessing the likely impact on the Great Barrier Reef and accompanied by Management Plans which demonstrate best practice in the proposed dredging operations.

The progression of the Cairns Shipping Development Project is considered to be the best option for the future development of the Port Of Cairns. However, it is considered prudent to seek changes to and clarification of aspects of the Bill to protect the future of the port if the Project does not eventually proceed.

Matters specifically addressed in the submission include:

1. The declaration of Cairns and Mourilyan as Priority Ports;
2. An expansion of the type of activities that are permitted in “Non Priority Ports” to include activities particularly relevant to Cairns.
3. Clarification of provisions concerning the re-use or disposal of dredge material on land; and
4. Clarification of the continued ability to undertake maintenance dredging and to dispose of the dredge material at sea.

To meet the required closing date, a submission (Appendix 1) was made to the Government’s Infrastructure, Planning and Natural Resources Committee and endorsement is now sought from Council.

### **OPTIONS:**

Council has the following options:

That Council endorses the submission to the Infrastructure, Planning and Natural Resources Committee on the proposed Sustainable Ports Development Bill 2015, as contained in **Appendix 1**;

OR

Council does not endorse the submission made to the Infrastructure, Planning and Natural Resources Committee on the proposed Sustainable Ports Development Bill 2015, as contained in **Appendix 1**.

### **CONSIDERATIONS:**

#### **Risk Management:**

There is no particularised risk in making a submission on the Bill; however, as a key stakeholder in the management of the Great Barrier Reef and the operation of the Ports of Cairns and Mourilyan, the Cairns Regional Council needs to ensure that there is a balance reached between the primacy of the protection of the Great Barrier Reef and the ongoing economic benefits of the expansion of our Port activities.

#### **Financial:**

There are no specific financial impacts for the Cairns Regional Council in making a submission. The potential economic impacts of the project are discussed in detail above.

Corporate and Operational Plans:

2.0 Economy - A strong, diversified and sustainable regional economy that supports the growth of new and existing industry and business activities whilst enhancing local lifestyle and providing long term employment opportunities.

3.0 Environment- A sustainable, well managed and healthy environment that provides a balance between built infrastructure and the conservation of our world heritage features and natural and cultural resources.

Statutory:

*State Development and Public Works Organisation Act 1971.*

Policy:

National Guidelines for Dredging (NAGD)

Reef 2050 Long Term Sustainability Plan

Sustainability:

The sustainability of the project has been discussed in detail above.

**CONSULTATION:**

Ports North

**ATTACHMENTS:**

Attachment 1 Cairns Regional Council Submission

Attachment 2 Plan of Great Barrier Reef Marine Park overlaid on World Heritage Area



Neil Quinn  
Executive Manager, Mayor's Office

**Attachment 1** Cairns Regional Council Submission

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

Dear Committee Members,

**Submission to the Parliamentary Committee Considering the Sustainable Ports Development Bill 2015 (the Bill)**

Cairns Regional Council has considered the terms of the Bill and now sets out issues which we believe should be further considered as part of the review process.

We acknowledge the key policy objective of the Bill is to provide for the protection of the Great Barrier Reef World Heritage Area (GBRWhA) through managing port-related development in and adjacent to the area and we support this policy objective.

However, we are concerned that the provisions of the Bill will have a significant impact on Far North Queensland's two major ports - Cairns and Mourilyan - and their ability to be developed to provide ongoing support to the regional economy. Both ports are long established and strategically important being critical items of regional infrastructure for the region's major industries and which provide connectivity to other parts of Queensland and Asia-Pacific. Unlike the major export ports in Queensland, the Port of Cairns is a multi-purpose port with a significant presence, of navy, fishing and reef fleet / tourism vessels. The port records more vessel movements than any other Queensland port.

Cairns Shipping Development Project

Council is adamant that the two World Heritage Listed natural wonders – The Great Barrier Reef and the Wet Tropics Rainforest must be protected.

However, Cairns and the surrounding region will experience significant population growth in the next 10 – 50 years as a result of sustained increases in economic activity, most likely driven by tourism and tourism-related activities.

The region recognises unequivocally that the priority must be to preserve and properly manage the Great Barrier Reef and Wet Tropics Rainforest. However, there is also recognition that enabling infrastructure, including Cairns Seaport, will need to be expanded to sustain future economic growth. The proposed Bill (in the absence of declaring the port a Priority Port) does not provide any guidance on any options to accommodate this expansion.

Dredging has occurred in the Port of Cairns for over 100 years with maintenance dredging being undertaken annually to remove naturally occurring sediment that has accumulated in the channel. The last major capital dredging project was undertaken in 1990. Between 1913 and 1974 a small proportion of the annual dredging was used to reclaim land. However, these practices would not meet current environmental management requirements.

The Environmental Impact Statement (EIS) for the Cairns Shipping Development Project remains active at this time and this project remains exempt from the provisions of the legislation until such time as the Project is formally rejected.

The EIS has clearly identified a preferred marine based site which was considered to deliver the best overall outcome from an environmental and financial perspective.

In its submission to the EIS, Council argued that approval for the marine based disposal of dredge spoil should be considered when applications are supported by the best available scientific studies assessing the likely impact on the Great Barrier Reef and accompanied by Management Plans which demonstrate best practice in the proposed dredging operations.

Council considers this to be the best option for the future development of the Port of Cairns.

It is important that government does not reject the Cairns Shipping Development Project's EIS without an opportunity to review the project and seek project approval even if the project construction is deferred until funding is available. If this Project is rejected, then the Bill prohibits capital dredging in the Port of Cairns other than dredging of small scale facilities for tourism or recreation purposes i.e. boat ramps, boat harbours and marinas and any other port development exemptions included in the final Bill

### Priority Ports

It is noted the Bill declares a number of priority ports which does not include the Ports of Cairns and Mourilyan.

Priority Ports will be required to implement master planning for their long term development in a way that is consistent with the principles of ecologically sustainable development. The requirement that this master planning be undertaken and the nomination of the specified ports as Priority Ports gives a clear indication of the Government's future direction in developing Queensland's port industry.

As the Ports of Cairns and Mourilyan are not considered to qualify as priority ports, the Government's expectations for their future development are not reflected in the proposed legislation and remain unclear. This is a matter of concern to Council and indeed the region.

The operator of these ports, Ports North, has developed Masterplans for the ports following extensive consultation with customers, local stakeholders and other development agencies. These Masterplans allow for the progressive development of the ports in a controlled and considered way that supports changes in the regional economy. The Bill, as drafted, will restrict this development to the detriment of the region and the State.

Council strongly considers that, given that Masterplans have been completed for both Cairns and Mourilyan Ports, and in recognition that these ports are long established and strategically important, the Bill should be altered to include both Cairns and Mourilyan as Priority Ports.

#### Small Scale Port Facilities

For Non Priority Ports further consideration is required of the future development works that include capital dredging required to sustain port operations. In particular, provisions are required to allow ports and port-based businesses to incrementally develop their facilities to maintain competitiveness and respond to market changes.

It is acknowledged that the Bill provides an exception for small scale port facilities for a tourism or recreation purpose, i.e. boat ramp, boat harbour, marina. All other capital dredging (minor or major) associated with the development of new or existing port facilities, including private facilities, is prohibited.

Council requests that consideration be given to extending this exception to other small scale port facilities within existing port limits to reflect the variety of other uses that are common-place in a multi-user port such as Cairns. Such an extension may encompass the incremental expansion of wharves and cater for the demands of the Navy, fishing industry and other marine service industries.

#### Beneficial Re-use

Even if Cairns were permitted to undertake capital dredging through being nominated as a Priority Port, by approval of the Cairns Shipping Development Project or the Bill's exemptions, unlike other ports along the Queensland coast, Cairns has very limited alternatives for the disposal of dredge material on land. Consequently, the provisions of the Bill relating to the use and disposal of dredged material are critical to the local community.

The Explanatory Memorandum to the Bill (page 14) provides examples of beneficial re-use which should be included within the provisions of the Bill and these provisions should ensure that the beneficial reuse and environmental offset requirements are not so costly or restrictive to make projects in Cairns unviable.

It is important to recognise that land based disposal of dredge material is costly – particularly in instances where the material is of fine grade or poor quality. The cost of land based disposal will impose a significant increased financial burden on ports (and their customers) and may render otherwise viable port development projects to be rejected without appropriate support from the Government.

#### Maintenance Dredging

The Bill should provide clarity on the rights to continue to dredge to maintain safe and effective port operations and dispose of the dredge material at sea.

#### Conclusion

Council acknowledges and welcomes the intent of the Bill as a measure aimed at protecting the Great Barrier Reef. This is a position universally accepted by the Far North Queensland regional community.

However, the region's population has grown from 128,000 in 1976 to 270,000 in 2011 – an increase of 111%, the fastest growing region in Queensland over that period. Population is expected to double over the next twenty five years, further increasing demand on infrastructure and services. Critical infrastructure, including the Ports of Cairns and Mourilyan, must be allowed to develop to match this increased demand.

Cairns and regional Queensland needs development – it is in the State's interest to ensure that communities throughout the State are vibrant and are provided with opportunities to advance their economic and social wellbeing. Impositions on development have significant impacts on the comparatively smaller regional communities and therefore should be carefully considered to ensure the impacts are fully understood.

I would welcome the opportunity to host Committee members in Cairns for public hearings so that the views of the broader local community can be considered.

Yours faithfully

Bob Manning

Mayor

**Attachment 2** Plan of Great Barrier Reef Marine Park overlaid on World Heritage Area

