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PPDA Guideline Consultation
Policy and Legislation Division
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Environment
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SOUTH EAST QLD DIVISION

Re: EIANZ's Comments on the Priority Port Development Area (PPDA) Planning Guideline

The Environment Institute of Australia and New Zealand (EIANZ) Southeast Queensland Division is pleased to submit its comments on the Priority Port Development Area (PPDA) Planning Guideline. The Institute acknowledges the efforts being made by the Queensland Department of State Development, Infrastructure and Planning to provide a transparent and robust framework for port planning and development for the five priority port development areas as part of the Queensland Ports Strategy.

The EIANZ is the leading professional body in Australia and New Zealand for environmental practitioners, and promotes independent and interdisciplinary discourse on environmental issues. On all issues and all projects the Institute advocates good practice environmental management delivered by competent and ethical environmental practitioners.

General Comments on the Guideline

- This type of planning guideline seems to be a good first step in providing a more coordinated approach to port development in Queensland. In general the guideline seems to provide a holistic approach to the identification of issues that will inform the master plan process.
- The PPDA Planning Guideline provides similar information to that contained within the Ports Bill. Whilst the guideline addresses individual port master planning and development – it would be beneficial if there were some overarching objectives and targets specified in the guideline (or other policy document), to ensure that individual port development is cognisant of wider Queensland issues and goals. Examples would include sustainable growth objectives which consider issues such as port traffic in the Great Barrier Reef, or environmental objectives such as no net loss. More detailed information and guidance would be useful such as giving examples of wording for master plan objectives, desired outcomes, development scheme performance criteria, etc.
- The strategic vision, objectives and desired outcomes for the PPDA will be defined for 30 years. We suggest that the Act, regulation and guidelines are reviewed every five years, as a minimum, to account for changes in policy and environmental constraints.
- The stated purpose of a PPDA master plan is to ensure 'that planning and development within a PPDA aligns with state interests'. It would be beneficial to elaborate and refer to specific policy documents such as the QPS, State Planning Policy, Reef 2050 plan, etc.
- The guideline (p11) advocates a whole of network approach to forecasting and projections and the potential alternative use of other ports. It seems that this type of analysis should have been completed before the designation of the five PPDA's so that the priority development occurs in the locations that are capable of supporting it and for the industries that most need it.

- The guideline requires a number of studies be undertaken in establishing an evidence base but does not define who is qualified to undertake specific studies. It would be beneficial if this were specified to ensure robust assessment of issues e.g. A qualified ecologist/economist/etc, with XX years' experience and a relevant industry certification, e.g., Certified Environmental Practitioner (CEnvP).
- Regulatory and policy context should consider international issues such as ports and shipping legislation and policy, and Commonwealth policy such as relates to GBRMPA. Also this section does not mention the Queensland Ports Strategy.
- Port history should consider previous land uses (not just shipping movements) and history of contamination or environmental incidents. Does port stakeholders and tenants include regulatory agencies?
- In assessing the relevant environmental values – this should consider the resilience of the values to change/impacts.
- Risks associated with climate change and natural hazards should be considered in the environmental, social and economic assessment
- Are ports subject to the Queensland Environmental Offset Policy? If so this should be mentioned. If not, how is the need for offsets triggered or regulated at Ports? Voluntary offset identification is unlikely to be effective.
- There is no recommendation or discussion regarding consultation and engagement with stakeholders during master planning for a PPDA or during preparation of a development scheme. It is noted that the Ports Bill does require public consultation on drafts of the Master Plan and Development Scheme when developed and reviewed/amended. It would be more effective to engage with stakeholders during the development of plans rather than on a draft plan at the end of the preparation stage. The identification of environmental and social impacts should include consultation with stakeholders and community. Similarly, the cultural heritage assessment should include consultation with Indigenous owners to assess the significance of Aboriginal cultural heritage.
- Whilst the guideline provides matters to be considered for the economic assessment, in practice a standard methodology may be required so that the forecasts and projections can be meaningfully compared across different ports.
- The core port area may include 'current and future supply chain corridors' – does this include marine-based supply chain corridors?
- The ports bill requires the Minister to review Master Plans every 10 years. It would be beneficial if the guideline specified an interim timeframe for review and update of Master Plans by port operators.
- The requirement for an EMF in the development scheme is noted as a good approach.

Comments on Part B Master Plans

- It is unclear from the guideline who are the decision makers responsible for the assessment of a PPDA master plan (p5).
- The goal of the scenario testing is to identify future development patterns (p11). The guideline mentions environmental values, social and cultural heritage impacts, existing land use etc. to be considered during scenario testing. The guideline should go further in discussing that these aspects considered may in fact become constraints to future development, depending on the scenario and the effect it has. Additionally, more clarification is needed to understand how the scenario testing will be used to ensure that a scientific comparison between different designs of the master plan occurs.

- Further to this, it is noted that cumulative impacts are to be included in high level analysis of environmental values (p8). However, it does not explicitly require assessment of cumulative impacts for the high, medium and low growth scenarios identified.
- We recommend that an independent organisation undertake the scenario testing to ensure transparency in the development of the master plan and the environmental management framework.
- A master plan is required to include a plan for achieving the stated goals of the master plan (p14). This “implementation plan” is supposed to have performance indicators, monitoring, reporting, corrective actions, etc. The guideline should include examples of wording for these items to assist with the implementation of the master plan and ensure the goals are achieved. It is noted that the development scheme for a PPDA also contains performance criteria among other things. However, the development scheme is not an implementation plan for the master plan but rather a scheme to regulate development within the PPDA.

Comments on Part C Development Schemes

- During preparation of the development scheme, the guideline recommends the analysis of cumulative impacts arising from current and future developments in the core port area (as a minimum), to establish the evidence base (p15). It is unclear on which scenario (high, medium or low growth) this should be based. The scenario chosen will set the expected development pattern, and other requirements for the preparation of the development scheme, such as assessing potential impacts on MNES, MSES and MLES, may vary depending on the chosen scenario.
- Related to the above issue, if profiles of the MNES, MSES and MLES are completed, potential impacts identified, and environmental outcomes set, will potential port users applying for a development approval have to redo this impact assessment for the proposed site or only propose mitigation measures to be implemented to minimise impacts (noting that the development codes and environmental management framework will also provide similar information)?
- To avoid multiple development applications being made under several jurisdictions for the one project, the guideline allows the development scheme area to extend beyond the core port area (p16). It is unclear whether the development scheme area can extend beyond the PPDA boundary or the area covered by the master plan, e.g., along supply chain corridors, etc.
- Are the desired development outcomes, a series of concise and locally relevant statements in the development scheme, the same as those desired outcomes (goals) in the master plan (p16)?
- It is unclear how the codes provided for in the development scheme will be regulated (p18), or what exactly will be included. The shaded box in the guideline seems to indicate that each code will contain performance criteria and acceptable solutions that must be addressed by the new development. This would seem necessary for self-assessment and exempt uses. However, the dot points for inclusions in the codes only mention a purpose statement and overall outcomes to achieve the purpose. It should be noted for regulatory compliance and prosecution, that implementation by a developer of an acceptable solution contained in a development scheme, may not achieve the desired performance criteria due to any number of reasons. Where this is the case, it is difficult to find non-compliance and prosecute. DEHP has moved away from this type of regulation, and now uses stated outcomes only with strengthened enforcement provisions. In this way, development schemes will not become prescriptive and restrictive to potential port users or developers. We recommend a public consultation period is allocated to allow for a review of future codes and any amendments to legislation.

- It is unclear how the environmental management framework will work (p19). Its purpose is to facilitate cooperation between port users, presumably to reduce duplication of effort in monitoring, etc. However, the guidelines indicate that the environmental management framework should also state how impacts to identified environmental values will be managed by defining measures and approaches to achieve the outcomes. It is unclear who will be responsible for implementing the measures, who will implement the adaptive management program established within the environmental management framework and how cumulative impacts will be managed. Additionally, we suggest that the EMF considers identifying the baseline data and outlining the performance criteria, define ongoing monitoring activities and reporting requirements.

We acknowledge and thank you for the opportunity to contribute to the consultative process. Please contact me on 07 5429 8480 or at seq@eianz.org if you have any questions regarding our submission.

Yours faithfully,



Vicki Brady

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