

## GUIDE TO USING THE IDAS DEVELOPMENT APPLICATION FORMS

*Guide 11***Development on strategic port land**

This guide has been prepared to assist applicants and local governments determine if an application is required for development on Strategic Port Land (SPL) and whether the application will trigger referral to any IDAS referral agencies.

**Port Authorities**

Under the Transport Infrastructure Act 1994 (TI Act) a Port Authority is responsible for its Port in terms of establishing, managing and operating Port facilities and services and the preparation of a land use plan.

The existing Port Authorities are -

- Port of Brisbane Corporation;
- Bundaberg Port Authority;
- Gladstone Port Authority;
- Central Queensland Ports Authority;
- Mackay Port Authority;
- Townsville Port Authority;
- Cairns Port Authority; and
- Ports Corporation of Queensland (including Abbot Point, Burketown, Cape Flattery, Cooktown, Hay Point, Karumba, Lucinda, Maryborough, Mourilyan, Port Kennedy, Quintell Beach, Skardon River, and Weipa);

**Strategic Port Land**

SPL is land controlled by a Port Authority and included in a land use plan which has been approved by the Minister for Transport.

**Land use plans**

A land use plan prepared by a Port Authority specifies details of the SPL, any land intended to become SPL and the current and proposed uses of the land.

Land may be included in a land use plan if it is needed for -

- the operation of a Port
- use by industries requiring Port facilities or that would enhance the usage of the Port
- the integration between sea or air transport and another transport mode
- a buffer between Port land and other land.

**Development assessable on SPL?**

A material change of use on SPL that is inconsistent with the Port Authority's land use plan is assessable development under Schedule 8 of the IPA.

Other development made assessable through Schedule 8 also applies on SPL.

This includes, for example, a material change of use for an Environmentally Relevant Activity (ERA) or licensed brothel, or operational works for clearing native vegetation (unless the clearing is an exception under Part 1, Schedule 8).

Reconfiguration of a lot on SPL is exempt development.

**The assessment manager for development on SPL**

SPL is not subject to local government planning schemes. Instead, the Port Authority regulates development on SPL and is the assessment manager for all applications, regardless of whether the development is inconsistent or consistent with the land use plan.

The only exception is applications for building work assessable under the *Building Act 1975* which may be made to a private building certifier.

While local governments are not responsible for assessing development on SPL, they are consulted during the preparation of the land use plan.

**Determining if referral is required**

If the proposed development is assessable because it is ***inconsistent with the land use plan***, the Minister for Transport is a concurrence agency for the application.

As a concurrence agency for certain applications on SPL the Minister for Transport considers the suitability of the proposed use having regard to the current approved land use plan, the views of each local government in whose area the premises are situated and the results of public consultation and the Port Authority's representations about the results.

If the proposed development involves a material change of use for an **environmentally relevant activity (ERA)** or **mobile and temporary ERA**, the Environmental Protection Agency (EPA), local government for a devolved ERA or Department of Primary Industries and Fisheries (DPIF) for a delegated ERA) is a concurrence agency for the application.

If the application involves the **clearing of native vegetation** assessable under Schedule 8 of the IPA, the Department of Natural Resources and Water is a concurrence agency for the application.

If the application involves operational work that is **associated with access to a State-controlled road**, or is for filling or excavation, or involves the redirection or intensification of site stormwater from the land, through a pipe with a cross-sectional area greater than 625cm<sup>2</sup> that directs stormwater to a State-controlled road, the Department of Main Roads is a referral agency, either concurrence or advice, for the application.

If the application involves a material change of use for a **major hazard facility** or possible major hazard facility, the Department of Emergency Services is a concurrence agency for the application.

If the application involves land on which **contaminated land** matters under the *Environmental Protection Act 1994* have been identified, the EPA is a concurrence agency for the application.

If the application involves **tidal work or work within a coastal management district** assessable under Schedule 8 of the IPA, the EPA is a concurrence agency for the application.

If the application involves **tidal work, disposing of dredge spoil or other solid waste material in tidal water, reclaiming land under tidal water, or constructing a canal associated with reconfiguring a lot**, Queensland Transport (Maritime Safety Queensland) is a concurrence agency for the application.

If the application is tidal work and involves a **marina** with more than 6 vessel berths, the Queensland Fire and Rescue Service is an advice agency for the application.

If the application involves a **heritage registered place**, the Queensland Heritage Council is a concurrence agency for the application.

If the application involves operational work in a **declared fish habitat area** or development assessable under Schedule 8 on land that adjoins a declared fish habitat area, DPIF is a referral agency, either concurrence or advice, for the application.

If the application involves the removal, destruction or damage of **marine plants**, DPIF is a concurrence agency for the application.

If the application involves a material change of use for urban purposes and is located on land within 100m of a **conservation estate** under the *Nature Conservation Act 1992*, the *Forestry Act 1959*, the *Marine Parks Act 2004*, the *Recreation Area Management Act 1988*, the *Brisbane Forest Park Act 1977*, or a world heritage area listed under the World Heritage Convention, the chief executive under the relevant act is an advice agency for the application.

**Note:** *Referral to Department of Natural Resources and Water for acid sulfate soils matters does not apply for applications on SPL. This referral trigger only applies when an application involves either a material change of use assessable under the planning scheme or assessable reconfiguration of a lot.*

#### **Tailoring Form 1 Development Application for development on SPL**

If an application is required on SPL, the applicant must complete the IDAS Application Form 1 Part A *Common Material*, Part I, and the IDAS Assessment Checklist.

The IDAS Assessment Checklist will assist in determining which other parts of the Form 1 will need to be completed, depending on the nature of the application. For example, if the application involves an ERA, Part G must also be completed; if the application involves a licensed brothel, Part H must be completed and if the application involves vegetation clearing assessable under Schedule 8 of IPA, Part J must be completed.