Preface

Using this state interest guideline

The Queensland Government established the State Planning Policy (SPP) to define the specific matters of state interest in land use planning and development. To support the implementation of the SPP, each state interest in the SPP is supported by a state interest guideline such as this one.

This state interest guideline must be read in conjunction with the SPP.

The SPP does not prioritise one state interest over another and thus provides flexibility for local governments to respond to specific regional and local contexts. This allows for the state interests to be considered as an entirety rather than as individual competing or conflicting priorities.

The SPP guiding principles carry equal weight with the state interests and must be considered by local government as part of the integration of state interests as an entirety rather than as individual policies. This supports decision making which integrates and balances the economic, environmental and social needs of current and future generations, promotes innovative approaches to design and development where consistent with the strategic intent of a planning scheme and enables flexible and performance-based decisions as part of the assessment process.

Where text in this guideline is in a coloured text box, it is an excerpt from the SPP and is the state’s policy about a matter of state interest.

In relation to making or amending a planning scheme, the SPP quoted text defines what a local government should do in preparing or amending a planning scheme (i.e., the state prefers this policy but will consider alternative approaches based on specific local context or issues).

Content within this state interest guideline that is not an excerpt from the SPP provides further context and explains how the SPP policies can be applied. It does not introduce or define any new policies which do not exist in the SPP itself. The use of such guidance material is optional—it does not form a statutory component of the SPP and hence is not a mandatory requirement of the state.
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PART A: Background and core concepts

State interest—strategic ports

Planning protects the operation of strategic ports and enables their growth and development.

Background

Queensland ports provide a vital connection to global markets, facilitating the import and export of goods and materials that are integral to the Queensland economy and our quality of life. Furthermore, Queensland’s sea ports will support continued growth of the state’s economy and Australia’s national defence system.

In order to achieve this growth, it is important to ensure that development does not impact on the safe and efficient operation of Queensland’s sea ports and that port operations do not result in unintended social and environmental impacts on communities close to ports.

Core concepts

What is a strategic port?

A strategic port is a port that is considered by the State to be an essential component of the national and state transport network and supply chain, or the national defence system. A port is a strategic port for the purposes of the State Planning Policy (SPP) if it meets either of the following criteria:

1. the port has ‘strategic port land’ located at the facility (strategic port land is defined under the Transport Infrastructure Act 1994), or
2. the port has ‘core port land’ located at the facility (core port land is defined under the Transport Infrastructure Act 1994).

Ports meeting the above criteria are listed in Table 3: Strategic ports of the SPP and shown geographically in Figure 1. The state interest—strategic ports applies to those local government areas which contain a strategic port identified in Table 1 as per Table 3: Strategic ports of the SPP. Occupiers of sensitive land uses need to be considered in relation to the environmental emissions generated by port operations.

The policy outcomes outlined in the SPP apply to land in the vicinity of a strategic port. The policy outcomes do not apply to land within the boundary of a strategic port. Land within the boundary of a strategic port is subject to a separate land use planning process under the Transport Infrastructure Act 1994.

Sustainable Ports Development Act 2015

The Sustainable Ports Development Act 2015 (SPDA) was passed by the Queensland Parliament in November 2015 to restrict new port development in and adjoining the Great Barrier Reef World Heritage Area (GBRWHA).

The SPDA declared the ports of Gladstone, Abbot Point, Townsville and Hay Point/Mackay as priority ports, and will optimise the use of existing infrastructure and address operational, economic, environmental relationships, as well as surrounding land uses, through port master plans and port overlays.

The interface between the priority ports and development under local government planning schemes will be managed through port master plans and overlays once these have been developed, and the priority ports will no longer be listed as strategic ports in the SPP.

1. Land uses which are considered to be sensitive land uses are defined in the glossary of the SPP.
<table>
<thead>
<tr>
<th>Local government area</th>
<th>Strategic port</th>
<th>Port authority</th>
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</thead>
<tbody>
<tr>
<td>Brisbane City</td>
<td>Brisbane</td>
<td>Port of Brisbane Pty Ltd</td>
</tr>
<tr>
<td>Bundaberg City</td>
<td>Bundaberg</td>
<td>Gladstone Ports Corporation</td>
</tr>
<tr>
<td>Cairns Regional</td>
<td>Cairns</td>
<td>Ports North</td>
</tr>
<tr>
<td>Carpentaria Shire</td>
<td>Karumba</td>
<td>Ports North</td>
</tr>
<tr>
<td>Cassowary Coast Regional</td>
<td>Mourilyan</td>
<td>Ports North</td>
</tr>
<tr>
<td>Gladstone Regional</td>
<td>Gladstone</td>
<td>Gladstone Ports Corporation</td>
</tr>
<tr>
<td>Hinchinbrook Shire</td>
<td>Lucinda</td>
<td>Port of Townsville Limited</td>
</tr>
<tr>
<td>Hope Vale Aboriginal Shire</td>
<td>Cape Flattery</td>
<td>Ports North</td>
</tr>
<tr>
<td>Mackay Regional</td>
<td>Hay Point</td>
<td>North Queensland Bulk Ports Corporation</td>
</tr>
<tr>
<td></td>
<td>Mackay</td>
<td>North Queensland Bulk Ports Corporation</td>
</tr>
<tr>
<td>Rockhampton Regional</td>
<td>Rockhampton (Port Alma)</td>
<td>Gladstone Ports Corporation</td>
</tr>
<tr>
<td>Torres Shire</td>
<td>Thursday Island</td>
<td>Ports North</td>
</tr>
<tr>
<td>Townsville City</td>
<td>Townsville</td>
<td>Port of Townsville Limited</td>
</tr>
<tr>
<td>Weipa Town Authority</td>
<td>Weipa</td>
<td>North Queensland Bulk Ports Corporation</td>
</tr>
<tr>
<td>Whitsunday Regional</td>
<td>Abbot Point</td>
<td>North Queensland Bulk Ports Corporation</td>
</tr>
</tbody>
</table>

2. Strategic ports for the purposes of the SPP contain strategic port land or core port land under the *Transport Infrastructure Act 1994*. 
Figure 1—Location of strategic ports in Queensland
PART B: Integrating the state interest into planning schemes

Policy 1

Identifying strategic ports and associated strategic port land and core port land.

How to appropriately integrate the policy

1.1 A local government should ensure that the location of a strategic port in its local government area is identified in its local planning scheme (refer to Table 1). This policy outcome can be achieved by including overlay mapping in the local planning scheme depicting the location of strategic port land and core port land for the strategic port.

1.2 Strategic port land and core port land are identified in the approved port land use plan for the relevant strategic port. Currently, Port of Brisbane is the only strategic port that has core port land. Local governments can obtain mapping of strategic port land and core port land from the state via the SPP Interactive Mapping System www.dilgp.qld.gov.au/planning/state-planning-instruments/spp-interactive-mapping-system.html

Policy 2

Facilitating development surrounding strategic ports that is compatible with, depends upon or gains significant economic advantage from being in proximity to a strategic port, or supports the strategic port’s role as a freight and logistics hub.

How to appropriately integrate the policy

2.1 The strategic framework and zoning should encourage the location of compatible land uses in proximity to ports. This includes industrial and commercial uses such as warehousing, freight handling, transport and logistics depots, container yards and marine industry precincts.
How to appropriately integrate the policy

3.1 The strategic framework and land use strategies in a local planning scheme should ensure development and associated activities do not adversely impact on the safety, viability or efficiency of existing operations at a strategic port. Development should also not prevent port operations from expanding in the future. A local government can ensure that their planning scheme achieves the policy outcome by:

- establishing or maintaining a buffer between development on strategic port land or core port land and any sensitive land use on land surrounding a strategic port; and
- ensuring development in proximity to a port does not interfere with an aid to navigation or create a hazard to maritime safety.

3.2 Buffers are an effective way of providing separation between the operational areas of a strategic port and sensitive land uses. This separation ensures that ports are able to operate safely and efficiently and minimises the risk of adverse impacts on surrounding development from environmental emissions or in the event of a safety incident at the port.

3.3 A buffer can be achieved in a number of ways depending on the existing interface between a strategic port and surrounding development. The buffer area may be made up of:

- land to be maintained in a generally undeveloped state (i.e. grazing land);
- conservation areas; and
- land zoned for the development of compatible land uses.

3.4 The strategic framework of the planning scheme should recognise and protect this buffer area from development of uses which would compromise the integrity of the buffer. Zoning, local plans and overlays should establish development assessment requirements which support the maintenance of the buffer area in its intended form.

3.5 Where land surrounding a strategic port is already developed or in the process of being developed, local government may create a buffer between port operations and sensitive land uses by allowing development that is compatible with port operations on intervening land where possible.

3.6 Aids to navigation are devices that the captain of a ship uses to guide their vessel safely in and out of port. Some aids to navigation such as leads and lights can be located on land and therefore have the potential to be adversely affected by surrounding development. It is essential that any development does not interfere with the functioning of an aid to navigation. This can be achieved by ensuring development and associated landscaping does not:

- obstruct sight lines to an aid to navigation;
- restrict access to an aid to navigation for maintenance purposes;
- emit electrical or electro-magnetic emissions which may impede the operation of an aid to navigation; or
- remove any material that may destabilise the aid to navigation.

3.7 Certain types, patterns and colours of outdoor lighting also have the ability to interfere or be confused with an aid to navigation. Being able to clearly see an aid to navigation is essential to the safe operation of vessels on waterways. Planning scheme provisions should ensure that any lighting associated with structures does not interfere or resemble an aid to navigation by shielding lights, avoiding flood lighting and avoiding coloured or flashing lights.

3.8 A non-mandatory port protection code has been prepared to assist local governments in achieving the policy outcome. This code is intended to be adapted as appropriate by local government for inclusion in their local planning scheme.

REFER TO: PART D: Model code provisions

1. Model port protection code provisions.

3. Information about the type and location of aids to navigation critical to the operations at a strategic port can be obtained from the nearest Maritime Safety Queensland regional office www.msq.qld.gov.au/About-us/How-to-contact-us/Regions.
PART B

Ports generate environmental emissions such as noise, air particulates (including dust) and light which can have adverse impacts on the health, wellbeing and quality of life of surrounding communities if not managed appropriately. Port authorities, planning authorities and developers each have a role in ensuring the community’s exposure to environmental emissions generated by ports is reduced to acceptable levels.

The Queensland Government is currently developing a standard methodology for modelling the area of land affected by environmental emissions generated by port operations. When developed, it is the State’s intent for the standard methodology to be used to model the extent of impacts from a port. The outputs of such studies will then be used to develop overlays for inclusion in a local planning scheme.

In the interim, local governments are encouraged to work with the relevant port authority (for noise and air particles) and harbour master (for light) to determine the likely area of land adversely impacted by environmental emissions.

How to appropriately integrate the policy

4.1 The strategic framework and land use strategies in a local planning scheme should ensure sensitive land uses are appropriately sited and designed to mitigate adverse impacts on the development from environmental emissions generated by port operations. A local government can ensure that their local planning scheme achieves the policy outcome by:

- identifying areas of land within the local government area that are adversely affected by environmental emissions generated by a strategic port (for example, using an overlay); and
- ensuring land affected by environmental emissions from a strategic port is developed for compatible development where possible or if developed for sensitive land uses, the use achieves acceptable levels of amenity.

4.2 The extent to which land within a local government area is impacted by noise, air and light emissions generated by a strategic port will differ depending on a variety of factors including:

- port location and proximity to current or future development areas;
- port activity types (current and future);
- type of commodities being handled by the port;
- frequency of ship movements at the port;
- variations of port activities within a year (e.g. due to seasonal factors);
- meteorological effects (e.g. direction and strength of prevailing winds); and
- current and future port capacity and any proposed port operations.

4.3 Land impacted by the above factors should be included in a zone or overlay which reflects these limitations on development and seeks to reduce potential for future land use conflicts.

4.4 The degree to which land is affected by environmental emissions from port operations will ultimately determine the amount of mitigation required and the mix of measures to be adopted in order to achieve an acceptable level of amenity.
4.5 Different strategies may be more or less practicable or desirable, depending on the specifics of the development proposal and/or the stage of the land use planning process. Local governments should consider adoption of planning measures which will result in the most effective means of achieving acceptable levels of amenity given any project-specific or site-specific opportunities or constraints.

4.6 Mitigate the impacts of environmental emissions by including the following:

- **separation distances/setbacks**—locating new sensitive land uses on land that is appropriately separated from a port (where possible).
- **topography**—using the natural topography to prevent line of sight between the emission source and a new sensitive land use.
- **site design (building location and orientation)**—locating emission sensitive components of the development furthest from the port (for example, in a mixed use development placing residential buildings furthest from, and commercial and retail spaces closest to, the port); orientating buildings so that outdoor living areas are shielded from the source of emissions.
- **building design/layout**—designing the internal layout of a building so that emission sensitive rooms are located furthest from the port (for example, ensuring bedrooms and other habitable areas in a residence are placed on the side of the building furthest from the port); designing the internal layout of a building so that less sensitive rooms (such as garages, laundries, bathrooms, corridors etc.) are placed on the side of the building closest to the port to act as a buffer; minimising the number of doors and windows that can be opened on the side of the building closest to the port.
- **building treatments/construction materials**—using building materials which mitigate the impact of environmental emissions, such as masonry walls, acoustic insulation, laminated and double-glazed windows, solid doors and window and door seals.
- **Screening**—constructing fences, barriers, mounds and screens may be appropriate where space allows and there is no significant adverse impact on the amenity of a locality.
- **landscaping**—vegetation buffers placed between emission sensitive buildings and ports may assist in mitigating impacts caused by air particle and dust emissions and light spill.

4.7 A non-mandatory port protection code has been prepared to assist local governments in achieving the policy outcome. This code is intended to be adapted as appropriate by local government for inclusion in their planning scheme.

Refer to: PART D: Model code provisions

1. Model port protection code provisions.

4.8 Local governments may elect to use an overlay to identify areas to which the port protection code (or similar) should apply or alternatively incorporate similar provisions into a precinct or local plan code. It is important that the port protection code (or similar provisions) only apply to those areas adversely affected by environmental emissions when port activities are compliant with the conditions attached to their approval to undertake the activity under environmental legislation and are not to be interpreted or applied as justification for reduction in the environmental performance of on-port development.
Strategic ports need to be linked to the broader transport network in order for their operations to be viable. Without roads and railways, goods would not be able to be transported to the port for export or from the port to where the products are required.

Policy 5

Identifying and protecting key transport corridors (including freight corridors) linking strategic ports to the broader transport network.

How to appropriately integrate the policy

5.1 Ensure that key transport infrastructure and corridors (including key freight routes) linking a strategic port to the broader transport network are identified and protected in the local planning scheme. This includes both existing transport corridors and future transport corridors. The guideline for state transport infrastructure provides further information about identifying and protecting state transport infrastructure and corridors.
Policy 6

Considering statutory land use plans for strategic ports and the findings of planning and environmental investigations undertaken in relation to strategic ports.

Development of strategic port land and core port land is regulated by port land use plans which port authorities are required to prepare under the *Transport Infrastructure Act 1994*.

The existence of two different land use planning systems means it is critical for local governments and port authorities to work together to ensure that planning for development at the port/local government interface is integrated and there is a clear and logical relationship between land uses on strategic port land and neighbouring land.

A port land use plan includes:

- general information about the type and quantity of cargo handled by the port;
- information about existing strategic port land and how the land is currently used and proposed to be used in future; and
- information about future planning for the strategic port including details of land that is proposed to become strategic port land or core port land and future operational conditions (e.g. plans to expand operations by increasing throughput or handling new types of cargo).

Local governments can obtain a copy of the port land use plan for a strategic port in their local government area from the relevant port authority’s website. Table 1 identifies which port authority is responsible for land use planning at each strategic port. Local governments should use the information outlined in a port land use plan to inform planning for development on neighbouring land.

Future development proposals at a strategic port may also be subject to specific project approval processes because of the development’s economic, social and/or environmental significance to Queensland. These projects often involve preparation of environmental impact statements which include detailed information about the specifics of a development proposal and the resulting impacts. Environmental impact statements for specific projects are available from the Department of State Development - [http://www.statedevelopment.qld.gov.au/assessments-and-approvals/current-eis-projects.html](http://www.statedevelopment.qld.gov.au/assessments-and-approvals/current-eis-projects.html).

Local governments are encouraged to use the information to inform land use planning on surrounding land.


How to appropriately integrate the policy

6.1 Consider the content of land use planning undertaken for strategic ports as an informational input to the development of a planning scheme. The planning scheme should take into account existing land uses for strategic port land adjoining or neighbouring the local government area and how that land is dealt with by the port land use plan.
There are no interim development assessment requirements for this state interest.
Example model code provisions for the strategic ports state interest have been prepared below that may be adapted by a local government when making or amending a planning scheme. Where a local government seeks to adopt model code provisions, it should ensure the provision’s suitability to local circumstances prior to adoption. It is not intended that a local government would use all of these model provisions verbatim, as local context and tailoring is an essential part of adopting the SPP.

1. Model port protection code provisions

The following development assessment measures are non-mandatory. Local governments may choose to adopt all or part of the development code in their local planning scheme as considered appropriate, relevant and implementable within their particular local area.

If a local government seeks to apply this code it should determine the extent of areas in the vicinity of the strategic port:

- where lighting associated with development has the potential to interfere with an aid to navigation, in consultation with the relevant harbour master; and

- that are adversely affected by noise, air particle and/or dust emissions generated by port activities, in consultation with the relevant port authority.

The code can then be applied to these areas (for example as an overlay or through integration of the code provisions into a local plan or zone code).

Purpose

The purpose of the code is to ensure that strategic ports are protected from development which may adversely affect the safety, viability or efficiency of existing and future port operations and that port operations do not result in unintended social and environmental impacts on communities surrounding ports.

Overall outcomes

Development is sited and designed to:

- avoid lighting that has the potential to interfere with an aid to navigation associated with a strategic port, and

- mitigate adverse impacts on the development from environmental emissions generated by port operations.
Assessment criteria

<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
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<tbody>
<tr>
<td><strong>Navigation aids</strong></td>
<td></td>
</tr>
<tr>
<td><strong>PO1</strong></td>
<td></td>
</tr>
<tr>
<td>Development in the vicinity of a strategic port does not interfere with an aid to navigation or associated signals.</td>
<td><strong>AO1.1</strong> Development does not interfere with any aid to navigation on the development site.</td>
</tr>
<tr>
<td></td>
<td><strong>AO1.2</strong> Development does not create any temporary or permanent obstruction of aids to navigation.</td>
</tr>
<tr>
<td></td>
<td><strong>AO1.3</strong> Development keeps the sight line of any aids to navigation which cross the development site clear of obstructions.</td>
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<td></td>
<td><strong>AO1.4</strong> Development does not result in significant electrical or electro-magnetic emissions which may impede the operation of aids to navigation.</td>
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<td></td>
<td><strong>AO1.5</strong> Development allows ongoing access to aids to navigation for maintenance purposes.</td>
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<td></td>
<td><strong>AO1.6</strong> Development is not within 40 metres of an existing aid to navigation, or development within 40 metres of an existing aid to navigation does not remove any material that may destabilise the aid to navigation (including ground tackle).</td>
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<td></td>
<td><strong>AO1.7</strong> All lights on or above the development site:</td>
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<td></td>
<td>(a) are shielded to prevent glare or reflection,</td>
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<td></td>
<td>(b) do not include flood lights,</td>
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<td></td>
<td>(c) do not involve flashing or flickering lights which may be confused with aids to navigation, and</td>
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<td></td>
<td>(d) are not coloured lights such as green, blue or red lights which may be confused with aids to navigation.</td>
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<td></td>
<td><strong>AO1.8</strong> Lighting complies with Section 3 of Australian Standard 4282–1997—Control of the obtrusive effects of outdoor lighting.</td>
</tr>
<tr>
<td><strong>Editor’s Note:</strong> Local government should consult with the relevant harbour master if unsure about the impacts of a development on an aid to navigation. It should also be noted that the developer may make alternative arrangements for relocating an aid to navigation with the prior approval of the relevant harbour master.</td>
<td></td>
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<tr>
<td><strong>Noise</strong></td>
<td></td>
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<tr>
<td><strong>PO2</strong></td>
<td></td>
</tr>
<tr>
<td>Sensitive land uses adversely affected by noise emissions from a strategic port are sited and designed to achieve an acceptable level of amenity.</td>
<td><strong>AO2.1</strong> Habitable rooms in a sensitive land use meet the acoustic quality objectives outlined in schedule 1 of the Environmental Protection (Noise) Policy 2008.</td>
</tr>
<tr>
<td><strong>Air particles and dust</strong></td>
<td></td>
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<tr>
<td><strong>PO3</strong></td>
<td></td>
</tr>
<tr>
<td>Sensitive land uses adversely affected by air particles and dust from a strategic port are sited and designed to achieve an acceptable level of amenity.</td>
<td><strong>AO3.1</strong> All external doors and windows (or other penetrations) are provided with appropriate seals.</td>
</tr>
<tr>
<td></td>
<td><strong>AO3.2</strong> All mechanical plant (or other penetrations) are located on the side of the building away from port operations and appropriately shielded to ensure deposition dust does not fall directly on to the plant.</td>
</tr>
<tr>
<td></td>
<td><strong>AO3.3</strong> All habitable rooms within the building are air-conditioned.</td>
</tr>
</tbody>
</table>

4. Land uses which are considered to be sensitive land uses are defined in the glossary of the SPP.
PART E: Supporting information

There is no supporting information for this state interest.
Great state. Great opportunity.

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