

31 March 2011

Performance Benchmarking Australian Business Regulation  
Productivity Commission  
PO Box 1428  
CANBERRA CITY ACT 2601

Dear Sirs

**DRAFT RESEARCH REPORT ON PERFORMANCE BENCHMARKING OF  
AUSTRALIAN BUSINESS REGULATION IN RELATION TO PLANNING, ZONING AND  
DEVELOPMENT ASSESSMENTS**

Reference: PM/019/0001

North Queensland Bulk Ports Corporation Limited (NQBP) welcomes the opportunity to provide feedback to the Productivity Commission on the Draft Research Report on Performance Benchmarking of Australian Business Regulation in relation to Planning, Zoning and Development Assessments.

NQBP is the Port Authority for four major sea ports in Queensland, namely Abbot Point, Hay Point, Mackay and Weipa. As a Port Authority, NQBP has Statutory Authority for land use planning and development assessment processes under Queensland's *Transport Infrastructure Act 1994*. NQBP produces Land Use Plan's for the strategic port land at each of our Ports. These statutory documents are similar to Council Planning Schemes in that they provide designations for different land uses in areas and also have codes for development.

The development assessment processes are undertaken in accordance with Queensland's *Sustainable Planning Act 2009*. NQBP is also subject to assessment processes under Queensland's *State Development and Public Works Organisation Act 1971* (SDPWO Act) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

It is NQBP's opinion that the report provides a good summary of the different planning systems operating in Australia and the opportunities and constraints of these systems for promoting well planned communities. Key matters of interest to NQBP have been outlined below:

- **Planning for the Protection of Ports from Incompatible Development – How the Different Levels of Government Need to Work Together to Achieve Consistent Outcomes**

The biggest planning issue NQBP faces is the need for extra land to expand our ports in areas where there are established communities and demand for coastal access and or preservation of natural landscapes is high.

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As a result, Port Authorities need power to influence planning decisions in areas surrounding existing ports to protect from encroaching development and other decisions that further restrict Port Development. The biggest constraint to this occurring is that all levels of Government and even separate departments often operate autonomously and focus on protecting the specific interests of that particular entity. Specifically, it is typical for ports to have Council's planning residential development within close proximity and State Agencies planning for natural resource protection in areas that have already been earmarked in documents for port development.

In Queensland, the State Government is working on a strategy for the protection of ports. One strategy being looked at is a State Planning Policy that requires certain development uses within a certain radius of ports to be referred to the State Government for further assessment of its suitability. This strategy is supported by NQBP.

The Productivity Commission's Draft Report mentioned regional planning a number of times. Statutory regional planning should be the major focus for planning in Australia. Whilst it should be facilitated by the States, it needs greater involvement from Local Government, Federal Agencies, and entities such as Port Authorities to become successful. All other land use planning should flow from these regional planning documents. Regional infrastructure planning is specifically required for the future sustainability of ports as ports rely on extensive transport networks to facilitate the movement of goods to/ from the port. The challenge for regional planning is for the final document to be enduring.

- **Development Assessment Processes**

Overall, NQBP supports the integrated planning approval system that operates under the *Sustainable Planning Act 2009* in Queensland within the context of its application to development on port land. The approvals required under this legislation for development on port land and the entities that are involved as referral agencies are all relevant. Uncertainty regarding the length of time it will take to obtain an approval due to the ability of agencies to extend timeframes is a concern for developers of port lands.

Major port expansions are often subject also to approvals under the Commonwealth's EBPC Act and Queensland's SDPWO Act. Having numerous assessment processes and agencies with potentially conflicting requirements often confuses developers of port lands. In particular, greater clarity is required for businesses in respect to environment protection laws and the associated referral requirements of both the Commonwealth and States/ Territories so as to reduce the number of referrals that do not need to be made and to make the most use of the assessment approaches available under bilateral agreements.

In addition to this, greater input from Commonwealth and State agencies into the formulation of Port Land Use Plans so that their issues are addressed up front, may reduce the need for additional referrals or alternatively ensure that development proposed captures the needs of the various agencies which would reduce assessment timelines.

### Conclusion

NQBP supports further analysis of planning systems that operate in Australia in particular around issues of integration between levels of Government and transparency regarding where development is to occur. Overall, to ensure the efficient functioning of the port supply chain, it is NQBP's opinion that Port Authorities existing planning powers should be given greater standing in the statutory regional planning context to ensure that as a trading nation the greatest productivities can flow through to the national economy. NQPB welcomes the opportunity to be further involved in this study.

Yours sincerely

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