

Priority port master planning

Port overlay

Priority Port of Townsville

Queensland | Australia | 2020



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Section 1

Introduction and context



1. Introduction and context

1.1 Background

The *Sustainable Ports Development Act 2015* (Ports Act) provides for master plans to be implemented by port overlays, which operate alongside existing planning requirements to guide future development and achieve the long-term strategic vision of the master plan.

The *Port overlay for the priority Port of Townsville* (port overlay) has been prepared in accordance with the Ports Act and implements the *Master plan for the priority Port of Townsville* (master plan).

The port overlay regulates development by exception and operates in addition to existing planning and environmental legislative requirements, where further requirements are necessary to implement the master plan. The port overlay sets out requirements to regulate development in the master planned area and **Figure 1** illustrates how port overlays work within existing frameworks.

Importantly, the port overlay minimises duplication of requirements by allowing existing instruments and approval processes to operate where they regulate development to the extent needed to achieve master plan outcomes.

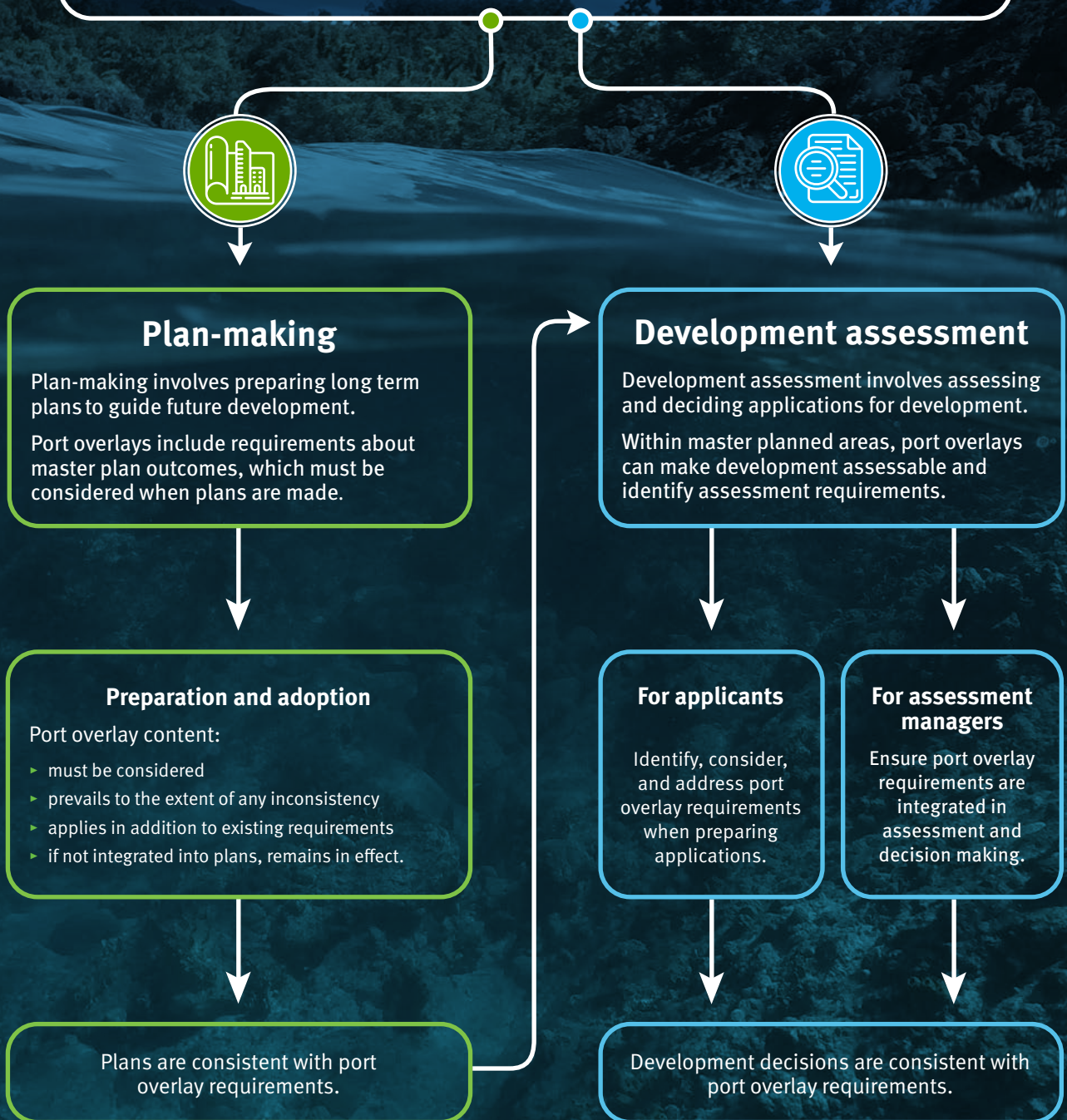
The port overlay does not replace or remove any existing processes or instruments and does not modify decision making entities for existing planning and other regulatory processes.

The port overlay is a statutory instrument under the *Statutory Instruments Act 1992* and has the force of law as provided for under that Act. The port overlay is not subordinate legislation.



Figure 1 – How port overlays work

Port overlays implement master plans through existing planning frameworks



Note: For information on State Development Areas or Priority Development Areas, refer to the *Sustainable Ports Development Act 2015*

1.2 Components of the port overlay

The port overlay includes the following components

Section 1: Introduction and context describes the port overlay and how it is implemented.

Section 2: Purpose and application outlines the purpose of the port overlay, and where and how it applies.

Section 3: Strategic direction identifies the strategic intent for the port overlay to implement the master plan.

Section 4: Environmental management framework states the measures and objectives required for managing the potential impacts on environmental values that have been identified in the master plan.

Section 5: Plan-making prescribes the requirements for the:

- Townsville City Council (TCC) to consider when making or amending the Townsville City Plan or other local planning instruments
- Port of Townsville Ltd (POTL) to consider when making or amending the Port of Townsville Land Use Plan (POTLUP)
- Minister for Economic Development Queensland (MEDQ) to consider when making or amending the Townsville City Waterfront Priority Development Area (TCWPDA) Development Scheme
- Coordinator-General (CG) to consider when making or amending the Townsville State Development Area (TSDA) Development Scheme.

Section 6: Development assessment states the categories of assessment and assessment benchmarks for development, and the matters an assessment manager must have regard to in assessing development.

Appendix A: Mapping identifies the master planned area from the master plan.

Appendix B: Precincts identifies the precincts from the master plan and sub-precincts established by the port overlay.

Appendix C: Environmental management framework objectives identifies the Environmental Management Framework (EMF) objectives from the master plan.

Appendix D: Dictionary includes definitions of terms to assist in the interpretation of the port overlay.

Appendix E: Abbreviations and acronyms includes abbreviations and acronyms referenced in the port overlay.

1.3 How to use the port overlay in plan-making

The port overlay prescribes matters that must be considered in either making or amending instruments within the master planned area.

The requirements of the port overlay apply in addition to existing plan-making requirements and prevail over planning instruments under the *Planning Act 2016* (Planning Act) or land use plans under the *Transport Infrastructure Act 1994* (Transport Infrastructure Act), to the extent of an inconsistency. The port overlay does not affect the operation of Schedule 6 and Schedule 7 of the *Planning Regulation 2017* (Planning Regulation).

As part of the plan-making process, decision makers will need to integrate these requirements into instruments to ensure the master plan is implemented in a way which balances economic, environmental and community outcomes.

In considering the port overlay in plan-making, a decision maker may give weight to the strategic vision, objectives and desired outcomes for the master planned area, to resolve conflicts should these arise, and to guide the implementation of the master plan at a local scale in an efficient and integrated way.

1.4 How to use the port overlay in development assessment

The port overlay prescribes matters that must be considered by an assessment manager in the development assessment process.

For development assessment, an assessment manager must:

- identify if development is within the master planned area and what sub-precinct applies (**Appendix B**)
- identify if development is made assessable by the port overlay (**section 6.1**)
- assess development made assessable by the port overlay against identified assessment benchmarks (**section 6.2**)
- consider the ‘matters to have regard to’ in assessing development made assessable by the port overlay (**section 6.3**)
- make decisions that are not inconsistent with the port overlay.

The assessment benchmarks and categories of assessment in the port overlay apply to the extent of an inconsistency with planning instruments under the Planning Act and land use plans under the Transport Infrastructure Act. The port overlay does not affect the operation of Schedule 6 and Schedule 7 of the Planning Regulation.

The port overlay utilises performance-based assessment so that the intent of each provision is clearly understood and effective assessment occurs. In instances where an accepted outcome has not been identified, compliance with the relevant performance outcome is to be demonstrated to ensure the effective implementation of the port overlay outcomes.

When using the assessment benchmarks to assess development, the decision-making hierarchy in relation to the assessment benchmarks applies as follows. If development:

- meets all the acceptable outcomes related to a performance outcome—it complies with the performance outcome
- does not meet all the acceptable outcomes related to a performance outcome, but meets the corresponding performance outcome—it complies with that part of the code
- does not meet the acceptable outcomes or performance outcomes of a code, but meets the purpose and outcomes for the code—it complies with the code
- does not meet the acceptable outcomes, performance outcomes, or purpose and outcomes for the code—it does not comply with the code and may be refused.

When using **section 6** of the port overlay, the following conventions apply:

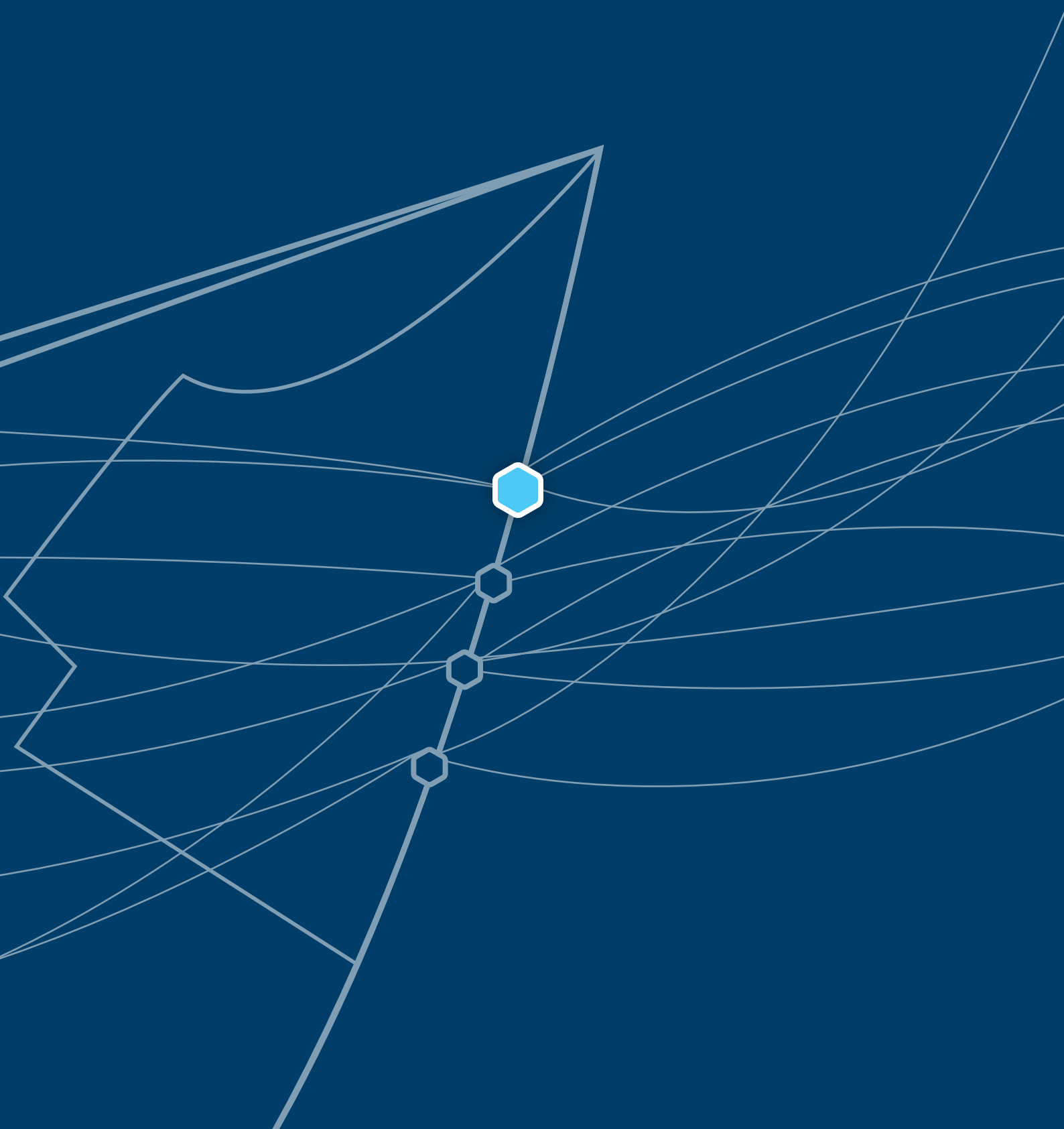
- a word followed by ‘;’ is considered to be ‘and’
- a word followed by ‘; or’ means either or both options can apply.

Impact assessable development under the port overlay must also be assessed against the strategic vision, objectives and desired outcomes, and purpose, outcomes and EMF objectives for the precinct in which development is located. This allows a decision maker to give weight to the higher order strategic outcomes and to balance economic, environmental and community interests when making decisions under the port overlay.



Section 2

Purpose and application



2. Purpose and application

2.1 Purpose

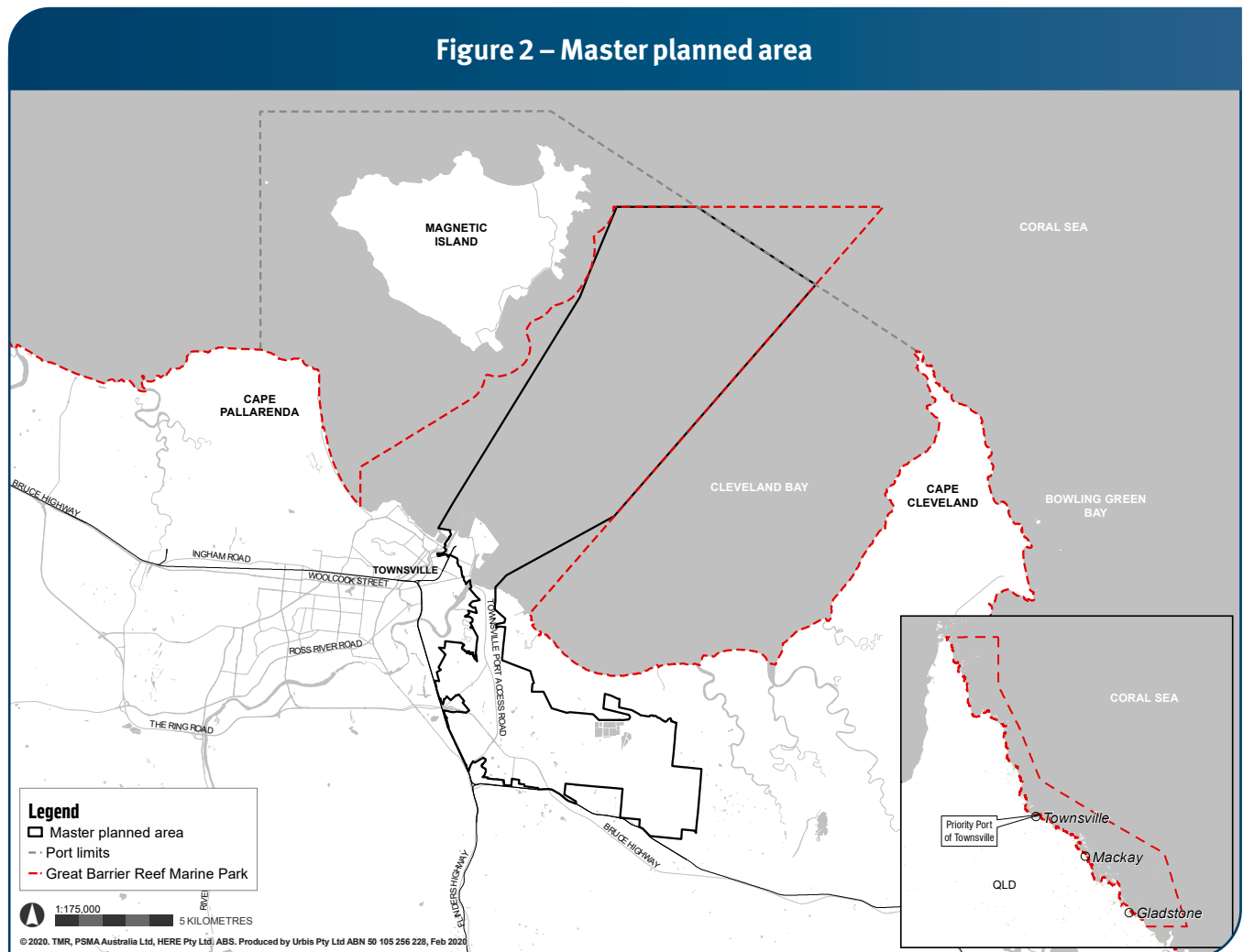
The purpose of this port overlay is to implement the master plan in accordance with the Ports Act.

While the port overlay applies to the entire master planned area, additional regulation is only provided where necessary in **section 5** and **section 6**, where the existing framework does not regulate development to the extent needed to implement the master plan.

The EMF states how the Priority Management Measure (PMM) from the master plan will be achieved.

2.2 Application

The port overlay has effect on 1 February 2021 and applies to all of the master planned area identified in the *Sustainable Ports Development Regulation 2018*, and as shown on **Figure 2** and in **Appendix A**.



The port overlay establishes requirements for regulatory instruments, listed below and summarised in **Table 1**:

- for the Planning Act:
 - ▶ matters TCC must consider in making or amending the Townsville City Plan or other local planning instruments;
 - ▶ instances where development is assessable development requiring code or impact assessment by the port overlay;
 - ▶ assessment benchmarks that assessable development under the port overlay must be assessed against;
 - ▶ matters an assessment manager must have regard to in assessing development under the port overlay.
- for the Transport Infrastructure Act:
 - ▶ matters POTL must consider in making or amending a land use plan.
- for the *Economic Development Act 2012* (Economic Development Act):
 - ▶ matters the MEDQ must consider when making or amending the TCWPDA Development Scheme^{1&2}.
- for the *State Development and Public Works Organisation Act 1971* (SDPWO Act):
 - ▶ matters the CG must consider when making or amending the TSDA Development Scheme^{3&4}.

In the port overlay a reference to a document, instrument or policy means the version that is current at the date of making a development application, or making or amending an instrument within the master planned area.

The spatial extent of instruments under the above legislation is identified in **Figure 3** and the relationship of the port overlay to other legislation and regulatory instruments is summarised in **Table 1**.

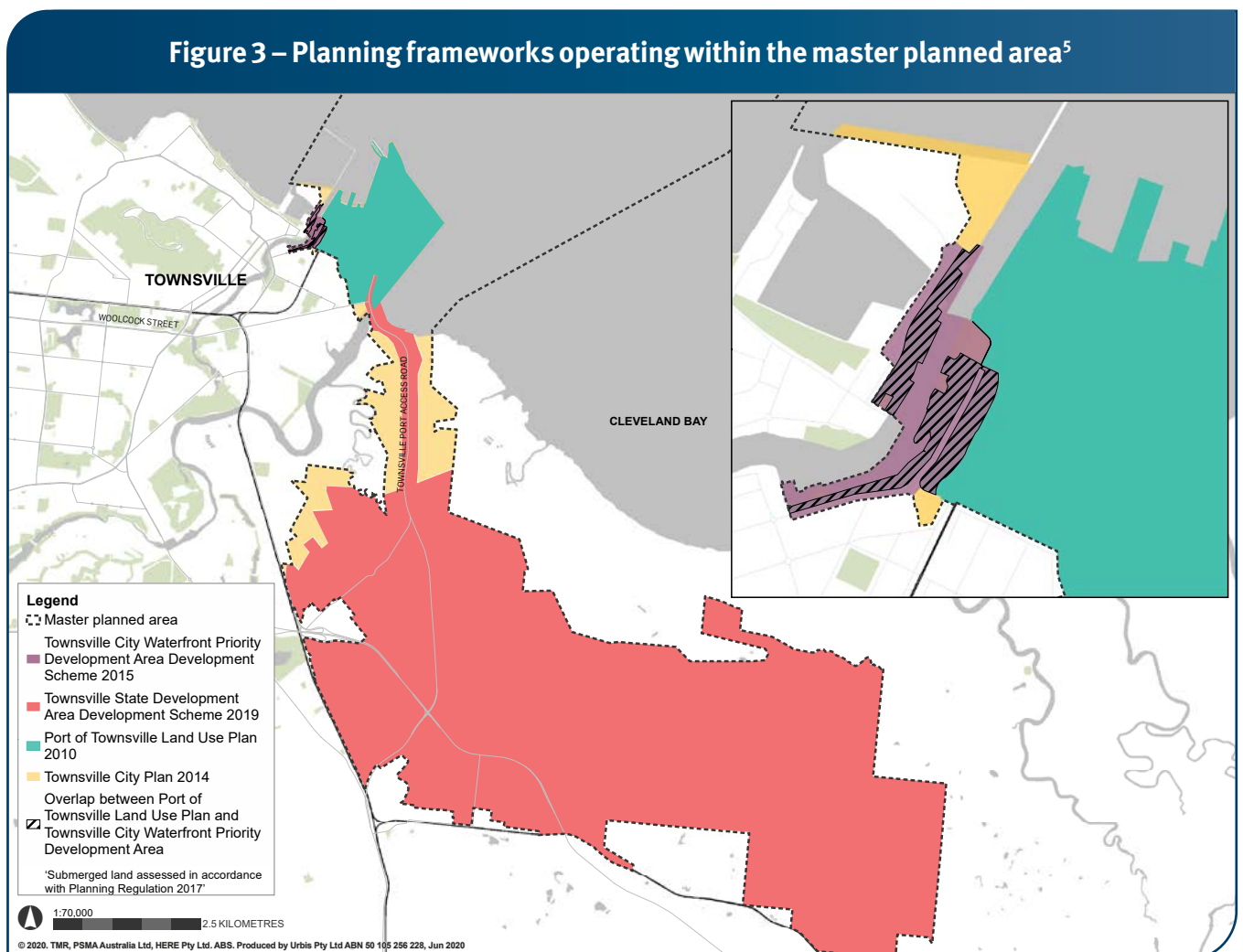


Table 1 – Relationship of the port overlay to other legislation and regulatory instruments

Legislation	Regulatory instrument within the master planned area	Relationship to the Port Overlay	Action for Development Assessment	Action for Plan-Making
<i>Planning Act 2016</i>	Townsville City Plan or other local planning instruments	The Townsville City Plan and the port overlay both apply. The port overlay prevails to the extent of an inconsistency ^{6&7} .	<p>Where the port overlay makes development assessable and prescribes assessment benchmarks, the assessment manager must:</p> <ul style="list-style-type: none"> • assess the development against the assessment benchmarks (section 6.2); • have regard to matters specified (section 6.3). <p>The assessment manager’s decision must not be inconsistent with the port overlay.</p>	TCC must consider the content of the port overlay when making or amending the Townsville City Plan or other local planning instruments under the Planning Act (section 5.2).
	Port of Townsville Land Use Plan ⁸	The POTLUP and the port overlay apply. The port overlay prevails to the extent of an inconsistency ⁹ .	<p>Where the port overlay makes development assessable and prescribes assessment benchmarks, the assessment manager must:</p> <ul style="list-style-type: none"> • assess the development against the assessment benchmarks (section 6.2); • have regard to matters specified (section 6.3). <p>The assessment manager’s decision must not be inconsistent with the port overlay.</p>	Not applicable.
	Planning Regulation 2017	The State Development Assessment Provisions and the port overlay both apply ¹⁰ .	<p>Where the port overlay makes development assessable and prescribes assessment benchmarks, the relevant assessment manager must:</p> <ul style="list-style-type: none"> • assess the development against the assessment benchmarks (section 6.2); • have regard to matters specified (section 6.3). <p>The assessment manager’s decision must not be inconsistent with the port overlay.</p>	Not applicable.

Legislation	Regulatory instrument within the master planned area	Relationship to the Port Overlay	Action for Development Assessment	Action for Plan-Making
<i>Transport Infrastructure Act 1994</i>	Port of Townsville Land Use Plan	The port overlay prevails to the extent of an inconsistency ¹¹ .	Not applicable.	POTL must consider the content of the port overlay when making or amending the POTLUP under the Transport Infrastructure Act (section 5.3).
<i>Economic Development Act 2012</i>	Townsville City Waterfront Priority Development Area Development Scheme	The MEDQ must consider, but is not bound by, a requirement under a port overlay ¹² .	The port overlay does not regulate development that is regulated by the TCWPDA Development Scheme ¹³ .	<p>The MEDQ must consider whether the Development Scheme is inconsistent with the port overlay (section 5.4).</p> <p>Where there is an inconsistency, the MEDQ must decide whether to amend the Development Scheme to remove the inconsistency.</p> <p>The MEDQ must consider the content of the port overlay when making or amending the TCWPDA Development Scheme (section 5.4).</p>
<i>State Development and Public Works Organisation Act 1971</i>	Townsville State Development Area Development Scheme	The CG must consider, but is not bound by, a requirement under a port overlay ¹⁴ .	The port overlay does not regulate development that is regulated by the TSDA Development Scheme ¹⁵ .	<p>The CG must consider whether the Development Scheme is inconsistent with the port overlay (section 5.5).</p> <p>Where there is an inconsistency, the CG must decide whether to amend the Development Scheme to remove the inconsistency.</p> <p>The CG must consider the content of the port overlay when making or amending the TSDA Development Scheme (section 5.5).</p>



Section 3

Strategic direction



3. Strategic direction

This section outlines the strategic intent of the port overlay to implement the master plan.

3.1 Strategic vision

The strategic vision identified in the master plan is the long-term outlook for sustainable port development at the priority Port of Townsville:

“The priority Port of Townsville will be a major driver of economic growth as North Queensland’s primary freight, logistics, container, tourism and defence infrastructure hub. Sustainable port development at the priority Port of Townsville will contribute to the protection of the Outstanding Universal Value of the Great Barrier Reef World Heritage Area within and surrounding the master planned area by managing potential impacts on environmental, social and cultural values”.

The strategic vision is supported by the desired outcomes and objectives which provide higher order strategic outcomes applicable across the master planned area.

3.2 Environmental management framework

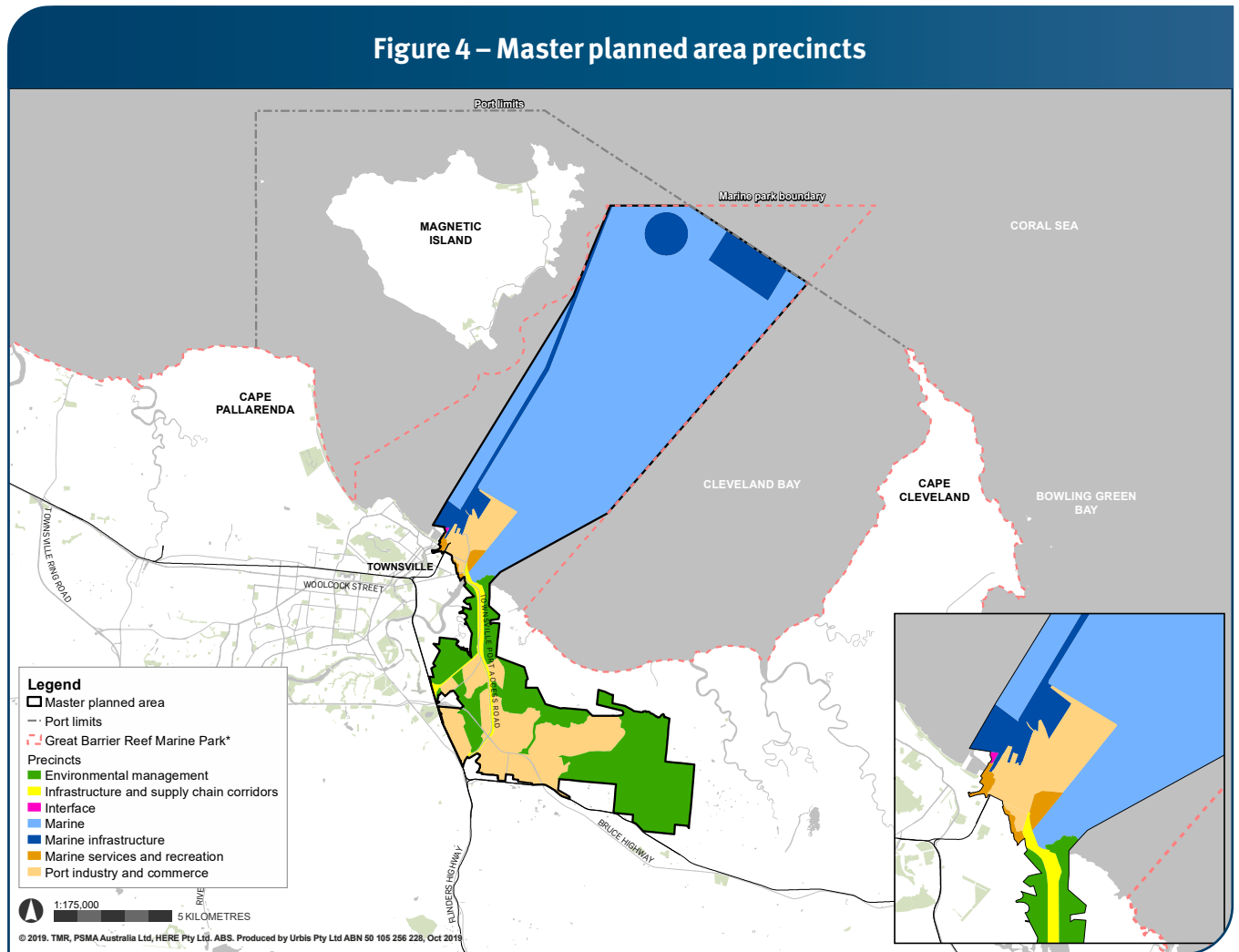
The EMF in the master plan describes the interaction of development with environmental values with a focus on the local expression of the Outstanding Universal Value (OUV) of the Great Barrier Reef World Heritage Area (GBRWHA) and Matters of National Environmental Significance and Matters of State Environmental Significance.

The EMF contains objectives that apply to specific precincts and includes a PMM to manage impacts from development on environmental values. The EMF objectives combine with the precinct purpose and outcomes to provide direction to achieve the strategic vision for the master plan (see **Appendix C**).



3.3 Precincts

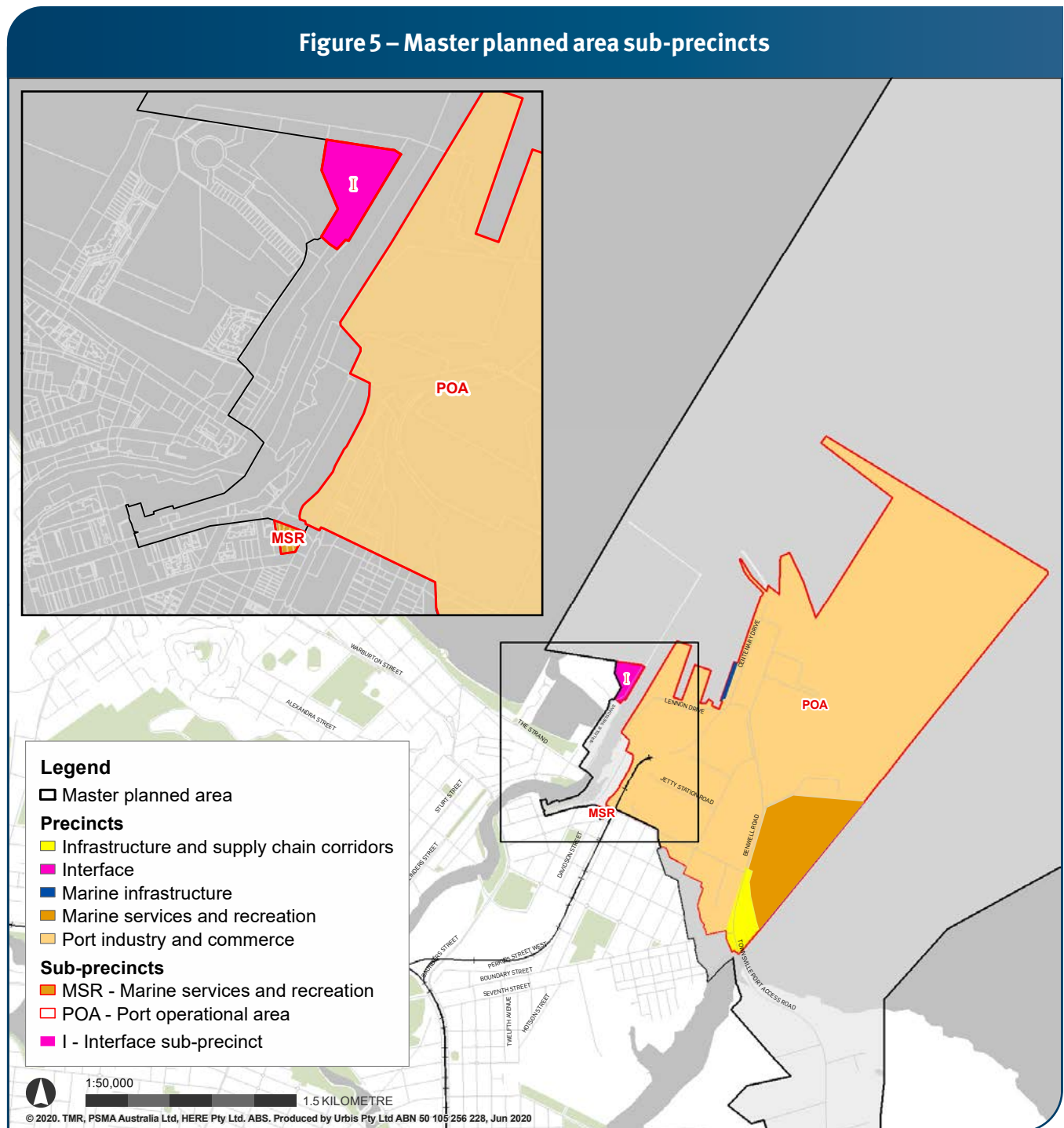
Within the master planned area, the purpose and outcomes of the precincts in the master plan indicate the long-term intent for development in specific locations and those areas where environmental considerations are a predominant consideration. Each precinct is identified in **Figure 4** with detailed requirements outlined in **Appendix B**.



3.4 Sub-precincts

The port overlay identifies sub-precincts which provide additional outcomes for defined areas within precincts to implement the master plan at a finer grain. Sub-precinct boundaries are identified in **Figure 5** and **Appendix B**.

Sub-precincts apply in addition to the relevant precinct and are used to trigger assessment benchmarks within specific areas of the master planned area. Sub-precincts must also be considered in plan-making.



Section 4

Environmental management framework



4. Environmental management framework

The Ports Act establishes a legislative requirement to have an EMF for a priority port. The EMF is outlined in the master plan and includes EMF objectives (see **Appendix C**) and the following PMM to manage impacts from development on environmental values.

The PMM and EMF objectives are given effect through the provisions in **section 5** and **section 6**.

4.1 Priority management measures

Due to the comprehensive nature of existing state and Commonwealth statutory requirements, approvals and operational environmental management measures that apply to development within the master planned area, a single PMM is identified in **Table 2** to manage potential light, noise, odour, dust and visual impacts from development in areas that interface with port operations.

Table 2 – Priority management measures	
Priority management measure	Master planned area precinct
Port interface management Manage the interface between sensitive land uses and port operations to ensure that development minimises potential light, noise, odour, dust and visual impacts from port operations on sensitive uses.	Interface
	Marine infrastructure
	Marine services and recreation
	Port industry and commerce

The responsible entities for the PMM are the authorities responsible for decision making under each of the following regulatory instruments:

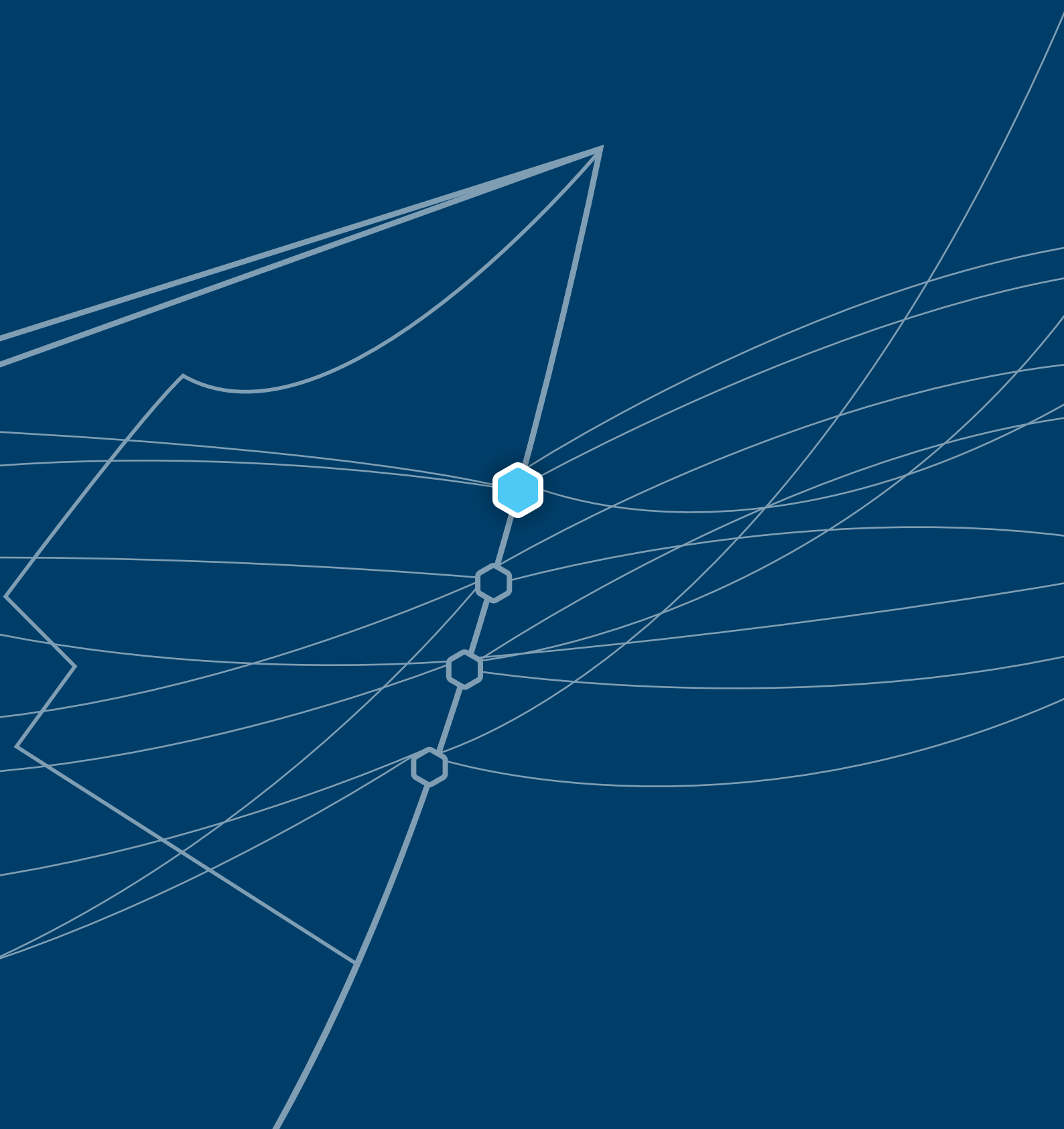
- TCC for the Townsville City Plan or other local planning instruments
- POTL for the POTLUP
- MEDQ for the TCWPDA Development Scheme.

4.2 Environmental management framework objectives

The EMF objectives outlined in **Appendix C** provide for the management of potential impacts from development within each of the precincts.

Section 5

Plan-making



5. Plan-making

5.1 Purpose

The purpose of this section is to prescribe the requirements or considerations for either making or amending the following instruments, in accordance with the following sections of the Ports Act:

- section 21(2)(a)(i) for the Townsville City Plan or other local planning instruments
- section 21(2)(b) for the POTLUP
- section 29 for the TCWPDA Development Scheme
- section 32 for the TSDA Development Scheme.

Section 5 also identifies how port overlay requirements may be integrated to the extent that development assessment requirements in **section 6** may no longer apply.

5.2 Townsville City Council

TCC must consider the following matters when making or amending the Townsville City Plan or other local planning instruments under the Planning Act:

- the strategic vision, objectives and desired outcomes identified in **Part B** of the master plan;
- the Port interface management PMM identified in **section 4.1**;
- the purpose, outcomes and EMF objectives of the Environmental management, Interface, Marine services and recreation, Marine infrastructure and Port industry and commerce precincts identified in **Appendix B** and **Appendix C**;
- the categories of assessment outlined in **Table 3**¹⁶;
- the **Port interface code**.

The plan-making requirements provide further matters to be considered in addition to the requirements under the *State Planning Policy 2017*. The strategic ports state interest applies within and surrounding the master planned area when making or amending the Townsville City Plan or other local planning instruments under the Planning Act.



5.3 Port of Townsville Land Use Plan

POTL must consider the following matters when making or amending a land use plan under the Transport Infrastructure Act:

- the strategic vision, objectives and desired outcomes identified in **Part B** of the master plan;
- the Port interface management PMM identified in **section 4.1**;
- the purpose, outcomes and EMF objectives of the Infrastructure and supply chain corridors, Marine infrastructure, Marine services and recreation and, Port industry and commerce precincts identified in **Appendix B** and **Appendix C**;
- the categories of assessment outlined in **Table 3**¹⁷;
- the **Port interface code**;
- the **Port industry code**;
- the local attributes of the OUV of the GBRWHA identified in the master plan.

5.4 Townsville City Waterfront Priority Development Area Development Scheme

The MEDQ must consider the following requirements as soon as practicable after the port overlay takes effect, or when making or amending the TCWPDA Development Scheme under the Economic Development Act:

- the strategic vision, objectives and desired outcomes identified in **Part B** of the master plan;
- the Port interface management PMM identified in **section 4.1**;
- the **Port interface code**;
- the purpose, outcomes and EMF objectives of the Marine services and recreation precinct identified in **Appendix B** and **Appendix C**.

5.5 Townsville State Development Area Development Scheme

The CG must consider the following as soon as practicable after the port overlay takes effect, or when making or amending the TSDA Development Scheme under the SDPWO Act:

- the strategic vision, objectives and desired outcomes identified in **Part B** of the master plan;
- the purpose, outcomes and EMF objectives of the Environmental management, Infrastructure and supply chain corridors, and Port industry and commerce precincts identified in **Appendix B** and **Appendix C**;
- the local attributes of the OUV of the GBRWHA identified in the master plan.

5.6 Implementing master plan outcomes

The plan-making process provides the opportunity to plan at a local scale to resolve outcomes based on the strategic vision, objectives and desired outcomes. The need to balance economic, environmental, and community outcomes may be necessary where the scale of precincts include a broad range of land uses, environmental values, and economic activities.

The inclusion of land within a precinct does not imply all land can be used for the intent envisaged by the precinct. For example, land may be unsuitable for development because of environmental constraints such as vegetation, marine plants, or water quality, and alternative outcomes may be required to effectively deliver the intent of the master plan.

In considering the port overlay in plan-making, entities preparing instruments may give weight to the strategic vision, objectives and desired outcomes of the master plan to balance economic, environmental and community outcomes to achieve the intent of the master plan at a local scale.

If the regulatory extent of an instrument is amended the port overlay requirements relevant to the change must be considered.

If an instrument identified in **section 5.1** is consistent with, and adequately integrates the port overlay, a statement (integration statement) may be included in the instrument that states:

- the name and date of the port overlay that has been adequately integrated in the instrument
- that all or part of the port overlay has been adequately integrated in the instrument
- if the port overlay has only been integrated in part, a description of the parts of the port overlay that have been adequately integrated in the instrument and the parts of the port overlay that remain relevant for assessment
- unless the instrument indicates a contrary intention, development does not require assessment against the port overlay requirements identified in **section 6** to the extent that it is consistent with, and has adequately integrated, the port overlay.

Where an instrument (or part of an instrument) contains an integration statement and amendments are made which affect matters relevant to, or regulated by the port overlay, development will require assessment against the port overlay in **section 6** unless a new integration statement is contained in the instrument.

If a proposed amendment has the potential to compromise the implementation of the master plan, it may be necessary to review the master plan and/or port overlay to determine if it should be modified to allow for the development to be regulated by the port overlay.



Section 6

Development assessment



6. Development assessment

This section identifies the following for development in the master planned area under the Planning Act:

- categories of assessment
- assessment benchmarks
- matters to have regard to in assessing development under the port overlay.

No development, other than development stated in this section, is regulated by the port overlay. Development not identified in **Table 3** is not triggered for assessment against the port overlay.

6.1 Categories of assessment

Table 3 identifies the categories of assessment and assessment benchmarks that apply under the port overlay.

If development is identified as assessable by a planning instrument under the Planning Act, the highest category of development or assessment applies. Where a higher category of assessment already applies, the category of assessment is not lowered by the port overlay.

Table 3 – Categories of assessment and assessment benchmarks ¹⁸		
Development	Category of assessment	Assessment benchmark
If located within the Interface sub-precinct (refer to Figure 5)		
Material change of use for: <ul style="list-style-type: none"> • Multiple dwelling • Retirement facility • Short-term accommodation 	Impact assessment	Port interface code
If located within the Marine services and recreation sub-precinct (refer to Figure 5)		
Material change of use for: <ul style="list-style-type: none"> • Multiple dwelling • Retirement facility 	Impact assessment	Port interface code
• Short-term accommodation	Code assessment	Port interface code
If located within the Port operational area sub-precinct (refer to Figure 5)		
Material change of use where inconsistent with the Long-term port plan (Figure 16)	Code assessment	Port industry code

6.2 Assessment benchmarks

The assessment benchmarks for the port overlay are:

- Port interface code
- Port industry code.

Table 4 below is provided to assist in determining the assessment benchmarks applicable to development based upon its location within the master planned area.

Table 4 – Determining applicable assessment benchmarks for precincts				
Assessment benchmark	Precinct			
	Interface	Marine infrastructure	Marine services and recreation	Port industry and commerce
Port interface code	✓*	N/A	✓**	N/A
Port industry code	N/A	✓+	✓+	✓+
<i>*where in the Interface sub-precinct</i>				
<i>**where in the Marine services and recreation sub-precinct</i>				
<i>+where in the Port operational area sub-precinct</i>				
<i>Note: unless identified in this table, no development assessment requirements are applicable under the port overlay within the master planned area.</i>				

6.2.1 Port interface code

6.2.1.1 Application

The Port interface code applies to development:

- located within the **Interface sub-precinct** as shown in **Figure 5**;
- located within the **Marine services and recreation sub-precinct**, as shown in **Figure 5**;
- identified as requiring assessment in **Table 3**.

6.2.1.2 Purpose and outcomes

The purpose of the Port interface code is to manage the interface between sensitive land uses and port activities to protect the operations of the port, as well as to mitigate potential amenity impacts on surrounding non-port development.

The purpose of the Port interface code will be achieved through the following outcomes:

1. development does not adversely impact on the operation of the Port of Townsville;
2. development is sited, designed and constructed to minimise potential light, noise, odour, dust and visual impacts from port operations on sensitive land uses;
3. development involving multiple dwellings, retirement facilities or short-term accommodation is located in areas sufficiently separated from existing and future port operations to ensure the operation of the port is not adversely affected;
4. development maintains safe public access to the waterfront where practicable.

6.2.1.3 Criteria for assessment

Table 5 contains the performance outcomes and acceptable outcomes for the Port interface code.

Table 5 – Port interface code

Performance outcome (PO)

Acceptable outcome (AO)

Land use

PO1 Development for multiple dwellings, retirement facilities and short-term accommodation does not adversely impact on the operation of the port where amenity impacts cannot be appropriately mitigated.

A01 Development involving sensitive land use is set back 250 metres from a berth area within the Port operational area sub-precinct (**Figure 17**).

Performance outcome (PO)	Acceptable outcome (AO)
Amenity	
<p>PO2 Development incorporates appropriate noise, dust, odour and lighting standards to ensure siting, design and construction achieves acceptable levels of amenity.</p> <p>Note—Reports to demonstrate compliance with PO2 will need to include assessment against:</p> <p><u>AS/NZS 2107:2000 – Acoustics – recommended design sound level and reverberation times for building interiors</u> <u>Environmental Protection (Noise) Policy 2019</u> <u>Environmental Protection (Air) Policy 2019</u> <u>Guideline: Odour Impact Assessment from Developments, QLD DEHP</u> <u>AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting</u></p>	<p>No acceptable outcome prescribed.</p>
<p>PO3 Development that contains lighting is located, designed and orientated to ensure that illumination and glare from the development does not conflict with port operations (e.g. navigation lead lights).</p>	<p>AO3 Outdoor lighting complies with the technical parameters, design, installation, operation and maintenance identified in <u>AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting</u></p>
<p>PO4 Development mitigates exposure to potential adverse amenity impacts from the Port operational area sub-precinct on private or communal outdoor spaces including balconies or ground level spaces intended for outdoor uses.</p>	<p>No acceptable outcome prescribed.</p>
<p>PO5 Development provides landscaping in locations where planting will provide a visual buffer to mitigate aesthetic impacts from the Port operational area sub-precinct.</p>	<p>No acceptable outcome prescribed.</p>
<p>PO6 Noise attenuation is incorporated into the built form to reduce exposure to adverse amenity impacts associated with port operations.</p> <p>Note—A report to demonstrate compliance with PO6 may be required which includes assessment using:</p> <p><u>Environmental Protection (Noise) Policy 2019</u> <u>AS/NZS 2107:2016 – Acoustics – recommended design sound level and reverberation times for building interiors, or similar noise guidelines</u></p>	<p>No acceptable outcome prescribed.</p>
Design	
<p>PO7 Siting, orientation and building design measures ensure residents or visitors are not adversely affected by amenity impacts associated with the Port operational area sub-precinct.</p>	<p>AO7.1 Development incorporates screening (vegetation and any other measures) between the building and Port operational area sub-precinct; AO7.2 Balconies, doors, windows and openings do not occur on building elevations that overlook the port (partially or directly); AO7.3 Habitable rooms are located and orientated away from the Port operational area sub-precinct.</p>

6.2.2 Port industry code

6.2.2.1 Application

The Port industry code applies to development:

- located within the **Port operational area sub-precinct**, as shown in **Figure 5**;
- identified as requiring assessment against the Port industry code in **Table 3**.

6.2.2.2 Purpose and outcomes

The purpose of the Port industry code is to provide for port operations, industry, port-related commercial activities, supply chain infrastructure and other supporting or related development.

The purpose of the Port industry code will be achieved through the following outcomes:

1. development is located on both existing port land as well as the land identified as part of the approved port expansion project;
2. development for port industry activities and supply chain infrastructure is appropriately located, designed, constructed and operated having regard to principles of port optimisation to support sustainable growth of the port;
3. development is appropriately designed, sited, constructed and operated to mitigate the potential adverse social and environmental impacts from port operations on sensitive land uses in the Marine services and recreation sub-precinct and surrounding areas;
4. development does not compromise or adversely impact on (or the upgrading of existing) supply chain infrastructure critical to the operation of the Port of Townsville;
5. development does not compromise or adversely impact the corridor and operation of the proposed Townsville Eastern Access Rail Corridor (TEARC) or other rail infrastructure;
6. development does not compromise or adversely impact the safety, function and operational efficiency of the Townsville Port Access Road (TPAR) or other road infrastructure.

6.2.2.3 Criteria for assessment

Table 6 contains the performance outcomes and acceptable outcomes for the Port industry code.

Table 6 – Port industry code

Performance outcome (PO)	Acceptable outcome (AO)
Port optimisation	
PO1 Buildings, structures, services and utilities contribute towards an optimised port layout for port operations.	AO1 Land uses within the Port operational area sub- precinct are positioned in accordance with Figure 16 – Long-term port plan .
PO2 Development is located, designed and operated to maximise the efficient and coordinated use of port land and supply chain infrastructure. Note—Supporting reports addressing the principles of port optimisation can assist in demonstrating compliance with this performance outcome.	AO2 Development that is heavily reliant on supply chain infrastructure is co-located with or adjacent to infrastructure or corridors (e.g. a wharf, rail, road or within a shared service corridor).
PO3 Development is located, designed and operated to maximise berth utilisation and efficiency.	AO3.1 Development does not involve the construction of additional berths; or AO3.2 Development involving berth construction provides for berth facilities to be shared by multiple cargo types.
Protection of supply chain infrastructure	
PO4 Development structures, services and utilities do not compromise the future location and efficient operation of supply chain infrastructure.	No acceptable outcome is prescribed.
Amenity	
PO5. Development siting, design and layout avoids or minimises adverse amenity impacts on surrounding urban areas, including (but not limited to) air, noise, light emissions, dust, electronic interference or other disturbance. Note—An impact assessment report prepared in accordance with the following can assist in demonstrating compliance with this performance outcome: <u>Environmental Protection (Noise) Policy 2019</u> <u>Environmental Protection (Air) Policy 2019</u> <u>Guideline: Odour Impact Assessment from Developments, QLD DEHP</u> <u>AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting</u>	No acceptable outcome is prescribed.

6.3 Matters to have regard to

Where development is identified as assessable under the port overlay, the following are the matters an assessment manager must have regard to in assessing development under the port overlay:

Code assessment:

- the purpose, outcomes and EMF objectives for the precinct/s where development is proposed to be undertaken as outlined in **Appendix B** and **Appendix C**.

Impact assessment:

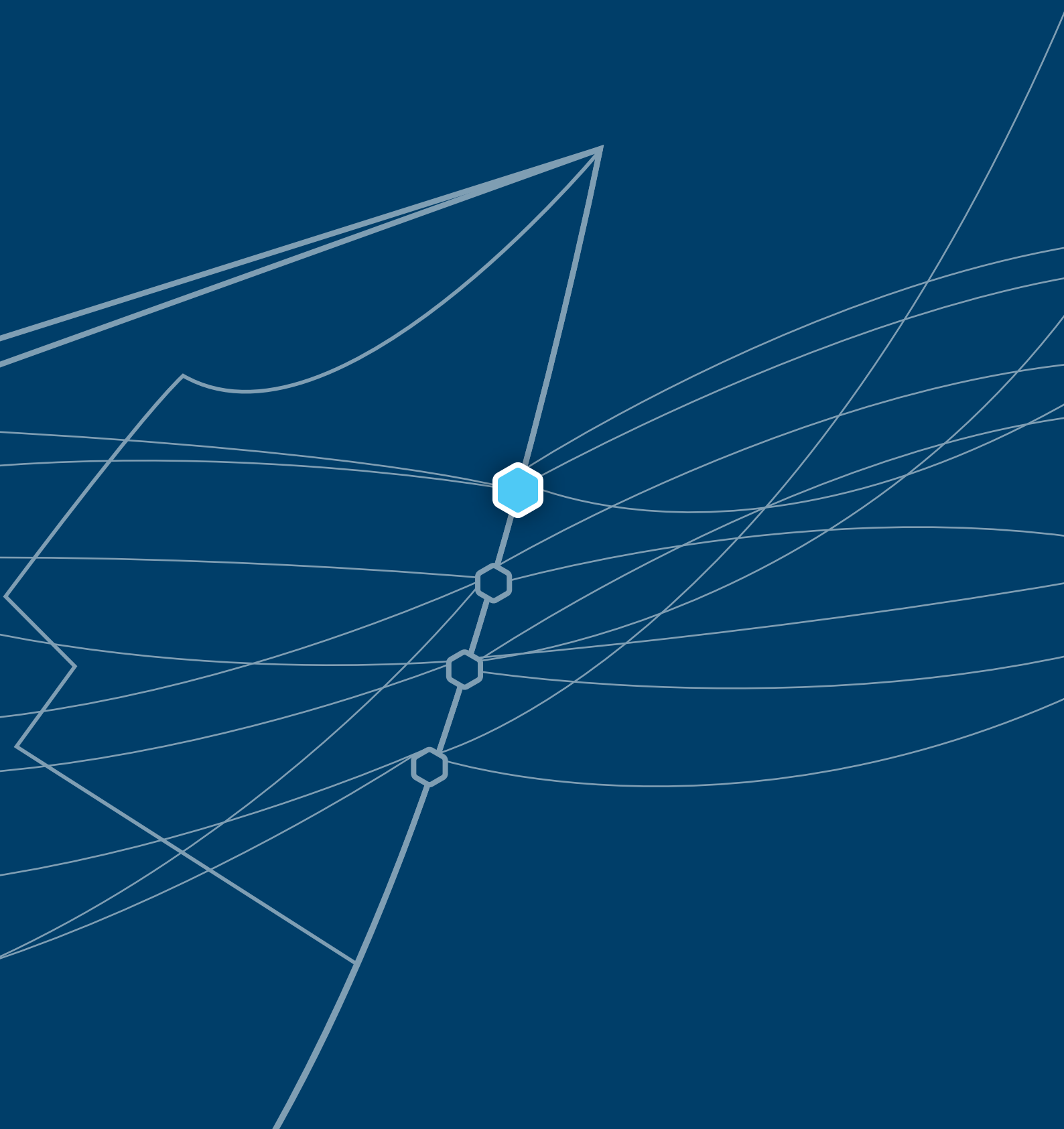
- the purpose, outcomes and EMF objectives for the precinct/s where development is proposed to be undertaken, as outlined in **Appendix B** and **Appendix C**;
- the strategic vision, desired outcomes and objectives for the master planned area as identified in the master plan.

Code assessment requirements are also applicable to impact assessable development if:

- impact assessment is required for the proposed development by an instrument under the Planning Act and the port overlay references code assessment.



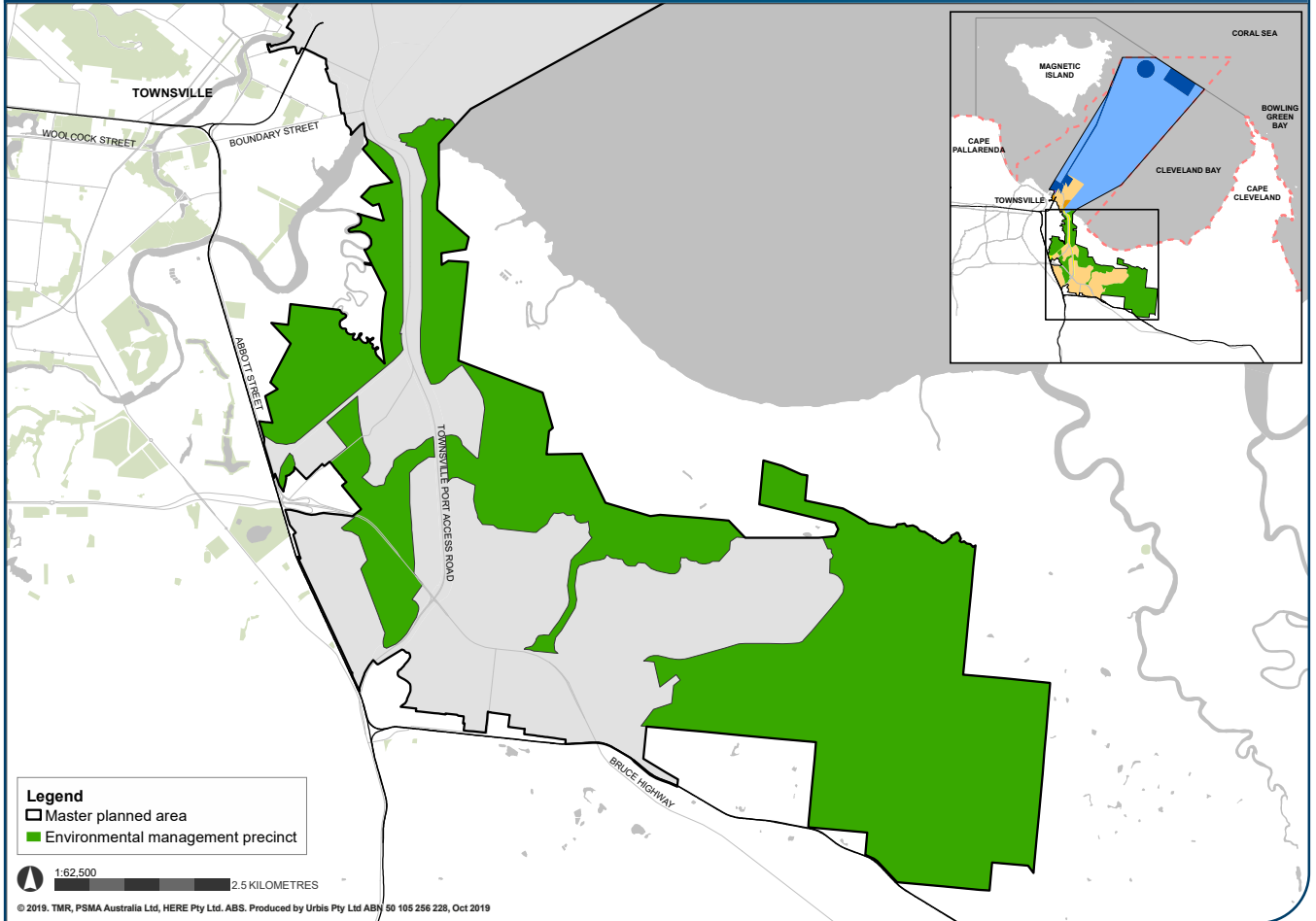
Appendices



Appendix B – Precincts

Environmental management precinct

Figure 6 – Environmental management precinct



Purpose

The purpose of the **Environmental management precinct** is to limit development and, where possible, avoid adverse impacts on environmental values.

Description

The precinct comprises land within the TSDA and part of the Townsville City Plan area identified as being of environmental significance. It functions as an environmental buffer between development and intertidal areas with high ecological significance.

Outcomes

Uses that do not compromise the environmental values of the area may be acceptable.

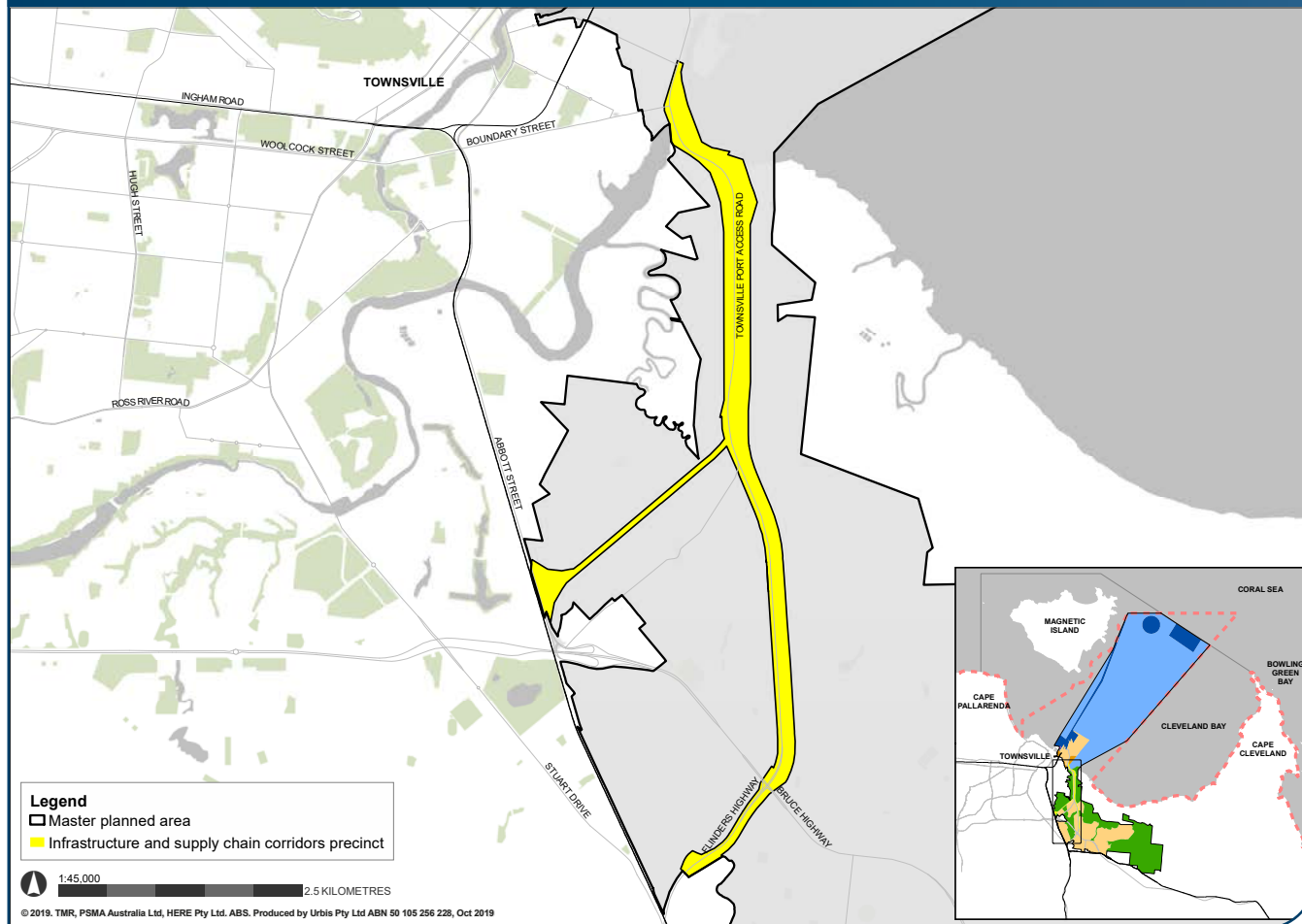
Essential linear infrastructure such as telecommunications and electricity network infrastructure to service adjoining industry may be located in this precinct if no other alternative is available.

Non-essential infrastructure and development may be considered where environmental impacts can be managed to maintain ecological processes.

Extractive industry uses in the identified Muntalunga Key Resource Area (KRA 154) will avoid and minimise impacts on the environmental and cultural heritage values of the Muntalunga Range.

Infrastructure and supply chain corridors precinct

Figure 7 – Infrastructure and supply chain corridors precinct



Purpose

The purpose of the **Infrastructure and supply chain corridors precinct** is to allow for the provision of the major supply chain corridor infrastructure required to support the ongoing operation and expansion of the port, within the master planned area.

Description

The precinct comprises land within the TSDA and part of the Townsville City Plan area and includes land containing the TPAR and land reserved for the preferred alignment of the TEARC (including space for possible future port connection for bulk material handling and transportation). It also includes part of the NCL and part of the Flinders Highway (Stuart Bypass).

Outcomes

Development maintains the safe and efficient operation and management of supply chain infrastructure, including the road and rail transport networks.

Development protects the safety, efficiency and capacity of future rail and road alignments and existing transport corridors.

Infrastructure associated with non-port-related development is limited to necessary minor and interim service infrastructure, including linear infrastructure, utility installations, and telecommunication facilities.

Development optimises the efficient use of land and infrastructure to minimise its footprint.

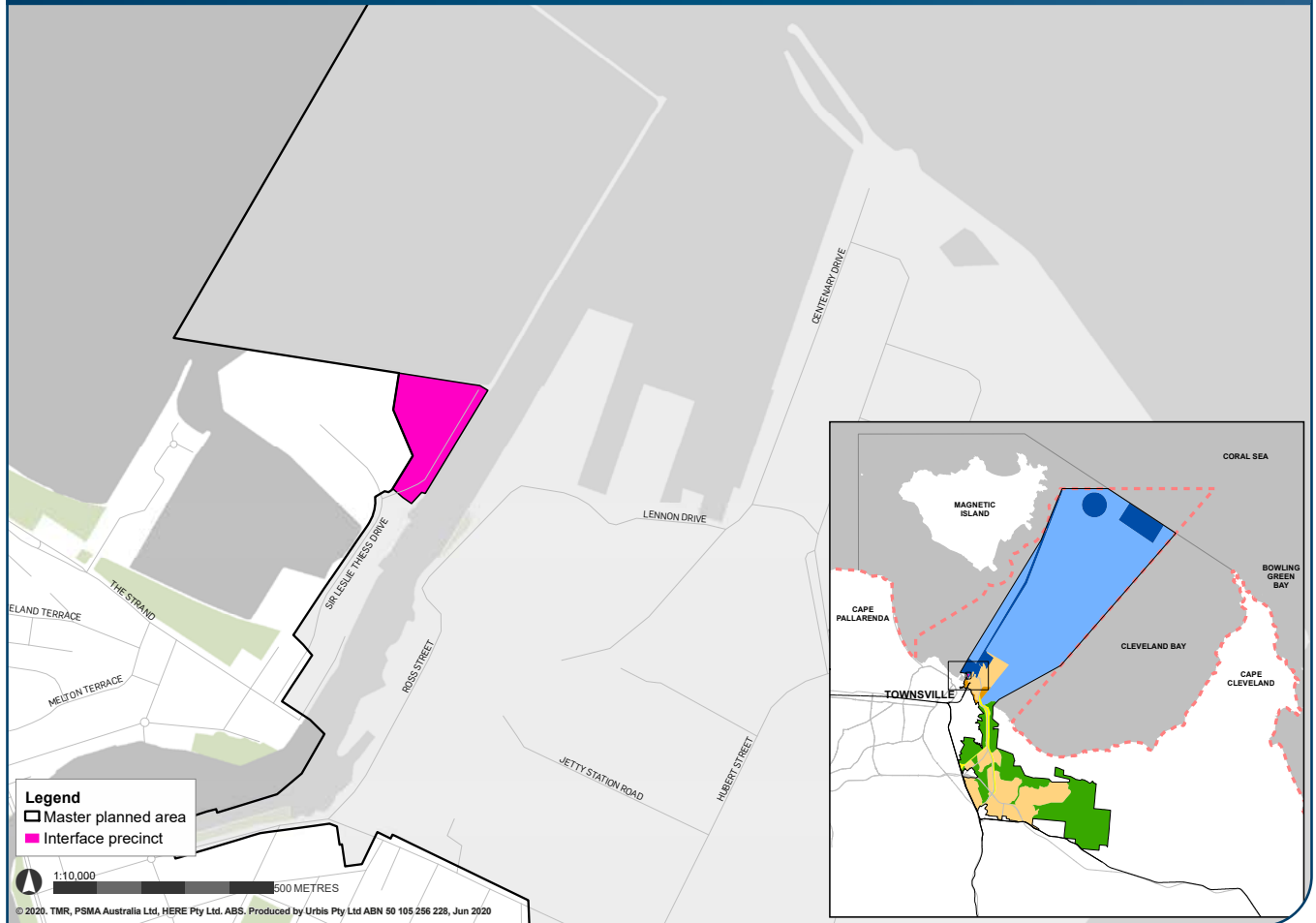
Development supports the establishment of common user infrastructure where practicable.

Development does not result in reverse amenity impacts on key transport routes critical to the priority Port of Townsville.

Development is to be appropriately located, designed, constructed, and operated to avoid potential adverse impacts on environmental values where possible.

Interface precinct

Figure 8 — Interface precinct



Purpose

The purpose of the **Interface precinct** is to manage the interface between sensitive land uses or areas where sensitive land uses may be developed adjoining port operations.

Description

This precinct includes a portion of the western breakwater peninsula currently occupied by the Townsville Entertainment Centre. During the life of the master plan the Townsville Entertainment Centre may relocate, and if this occurs, this land will be available for redevelopment. Given the proximity of this land to the port, future development of the area has the potential to impact on the operation of the port, as well as the future use of this land potentially being impacted by port operations.

Outcomes

Development does not restrict the operation or development of port activities including supply chain infrastructure.

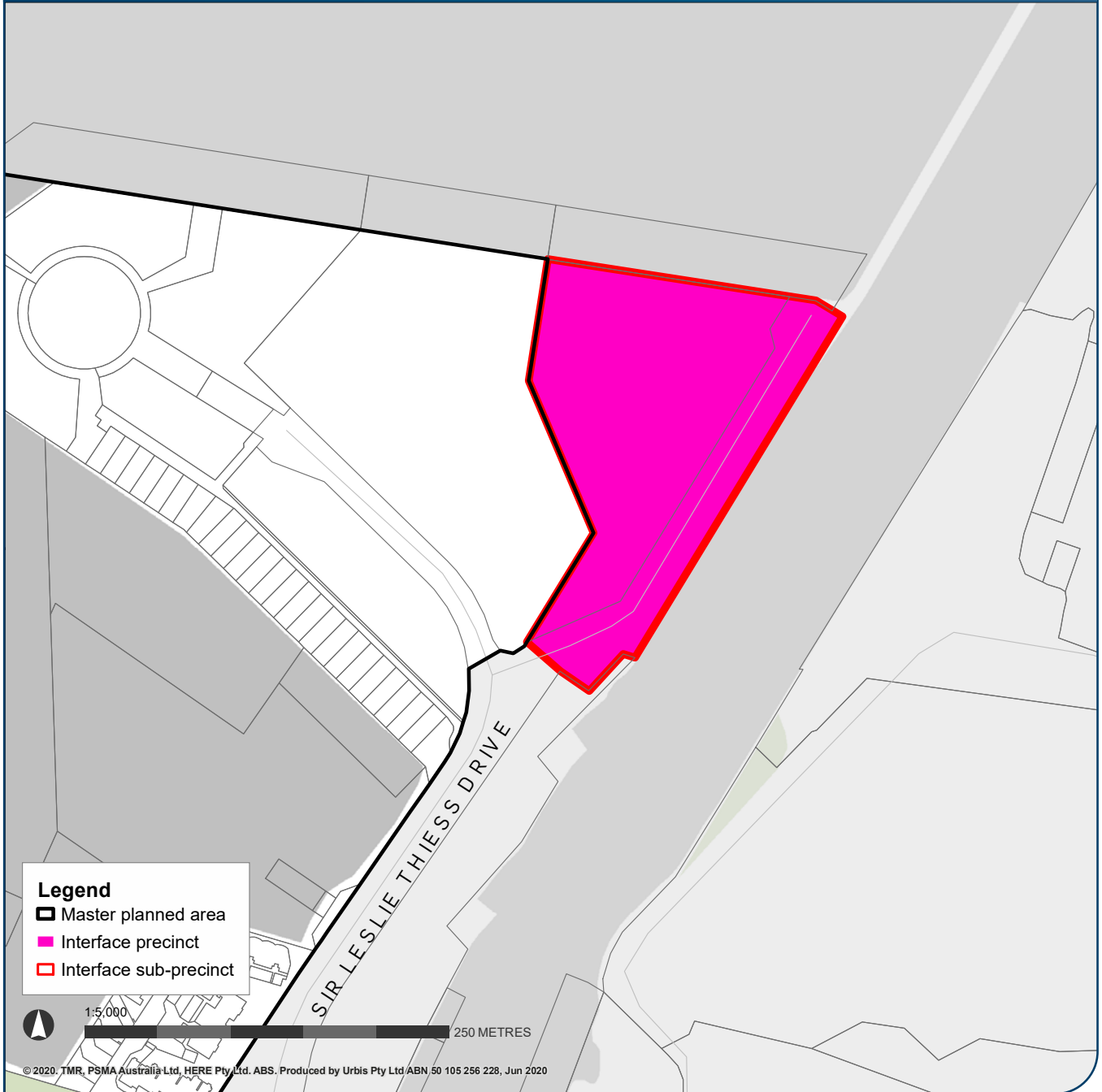
Development must be appropriately located, and incorporate suitable design measures to minimise potential impacts from port operations including:

- orientation and design of development to minimise visual impacts
- built form, including building design, height and materials
- management of emissions, noise, light, odour, and dust.

New development should maintain public access to the waterfront.

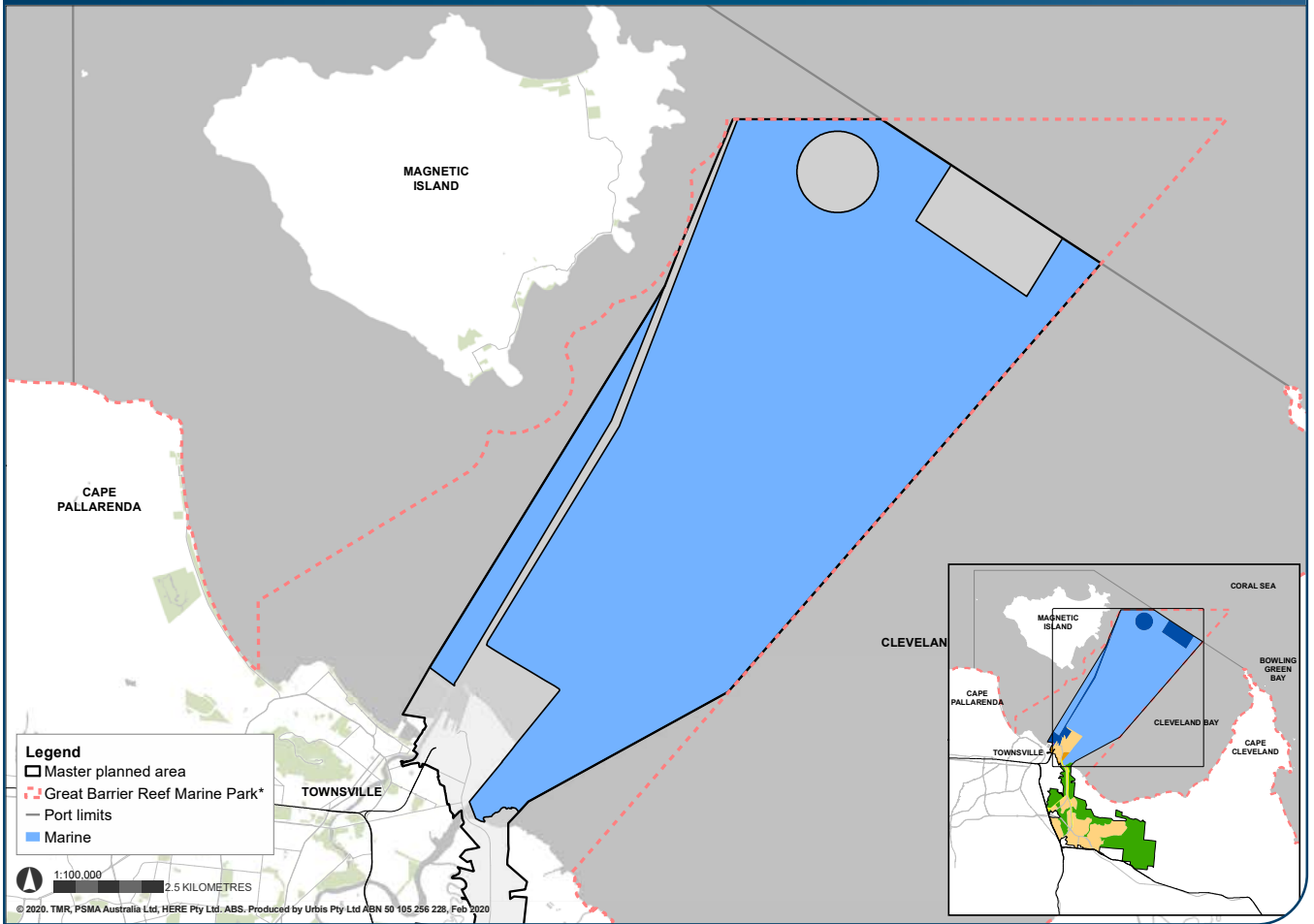
Interface sub-precinct

Figure 9 – Interface sub-precinct



Marine precinct

Figure 10 – Marine precinct



Purpose

The purpose of the **Marine precinct** is to avoid impacts on environmental values and provide for limited port and industry development, and non-port-related marine activities.

Description

This precinct generally extends to the highest astronomical tide (HAT) and includes marine areas adjoining the marine infrastructure precinct that are not critical to the operation or growth of the port. It includes intertidal and marine waters within port limits in Cleveland Bay that are not within the Great Barrier Reef Marine Park.

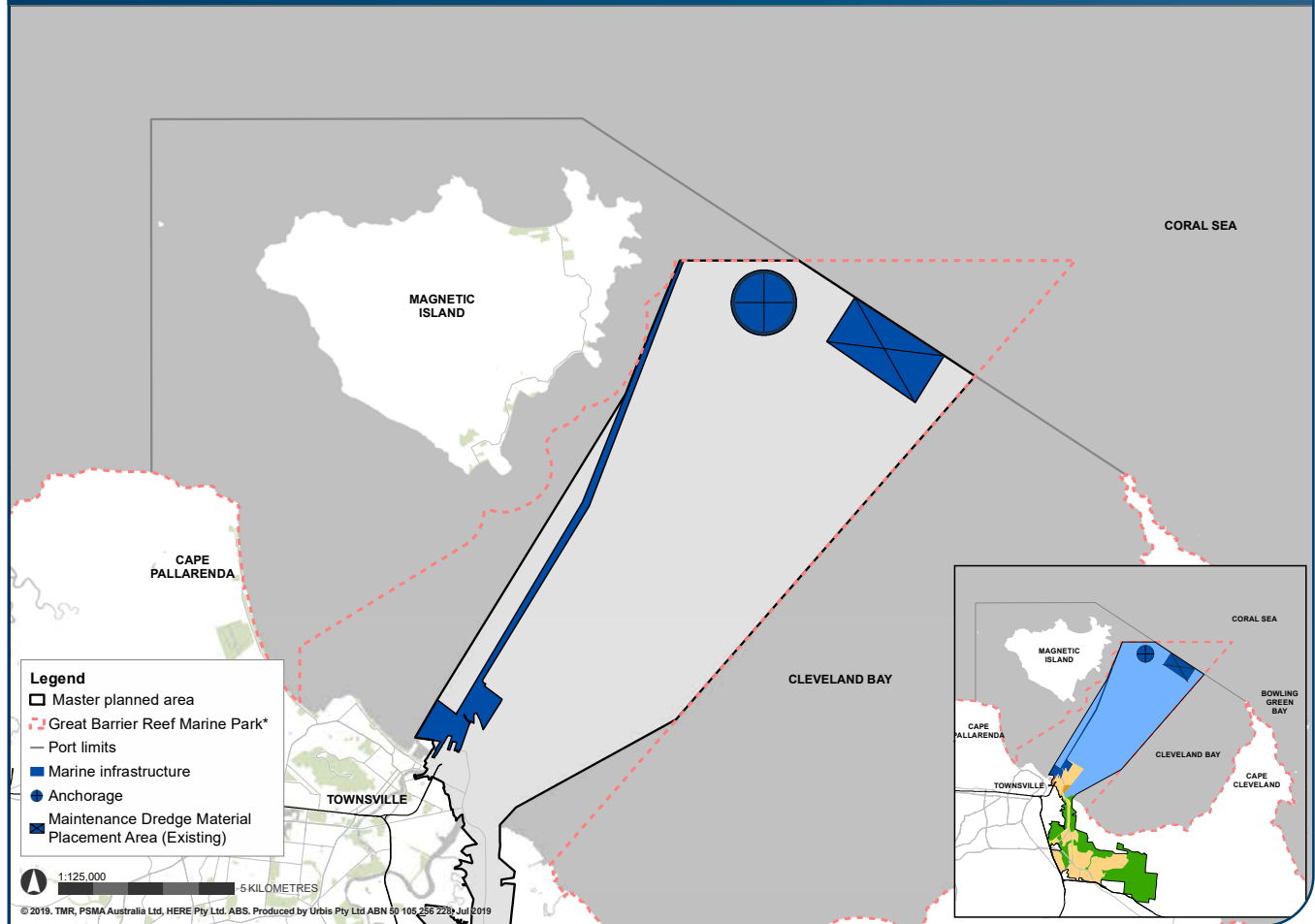
Outcomes

Uses that do not compromise the efficiency of ship movements may be acceptable, including small scale maritime infrastructure, boat ramps, pontoons and coastal protection structures, coastal rescue services, commercial fishing, tourism, defence, Indigenous marine resource activities, and recreational uses.

Development avoids or minimises impacts on environmental values within and surrounding the master planned area by the appropriate siting and design of compatible uses and infrastructure.

Marine infrastructure precinct

Figure 11 – Marine infrastructure precinct



Purpose

The purpose of the **Marine infrastructure precinct** is to ensure safe shipping access to navigation channels and waterside areas and to provide for marine-based port infrastructure, including works required to widen and deepen the existing shipping channels to facilitate the sustainable growth of the port.

Description

This precinct includes the existing shipping channels, swing basins, berth pockets, breakwaters, and the existing maintenance dredged material placement area. Future capital dredging for shipping channels and to create a new outer harbour and berth pockets will occur in this precinct consistent with state and Commonwealth approvals for the Port Expansion Project.

This precinct generally extends to the HAT and includes:

- the marine area surrounding the port berths
- the shipping channels (Platypus and Sea)
- part of the maintenance dredged material placement area
- part of Ross Creek
- breakwaters and anchorage.

Outcomes

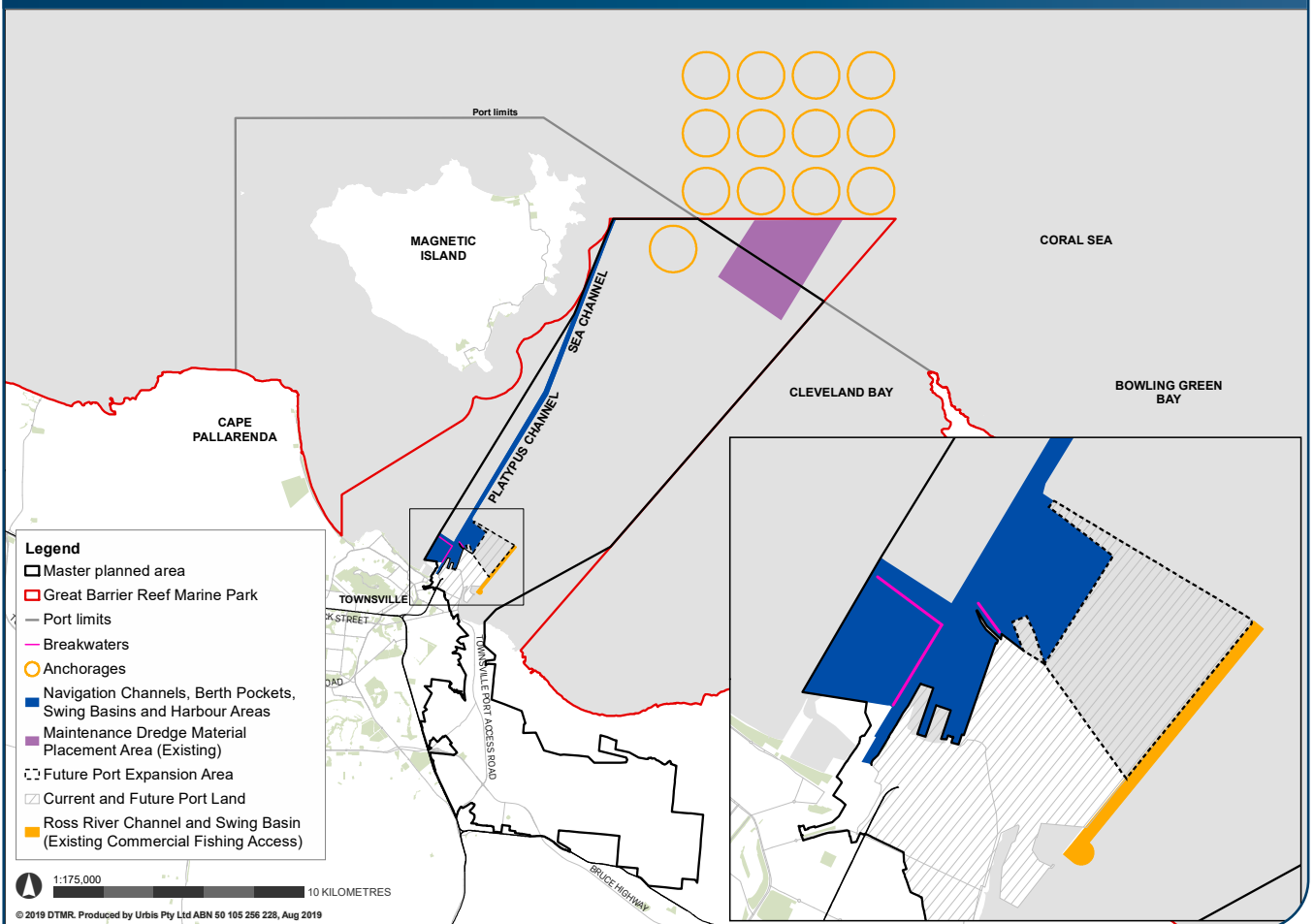
Capital and maintenance dredging (and any associated works) for vessel navigation and berthing of vessels maintains and enhances the safe navigation and operation of waterways.

Development establishes a new outer harbour and additional berths in the expanded port area.

Development maintains and protects port infrastructure that provides for safe navigation, including the shipping channels, breakwaters, swing basins, and navigational works.

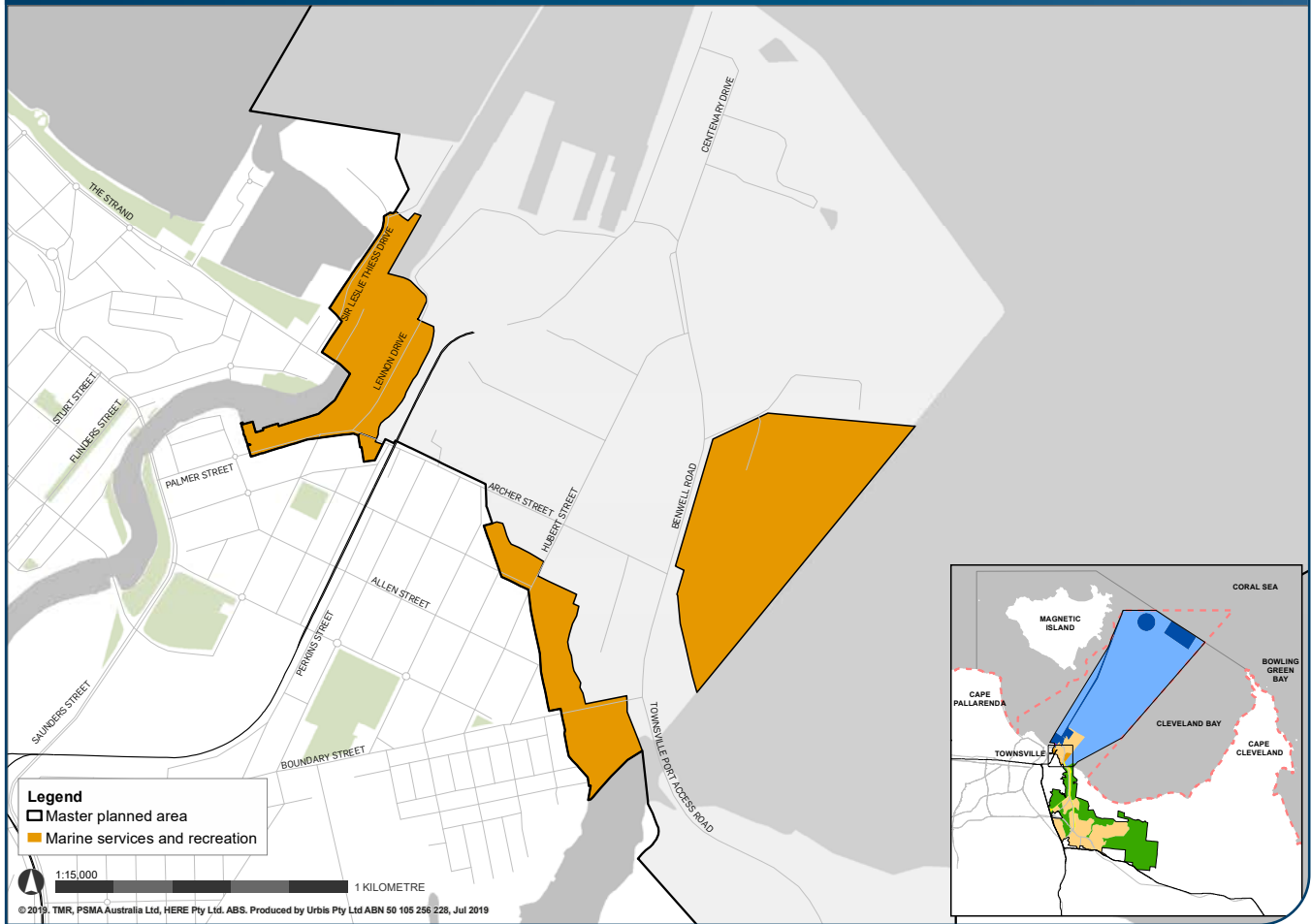
Development maximises the effective and efficient utilisation of infrastructure and port facilities, including the establishment of common user arrangements where practicable.

Figure 12 – Marine infrastructure within and surrounding the master planned area



Marine services and recreation precinct

Figure 13 – Marine services and recreation precinct



Purpose

The purpose of the **Marine services and recreation precinct** is to provide for a range of maritime activities, associated marine industries, access to the waterfront and facilities to support tourism, recreational activities, public open space, and commercial fishing in a manner that maintains maritime safety. The precinct is also to provide for urban development where appropriately designed and located to mitigate potential impacts on or from port operations.

Description

This precinct comprises the following areas:

- parts of Strategic Port Land (SPL), where within the TCWPDA
- SPL located on the southern side of port operations
- Ross Creek public boat ramp and associated infrastructure
- part of the Townsville City Plan area.

Outcomes

Development for marine-related and compatible uses occurs including commercial and marina activities and associated marine industries, small boat harbour, coastal rescue services, commercial, light industry, educational facilities, and public open space.

Development provides public access to the waterfront and the harbour (including boat ramps, marina, open space, and community facilities) where it does not compromise public safety or the security of port operations.

Permanent residential accommodation (i.e. multiple dwellings and retirement facilities) is only located in areas that do not have a direct interface with port operational areas.

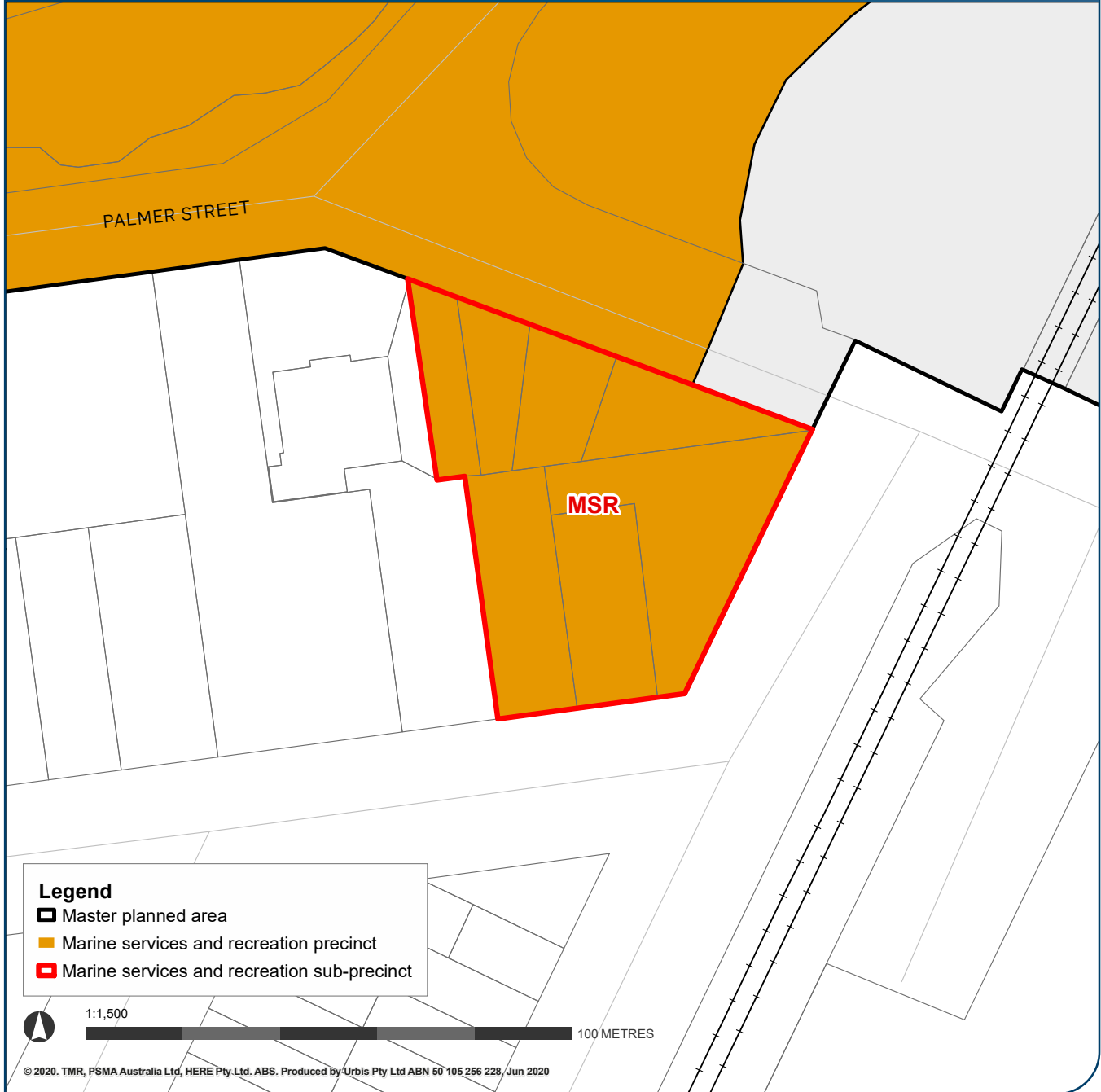
Sensitive uses, including permanent residential accommodation and short-term accommodation, may otherwise be provided along Ross Creek, Archer Street and Perkins Street where the development can be appropriately designed to minimise potential impact from light, noise, odour, dust, and visual impact on, or from, the port operations or port infrastructure.

Development is located and designed to ensure that reverse amenity impacts on port operations are effectively mitigated.

Development supports ease of movement and connectivity between the Townsville CBD and the waterfront including measures like wayfinding and pedestrian integration.

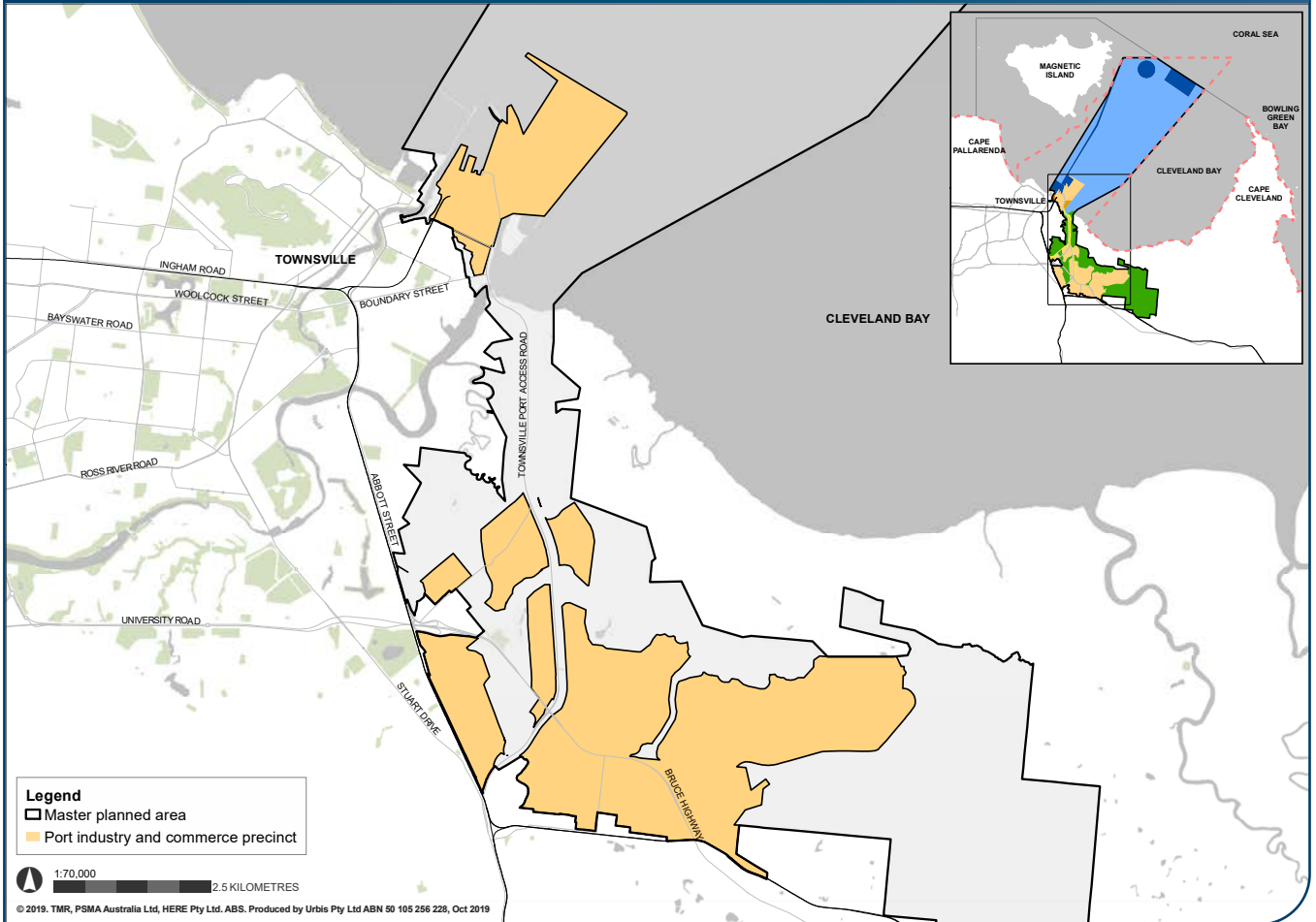
Marine services and recreation sub-precinct

Figure 14 – Marine services and recreation sub-precinct



Port industry and commerce precinct

Figure 15 – Port industry and commerce precinct



Purpose

The purpose of the **Port industry and commerce precinct** is to provide for port operations, industry, port-related commercial activities, and other supporting or related development.

Description

The Port industry and commerce precinct is the primary industrial precinct within the master planned area and includes existing port activities and operations, and the future port expansion area, including land and infrastructure connecting to the proposed TEARC.

The precinct comprises:

- SPL owned and administered by POTL
- areas within the TSDA, identified for industrial development of regional, state, and national significance, including areas for potential future port-related development
- marine areas (land reclamation) approved for future port expansion.

Outcomes

Port land (including the port expansion project area)

Development delivers an evolution of the layout and function of port land uses and supply chain infrastructure generally in accordance with **Figure 16**, to maximise the efficiency of operations and productivity, and to accommodate improved supply chain connections and functionality.

Development provides a wide range of uses that directly support the import and export of cargo and allied non-industrial uses, such as cargo storage, handling and transportation, and defence activities which contribute to the effective, efficient, and sustainable growth of the port.

Development maximises the effective and efficient utilisation of existing (where retained) and future port infrastructure and facilities. In particular, development must protect and integrate with the proposed TEARC and associated future rail loops in the port.

Development encourages the co-location of related industries and facilities to provide enhanced port utilisation, cargo handling, and transfer efficiencies.

Development maintains ongoing accessibility by land or water to, and from cargo, and commodity handling areas.

Development provides for the manoeuvrability of heavy vehicles utilising the internal port road network.

Development that is heavily reliant on wharf or rail dispatch facilities is located adjacent to those facilities or otherwise connected by necessary infrastructure.

Development of essential infrastructure required for daily operations of the port such as security, customs and quarantine requirements, parking facilities, utility installations, staging areas for heavy vehicle movements, and materials transportation infrastructure to support industry, is provided.

Interim or temporary development does not compromise the long-term efficient utilisation of the port.

Port operational areas are only located in areas that do not have a direct interface with permanent residential accommodation.

Development encourages the location of higher impact intensive port operations (such as movement of dry bulk and livestock) to be located as far away from existing and future sensitive land uses as practical.

Development involving a hazardous chemical facility is managed to protect human health and safety.

Development that has an interface with sensitive land uses is designed to maintain a high standard of amenity for existing and future sensitive land uses.

Development is appropriately located, designed, and managed to avoid environmental impacts.

Townsville State Development Area

Development will provide industries which are of regional, state, and national economic significance, and supply chain infrastructure in appropriate locations that supports the operation of the port and industry. Uses may include port-related industry, logistics and freight terminals, and linear infrastructure.

Road, rail and conveyor infrastructure within the precinct will maximise transport, infrastructure, and land use efficiencies, including the establishment of common user arrangements where practicable.

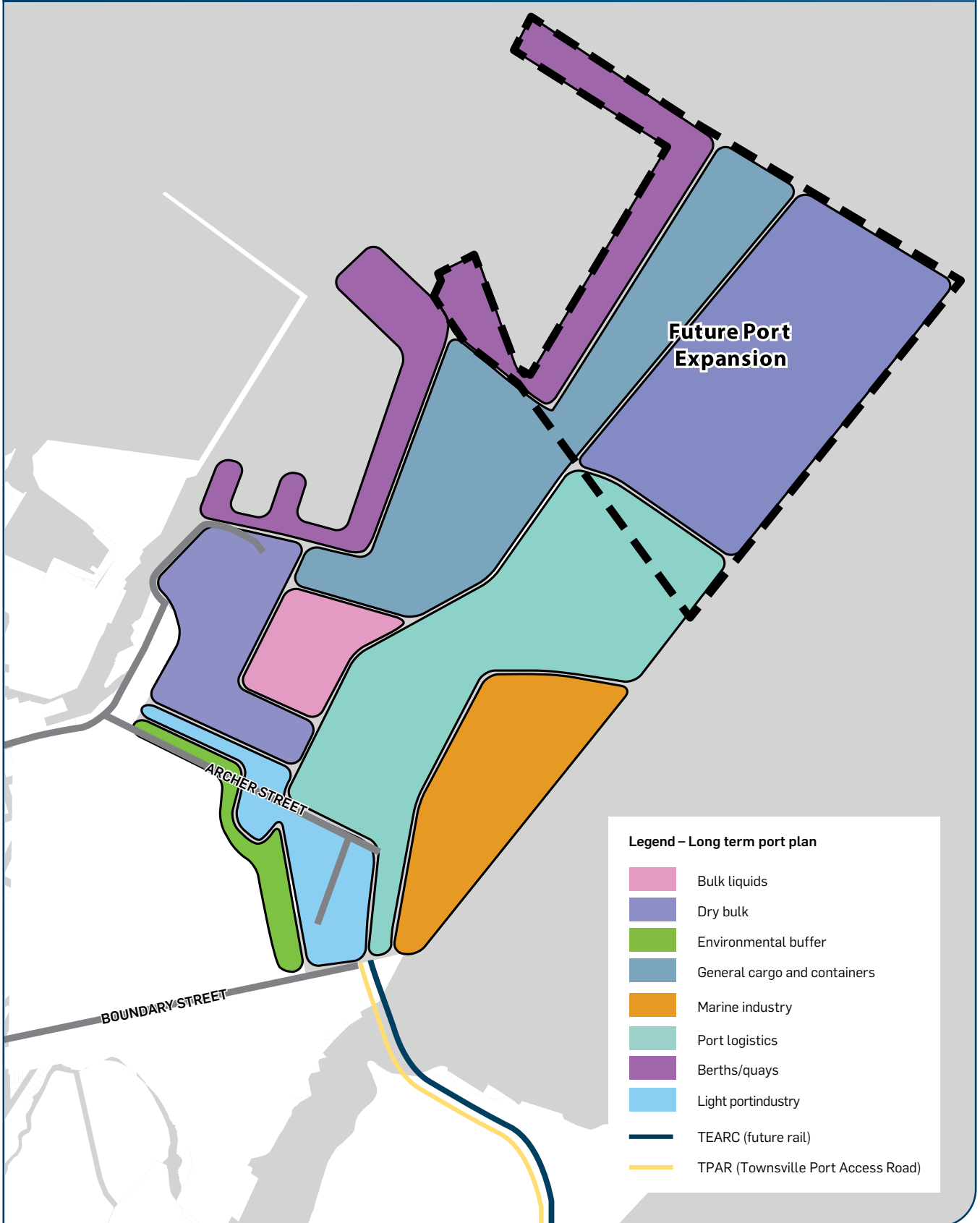
Development must protect the safe and efficient function of the Bruce Highway, the NCL, the proposed TEARC, and the existing TPAR, and the future duplication of the TPAR.

Development that is adjacent to the Infrastructure and supply chain corridors precinct does not compromise the establishment and operation of existing and/or potential future infrastructure.

Interim or temporary development does not compromise the long-term efficient utilisation of supply chain infrastructure associated with the operation of the port and industry.

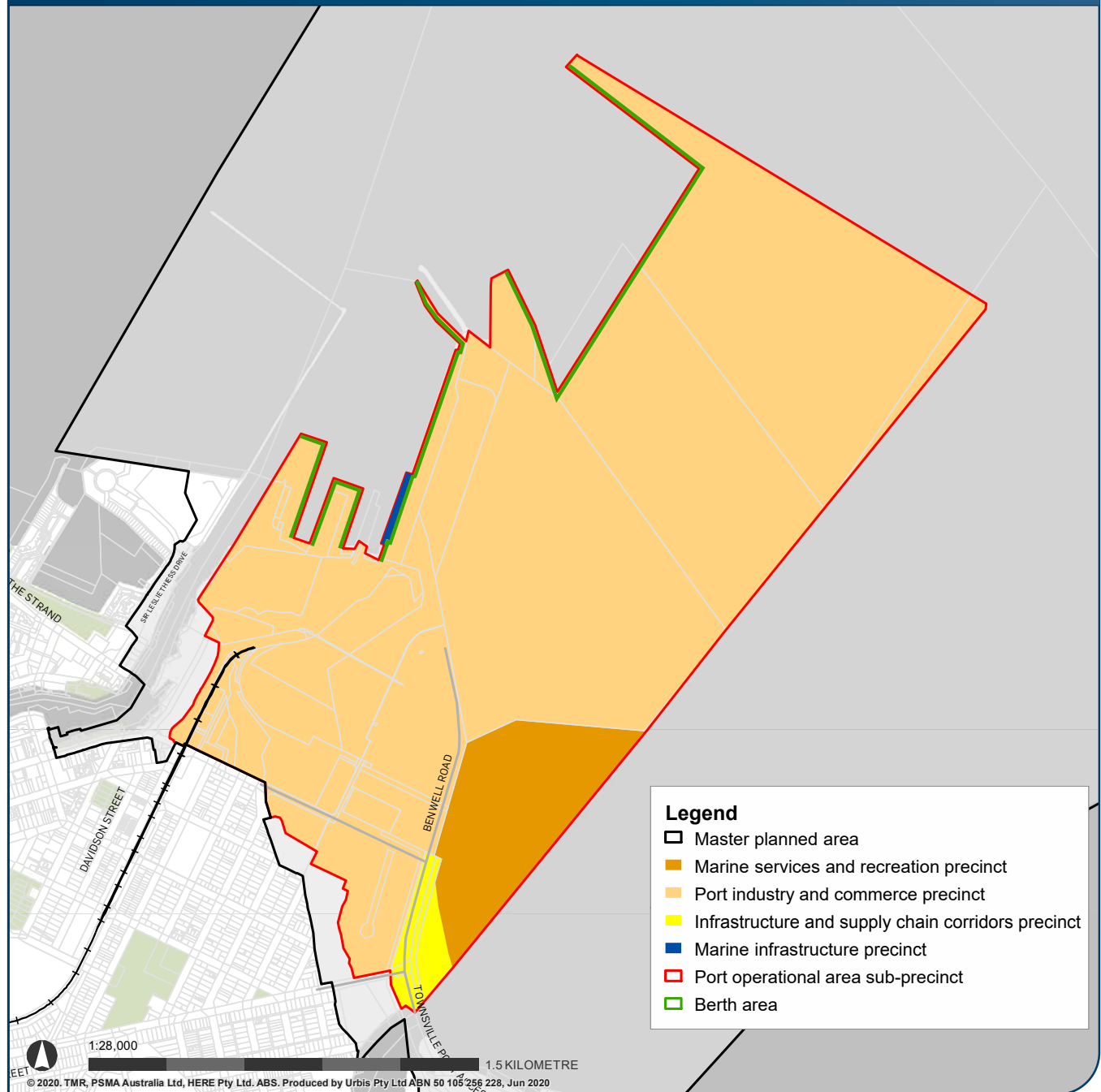
Development is appropriately located, designed, and managed to avoid environmental impacts where possible or otherwise minimise impacts.

Figure 16— Long-term port plan



Port operational area sub-precinct

Figure 17 – Port operational area sub-precinct



Appendix C – Environmental management framework objectives

The EMF objectives from the master plan for managing potential impacts from development are included below. For more information about the environmental values of each precinct, refer to **Appendix B** of the master plan and supporting reports which are available on the [TMR website](#).

Precinct	Environmental management framework objectives
Environmental management	<p>Avoids, mitigates and/or offsets potential impacts (direct, indirect and cumulative) from development within and adjacent to the precinct with particular regard to:</p> <ul style="list-style-type: none"> • avoiding direct impacts on threatened ecological communities under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) (Cwlth) and Endangered and Of Concern Regional Ecosystems under the <i>Vegetation Management Act 1999</i> (VM Act) • addressing the potential for cumulative impacts on environmental values from multiple developments within the Port industry and commerce precinct • early detection of potential impacts on fish passage connectivity, mangroves, saltmarsh communities, and other marine plant communities • conservation of habitat and connectivity for threatened and migratory species under the EPBC Act and <i>Nature Conservation Act 1992</i> (NC Act).
Infrastructure and supply chain corridors	<p>Development operates efficiently and effectively, in a manner that appropriately balances industrial, commercial, recreational and cultural activities, and potential impacts from development on the OUV of the GBRWHA and other environmental values.</p> <p>Consolidate infrastructure connecting the port and TSDA to minimise clearing requirements.</p> <p>Manage ongoing operations so that the transportation of materials avoids or minimises impacts on sensitive receptors through air quality, noise, and stormwater impacts.</p> <p>Minimise potential impacts (direct, indirect, and cumulative) from development within the precinct on the following environmental values:</p> <ul style="list-style-type: none"> • mangroves and other marine plants • migratory shorebird habitat and populations • marine and fresh water quality • cultural heritage values • fish passage connectivity.
Interface	<p>Development incorporates design measures and other controls that avoid and minimise noise, light, visual amenity, and air quality impacts from adjoining port and industrial land uses.</p>

Precinct	Environmental management framework objectives
Marine	<p>Development avoids, mitigates and/or offsets impacts (direct, indirect, and cumulative) on the following environmental values:</p> <ul style="list-style-type: none"> • seagrass meadows • mangroves and other marine plants • migratory shorebird habitat and populations • marine megafauna and habitat • marine water quality • cultural heritage values • reef communities. <p>Development collects information that increases the understanding of the presence of attributes that contribute to the local expression of the OUV of the GBRWHA, and habitat value for other EPBC Act and NC Act species, and marine plants.</p> <p>Development collects information to monitor changes to the environmental values, and confirm the impact from development, within the precinct on the OUV of the GBRWHA and other environmental values.</p>
Marine infrastructure	<p>Development maintains port access to, and continued operation of, shipping channels and marine based infrastructure in a manner that appropriately balances maritime safety, industrial, commercial, recreational and cultural activities and potential impacts on the OUV attributes of the GBRWHA and other environmental values.</p> <p>Development avoids, mitigates and/or offsets direct, indirect and cumulative impacts from development on the following environmental values where possible:</p> <ul style="list-style-type: none"> • seagrass meadows • mangroves and other marine plants • migratory shorebird habitat and populations • marine megafauna and habitat • marine water quality • cultural heritage values • reef communities. <p>Development collects information that increases the understanding of the presence and contribution of attributes that contribute to the local expression of the OUV of the GBRWHA, and habitat value for other EPBC Act and NC Act species and marine plants.</p> <p>Development collects information to monitor changes to the environmental values and confirm the impact from development within the precinct on the OUV of the GBRWHA and other environmental values.</p>

Precinct	Environmental management framework objectives
<p>Marine services and recreation</p>	<p>Development minimises impacts (indirect and cumulative) within the precinct on the following environmental values:</p> <ul style="list-style-type: none"> • mangroves and other marine plants • migratory shorebird habitat and populations • marine megafauna • marine water quality • cultural heritage values. <p>Development maintains safe access to the waterfront and harbour for commercial operations, residents, recreational users, and tourists.</p> <p>Development within the precinct incorporates design measures and other controls that avoid and minimise noise, light, visual amenity, and air quality impacts from adjoining port and industrial land uses.</p>
<p>Port industry and commerce</p>	<p>Development avoids, mitigates and/or offsets impacts (direct, indirect, and cumulative) within the precinct on the following environmental values:</p> <ul style="list-style-type: none"> • threatened ecological communities under the EPBC Act • regional ecosystems under the VM Act • threatened and migratory species under the EPBC Act and NC Act • seagrass meadows • mangroves and other marine plants • migratory shorebird habitat and populations • marine megafauna • freshwater, marine water and ground water quality • air quality • palustrine wetlands • cultural heritage values • reef communities • fish passage connectivity. <p>Development collects information that increases the understanding of the importance of habitat for the long-term conservation of species protected under the EPBC Act , NC Act , marine plants and fish.</p> <p>Development maintains appropriate access to areas that provide Aboriginal cultural heritage values and natural scenic amenity values that contribute to the OUV of the GBRWHA to residents, recreational users and tourists.</p> <p>Development is appropriately located, designed and managed to avoid and minimise noise, light, visual amenity and air quality impacts on adjoining land uses.</p>

Appendix D – Dictionary

The terms used in the port overlay have the meaning assigned to that term by:

- the Sustainable *Ports Development Act 2015*
- another Act where referenced for that term
- another Regulation where referenced for that term
- the *Acts Interpretation Act 1954*
- the ordinary meaning, if the term is not otherwise defined in one of the instruments referenced above.

Term	Definition
adjoin (or adjoining)	development that is directly adjacent (i.e. shares a common boundary).
assessment benchmark	as defined in the <i>Planning Act 2016</i> .
assessment manager	as defined in the <i>Planning Act 2016</i> .
development application	as defined in the <i>Planning Act 2016</i> .
development	as defined in the <i>Planning Act 2016</i> .
environmental value	as defined in the <i>Environmental Protection Act 1994</i> , section 9.
light industry	means low impact industry as defined in the <i>Planning Regulation 2019</i> , schedule 24.
linear infrastructure	means infrastructure that is linear and may include infrastructure for electricity distribution or transmission, a pipeline, a road or a railway.
local planning instrument	as defined in the <i>Planning Act 2016</i> .
local attributes of the OUV of the GBRWHA	see <i>Master plan for the priority Port of Townsville</i> .
master plan	the <i>Master plan for the priority Port of Townsville</i> .
master planned area	see <i>Sustainable Ports Development Regulation 2018</i> , section 3 and Figure A1 (master planned area) in Appendix A (Mapping).
multiple dwelling	see the <i>Planning Regulation 2017</i> , schedule 24.
outstanding universal value	as defined in the <i>United Nations Educational, Scientific and Cultural Organisation Operational Guidelines for the Implementation of the World Heritage Convention</i> means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community.
port berths	means jetties, berths, wharves and associated infrastructure at the priority Port of Townsville

Term	Definition
port of townsville land use plan	means the land use plan for the Port of Townsville under the <i>Transport Infrastructure Act 1994</i> .
port optimisation	the act of making a port system, design or decision as effective or functional as possible. This may include making efficient use of strategic port land, berths and/or land-based facilities, ability to control berthing allocations and scheduling, minimising capital-intensive marine-based infrastructure, minimising the distance between land-based facilities and berths and/or minimising capital or maintenance dredging.
port overlay	means the <i>Port overlay for the priority Port of Townsville</i> .
precincts	zones of development for specific areas within the master planned area (see Appendix B).
priority management measure	see <i>Sustainable Ports Development Act 2015</i> , section 8 (1)(c)(iii).
priority ports	see <i>Sustainable Ports Development Act 2015</i> , section 5.
retirement facility	see the <i>Planning Regulation 2017</i> , schedule 24.
short-term accommodation	see the <i>Planning Regulation 2017</i> , schedule 24.
townsville city waterfront priority development area	as identified in the <i>Townsville City Waterfront Priority Development Area Development Scheme 2015</i> .
responsible entity	the entity or entities responsible for implementation of a priority management measure.
sensitive land use or uses	see the <i>Planning Regulation 2017</i> , schedule 24.
strategic port land	see the <i>Transport Infrastructure Act 1994</i> , section 267.
storage facility (or facilities)	areas associated with the movement and storage of cargo and commodities, including (but not limited to) wet or dry bulk products and materials, container and or general cargo in association with import and export as part of the port supply chain. Note: this may include activities associated with the operation of stockyards, terminals or tank farms.
supply chain infrastructure	infrastructure, services and utilities identified as critical to supporting the future functioning of priority Port of Townsville, and its associated trade and economic growth for the region. Note: this may include, road, rail, marine, port and other infrastructure that service the priority Port of Townsville and associated industrial development.
townsville city plan	is the Townsville City Council Planning Scheme.
townsville state development area	as defined in the <i>State Development and Public Works Organisation (State Development Areas) Regulation 2019</i> .

Appendix E – Abbreviations and acronyms

Abbreviation/acronym	Definition
CG	Coordinator-General
Economic Development Act	<i>Economic Development Act 2012</i>
EMF	Environmental Management Framework
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</i>
GBRWHA	Great Barrier Reef World Heritage Area
HAT	Highest Astronomical Tide
MEDQ	Minister for Economic Development Queensland
NC Act	<i>Nature Conservation Act 1992</i>
OUV	Outstanding Universal Value
Planning Act	<i>Planning Act 2016</i>
Planning Regulation	<i>Planning Regulation 2017</i>
PMM	Priority Management Measure
POTL	Port of Townsville Limited
POTLUP	Port of Townsville Land Use Plan
Ports Act	<i>Sustainable Ports Development Act 2015</i>
SDPWO Act	<i>State Development and Public Works Organisation Act 1971</i>
SPL	Strategic Port Land
TCC	Townsville City Council
TCWPDA	Townsville City Waterfront Priority Development Area
TCWPDA Development Scheme	Townsville City Waterfront Priority Development Area Development Scheme
TEARC	Townsville Eastern Access Rail Corridor
Transport Infrastructure Act	<i>Transport Infrastructure Act 1994</i>
TSDA	Townsville State Development Area
TSDA Development Scheme	Townsville State Development Area Development Scheme
TPAR	Townsville Port Access Road
VM Act	<i>Vegetation Management Act 1999</i>

Endnotes

- 1 The port overlay does not regulate development that is regulated by the TCWPDA Development Scheme.
- 2 Sections 28 and 29 of the Ports Act provide the requirements for MEDQ in reviewing development schemes under the Economic Development Act once a port overlay takes effect.
- 3 The port overlay does not regulate development that is regulated by the TSDA Development Scheme. This includes SDA assessable development, SDA self-assessable development or excluded development as identified by the TSDA Development Scheme.
- 4 Sections 31 and 32 of the Ports Act provide the requirements for the CG in reviewing development schemes under the SDPWO Act once a port overlay takes effect.
- 5 It should be noted that planning frameworks may be subject to change during the life of the port overlay.
- 6 Ports Act – section 26.
- 7 Where a higher category of assessment applies under a local planning instrument, the category of assessment is not lowered by the port overlay.
- 8 Port land use plans are instruments under the Transport Infrastructure Act which function as assessment benchmarks for the purposes of the Planning Act, as prescribed by the Planning Regulation.
- 9 Ports Act – section 27.
- 10 To the extent development in the master planned area is made assessable under Schedule 10, Part 13, Division 4 of the Planning Regulation.
- 11 Ports Act – section 26.
- 12 Ports Act – section 29(1).
- 13 Ports Act – section 19(4).
- 14 Ports Act – section 32(1).
- 15 Ports Act – section 19(4).
- 16 When considering the categories of assessment in Table 3, the port overlay has no effect on Schedule 6 and Schedule 7 of the Planning Regulation.
- 17 When considering the categories of assessment in Table 3, the port overlay has no effect on Schedule 7 of the Planning Regulation.
- 18 Table 3 does not make development specified in Schedule 6 or Schedule 7 of the Planning Regulation, assessable development.

