

Far North Queensland Ports Corporation Limited

PORT OF MOURILYAN

LAND USE STRATEGY



August 2009

Contents

1.0 INTRODUCTION	1
1.1 The Port of Mourilyan.....	1
1.2 Strategic Port Land	1
1.3 About the Land Use Strategy	1
1.4 Key Issues.....	2
1.5 Strategy Approach	3
1.6 Integrated Planning Act 1997.....	3
2.0 ROLE OF THE LAND USE STRATEGY	5
2.1 Land Use Plan Map.....	5
2.2 Performance Criteria for All Development	9
2.3 Consultation with Council.....	10
2.4 Corporate Actions	10
3.0 FUTURE PORT EXPANSION	11
SCHEDULE 1- PORT OF MOURILYAN LAND USE PLAN	1

1.0 INTRODUCTION

1.1 The Port of Mourilyan

The Port of Mourilyan (the Port) is located approximately 100 kilometres south of Cairns. The Port is currently used primarily for the export of raw sugar and molasses. In recent years the livestock export industry has also used the Port.

The commercial fishing industry uses the public jetty located at the Port for the unloading of seafood and refuelling.

The Port of Mourilyan is also extensively used for recreational purposes. Local residents and tourists use the public jetty, boat ramp and car park to gain access to the harbour.

The Corporation has identified a number of potential trades that it would like to see developed at Mourilyan. These potential trades include fertiliser imports, timber exports, sand exports, vegetable and fruit exports and petroleum imports.

1.2 Strategic Port Land

Section 169 of the *Transport Infrastructure Act 1994* requires the Corporation to prepare a Land Use Plan specifying:

- its Strategic Port Land
- land it wishes to become Strategic Port Land
- current and proposed uses of the land.

Strategic Port Land is not subject to the local government planning scheme.

For the purposes of the *Transport Infrastructure Act*, Schedule 1 to this Strategy is the Land Use Plan for the Port of Mourilyan, and lists the Corporation's Strategic Port Land.

1.3 About the Land Use Strategy

The Corporation, as the port authority responsible for the Port of Mourilyan, recognises the importance of planning for the future of the Port to:

- accommodate the growth of port services and facilities to maximise the contribution to the economic development of the region; and
- manage the impacts of port expansion on the environment and adjacent residential areas and the port's relationship with recreational port users.

The Mourilyan Land Use Strategy (the Strategy) is intended to provide a coherent framework for the future planning and development of the Port which reflects the existing and future importance of the Port to regional economic development.

The Strategy is intended to be used in conjunction with the Port of Mourilyan's Environmental Management Plan (EMP). This document is published separately so that it can be reviewed and updated independently.

The EMP addresses specific environmental considerations and is an integral component of the Corporation's strategy for future development at the Port.

Both this Strategy and the EMP will be used by the Corporation in its roles as development facilitator and development manager and will form part of the laws and policies used by the Corporation in its role as Assessment Manager under the *Integrated Planning Act 1997* (IPA).

This Strategy is not intended to, and does not, affect any Native Title interests that may exist in relation to particular land which is the subject of this Strategy. In giving effect to this Strategy, the Corporation will have regard to relevant legislation and procedures relating to Native Title issues.

It is intended that the Strategy will be reviewed every three to six years to ensure it remains updated in a continually changing environment.

After six years the Strategy shall be reviewed in its entirety for its effectiveness in achieving its desired outcomes and a new strategy will be prepared. The Corporation will consult with relevant stakeholders, including government agencies and the Johnstone Shire Council, when preparing the new strategy. The Johnstone Shire Town Plan is scheduled for its first review in 2010 at which stage the Land Use Strategy will be reviewed as well.

1.4 Key Issues

The Strategy has been prepared to promote flexibility in port planning and provides options for future development of the Port in accordance with the Corporation's economic and environmental responsibilities. The key issues considered in the preparation of the Strategy include:

- the difficulty in reliably predicting future land take up for port use at Mourilyan, particularly because of the uncertainties about the extent of future exports and imports of existing and new trades (for example, one major export or import operator can require significant land in the Port)
- the limited amount of Strategic Port Land available for port expansion in the main port area, as a large area is below highest astronomical tide and vegetated with mangroves
- the need to protect waterfront land for core port activities involving the loading and unloading of cargo, and also to provide areas for industry which is closely related to, or supports the port operation.
- the identification of alternative areas for port development as a result of the constraints to expansion in the main port area.

- the need to ensure that expansion of the Port occurs in a manner that does not impact adversely on the existing natural environment
- the use of the Port for recreational purposes
- the need to ensure that incompatible land uses do not encroach on the Port.

For land above high-water mark within the Port that is not Strategic Port Land, the Corporation will seek to ensure that the Johnstone Shire Council Planning Scheme is consistent with the Corporation's Land Use Strategy.

This will ensure the best outcomes for the Port, as well as the wider community, by ensuring that development does not adversely affect the adjacent residential areas.

1.5 Strategy Approach

The Strategy adopts a performance-based approach (as promoted by the *Integrated Planning Act 1997*) to managing future development of the Port.

This performance-based approach involves considering the suitability of the use of the site by its impacts, rather than the traditional approach of allocating land into zones and stipulating the particular uses which can be established on a site.

Therefore, the Strategy:

- sets out development intentions for specific areas identified in the plan
- provides performance criteria against which the economic and environmental performance of a proposed development will be assessed; and
- provides indicative uses for specific areas which are considered likely to be able to meet these performance criteria.

The Corporation will assess the consistency of any proposal on Strategic Port Land against the intent for the area and its ability to adequately meet these relevant performance criteria.

1.6 Integrated Planning Act 1997

As noted above, the Corporation will apply the Strategy in the assessment of development applications made in accordance with the IDAS (Integrated Development Assessment System) process under the *Integrated Planning Act 1997*.

As a general guide, IPA requires an application for development on Strategic Port Land where:

- It is a material change of use inconsistent with the Land Use Plan. In this case, referral would be required to the Minister for Transport as a concurrence agency. Public consultation may be required, as determined appropriate by the Minister for Transport.
- It is a material change of use of premises for an environmentally relevant activity (other than a mining activity).

- For an activity which has an environmental authority or development approval for an Environmentally Relevant Activity (ERA), the development would involve works resulting in an increase of 10% or more in release of contaminant into the environment.
- The development involves clearing of vegetation (in certain circumstances).

This is a non-exhaustive list intended as a guide only, and requirements will change with changes in the law. For further information, refer to the *Integrated Planning Act 1997* and particularly Schedule 2 of the *Integrated Planning Regulations* (as amended).

For major developments on Strategic Port Land the Ports Corporation will consult with the Johnstone Shire Council

2.0 ROLE OF THE LAND USE STRATEGY

The Land Use Strategy is made up of the written provisions within this document relating to the purpose and future development intention for the Land Use Areas, the Port of Mourilyan Land Use Plan (included in Schedule 1) and the Mourilyan Land Use Plan Map (Figure 1).

2.1 Land Use Plan Map

The attached Figure 1, “The Port of Mourilyan Land Use Plan Map”, provides a graphic representation of the overall framework for current and future development of the Port area, identifying current Strategic Port Lands and their intended use.

Land Use Areas

The principal components identified within the Port area are referred to as ‘Land Use Areas’ (“Areas”). They are:

- Port Handling Activities Area
- Port Related and Support Industry Area
- Harbour and Access Area
- Environmental Buffer Area.

For each of these Areas this section sets out:

- an Intent – a statement of the desired land use outcomes for the area
- Performance Criteria – impact-related requirements to be met by development. In addition to the performance criteria for specific Areas, general performance criteria applicable to all development on strategic port land are set out in Section 2.2.
- Indicative Uses - an indication of forms of land use development preferred to establish within the Area. This list is not intended to be exhaustive and other uses may be appropriate where it can be shown that they satisfy the relevant performance criteria.

PORT HANDLING ACTIVITIES AREAS

Port Handling Activities Areas - designates wharf-side areas directly associated with the loading, unloading and transport of commodities and/or the transfer of goods or providing key support activities.

Intent

This Area includes the majority of existing Port of Mourilyan activities including existing and future cargo handling facilities. It is intended to cater for future extension of these core port activities.

It is intended that these Areas be reserved for port handling activities which encourage increased utilisation of waterfront areas. Future development should be directly related to

the necessity to be located immediately adjacent to the waterfront and should meet the operational characteristics set out in the performance criteria for these Areas.

It is generally intended that these Areas will not be available for industrial activities which do not have these characteristics.

Any operations in these Areas that do not require direct waterfront access should be encouraged to relocate to the Port Related and Support Industry Area.

Performance Criteria

Development within these Areas is to comply with the following performance criteria:

- development should significantly improve or contribute to port efficiency by:
 - not replicating existing facilities, or
 - by shortening the supply chain or providing logistical benefits
- development should not compromise the long term efficiency of the port
- development must meet the performance criteria set out in section 2.2.

Indicative Uses

Indicative uses for these Areas include:

- wharfage and docking facilities
- import and export facilities for commodities including but not limited to sugar/molasses, cattle, sand/minerals, timber/woodchip, fertiliser, fuel/ethanol, food products, etc.
- tourism/passenger terminal
- port infrastructure for commercial and non-commercial services including Coast Guard/Customs/AQIS/shipping agents
- commercial shipping support facilities including towage/refuelling/service/repair
- any temporary activities associated with port use or construction activities involved in port development.

PORT RELATED AND SUPPORT INDUSTRY AREAS

Port Related and Support Industry Areas - designates the area allocated for industries which shorten the supply chain and therefore require a location close to the wharf but do not need to be located with wharf frontage.

It also includes areas which are considered appropriate as “back up” land for port-related activities (eg. storage, warehouse/distribution) and for general industrial uses which support or require a location close to, but not on, the waterfront.

Intent

This Area includes land located behind the Port Handling Activities Area that is suitable for land uses directly aligned to the port but which do not need direct waterfront access.

This Area also includes land that is suitable for a wide range of industrial and commercial industry based land uses that would serve both the port and township.

Some of the land included in this Area is close to residential areas along Mourilyan Harbour Road and therefore any development proposed in this Area should have adequate regard to the location of the existing residential areas and mitigate against any adverse impacts on these areas.

Performance Criteria

Development within the Area is to comply with the following performance criteria:

- development should demonstrate that its impacts on amenity of residential areas can be managed within acceptable standards
- development must meet the performance criteria set out in section 2.2.

Indicative Uses

Indicative uses for this Area include:

- warehouse/cargo distribution activities
- cold storage facilities
- handling areas for cattle (excluding the yarding of cattle)
- fuel and ethanol storage facility
- necessary support industries which service the port
- other development including a range of general and low impact industries that are required to be close to the waterfront but do not require direct water access
- any temporary activities associated with port use or construction activities involved in port development.

HARBOUR AND ACCESS AREA

These Areas are below high water mark and currently provide access to port infrastructure. They are distinct from Port Handling Activities or Port Related and Support Industry Areas as they do not usually accommodate large port-related activities and usually include structures or infrastructure such as dredge channels, swing basins and navigational aids or equipment.

The Ports Corporation will be seeking to obtain tenure over this area of land below the high water mark to enable it to assess development applications for this land and protect its investment in the channel entrance, swing basin and berth pocket. These assets are of significant value and the Corporation needs to ensure that future developments on this land

will not negatively impact on the existing and future operations of the port. The Ports Corporation has a similar tenure over the harbour at the Port of Weipa.

Intent

This Area is intended to protect land, facilities or structures located below high water mark that provide access to infrastructure or assist in the efficient operation of the Port.

Performance Criteria

Development within this Area is to comply with the following performance criteria:

- development should demonstrate that it is, or provides access to, infrastructure or facilities that contribute to the efficient operation of the Port
- development must meet the performance criteria set out in section 2.2.

Indicative Uses

Indicative uses for this Area include:

- navigational equipment or aids
- dredge channels
- swing basins
- wharfage/docking facilities
- private boat mooring
- recreational and leisure facilities ie fishing and sailing

ENVIRONMENTAL BUFFER AREAS

These Areas designate land with ecological significance located within or near the port. These Areas are to be protected and managed in a way that conserves their existing values; and also perform a role in buffering port activities from other uses. The significance of these Areas are further described in the Port of Mourilyan Environmental Management Plan.

Intent

This Area recognises the significance of the current buffer zone surrounding the Port. Retention of this buffer in an undeveloped state is essential to the future viability of the port and any potential infrastructure development in order to minimise impacts of commercial port operations on adjacent land uses.

The Environmental Buffer Areas are areas of high environmental significance which have been identified through individual site investigations and are to be managed and protected from incompatible development.

Development should not adversely impact on the environmental resources and values within these Areas, namely, the extensive mangrove and other wetland areas, seagrass beds and Wet Tropics World Heritage rainforest.

Performance Criteria

Development within this area is to comply with the following performance criteria:

- development shall be located and carried out in a manner which does not adversely impact on the Environmental Buffer Areas identified
- the environmental integrity and significant natural beauty of these Areas are maintained
- development must meet the performance criteria set out in section 2.2

Indicative Uses

Indicative uses for this Area include:

- Buffer
- Environmental Areas.

2.2 Performance Criteria for All Development

The performance criteria are:

- areas adjoining the waterfront are to be utilised for activities which require direct port access
- public access to the waterfront will be encouraged in areas which are not strategic to the future land use associated with port operations, where consistent with industrial and operational safety
- development will be undertaken in a manner consistent with the Corporation's Environmental Management Plan for the port
- development shall be located and carried out in a manner which does not adversely impact on the Environmental Buffer Areas identified on the Land Use Plan Map
- areas identified as having high environmental significance through individual site investigations are to be managed and protected from incompatible development
- development occurring adjacent to residential dwellings will incorporate measures to mitigate potential adverse impacts
- development shall comply as a minimum with water quality, air quality and noise emission standards administered through the *Environmental Protection Act*. The Corporation may request higher standards based on the outcomes of an Environmental Impact Statement
- development including infrastructure is to be designed and constructed in accordance with the relevant standards (including water supply, waste disposal, transport access, telecommunications and power)

- development is to be located such that an acceptable level of flood immunity is achieved and designed to cater for the effects of storm/tide surges.

2.3 Consultation with Council

The Corporation has held discussions with the Johnstone Shire Council in relation to this Strategy and the Strategy has the broad support of the Council.

2.4 Corporate Actions

The following identifies actions to be initiated by the Corporation to support the achievement of the overall land use intent of this Strategy:

- liaise with the Johnstone Shire Council in the planning and development of the Port of Mourilyan to collaboratively pursue the intent of the Land Use Strategy for land that is not Strategic Port Land;
- support the FNQ2010 Plan and State and Federal Government Departments in achieving the strategies for the catchment area of the Port
- negotiate with government agencies regarding future land use options
- negotiate with relevant State agencies with respect to securing ownership of land below the high water mark within the Port .

3.0 FUTURE PORT EXPANSION

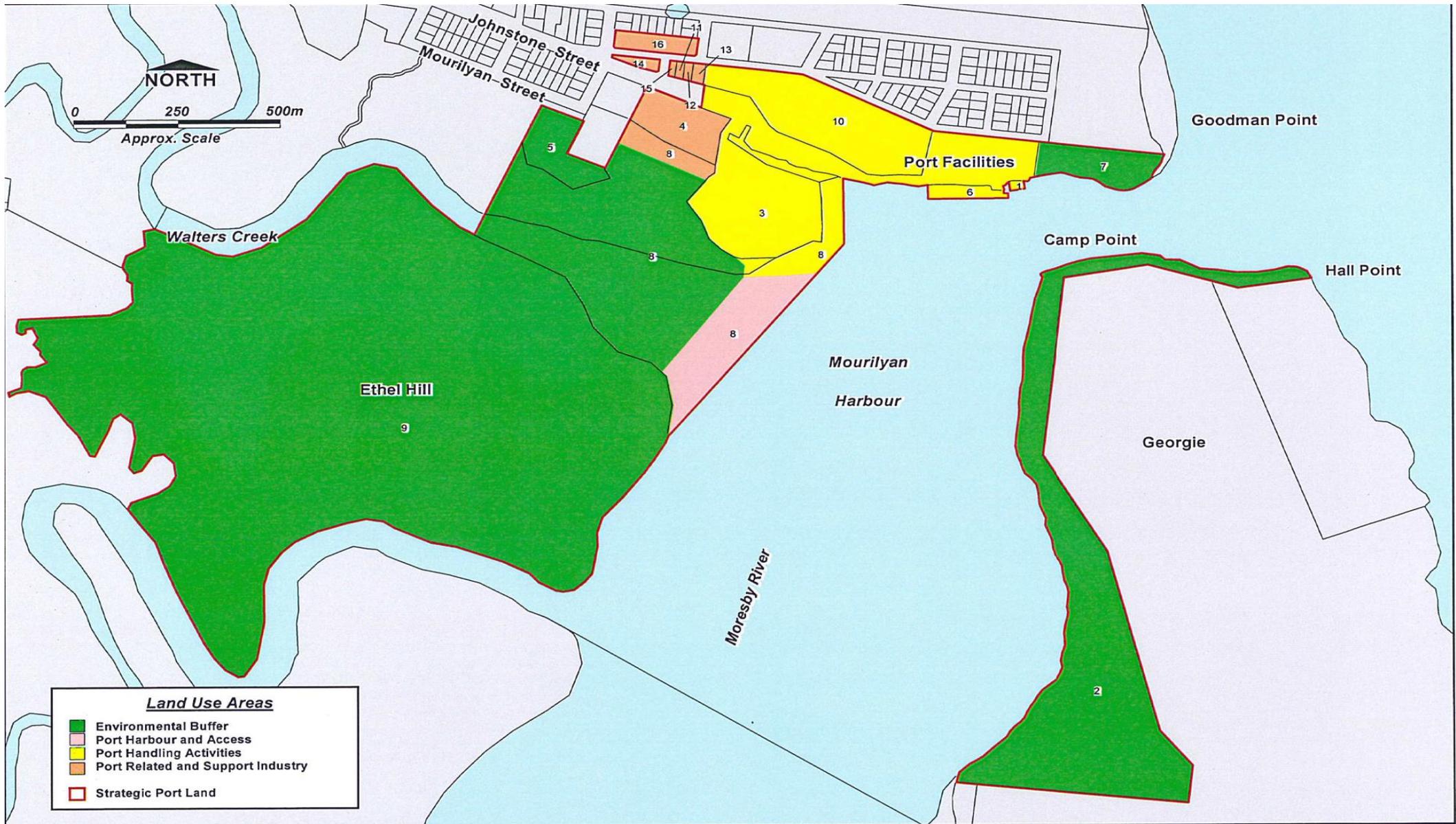
In developing this Land Use Strategy, the Corporation has identified that the availability of Strategic Port Land for future port expansions in the main port area is limited. Large areas of the land within the Port are below highest astronomical tide and vegetated with mangroves, or of high ecological value, placing a limitation on future port expansions.

To ensure the future growth of the Port, the Corporation will be seeking to identify suitable areas of land west of the Port for future port-related developments. The Corporation recognises that other agencies are responsible for the planning and development assessment of these areas and the Corporation will consult with the local authority, land owners and local residents prior to proceeding with any development plans outside the existing Port area.

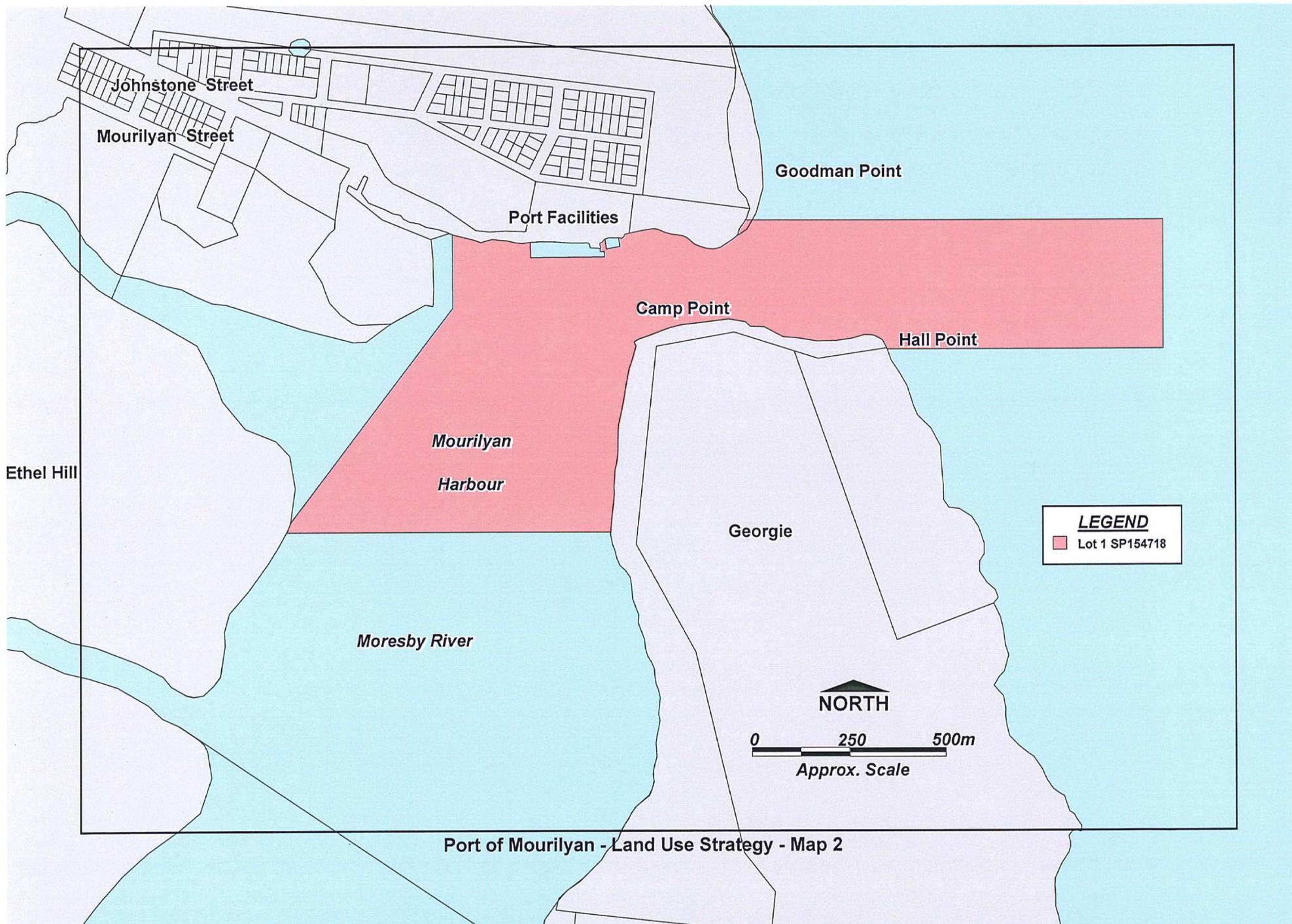
Schedule 1- Port of Mourilyan Land Use Plan

REF NO.	REAL PROPERTY DESCRIPTION	CURRENT USE	PROPOSED USE ¹	AREA (sq m)	TENURE
16	Lot 1 on M 293.10	Port Related and Support Industry	Port Related and Support Industry	10,102	Perpetual Lease
15	Lot 3 on M 293.8	Port Related and Support Industry	Port Related and Support Industry	885	Freehold
14	Lot 5 on M 293.10	Port Related and Support Industry	Port Related and Support Industry	2,835	Freehold
13	Lot 8 on M 293.11	Port Related and Support Industry	Port Related and Support Industry	1,685	Freehold
12	Lot 41 on M 293.2	Port Related and Support Industry	Port Related and Support Industry	1,014	Freehold
11	Lot 42 on M 293.2	Port Related and Support Industry	Port Related and Support Industry	956	Freehold
10	Lot 252 on NR 4407	Port Handling Activities	Port Handling Activities	81,165	Freehold
9	Lot 325 on SP131199	Environmental Buffer	Environmental Buffer	1,197,000	Perpetual Lease
8	Lot 554 on SP117968	Part Environmental Buffer Part Port Handling Activities Port Related and Support Industry Port Harbour and Access	Part Environmental Buffer Part Port Handling Activities Part Related and Support industry Port Harbour and Access	320,700	Perpetual Lease
1	Lot 572 on SP117968	Port Handling Activities	Port Handling Activities	890	Perpetual Lease
2	Lot 326 on NR 6424	Environmental Buffer	Environmental Buffer	260,000	Perpetual Lease
3	Lot 254 on SP117968	Port Handling Activities	Port Handling Activities	142,700	Freehold
4	Lot 556 on SP117968	Port Related and Support Industry	Port Related and Support Industry	27,470	Perpetual Lease
5	Lot 555 on SP117968	Environmental Buffer	Environmental Buffer	25,070	Perpetual Lease
6	Lot 557 on SP117968	Port Handling Activities	Port Handling Activities	6,696	Perpetual Lease
7	Lot 255 on SP117968	Environmental Buffer	Environmental Buffer	27,100	Perpetual Lease
	Lot 1 SP154718	Harbour and Access	Harbour and Access	1,223,000	Perpetual Lease

¹ Uses identified under the Proposed Use column will be approved uses under the *Transport Infrastructure Act* (once the Minister for Transport has approved the Land Use Plan).



Port of Mourilyan - Land Use Strategy - Map 1



Johnstone Street

Mourilyan Street

Port Facilities

Goodman Point

Camp Point

Hall Point

*Mourilyan
Harbour*

Ethel Hill

Georgie

LEGEND

■ Lot 1 SP154718

Moresby River

NORTH

0 250 500m

Approx. Scale