

Cairns and Far North Environment Centre

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Queensland Government

Submission on the review of Sustainable Ports Development Act 2015 capital dredging provisions for the Port of Cairns

Thank you for the opportunity to provide feedback on the Sustainable Ports Development Act 2015 capital dredging provisions for the Port of Cairns. The Cairns and Far North Environment Centre (CAFNEC) is the peak environment organisation for the region from Cardwell north to Torres Strait and from the coast west to the Gulf of Carpentaria. CAFNEC is a non-profit, community organisation that has been operating in Far North Queensland for almost 40 years.

The Sustainable Ports Development Act 2015 (Ports Act) was an important step in the good management for sustainable ports in Queensland. I would like to begin by acknowledging the work the department has done in developing this legislation and also the work the CAFNEC did during the public consultation on the original policy development in 2015. I have also included previous submissions in this email, for referral. The information and ideas in these submissions are still relevant today. Particularly the supplementary submission to help provide an understanding of why there is not a genuine need for Cairns to be a priority port.

CAFNEC considers the government's decision to exclude Cairns as a priority port under the Ports Act to be the correct decision. Cairns Port is an important part of the economic landscape here in Cairns, however it is currently providing sufficient access and opportunities for relevant stakeholders and does not meet the fit for a priority port.

According to the Ports Act, the object of this review is to decide whether section 35(2)(b) and (3) is effectively achieving a balance between economic development and the protection of the Great Barrier Reef World Heritage Area. (GBRWHA) At this point in time that is a question that cannot easily be answered as, since the legislation was introduced, no proposals have been considered under the Ports Act in Cairns Port. Despite this, CAFNEC supports the legislation as it is. The legislation currently allows for small amounts of capital dredging to ensure the economic wellbeing of the port, whilst protecting our essential natural assets. It is important to note that since the Ports Act was passed in 2015 the Great Barrier Reef (GBR) has experienced unprecedented coral bleaching, with devastating impacts on marine ecology. The Government's 2019 Reef Outlook Report downgraded the future outlook of the Reef to 'very poor'. It is clear

that the GBR needs protection more than ever to ensure a resilient ecosystem. It is imperative that this review ensures that the stress these ecosystems are already facing is at the core of the decision making.

Comment on sections 35(2)(b) and (3) of the Ports Act

(2) However, subsection (1) does not apply to an approval for development that is, or includes, capital dredging carried out for the purpose of establishing, constructing or improving a port facility–

(b) for the Port of Cairns, if–

Section of the Act	Comments
<i>(i) the dredging will be carried out in the port’s inner harbour; and</i>	<p>The current area mapped for the Cairns Port inner harbour ensures that vital fish habitat is protected, whilst allowing sufficient access to the harbour. We support the current area, identified for the Cairns inner harbour, remaining the same.</p> <p>Should this area be changed, it has the potential to affect ecosystems vital to the health of the Great Barrier Reef World Heritage Area, as well as ecosystems that provide Cairns protection from coastal hazards.</p>
<i>(ii) the approval does not permit the extraction or excavation of more than 50,000m³ of material; and</i>	<p>50,000m³ is an acceptable amount for a singular proposal for capital dredging. More than this in any one proposal would present serious concerns for environmental impacts.</p>
<i>(iii) the approval will not result in more than 150,000m³ of material being extracted from, or excavated in, the port’s inner harbour in a 4-year period</i>	<p>This condition is essential as it effectively considers the cumulative impacts of dredge activities and needs to remain present in the Ports Act. Too often legislation does not effectively consider the impact of repeated activities on the environment.</p> <p>The Ports Act does not currently specify if the amount of material is measured in wet or dry weight, and should be a consideration in the review. Having this specified provides important details to the proponent, assessor and the community.</p>

<p><i>(3) In calculating whether an approval will result in more than 150,000m³ of material being extracted or excavated in a 4-year period, only the following amounts are relevant–</i></p>	<p>The permitted amount of dredging described in the Ports Act has reached the balance between economic development and the protection of the GBRWHA.</p> <p>The best outcome for the environment is no new capital dredging, due to the impacts associated with the disruption to normal ecosystem flow. However it is recognised that the economic stability of the Cairns Port has been identified as a priority by the business community, and wider community of Cairns.</p> <p>We support the permitted dredge amount as it strikes a balance between these different needs.</p>
<p><i>(a) the amount of material being extracted or excavated under the approval;</i></p>	
<p><i>(b) the amount of material extracted or excavated, or to be extracted or excavated, under another approval for development that is, or includes, capital dredging unless the capital dredging was the subject of an EIS process started before commencement.</i></p>	<p>As described earlier, it is essential that we are assessing dredge proposals with the consideration of the cumulative impacts of extraction or excavation.</p>

In conclusion, we support the current legislation as it stands, and believe that the department has succeeded in providing legislation that is achieving a balance between economic development and the protection of the Great Barrier Reef World Heritage Area. If, in the process of this review, the department decides that the legislation should be amended, there should be new public consultation on the proposed changes. As demonstrated in 2015, this issue is of great importance to the Cairns community and it is essential they are given the opportunity to have a say.



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 Cairns and Far North Environment Centre

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Date

