

Great Barrier Reef Strategic Assessment

Great Barrier Reef Coastal Zone Strategic Assessment

Terms of Reference Consultation Report



The Department of State Development, Infrastructure and Planning leads a coordinated Queensland Government approach to planning, infrastructure and development across the state.

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Abbreviations

Abbreviation	Description		
GBRMPA	Great Barrier Reef Marine Park Authority		
GBRWHA	Great Barrier Reef World Heritage Area		
MNES	Matters of National Environmental Significance		
SA	Strategic Assessment		
ToR	Terms of Reference		
OUV	Outstanding Universal Value		

Executive summary

The Queensland and Australian Governments are working together to undertake a strategic assessment of the Great Barrier Reef Coastal Zone. The scope of the strategic assessment is the Queensland Government's coastal management, planning and development framework, as it relates to the coastal zone adjacent to the Great Barrier Reef.

Draft terms of reference (ToR) for Queensland's preparation of strategic assessment documentation were made available for public comment between 18 February and 30 April 2012. A total of 377 submissions were received and have been considered in finalising the terms of reference.

This public consultation affirmed the value that the Great Barrier Reef holds for Queensland and world. Submissions highlighted concern about the management of the Great Barrier Reef World Heritage Area, particularly in light of the proposed development at Abbot Point.

Since the time of public consultation, the Queensland Government has withdrawn support for the proposed multi-cargo facility and committed to approving only a balanced, incremental increase in coal shipping from Abbot Point.

In addition the Queensland Government has announced the development of a Ports Strategy for the Great Barrier Reef which will set out the Government's strategy for future port development. This will form part of the strategic assessment.

The Queensland Government has carefully considered the submissions received through public consultation. Wherever possible comments have been adopted and those outside of the scope of the terms of reference will inform the strategic assessment as it progresses.

The Queensland Government is committed to ensuring a rigorous and transparent strategic assessment process.

Public consultation sought further information on the scope and methodologies of the strategic assessment. The revised ToR include a detailed background and context section; explanation of the tiered approach to considering risks and impacts; more detail about the classes of action that will be assessed; and criteria for selecting demonstration cases.

Public consultation also suggested independent review of the strategic assessment. The Queensland Government supports this and will work with the Australian Government to progress an independent review of the draft strategic assessment documentation prior to release for public consultation. Expert advice and key stakeholders will also be engaged throughout the process to ensure rigor and transparency.

The Queensland Government's commitment to the protection of the Great Barrier Reef is unwavering. The strategic assessment is an opportunity to demonstrate that future development in Queensland can and will proceed in a balanced way with environmental protection top of mind.

1 Introduction

1.1 Background

The Queensland Government has agreed to undertake a strategic assessment of the Great Barrier Reef coastal zone under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and released draft ToR for consultation in February 2012.

The Great Barrier Reef strategic assessment will be the largest of its kind and is unique in the sense that there will be two complementary assessments, one undertaken by Queensland, and the other by the Great Barrier Reef Marine Park Authority.

The strategic assessment also responds to the World Heritage Committee's decision in July 2012 that requested the Australia Government to undertake a strategic assessment of the Great Barrier Reef World Heritage Area.

The Queensland Government is committed to a timely and practical strategic assessment focusing on assessing the impacts of actions under Queensland's systems and planning processes to ensure these systems and processes adequately take into account matters of national environmental significance (MNES), including the outstanding universal value (OUV) of the Great Barrier Reef World Heritage Area.

1.2 Purpose of this report

Under the Strategic Assessment Agreement between the Australian and Queensland Governments the Queensland Government is required to submit the following to the Australian Government Minister, after public comments on the draft ToR have been considered:

- (a) Public responses relating to the draft ToR
- (b) A report on how the public responses have been taken into account in the revised draft ToR.

This report provides an overview of the number and type of submissions received, a summary of each submission, specific issues raised in each submission, and how these submissions have been considered in finalising the ToR.

2 Public consultation

The original public submission period was from early February 2012 to 13 April 2012. Following requests from stakeholders to extend the submission period, it was announced that the submission period would be extended to 30 April 2012.

The consultation time period and invitation to submit comments on the ToR, was advertised on Queensland and Australian Government websites and by public advertisement. Key stakeholders were also informed directly.

A total of 377 submissions were received during the consultation period which included five submissions received after 30 April 2012 and 15 submissions that GBRMPA shared with Queensland.

A large majority of the submissions either expressed concern about the management of the Great Barrier Reef World Heritage Area (321), proposed development at Abbot Point (249), or sought an immediate moratorium on approval of major industrial development while the strategic assessment is underway (261). Many of these did not respond directly to the ToR and had identical paragraphs.

In total, 51 submissions specifically addressed the ToR. The issues raised have been taken into account in preparing the final ToR wherever possible.

Many of the comments sought greater detail on how the assessment would be undertaken, such as regarding:

- What methodology would be used for assessing impacts (31 submissions)
- How areas of overlap between the Queensland and GBRMPA strategic assessments would be dealt with (12 submissions)
- How demonstration cases would be chosen (17 submissions)

A scientific peer review was requested by 22 respondents, while 21 also requested an independent assessment of the effectiveness of current management regimes.

A similar number requested that the ToR explicitly refer to the OUV of World Heritage Areas, rather than only MNES.

Some respondents (12) wanted to ensure that developments and activities outside the strategic assessment area are considered both in terms of existing threats and future impacts.

A number of respondents (9) asked that there be consistency between the Queensland and GBRMPA ToR, and a seamless approach to the two strategic assessments as they are undertaken.

Many respondents raised issues and concerns that were outside the scope of the ToR and related more to the likely outcomes of the strategic assessment or the process itself. These were documented and may help inform preparation of the strategic assessment report and/or further engagement with stakeholders as the strategic assessment progresses.

A copy of all submissions is provided at Attachment A.

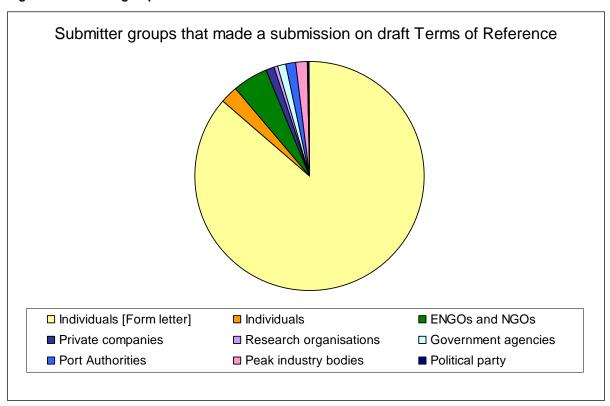
2.1 Submitter groups

Submissions were received from nine broad groups, which are identified in Table 1. The largest percentage was from individuals, followed by environmental non-government organisations (ENGOs) and non-government organisations (NGOs) (see Figure 1).

Table 1: Details of submitters

Submitter type	Submissions	Percentage
Individuals [form letter]	326	86.47
Individuals	9	2.38
ENGOs and NGOs	19	5.03
Port Authorities	6	1.06
Peak industry bodies	6	0.54
Government agencies	4	1.06
Private companies	4	1.60
Research organisations	2	1.60
Political party	1	0.26
Total	377	100

Figure 1: Submitter groups



A large majority of submissions were from Australia, the United Kingdom, Canada, The Netherlands, Sweden, United States of America, Germany, with small numbers from Belgium, Portugal, South Africa, France and Italy. Figure 2 illustrates the country of origin of the submissions received.

Figure 2: Origin (Country) of submitter groups

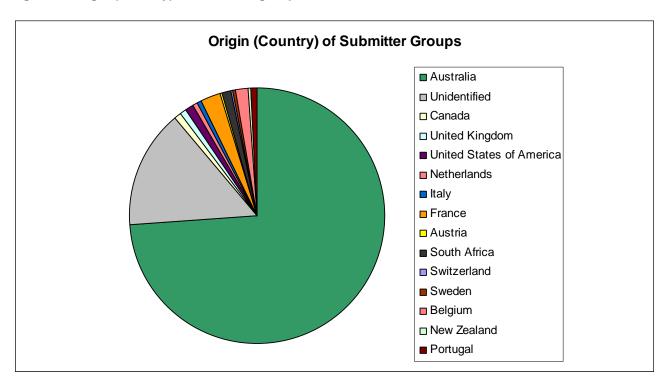
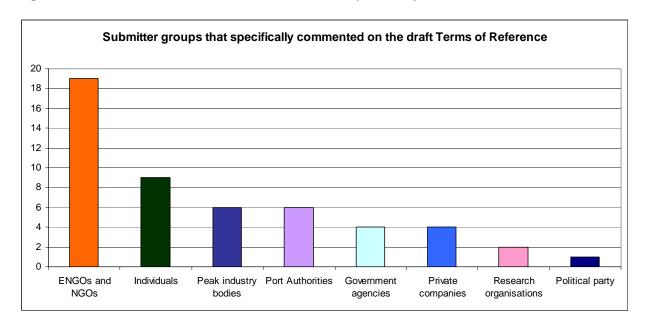


Figure 3: Breakdown of submitters that commented specifically on draft ToR



2.2 Main issues raised

Fifty-one submissions specifically commented on the draft ToR or more broadly on the strategic assessment process, nine of these submissions were from individuals, the majority (19 submissions) were from ENGOs and NGOs.

The issues raised in the fifty-one submissions were categorised into themes and are listed in Table 2.

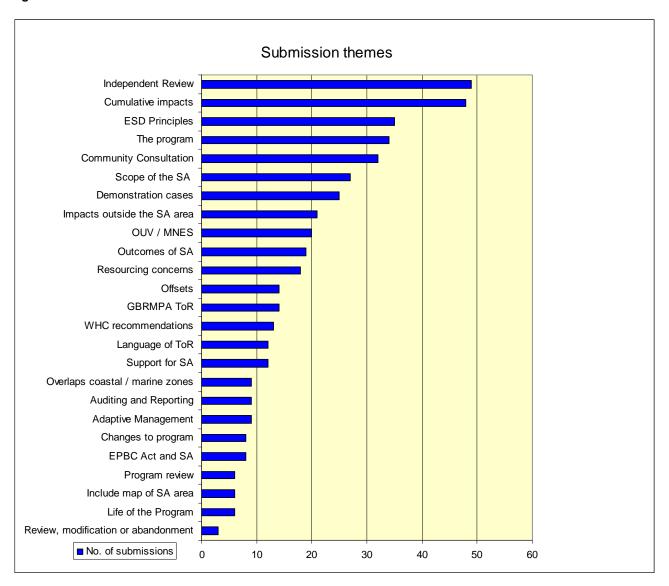
Table 2: Main issues raised regarding the draft ToR

Submission theme	No. of submissions
Independent review:	
independent review of Program effectiveness	49
scientific peer review of strategic assessment	49
information and data used to be made publicly available	
Cumulative impacts:	
 methodology should be included in ToR of how cumulative impacts are assessed 	48
 existing and proposed activities should be included in assessment of cumulative impacts 	
Ecological Sustainable Development (ESD) Principles:	
include ESD principles in ToR	
apply Precautionary Principle to SA	35
request that SA be underpinned by ESD principles, with a specifically strong focus on intergenerational equity	

Submission theme	No. of submissions
Improved clarity of what was being assessed under the Program and a better definition of the Program	34
Community consultation:	
 include in ToR how community consultation will be undertaken 	32
include Indigenous consultation	
Comments on the scope of the strategic assessment including the scope not being broad enough and timeframes being too short or long.	27
Demonstration cases:	
include criteria for identifying demonstration cases in ToR	25
request more demonstration cases	
Request that existing and future impacts outside the strategic assessment area be included in the assessment	21
Clarify outstanding universal values (OUV) and matters of national environmental significance (MNES)	20
Concerns about what the strategic assessment will mean/result in e.g. fast tracking of development projects, holding up of development projects	19
Concern not enough resources will be allocated to the strategic assessment process e.g. expertise, funding.	18
Issue related to GBRMPA ToR (these have been referred to GBRMPA)	14
Offsets	
opposing use of offsets	14
 request appropriate offsets for GBRWHA be identified 	
World Heritage Committee recommendations:	
 concern World Heritage Committee requests will not be met by the strategic assessment 	13
 request World Heritage Committee decision 35 COM 7B.10 be included in ToR 	
Support the Strategic Assessment being undertaken	12
Language of ToR:	
 request consistent language between ToR prepared by the Queensland Government and GBRMPA 	12
request the language be written in plain English	
Adaptive Management:	
request Precautionary Principle for addressing uncertainty and risks inherent in decision making	9

Submission theme	No. of submissions
Auditing and Reporting	
 concern resources will not be available for auditing and reporting 	9
Request to include in ToR how overlaps of coastal and marine zones will be assessed	9
Doubts about the EPBC Act being appropriate mechanism for the strategic assessment	8
Recommendations for changes to Program:	
 suggestions were made e.g. review legislation 	8
request new legislation	
Life of the Program	6
Include graphic of area of strategic assessment	6
Identify how the Program will be reviewed as part of the strategic assessment	6
Review, modification or abandonment	
 suggestion that thresholds be established that trigger review of the strategic assessment should it be endorsed 	3

Figure 4: Main issues raised



3 Suggested changes to the draft ToR

This section outlines the suggested changes to the ToR raised during consultation and describes how these comments have been taken into account in finalising the ToR.

3.1 Response to specific issues

The specific issues raised in submissions and the Queensland Government response to the issues are addressed in Table 3.

Table 3: Details of issues raised in submissions and response

Section	Issues Raised	Response to issue	Outcome
1. Purpose and description of the Program	9 submissions wanted consistent language between the two ToRs	Agree	Both ToRs have been amended to be consistent where possible.
	9 submissions wanted the ToR to be easier to read.	Agree	The language has been simplified where possible and a background and context section added so it is easier to understand.
	6 submissions wanted a visual of the strategic assessment area	Agree	The background and context section includes a map of the strategic assessment area
	8 submissions wanted the timeframe of the strategic assessment to be included. 2 submissions thought the timeframes were too long and 3 thought they weren't long enough.	Agree. This was previously included in an accompanying fact sheet and is now included as a section of the background and context to the ToR.	Included a section in the background and context outlining the intended timing of the strategic assessment.
	7 submissions suggested extending the strategic assessment area (e.g. incorporating Fraser Island WHA, Torres Strait and PNG)	Matter is outside the scope of the Strategic Assessment Agreement between the Australian and Queensland Governments.	No change to ToR.

Section	Issues Raised	Response to issue	Outcome
	14 submissions wanted the scope of assessment extended (e.g. mining, dams).	Matter is outside the scope of the Strategic Assessment Agreement between the Australian and Queensland Governments.	No change to ToR.
	12 submissions wanted to identify how overlapping issues between the two assessments will be assessed. 7 submissions wanted a list of overlapping issues.	Agree	Sentence added to background and context noting that the Queensland Government and GBRMPA may prepare some parts of the strategic assessment in collaboration.
	1 submission wanted clarification of the objectives and goals of the strategic assessment.	Agree	Included background and context that clearly states the purpose of the strategic assessment.
	21 submissions wanted there to be a scientific peer review of the assessment.	Agree	Added a section that states: "The Program Report and Strategic Assessment Report will be the subject of independent review by a suitably qualified party, external to both the Queensland and Australian Governments."
			Sentence added to background and context noting that key stakeholders and expert advice will be engaged during the development of the Strategic Assessment Report to provide rigour and transparency.
	6 submissions sought clarification on the life of the Program.	Agree	Relevant section in the ToR now includes that the life of the Program is 25 years for the purposes of the strategic assessment.

Section	Issues Raised	Response to issue	Outcome
	34 submissions wanted a list of what was being assessed and a better definition of the Program.	Agree	A background and context section have been included as well as further illustrative information in the body of the ToR.
2. Matters of National Environmental Significance (MNES) affected by the Program	6 submissions sought clarification on how the Program would be assessed (including scale of assessment required (state, local or regional assessment of impacts)). 31 submissions wanted the methodology for how cumulative impacts will be assessed included. 17 submissions wanted existing and proposed activities included in cumulative impacts assessment.	Agree	Added a sentence identifying that "The scale and diversity of the geographic area requires that a tiered, or hierarchical approach be taken that looks at the existing and likely future risks and impacts to the Great Barrier Reef and adjacent coastal zone. It then needs to look in depth at specific locations and initiatives as a means of demonstrating the effectiveness of the Program in protecting matters of national environment significance (MNES), including outstanding universal values (OUV) at a local scale." Section 2.3 also includes a requirement for the Strategic Assessment Report to describe "the extent to which cumulative impacts
			on MNES, including OUV, are considered and the methods used to determine cumulative impacts."
	1 submission asked that there be a single strategic assessment report for both GBRMPA and the Queensland Government.	Queensland and GBRMPA will work collaboratively to ensure a seamless approach as far as possible.	No change proposed to the ToR.

Section	Issues Raised	Response to issue	Outcome
2.1 Identification of MNES	20 submissions wanted the assessment of the Program to be against Outstanding Universal Value, not just MNES	Agree	The ToR have been reviewed to reflect the consideration of MNES including OUV.
	1 submission wanted the comparison of the reef to be against 1981 for OUV, not present condition.	Agree	Added a point that for heritage values, the current condition should be described against the retrospective statement of OUV which describes the state of the Great Barrier Reef at the time of listing.
	9 submissions wanted details of how existing threats outside the strategic assessment area will be assessed.	The focus of the assessment will be on development within the strategic assessment area, however, existing threats and impacts from outside the area will be considered when identifying existing threats to MNES.	Added in 2.1: "describe the current condition of MNES including the values described above, projected trends and existing threats from both within and outside the strategic assessment area."
			Similar wording is also included in 2.2 in terms of identifying future impacts from outside the strategic assessment area.
2.2 Identification and analysis of the potential impacts	12 submissions wanted future impacts from outside the strategic assessment area to be assessed.	The focus of the assessment will be on development within the strategic assessment area, however, existing threats and impacts from outside the area will be considered when identifying potential future impacts on MNES.	Minor wording change to clarify future impacts both within and adjacent to the strategic assessment area, where impacts from those activities manifest themselves at the coastal interface
	1 submission requested social and economic impacts be considered	Agree	Added an extra point to "describe how social and economic impacts and issues are considered and assessed."

Section	Issues Raised	Response to issue	Outcome
	1 submission requested that knowledge gaps be quantified, not just acknowledged	The ToR requires identification of key adaptive management measures addressing risk and uncertainty in the decision making process.	No change to ToR.
	6 submissions wanted data used for the assessment to be made publicly available.	Agree	Wherever possible information underpinning the strategic assessment will be made publicly available (this is outlined in 2.1).
2.3 Measures to avoid, mitigate and offset impacts	22 submissions wanted an independent assessment of the effectiveness of management to effectively avoid, mitigate and offset impacts.	Agree	Added a section to the ToR entitled Independent Review stating that: "The Program Report and Strategic Assessment Report will be the subject of independent review by a suitably qualified party, external to both the Queensland and Australian Governments." Sentence added to background and context noting that key stakeholders and expert advice will be engaged during the development of the Strategic Assessment Report to provide rigour and transparency.
	6 submissions opposed to offsets as greater focus should be on avoiding impacts	The Queensland Government has a framework in place that requires proponents to preferentially avoid, mitigate and then offset impacts. Adverse impacts of development actions on MNES must first be avoided, then minimised, before considering the use of offsets for any residual impact.	As part of the strategic assessment the Queensland Government has announced that it is reviewing offsets policy to ensure funds derived from the Great Barrier Reef region are used to tackle the most significant issues facing the reef.

Section	Issues Raised	Response to issue	Outcome
2.4 Demonstration of the Program	17 submissions wanted criteria for how demonstration cases will be chosen.	Agree	Included criteria for choosing demonstration cases. Also included that Queensland would work with GBRMPA to identify demonstration cases that cut across both strategic assessments.
	8 submissions wanted more demonstration cases	Agree	Wording revised to allow scope in the number of demonstration cases. As indicated in the ToR, the number demonstration cases must be sufficient to test the effectiveness of the Program in identifying and protecting MNES, including OUV.
	1 submission wanted the scale of demonstration cases (i.e. project versus region) identified	Agree	Included in the criteria that the demonstration cases may relate to a specific value, place or pressure/impact.
	1 submission expressed concern about impartiality of demonstration cases	Noted	Included criteria for choosing demonstration cases. Both the Strategic Assessment Report and the Program Report will be independently reviewed prior to public consultation as outlined in section 8.
	1 submission opposed demonstration cases as it detracts from the broader view of cumulative impacts	Agree on the value of a system wide understanding. This will be achieved through the tiered approach.	Tiered approach described in section 2 of the ToR.

Section	Issues Raised	Response to issue	Outcome
2.5 Recommendations for changes to the Program	8 submissions provided suggestions for changes in the Program e.g. new legislation and review of existing legislation that manages and protects GBR	Noted	Changes to ToR include the statement: "The Strategic Assessment Report must include recommendations for changes to the Program if the assessment identifies that MNES are not adequately protected by the Program."
3. Promoting Ecologically Sustainable Development (ESD)	35 submissions wanted ESD considered in the strategic assessment. 5 submissions wanted the ESD principles listed in the ToR. 18 submissions wanted the precautionary principle applied in the assessment. There was also a strong focus on intergenerational equity by individual stakeholders.	Agree that the intent of the assessment is to assess broadly against ESD principles.	Added ESD principles to the ToR as a footnote.
4. Adaptive management: addressing uncertainty and managing risk	9 submissions requested the Precautionary Principle be applied in decision making where uncertainty exists	This is addressed in section 3 (ESD).	No change to ToR
5. Auditing and reporting	9 submissions expressed concern resources might not be available for auditing and reporting	Relates to the outcome of the strategic assessment rather than the ToR	No change to ToR
6. Review, modification or abandonment	2 submissions suggested thresholds be established to trigger the review	Relates to the outcome of the strategic assessment rather than the ToR	No change to ToR
7. Endorsement criteria	1 submission requested the endorsement criteria be included in the ToR.	Agree	Added a section on endorsement criteria.

Section	Issues Raised	Response to issue	Outcome
8. Independent review	21 submissions requested an independent assessment of the effectiveness of management.	Agree	Included a section in the ToR entitled Independent Review stating that: "The Program Report and Strategic Assessment Report will be the subject of independent review by a suitably qualified party, external to both the Queensland and Australian Governments."
9. Information sources	6 submissions wanted all the information to be publicly available.	The ToR already require reporting of the source of the information, how recent the information is and the reliability and limitations of the information.	No change to ToR proposed.
10. Engagement	32 submissions wanted to know how community engagement was to be undertaken during the strategic assessment process. 2 submissions want Indigenous groups consulted during the strategic assessment.	Agree	Section included in ToR: "The Strategic Assessment Report must describe the stakeholder and scientific engagement undertaken during development of the report."
			Two endorsement criteria have been added to the ToR referencing the role and knowledge of Indigenous people in conservation.

4 Other Stakeholder values and concerns

In addition to the specific comments on particular aspects of the ToR, stakeholders also made a number of broad comments in relation to:

- management of the GBRWHA
- how projects should be assessed during the strategic assessment
- the strategic assessment process itself (e.g. public consultation periods)

While these did not relate to the ToR specifically, a short summary and response is provided below.

4.1 Management of the Great Barrier Reef World Heritage Area

The largest number of responses (320) related to general concern about the management of the GBRWHA. Most of these comments were accompanied with a request for a moratorium on development (see below for further comments on this matter). More general comments were also made in relation to the WHC:

- 11 submitters felt that the assessment would not satisfy the WHC request
- 2 submissions wanted the WHC request included in the ToR

The background and context of the ToR now includes a reference to the WHC request for a strategic assessment.

Another 2 submissions expressed concern that the assessment bilateral agreement between the Australian and Queensland Governments did not adequately protect the GBRWHA. While this is a matter outside the ToR, it has since been discussed between governments, with an amended assessment bilateral agreement now complete. The amended assessment bilateral agreement includes an improved process for assessing impacts on MNES.

4.2 How projects should be assessed during the strategic assessment

A total of 249 submissions opposed proposed development of the Abbot Point coal port. Since the ToR consultation period, the Queensland Government has announced a significantly scaled down port development proposal for Abbot Point.

A total of 261 submissions also sought an immediate moratorium on approval of major industrial development in the GBRWHA while the strategic assessment is underway. Many of these did not respond directly to the ToR and had identical paragraphs.

Proponents are not prevented from referring actions to the Queensland or Australian Governments in the normal way while the strategic assessment is being undertaken. Proponents who refer an action during this period will be expected to meet a high standard of assessment in terms of the level and rigour of information provided, including the consideration of cumulative impacts. This will ensure project-by-project assessments that occur during the strategic assessment period are managed appropriately and do not compromise the strategic assessment process.

4.3 The strategic assessment process itself

Five submissions requested that the next public consultation period on the draft strategic assessment report be extended (some suggested 60 days) given the size and complexity of the assessment and the level of interest in the community. Four submissions wanted engagement with the Indigenous community as part of the strategic assessment. These comments will be taken into consideration when finalising the work plan for the strategic assessment, setting the public exhibition requirements and undertaking stakeholder consultation.

Twenty three submissions wanted the consultation process outlined in the ToR. However, the ToR relate to the preparation of reports, not the consultation process. These requirements are outlined in the strategic assessment agreement which is publicly available.

Other comments on the process included those below:

- nine submissions were concerned about the funding to do the strategic assessment
- nine submissions expressed concern that there wasn't sufficient expertise in government to do the assessment
- six submissions felt that the EPBC Act was not the appropriate mechanism for the assessment

The Queensland Government is confident that it can deliver the strategic assessment within the current resourcing and expertise. Queensland is also confident that the EPBC Act provides a useful mechanism for undertaking an assessment of this nature and also provides the added benefit of streamlining environmental approvals.

The Queensland Government is keen to ensure a timely strategic assessment process that does not lead to a protracted process. This will give greater certainty to industry as well as the community in future management of the Great Barrier Reef coastal zone.

5 World Heritage Mission feedback

Queensland Government officials were involved in a workshop with the World Heritage mission in March 2012 where the strategic assessment was discussed in detail. The mission provided a number of detailed comments on the methodology and approach which have been taken into account in finalising the Terms of Reference.

The final mission report is available online at http://whc.unesco.org/en/documents/117104

