

PORT OF AIRLIE MARINA DEVELOPMENT

4. Legislation and Planning Issues

4.1 Commonwealth Approvals

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) requires that any development proposal that will, or is likely to, have a significant impact on a matter of national environmental significance requires an approval is required from the Commonwealth Environment Minister under the EPBC Act.

The process by which the Commonwealth Environment Minister determines whether a development proposal is a controlled action under the EPBC Act involves submission of a referral to the Minister which assesses the action against a number of triggers listed in the EPBC Act. Such a referral was made for the Port of Airlie proposal and on 22 June 2001, the development was declared to be a controlled action by the Minister on the basis of its likely impacts on:

- ❑ Migratory species listed under the Act;
- ❑ Heritage values of a declared World Heritage Listed Area (the Great Barrier Reef World Heritage Area);
- ❑ Threatened species or endangered communities listed under the Act.

More information on the actual species and world heritage values potentially impacted by the Port of Airlie proposal is provided in **Sections 8 and 9**.

The Minister has determined the assessment of the development is to be by an accredited process namely under the *State Development and Public Works Organisation Act 1971* ("the SDPWO Act"). Hence, this Supplementary EIS fulfils the assessment requirements of the Commonwealth under the EPBC Act.

Under this arrangement, the Queensland Coordinator-General (COG) will submit an assessment report and a S130 (1b) (EPBC Act) assessment notice to the Commonwealth Minister who then has 30 business days to approve the project or to request further information on the project.

An approval issued by the Commonwealth Environment Minister may include conditions as appropriate to further protect the environment. These conditions may include requirements to provide security, insurance, periodic environmental audits, management plans, monitoring and compliance with industry codes of practice.

4.1.2 Great Barrier Reef Marine Park Act 1975

The *Great Barrier Reef Marine Park Act 1975* establishes the Marine Park and sets up a planning and management framework for the Park. This includes zoning plans, plans of management and permits for use of the Park.

As the proposal is not within the boundaries of the Marine Park only indirect impacts will apply.

Changes to regulations under the Act are currently being considered to provide stricter regulation of discharge of sewage from vessels within the Park. While these changes

PORT OF AIRLIE MARINA DEVELOPMENT

have not been finalised, it is expected that commercial passenger vessels and larger recreational vessels will be prohibited from discharging sewage to the marine environment within one kilometre of the coast, islands and reefs. This will require vessels to install a holding tank and either discharge when further than 1 km from land/reef or discharge sewage to a sewage pump out facility within a marina. These changes will be mirrored at a State level in the *Transport Operations (Marine Pollution) Act 1995* and are expected to come into force in 2004.

4.2 Queensland Government Approvals

4.2.1 EIS Process

In 1998, an Impact Assessment Study (IAS) was completed for a previous, larger version of the project (Burchill 1998, see also **Section 2.1**). Comments from Government agencies and the community were received on this IAS but were not addressed at that time. Subsequently, the proposal was revised and the current proposal developed. Following discussions with Department of State Development, it was agreed that a Supplementary EIS be prepared which:

- (a) Addressed comments made on the 1998 IAS (where relevant to the revised proposal); and
- (b) Provided details on the likely impacts of the revised proposal.

The Port of Airlie marina development project was declared to be a “significant project” pursuant to the then s29 (now s26) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act) on 1 December 2000 by the Coordinator-General (COG).

Due to major revisions to the project a new Terms of Reference for the Supplementary EIS was developed. Comments on the Terms of Reference were sought from Advisory Agencies and incorporated as appropriate. Public display of the Terms of Reference was not required as this was a Supplementary EIS to the 1998 IAS.

This Supplementary EIS has been prepared in accordance with these Terms of Reference. The public release of the Supplementary EIS is to be advertised in relevant national, State and local newspapers. The Supplementary EIS is to be placed on public display for four weeks. During this time, all interested parties from the public and private sector may submit written comments to the COG. In accordance with the requirements of Department of State Development, copies of the Supplementary EIS will be provided to Advisory Agencies and also made available to the community through:

- ❑ Placement of paper copy and CD-Rom versions of the document in publicly accessible locations (Council libraries at Proserpine and Cannonvale; the Whitsunday Sailing Club; the Queensland State Library, Brisbane; and the State Development Centre, Mackay)
- ❑ Access to electronic copies of the document via the Department of State Development web site.

Any person may make a written submission and the COG must accept it provided it is properly made. Following closure of the public comment period, the proponent may

PORT OF AIRLIE MARINA DEVELOPMENT

be required to respond to issues raised in submissions. Such responses will be forwarded to relevant submitters.

The COG then evaluates the Supplementary EIS, submissions, responses and any other material the COG considers relevant and will prepare a report evaluating the Supplementary EIS and stating any conditions or recommendations that should be attached to approvals for the project. The COG may also recommend to any person/agency who may give an approval for the project that it be refused.

There is no statutory timeframe in the SDPWO Act for preparing the report, but the COG usually takes 2 – 3 weeks to complete the report.

DSD will then provide a copy of COG's Assessment Report to:

- ❑ Environment Australia for Commonwealth Minister's consideration and approval (including s130 (1b) Notice)
- ❑ Whitsunday Shire Council (for inclusion in Deed of Agreement and eventual Development Approval)
- ❑ Other Advisory Agencies
- ❑ The proponent.

The public is also notified that the report has been prepared via placement of the report on the Department of State Development web site.

Once the COG's assessment is complete, the proponent must then make separate applications for a range of approvals as detailed in **Section 4.2.2**. The agencies issuing such approvals must have regard to the conditions and recommendations made by the COG.

As the project will have undergone the EIS process for a significant project under the SDPWO Act, the following apply:

- ❑ The information and referral stage and the notification stage of Integrated Development Assessment System (IDAS) do not apply.
- ❑ There are no referral agencies for the application although the COG's report is taken to be a concurrence agency response for the application of IDAS.
- ❑ A properly made submission about the Supplementary EIS document is taken to be a properly made submission about the application under IDAS.

Figure 4-1 shows the EIS and post-EIS approvals process.

4.2.2 Post-EIS Approvals

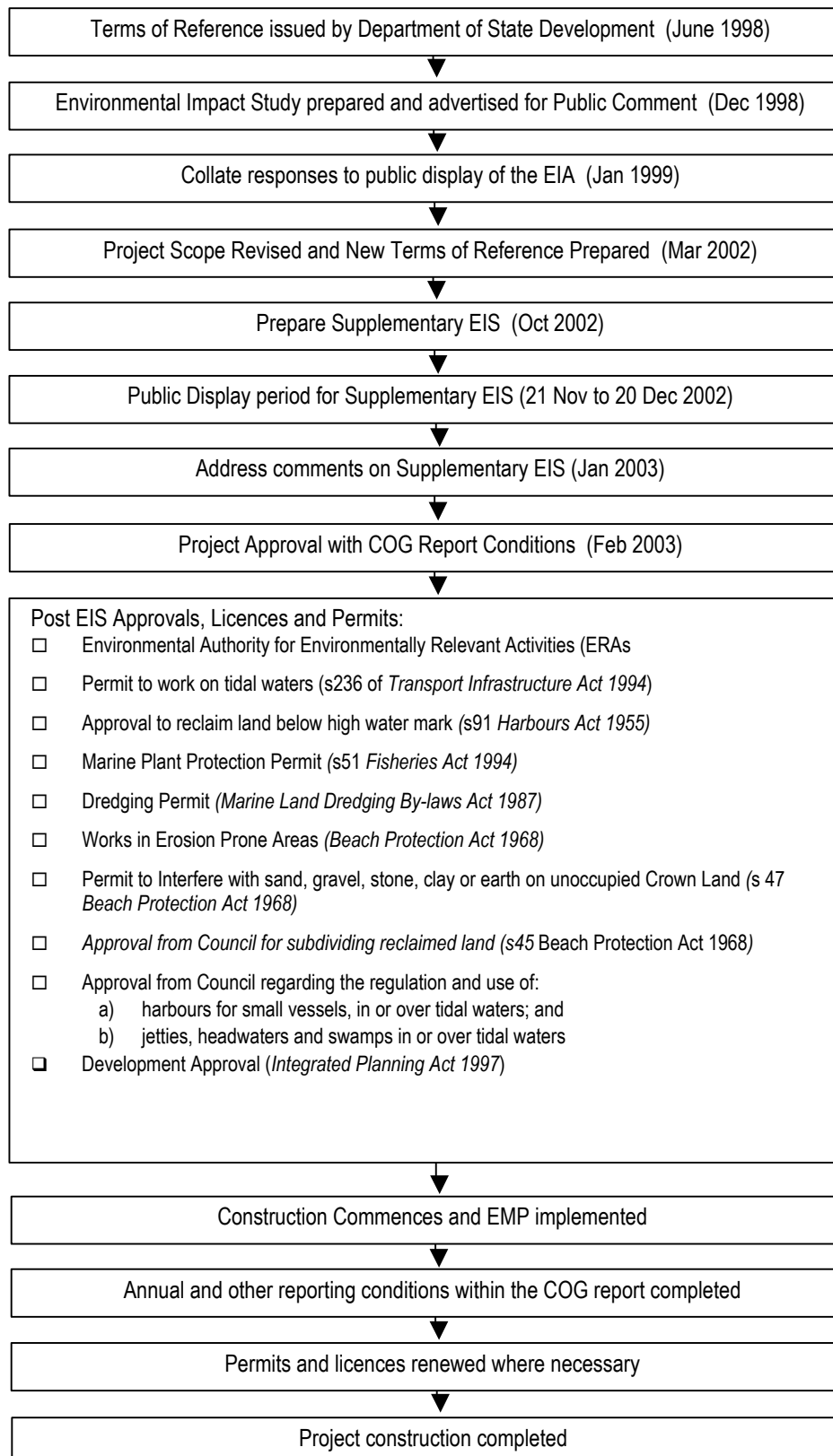
4.2.2.1 Integrated Planning Act 1997

The Port of Airlie Project contains two elements of development that are subject to approval under the *Integrated Planning Act 1997* (IPA):

- ❑ Development involving land reclamation works
- ❑ Subsequent development of land created through reclamation.

Note that a range of non-IPA permits are also applicable.

PORT OF AIRLIE MARINA DEVELOPMENT



■ Figure 4-1 EIS and Approvals Process

PORT OF AIRLIE MARINA DEVELOPMENT

Given that planning schemes do not extend below high water mark, the land reclamation works are not currently subject to any provisions of a planning scheme and thus, no planning scheme approvals can be applied. On this basis, a Development Application under IPA will not be submitted for the reclamation works and there will be no IPA Assessment Manager for this stage. However, other permits do apply to dredging and land reclamation works and these are outlined below. Separate applications will be made to appropriate agencies for each permit.

Once the land is created, it will be necessary to apply to Whitsunday Shire Council and request that it be included in the Planning Scheme. An indicative zoning map has been provided in **Figure 2-5**. The zoning may also include restrictions on matters such as building height, set backs and plot ratios.

A Deed of Agreement will be entered into with Whitsunday Shire Council following release of the COG's report. This deed will set out the intent of Whitsunday Shire Council in relation to zoning of the land once it is created as well as any conditions that the proponent must adhere to. In applying zoning to the land in its Planning Scheme, Council must have regard to the COG's report, which becomes a Concurrence Agencies' report under IDAS. Council may attach additional conditions to the approvals as it sees fit.

Given that the EIS and Supplementary EIS process takes the place of the information and referral stage of IDAS, no further input is sought from other agencies.

Subject to the zoning provided for in the Whitsunday Planning Scheme, additional development applications may be necessary for development of individual components of the overall Port of Airlie.

In addition, any associated operational, building, drainage or plumbing work will also require development permits from the Council.

4.2.2.2 Environmental Protection Act 1994

The *Environmental Protection Act 1994* (EP Act) requires an Environmental Authority (licence) to be held for certain activities, deemed Environmentally Relevant Activities (ERAs) under the Act. ERAs may include activities carried out as part of construction and operation of a development.

In this instance, ERAs associated with the development are likely to be:

- ❑ ERA 11 – petrol storage greater than 10,000 litres (construction and operation)
- ❑ ERA 19 – Dredging (construction and operation)
- ❑ ERA 20 – Extracting rock or other material (construction)
- ❑ ERA 22 – Screening quarry or dredged material (construction only and only if quantities exceed 50 tonnes per year)
- ❑ ERA 38 – Land development activities (does not commence until 1 July 2003) (Construction)
- ❑ ERA 69 – Boat maintaining or repairing facility (operation)
- ❑ ERA 73 – Marina (more than 100 berths) (operation).

The EP Act has been incorporated into the Integrated Development Approvals System (IDAS) which is administered under IPA. As such, Environmental Authority

PORT OF AIRLIE MARINA DEVELOPMENT

conditions are initially incorporated into the development approval issued to the project under the IPA. For the operation phase of the project an Environmental Authority will need to be held by each individual or organisation conducting an Environmentally Relevant Activity.

Application will be made directly to the Environmental Protection Agency (EPA) for these permits. The IDAS approvals process will apply, however there will be no information and public notification phases as these have been covered in the EIS process. In issuing the permits, EPA will have regard to the conditions and recommendations of the COG's report.

Note that a construction schedule is provided in **Section 2.7.4** and **Appendix C**.

4.2.2.3 Transport Infrastructure Act 1994/Harbours Act 1955

The proposal will require approval under two provisions of the *Harbours Act 1955*: namely, works on tidal lands or waters (s.86) and reclamations (s.91). Although the *Harbours Act* has been repealed, these provisions continue by virtue of s.236 of the *Transport Infrastructure Act 1994* (TI Act).

The proposal will require approval under two provisions of the *Harbours Act 1955*: namely, works on tidal lands or waters (s.86) and reclamations (s.91). Although the *Harbours Act* has been repealed, these provisions continue by virtue of s.236 of the *Transport Infrastructure Act 1994*.

Marine Structures Permits

Permits under Section 236 of the TI Act (formerly Section 86 of the *Harbours Act 1955*) require approval of the Governor-in-Council for any works carried out in a foreshore area, including reclamation works and the public boat ramp. The application is made to EPA and must be accompanied by relevant project information and a fee in the order of \$17,000. EPA will consider whether the proposal will have an adverse effect on navigation and foreshore stability and may consult the Beach Protection Authority and Department of Natural Resources and Mines prior to issuing the approval.

Section 91 Permits

Reclamation of land in Queensland may only be carried out if:

- ❑ It is permitted by a special Act
- ❑ A special lease under Section 80 of the *Harbours Act* is held which provides for reclamation;
- ❑ The reclamation has been authorised by the Governor-in-Council.

In this case, authorisation from the Governor-in-Council will be sought for the reclamation works. The application is made through EPA and EPA must consult the Beach Protection Authority prior to granting the Order in Council. Conditions will be included. EPA may also consult with the Whitsunday Shire Council and the Mackay Harbour Master. A fee of approximately \$21,000 will be payable.

PORT OF AIRLIE MARINA DEVELOPMENT

Dredging Permit

A dredging permit in accordance with the *Marine Land Dredging By-Laws 1987* is also required for construction and maintenance dredging. While the By-Laws are created under Section 67 of the *Harbours Act 1955*, dredging permits are issued by the Environmental Protection Agency (EPA) under the EP Act. In issuing this permit, EPA will have regard to the views of Whitsunday Shire Council and Department of Primary Industries. The application must also, among other things, state how the principles of the State Coastal Management Plan are to be addressed.

It should be noted that these permits do not yet fall under IDAS. In any case, the reclamation and dredging works will not be carried out under a Development Application and EPA and Governor-in-Council are assessment managers for this approval.

4.2.2.4 Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987

This Act is not expected to apply to the project as no sites of cultural heritage significance have been identified. In the event that any sites or artefacts are uncovered during excavation, permits would be required under this Act to survey the area and also to remove any artefacts. In this case, consultation with and involvement of local traditional owners will be necessary.

New legislation is currently being drafted to replace this legislation. Its likely commencement date is unknown. In any case, this is not likely to affect the project.

In the event that such permits are required, EPA is currently the assessment manager.

4.2.2.5 Fisheries Act 1994

Under Section 51 of this Act, a permit is required to remove, destroy or damage marine plants. This includes seagrasses and mangroves.

This permit is not currently incorporated into IPA and a separate application will therefore need to be made. The permit is assessed and issued by the Department of Primary Industries (DPI) but the Chief Executive of DPI will have regard to recommendations made by the COG in his report on the EIS when issuing the permit.

The site is not located in a declared fish habitat area.

It is proposed to bring the *Fisheries Act 1994* under IPA, however the commencement date of this amendment is not known. In any case, IPA approvals are not being sought for the reclamation and dredging works and the DPI is the administering authority for this approval.

4.2.2.6 Transport Operations (Marine Pollution) Act 1995

This Act does not provide any specific approvals or permits. The Act relates to a regime for minimising discharges of ship-sourced pollutants into coastal waters.

Changes to the Act are currently being considered to provide stricter regulation of discharge of sewage from vessels. While these changes have not been finalised, it is expected that commercial passenger vessels and larger recreational vessels will be

PORT OF AIRLIE MARINA DEVELOPMENT

prohibited from discharging sewage to the marine environment within one kilometre of the coast, islands and reefs. This will require vessels to install a holding tank and either discharge when further than 1 km from land/reef or discharge sewage to a sewage pump out facility within a marina. These changes will be mirrored in the *Great Barrier Reef Marine Park Act 1975* and regulations under this act and are expected to come into force in 2004.

4.2.2.7 Beach Protection Act 1968

It is understood that an Erosion Protection Area with a width of 55m inland from the high water mark or bedrock where it occurs exists for the area. At the mouth of Campbells Creek, this extends to 400m.

In light of the existence of the Erosion Prone Area within the development, the application for several approvals under other legislation, notably the dredging and harbour works, will require consideration by the Beach Protection Authority.

Section 47 of the *Beach Protection Act 1968* (BP Act) necessitates obtaining a permit from the Authority where vegetation will be damaged on unoccupied Crown land within the Erosion Prone Area. Further, s.47(1A) requires a permit where there will be any interference on unoccupied Crown land with sand, gravel, stone, clay or earth. Again, this permit is to be obtained from the Authority.

Pursuant to s.45(1) where a subdivision is to occur, the consent of the Governor-in-Council is required. This will also be subject to conditions. The Governor-in-Council may include a condition requiring the surrender of all or any land within the Erosion Prone Area.

It should also be noted that the Council may, under section 47, issue a notice to an occupier of land in an Erosion Prone Area prohibiting any damage to vegetation or interfering with any sand, stone, gravel, rock, clay or other earth within the Erosion Prone Area.

The approvals under BP Act are proposed to be “rolled in” to IPA early in 2003. The Beach Protection Authority has responsibility for granting permits under the BP Act.

4.2.2.8 Local Government Act 1993

This Act is relevant to local authority regulation of Harbours, Jetties, Breakwaters and Ramps.

Section 934 empowers the local authority to regulate the use of:

- ❑ harbours for small vessels, in or over tidal waters; and
- ❑ jetties, headwaters and swamps in or over tidal waters.

Pursuant to s.934, the Governor-in-Council may, by gazette notice, place foreshore under the control of the local government. The local government may manage and regulate the use of the foreshore. Foreshore is defined as “the land lying between high-watermark and low-watermark at ordinary spring tides”.

PORT OF AIRLIE MARINA DEVELOPMENT

Final tenure of the boat ramp will be held by the Crown but under the management and control of the local authority. Application should be made to the local harbour master in Mackay. Consideration will be given to issues such as parking spaces and queuing lanes and other traffic management issues.

4.2.2.9 Coastal Protection and Management Act 1995

The Act provides for enforcement in relation to coastal protection notices and tidal works notices.

The Act also provides for the preparation of a State Coastal Plan and Regional Coastal Plans.

The State Coastal Plan commenced on 27 February 2002. Regional Coastal Plans are being drafted, but are not yet in final form.

The State Coastal Plan is a statutory instrument and has the effect of a State Planning Policy under IPA. Accordingly, any Assessment Manager or Referral Agencies in relation to an IPA application, must have regard to the State Coastal Plan when assessing the application.

Application of the State Coastal Plan to the project is discussed in more detail in **Section 4.3.6**.

Quaylines

These are defined as a line of specific length, being the furthest distance that the face of a structure (e.g. a moor or pontoon) may be built out from the land/high watermark or the land to a point in the waterway or canal.

The minimum width of a quayline is dependent upon the area of land that the waterway/canal adjoins and also the course or shape of the waterway. All quaylines are set and approved for planning in each area by EPA.

4.2.2.10 Contaminated Land

Preliminary testing of the sea beds sediments has identified that the material to be dredged or excavated and used for reclamation is not classified as contaminated under EPA guidelines (see also **Section 6.1.4**). Additionally no notifiable activities as listed in Schedule 3 of the EP Act are either currently undertaken or are proposed to be undertaken. Accordingly, the contaminated land provisions of the EP Act do not apply.

4.2.2.11 Nature Conservation Act 1992

A licence, permit or authority will be required if the development destroys, removes or injures an animal or plant that is protected under the Act. An application for such a licence is to the Chief Executive of either EPA or the Executive Director, Queensland Parks & Wildlife Service.

Further, if any of the land the subject of the development is within a protected area under the *Nature Conservation Act*, an authority will be required from the Chief Executive to carry out any activity.

PORT OF AIRLIE MARINA DEVELOPMENT

In the case of the Port of Airlie, the development will not “destroy, remove or injure” any species protected under the Act, nor does the development occur in a protected area.

4.2.2.12 Other Matters

There are a range of other agencies which have an interest in the development but no formal responsibility to issue permits and approvals. The interests of these agencies will be managed through the negotiation of Deeds of Agreement between the Proponent and the individual agency setting out actions that each commits to undertaking in relation to the proposed development. Agencies with which Deeds of Agreement may be negotiated include:

- ❑ Department of Main Roads
- ❑ Whitsunday Shire Council (until such time as the development is included in the Planning Scheme)
- ❑ Ergon
- ❑ Department of Natural Resources and Mines.

4.2.3 Native Title

A determination has been made in accordance with s23B(2)(iii) of the *Native Title Act 1993* that the area of the proposed Port of Airlie development in question is not subject to a native title claim and further that native title is not an impediment to the development proceeding.

The area is not included as part of any current native title claims.

4.3 Strategic Planning

4.3.1 The Whitsunday Shire Council Strategic Plan

The applicable strategic plan is that contained within the Whitsunday Shire Council Transitional Planning Scheme, gazetted on 16 June 2000. It should be noted that consultation was undertaken with GBRMPA in relation to impacts on the Marine Park and World Heritage Area and that GBRMPA has informally approved the contents of the plan as being appropriate to minimise impacts on the Marine Park and World Heritage Area.

The Strategic Plan contains a broad Vision Statement for the Shire, incorporating the following elements of relevance to the Port of Airlie Development:

“ A place where the diverse and unique atmospheres captured by the Shire’s ...

*opportunities for a diversity of quality coastal tourism activities which are socially, environmentally and economically sustainable, (and)
array of accessible and attractive boating and outdoor recreational opportunities
....*

are identified, maintained and enhanced for future communities and tourists to appreciate.”

PORT OF AIRLIE MARINA DEVELOPMENT

The proposed development will strengthen and enhance opportunities for coastal tourism within the Shire, the social, environmental and economic sustainability of which is demonstrated elsewhere in this Supplementary EIS. Similarly, the proposed development will expand the range of boating and related recreation opportunities available within the Shire, and will thus contribute to the fulfilment of the planning vision established by the strategic plan.

In addition, the proposed development will introduce a range of unique ‘lifestyle’ residential opportunities, capitalising on the spectacular water and hillside views available from the site, and on the accessibility of the range of amenities and facilities offered within the development itself and within the Airlie Beach area as a whole.

The Strategic Plan goes on to establish a number of broad development principles, including the following principles regarded as being applicable to the proposed development:

Significant areas of ecological and scenic value are critical, and sensitive features should be protected accordingly and taken into account in planning decisions.

Impacts on ecological values affected by the project are discussed in **Sections 8** and **9**. In summary, the project will result in the loss of up to 8 ha of seagrass (based on current high levels of abundance), 1.2 ha of mangroves and about 8.5 ha of intertidal habitat (non-seagrass). While any losses of these habitats must be considered of concern, in a regional sense, these losses are not considered significant (see also **Section 19**).

Development whether individually or in conjunction with other activities, should not negatively impact on the water quality and ecological value of surface and groundwater resources, mangroves and estuarine areas and the Great Barrier Reef Marine Park.

The Strategic Plan identifies areas in which coastal urban development should be concentrated in order to fulfil this particular development principle. These areas include the Town of Whitsunday (ie including Cannonvale, Airlie Beach and Jubilee Pocket), in which the proposed development is located. In particular, the strategic plan identifies the location of the Port of Airlie as a Mainland Urban Tourist Facility.

The Strategic Plan goes on to require that development should also reflect the principles of integrated catchment management, including:

- ❑ the protection of natural drainage patterns;
- ❑ environmentally acceptable effluent and runoff management systems;
- ❑ appropriate buffer zones to accommodate marine processes and habitats.

Drainage is discussed in more detail in **Section 2.6.1**. Drainage from the proposed development site will be discharged into the marina basin, with such drains incorporating the necessary catch pits and trash racks to ensure that water quality is not adversely affected. These facilities will be cleaned out regularly, especially following significant rainfall events.

PORT OF AIRLIE MARINA DEVELOPMENT

During construction all drainage water from the reclaimed areas and the marina excavation will be diverted through the spoil disposal areas to allow settlement of sediments. The drainage water will then flow to the maintenance dredging disposal area, which will act as a final settlement basin. Final discharge will be via a tail-water channel for discharge through a gated outlet into the mangrove area retained at the rear of the spoil disposal site at the far eastern end of the development. The quality of the tailwater will be continuously monitored to ensure agreed discharge water quality standards are being complied with.

Water quality impacts are discussed in more detail in **Section 7** and it is the conclusion of this section that the proposal can be designed and managed such that there will be no long term adverse impacts on water quality in the World Heritage Area or Marine Park.

The potential impact of the proposed development on the World Heritage values of the Great Barrier Reef Marine Park, and on listed migratory and vulnerable species are addressed in **Sections 8** and **9**.

Planning and development of the built environment respects the natural environment and landform.

The environmental implications of the proposed development are identified and comprehensively assessed elsewhere in this Supplementary EIS and require no repetition here, other than to reiterate the conclusion that any potential for adverse impacts will be suitably addressed in the design, construction and operation of the proposed development.

Similarly, details of how the proposed development will be designed to respond to the risk of natural hazards, and those associated with cyclonic activity in particular, have been provided elsewhere in this Supplementary EIS.

Landform in the Airlie Beach area consists of steep hillsides above a narrow coastal strip. The landform has been extensively modified by building development, including many multi-storey and terraced developments extending up the hillside slopes. The proposed development will blend with the existing townscape, as discussed in more detail in **Section 17**.

A range of quality open space and recreational opportunities for residents of, and visitors to the area should be provided.

The proposed development will provide a range of recreation and related opportunities, through the incorporation of a range of retail and related activities, which would naturally include a variety of restaurants, coffee shops, bars, speciality shops and the like. The marina and public boat ramp will also provide enhanced access to a range of marine-related recreation opportunities.

The proposed development will also integrate well with the adjacent open space and recreation areas associated with the Airlie Beach foreshore, including the parks, beaches and swimming lagoon to the west of the site.

PORT OF AIRLIE MARINA DEVELOPMENT

The inclusion of a marine academy within the development would also be a positive contribution, through providing an appropriate educational dimension.

Planning should conserve those places, structures and images that are integral to the cultural heritage values of the Shire for aesthetic, historic, scientific and social reasons. This includes natural and human features of indigenous and non-indigenous significance.

Section 18 discusses cultural heritage issues. No sites of indigenous or non-indigenous cultural heritage were identified during the study and it is not considered likely that any previously undiscovered sites might be identified in the area.

Aboriginal consultations revealed that Pioneer Bay was used by Aboriginal people for fishing, gathering and hunting of marine and terrestrial resources. It was noted that food sources in Pioneer Bay had been depleted by development of the area, and that Boathaven Bay was not considered to hold any particular cultural significance for Aboriginal people, other than as part of the cultural landscape of the Ngaro people.

The diverse and unique image and high visual landscape qualities of the Shire's island, marine, coastal and rural environs should be consistently respected and enhanced.

The site is clearly of considerable significance to the visual image of the Town of Whitsunday and the Whitsunday Shire as a whole. Because of its foreshore location, the site is significant in relation to the maintenance of attractive sea, island and shore views, while its location adjacent to significant public spaces, a major arterial road corridor and the Airlie Beach Town Core contribute further to its visual significance.

The proposed development will, in effect, comprise an eastward extension of the Airlie Beach Town Centre streetscape. It is important to recognise that the proposed development has been significantly scaled down from what was originally envisaged, and will thus be visually less significant.

The current proposals feature a variety of built forms, punctuated by view corridors between individual elements. These corridors will maintain significant vistas and, in particular, have been designed to provide view extensions from Shute Harbour Road and Airlie Esplanade through to the waterfront, the boardwalk and the marina beyond. These corridors will also maximise pedestrian access and permeability.

Extensive landscaped areas will be provided to enhance the visual qualities of the various elements, while individual buildings will range in height from one to six storeys, designed to define the boardwalk and mall as a dynamic urban waterfront. The majority of carparking will be confined to basements or semi-basements, maximising the surface area available for site landscaping.

The five storey buildings around the perimeter of the harbour will be designed with the three main residential floors set back from the ground level commercial base, and a top floor roof garden apartment level. The exclusive garden apartment level of each building will feature extensive roof terraces around a smaller building footprint, resulting in a reduction of the visual mass of the buildings.

PORT OF AIRLIE MARINA DEVELOPMENT

The two landmark buildings that will visually anchor each end of the boardwalk promenade are proposed as the six-storey hotel and the six-storey residential building at the western end of the spit.

Low-rise (1-2 storey) buildings proposed for the Sea Terminal and marine service zone will preserve water views from sites on the hill to the west of Shute Harbour Road.

The five and six storey buildings are designed to provide a comfortable backdrop to the activated waterfront, given the scale of the marina basin. The tops of the buildings will sit well below the ridge of the hills to the west.

The buildings will be designed to reflect the tropical location, and a marine-based theme.

A sense of lightness created by the use of deep roof overhangs, pergolas, shutters, fabric sails and other architectural devices designed to provide climate control and to visually break up the mass of buildings. Landscaping, colour and graphics will be used to enhance the tropical theme and provide a festive and contemporary atmosphere.

Although the proposed development will be visually significant from some viewing locations, it will enhance the image of the Shire, and the Town of Whitsunday in particular, as the premier tourist destination comprising a variety of experiences, opportunities and facilities. This aspect of the development is discussed in detail in **Section 17**.

Viewed from the ocean, the development will be dwarfed by the high, steep mountains of the Conway Range. The orientation of Boathaven Bay is such that the development will not be visible from most of Pioneer Bay and the Whitsunday Passage. Heights of buildings proposed for the development are similar to levels of existing or approved buildings. **Figure 17-5** shows a close view of the site from the breakwater looking inland.

On this basis, impact on visual amenity of the World Heritage Area is considered to be minimal.

Orderly and sequenced development allows for the efficient and affordable provision (and on-going maintenance) of utility infrastructure and social services.

This planning principle will be fulfilled through the expansion of the base of tourist accommodation, speciality retail, entertainment and recreation facilities available within Airlie Beach.

The proposed development will also help to optimise the utilisation of existing physical and social infrastructure, and will provide for any necessary improvements to road access and utility services that may be required.

The layout, type and scale of development should support the provision of public transport services to the extent consistent with community expectations and local environmental capacities.

Provision is to be made for increased bicycle usage and walking.

PORT OF AIRLIE MARINA DEVELOPMENT

An important feature of the proposed development is the extent to which it will support and promote the utilisation of public transport services. This will be achieved as a consequence of the following:

- ❑ the location of the site within an extended Airlie Beach Town Centre, with direct access to Shute Harbour Road, an established public transport route;
- ❑ the provision of a Bus Transit Facility within the development, providing for long distance and local buses, minibuses and taxis; and
- ❑ the incorporation of a marine transit terminal providing for transportation to the Islands and the Reef.

The location of the site will promote the use of bicycles and pedestrian transport, given its proximity to the Airlie Beach Town Centre, and the array of services and facilities provided in and around this area. This aspect is more extensively covered in **Section 13** and **14**.

Recognise and support the fact that the community cares about and wants to enjoy their surroundings.

New development should be suitably integrated with existing development in ways that benefit the whole community.

The Bruce Highway and Shute Harbour Road corridors are to be retained and enhanced as scenic corridors through the Shire.

The proposed development will not impact significantly on the amenity of the main residential community areas of the town, but will integrate with, and reinforce its tourism, retail, entertainment and recreation sectors, as well as adding unique residential opportunities. This will bring significant socio-economic benefits, as explained in **Sections 15** and **16**, and will also considerably enhance the profile of Airlie Beach as a vibrant, exciting and varied tourist, entertainment and marina residential environment.

As discussed previously, the proposed development is intended to respond to the significance of Shute Harbour Road as a scenic corridor. In this regard, it is to be recognised that one of the strengths of this corridor is that it traverses a wide variety of scenic experiences, which will be expanded by the combination of built form, site landscaping and marina and water views associated with the proposed development.

It is important for adequate local employment opportunities to be provided which build on the Shire's established economic strengths.

The economic assessment reported on elsewhere in this Supplementary EIS indicates that the proposed development will directly generate around 300 full time equivalent (FTE) new jobs on site once complete, and a further 800 person years during the construction phase.

PORT OF AIRLIE MARINA DEVELOPMENT

However, direct employment generation represents only a part of a larger picture. The investment of an estimated figure of \$100million in the construction of the proposed development, and the generation of annual revenues of \$50million, will stimulate additional investment and therefore employment creation within the local, regional and State economies, and beyond.

It is estimated that the development will be worth \$140million to the local economy alone, during the construction phase, and \$90million per year during the operation phase. Benefits to the regional and State economies are expected to run to \$400million during construction, and \$225million per year once operational.

Total local employment would be some 1,100 person years during construction and 800 persons operationally, while regional and State employment would run to over 3,000 person years during construction and around 2,000 persons during the operational phase.

Thus, the economic and social benefits, both directly and indirectly, of the proposed development will be significant at all levels.

The above analysis demonstrates a high level of compliance by the proposed development with the applicable strategic development principles of the Council's plan.

At a more specific level, the strategic plan identifies a range of Preferred Dominant Land Use designations and establishes associated planning objectives and performance criteria for each. The strategic plan identifies the site as a suitable marina site and as a site for a Mainland Urban Tourist Facility, subject to the following:

- ❑ built forms are to remain low rise and subordinate to the foreshore landscape, hillsides and as viewed from the ocean and major coastal vantage points,
- ❑ landscaping and built forms are to integrate with, and reflect the natural landform and reinforce the tropical, heavily treed nature inherent in the coastal village character, as reflected in forested hillsides, mangroves and foreshores,
- ❑ layouts must maximise public access to the waterfront, open spaces and commercial facilities,
- ❑ development themes, scales and character must be compatible with, or complementary to surrounding designations, and
- ❑ direct property access to Shute Harbour Road is to be minimised through the use of design measures such as service roads and property amalgamations.

The design philosophy of the proposal is covered in more detail in **Section 17**. It is only necessary here to record that considerable emphasis has been placed on providing an exciting and impressive development, commensurate with its significance within the townscape as a focal point combining a range of activities and land uses. Extensive landscaping will be provided to soften the built forms and achieve integration with associated open spaces. Emphasis has also been placed on maintaining and enhancing key visual corridors, and on maximising public access to the waterfront and the other public spaces and facilities within the proposed development.

PORT OF AIRLIE MARINA DEVELOPMENT

It is noted that some residential units will be available within the Port of Airlie. The exact mix of tourist and residential accommodation has not been determined but is based on current market conditions which indicate that 65% of accommodation units are sold for tourist accommodation compared to 35% for residential in Airlie Beach alone. Buyers may seek to purchase units in Buildings H and L as permanent or part time residences or as rental properties and the concept retains flexibility to meet changing market demands. This is typical of most multi unit developments in Airlie Beach. The overall focus of the facility however remains on tourism and as such, is not inconsistent with the designation as a Mainland Urban Tourist Facility. The proposed residential development will not detract from the tourist facilities offered and may in fact enhance these by adding to the base demand for certain services. Demand for residential development is discussed in more detail in **Section 3.1.2**.

The applicable objectives and performance criteria for the Mainland Urban Tourist Facility designation are examined in more detail below:

Objective 1:

Ensure tourist facilities are of a scale, nature and character compatible with the natural and scenic features and desired character and amenity of the area

Performance Criteria for Objective 1

- ❑ *Development which fulfils the provisions of Strategic Development Principles.*
- ❑ *Development which fulfils the objectives and performance criteria applicable to the designation in which it is predominantly set, having regard to the intent for the tourism node.*
- ❑ *Development which, through building height and bulk, street presentation, building materials/colours, signage and landscaping, demonstrates compatibility with the desired character of the locality.*
- ❑ *Development that demonstrates designs and land management practices to reduce sediment runoff and point/non-point source contamination of the freshwater and marine environment.*
- ❑ *Development that provides for the protection of natural features through buffering, separation, appropriate scale and character of use, land dedication, conservation agreements/easements or other appropriate management technique.*
- ❑ *Development which will not generate traffic likely to undermine the safety, character and efficiency of the access streets.*
- ❑ *Development that provides for pedestrian links, where appropriate, which are designed to be direct, integrated, safe and pleasant.*
- ❑ *Development which is extensively landscaped particularly on the perimeter of carparks and built form.*
- ❑ *Buildings, vehicle movement areas and accesses which are designed and oriented to limit the impacts of noise emissions and reduce visual awareness of the proposal.*
- ❑ *Development which retains, as far as practical, existing trees onsite and provides effective buffering to nearby residential areas, open space, major roads and coastal/marine areas.*
- ❑ *Development in Scenic Management Zone B and C that fulfils the criteria outlined in Objective 6 for the Integrated Neighbourhood designation.*

PORT OF AIRLIE MARINA DEVELOPMENT

- ❑ *Development in Scenic Management Zone A that fulfils the criteria outlined in Objective (2) (c) and (d) for the Bushland Sensitive Development designation.*

As demonstrated above, the proposed development attains a high level of compliance with the applicable strategic development principles.

Similarly, the proposed development will be compatible and consistent with the strategic intent for the development and use of adjoining lands, which are designated Parkland, Town Core and Medium Density Residential.

Broadly, the strategic planning intent for these areas envisages a mix of land uses comprising recreation, retail, commercial, tourist accommodation and higher density residential uses. As the proposed development embraces all of these land use elements, it is considered to be consistent and compatible with Council's strategic planning intent for the wider area in which the site is located. The residential density of the proposed development will be 175 persons per hectare, which will be consistent with the density envisaged by the strategic plan for the adjoining Medium Density Residential designation.

The height and bulk of the proposed development will reflect the focal location of the site and the intended visual significance of the proposed development. A variety of building heights and forms will be employed to create visual interest and character. The presentation of the development to its various street frontages will be designed to maximise its visual appeal, with appropriate use of design techniques, elevation treatments and site landscaping.

As reported earlier, all drainage systems discharging to the marina will incorporate appropriate measures to protect water quality, and these systems will be managed on an ongoing basis to ensure that the risk of adverse impacts will be minimised.

A detailed traffic impact assessment is provided in **Section 13**. This assessment concluded that the impacts of the proposed development on the performance of affected road links and intersections will be minor, although the timing of the need for improvements to particular links and intersections would be advanced by the proposed development.

The proposed development is specifically based upon achieving a high degree of pedestrian integration with the Airlie Beach Town Centre, and the associated foreshore areas, and a similar degree of internal pedestrian permeability. This approach will not only help to minimise vehicle use and therefore traffic generation, but will also promote higher levels of pedestrian safety and convenience through achieving a high degree of pedestrian-vehicle separation.

As previously explained, the proposed development will incorporate significant site landscaping, associated with all of the various building elements, so as to ensure an attractive and desirable environment for residents, patrons and tourists, and to ensure that the development will contribute positively to the aesthetic quality of the built environment.

PORT OF AIRLIE MARINA DEVELOPMENT

As the proposed development will occupy the low lying area fringing Boathaven Bay, it will not impinge significantly on the scenic qualities of the hillside backdrop, and the built form will generally be below the level of existing and future buildings landward of Shute Harbour Road.

Objective 2:

Ensure development does not prejudice existing resorts or ongoing attractions.

Performance Criteria for Objective 2

- ❑ *Development which is compatible in form and character with the existing or desirable character of development in the designated node.*

The proposed development will complement and reinforce existing tourism facilities and infrastructure, for example through enhancing the variety and choice of mainland accommodation facilities, through providing additional recreational and shopping opportunities and through improving access to some of the region's main attractions, the Whitsunday Islands and the Great Barrier Reef.

Objective 3:

Encourage sustainable land management practices that protect water, soil and the natural resources.

Performance Criteria for Objective 3

- ❑ *Development and related activities which:*
 - *maintain water quality;*
 - *consider soil erosion;*
 - *manage the existence of acid sulphate soils;*
 - *limit adverse affects on coral reefs, sea grasses, and marine animals.*

The above aspects are comprehensively assessed elsewhere in this Supplementary EIS, as follows:

- ❑ Water quality – **Section 7**,
- ❑ Soils and Acid Sulphate Soils – **Section 6**,
- ❑ Effects on coral reefs, seagrasses and marine animals – **Section 9**.

The conclusion which may be drawn from the above analysis of the Whitsunday Shire Strategic Plan is that the proposed development generally achieves a high level of compliance with both the strategic development principles and with the requirements for the Mainland Urban Tourist facility designation. No substantial areas of non-compliance have emerged from this analysis.

4.3.2 The Draft Whitsunday Hinterland and Mackay 2015 Regional Plan (WHAM 2015)

WHAM 2015 is a strategic plan for the region comprising the City of Mackay and the Shires of Whitsunday, Bowen, Mirani, Sarina, Nebo, Broadsound and Belyando and that part of the Coral Sea between the mainland coast and the Great Barrier Reef. The plan is still in draft form at present, and is undergoing its public consultation phase.

PORT OF AIRLIE MARINA DEVELOPMENT

The Whitsunday Shire emerges from the regional analysis as being significant for its population size and growth projections, second only to the City of Mackay, and for its clear leadership in tourism activity. The regional vision established in the plan emphasises the importance of managing development according to ESD (Ecologically Sustainable Development) principles.

The overarching significance of the Great Barrier Reef and associated waters, and the sensitivity of the region's coastal and marine environments is emphasised in the plan, as is the importance of the scenic and environmental values of the region's land and seascapes.

As far as the Port of Airlie development project is concerned, the regional vision highlights the importance of facilitating new investment in developments that will help to expand and diversify the regional economy, with considerable emphasis being placed on the promotion of tourism and international tourism in particular. The significance of maritime activities, both economic and recreational, to the region and to Whitsunday in particular is also highlighted.

A key theme of WHAM 2015 is that new development should be consolidated into established urban nodes, to maximise the efficiency of infrastructure provision and to reduce pressures for the utilisation of good quality agricultural land. This planning objective is given particular emphasis in relation to development along the coast, where all forms of new urban development are encouraged to locate within existing urban nodes, and so preserve sensitive coastal environments which are as yet unaffected by urban development.

Another key theme of WHAM 2015 is that residential development should:

- ❑ provide for a wide range of lifestyle choices,
- ❑ should consolidate established urban locations,
- ❑ should provide efficient linkages to employment areas, shopping and other urban services
- ❑ and facilities, and
- ❑ should locate higher density forms of housing in close proximity to major centres.

The plan also highlights the growth in demand for marina and small-boat facilities, and recognises that a significant opportunity exists for Mackay-Whitsunday to develop and be promoted as a major sailing and marine recreational centre, of national and international significance. Reference is also made to the as yet not fully realised potential of the marine and boating industries to act as a catalyst for economic growth, and to promote development in the education/training and service industries.

The main goals and strategies of WHAM 2015 which are applicable to the proposed development are examined in more detail below:

Goal 2.4:

To conserve and enhance the biological diversity and ecological integrity of the region's terrestrial, freshwater, estuarine and marine environments.

These aspects have been extensively examined elsewhere in this Supplementary EIS.

PORT OF AIRLIE MARINA DEVELOPMENT

Goal 2.5:

To sustainably manage and protect the coastal zone, Great Barrier Reef and marine resources.

These aspects have been extensively examined elsewhere in this Supplementary EIS.

Goal 2.6:

To preserve the scenic beauty of regional landscapes and seascapes.

The proposed development will be located within the established and extensively developed coastal urban environment of Airlie Beach and will thus not impact on natural scenic values. In addition, considerable emphasis is to be placed on achieving a positive contribution to the built environment, and therefore the scenic qualities of the area.

Goal 2.12:

To ensure the quality of water is such that the needs of people, environment, industry and agriculture are met.

Systems to protect water quality from contamination by run-off will be implemented, as reported in more detail elsewhere in this Supplementary EIS.

Goal 3.1:

To maintain and enhance the economic base of the region.

As more fully reported elsewhere in this Supplementary EIS, the proposed development will be a major boost to the economy of the Shire, the region and the State, with benefits even accruing to the National economy.

Goal 3.2:

To broaden and deepen the economic base of the region.

One of the strategies advanced as a means of contributing to the attainment of this goal is the need to facilitate the development of maritime training and other marine-based industries in the Bowen and Whitsunday areas. The proposed development will clearly represent a significant contribution in this regard, by way of its incorporation of both a maritime training academy and provision for marine industries.

Goal 3.5:

To provide and maintain infrastructure capable of supporting economic activities in the region.

Important elements of the proposed development in this regard include the provision of a marina, a sea-terminal, a maritime training academy, a boat ramp and marine industrial services, all of which will support the all-important tourism industry.

PORT OF AIRLIE MARINA DEVELOPMENT

Goal 3.7:

To enhance employment opportunities across the region through training, adult learning and skills development.

A key strategy highlighted under this goal is again the establishment of a maritime training centre in Whitsunday and Bowen, which will be facilitated through the incorporation of a such a centre within the proposals.

Goal 5.1:

To establish a pattern of development and urban landscape that protects and maintains the natural environmental and natural resource values of the region.

The proposed development has been designed to minimise the potential for adverse environmental impacts, as more fully addressed elsewhere in this Supplementary EIS report. Potential problem areas have been identified and appropriate management measures will be put in place to effectively manage any impacts associated with these.

Within this goal there is also a requirement to:

Avoid development in areas with high environmental risk such as contaminated sites, potential acid sulfate soils, wetlands, steep hill slopes etc

Where permitted appropriate design and management practices are put into place to adequately manage these risks.

The presence and management of acid sulfate soils is discussed in detail in **Section 6**. In the event that acid sulfate soils are generated by the development, these will be managed in accordance with Queensland government guidelines with the goal that there is no measurable impact on the environment.

Goal 5.2:

To provide an efficient, functional form and structure to the region's existing and future urban areas.

The proposed development will contribute significantly to the achievement of this goal. This will be achieved through the consolidation of an established urban centre, and through the development of residential and tourist accommodation capacity in close proximity to the range of facilities provided in this area, as well as to pedestrian, cycle and public transport facilities.

Goal 5.3:

To develop strong regional, subregional and district level centres that support the region's communities and each other.

The promotion of the Whitsundays of the primary tourist centre of the region is central to the identified strategy. Clearly, the proposed development will contribute strongly in this regard, by enhancing the ability of the area to continue to fulfil this role competitively.

PORT OF AIRLIE MARINA DEVELOPMENT

Goal 6.15:

Improve recreational boating, charter boat and commercial fishing facilities in selected coastal and inland areas.

The associated strategy makes particular reference to the significance of Whitsunday as a premier destination and base for sailing (and other boating) on the east coast. The proposed development will contribute strongly to the achievement of this goal, given its inclusion of a marina, a boat ramp, a training academy and marine industrial services, and that these facilities will provide a safe harbour during storms and cyclonic activity.

Goal 6.16:

Improve the services, safety and patronage of public transport systems, and encourage cycling as a safe, efficient and healthy mode of transport.

The incorporation of both a bus and taxi transit facility, and a network of pedestrian and bikeways will contribute to the achievement of this goal.

The above overview of the main goals and regional strategies that are of relevance to the proposed development reveals how strongly it will contribute to the fulfilment of these goals. This will, however, be subject to the effective management of any potential impacts on key environmental values of the region, with particular reference to the Great Barrier Reef and its associated marine and coastal environments.

4.3.3 The Whitsunday Tourism Strategy (1997)

The Whitsunday Tourism Strategy (“the strategy”) was prepared in partnership by the State Government, the tourism industry, local government and the Whitsunday Shire community. The strategy was prepared in response to a recognition by the partners of the strategic significance of tourism to the area, and the scope to increase the economic benefits of tourism. As with the draft WHAM 2015 plan, the central principle of the strategy was one of promoting development within a framework of maintaining the study area’s scenic and environmental values.

The strategy comprises the following five components:

- ❑ Tourism product development,
- ❑ Infrastructure development,
- ❑ Tourism support,
- ❑ Marketing and promotion, and
- ❑ Investment and finance.

The first three of these elements are considered relevant to this particular analysis, and these are considered in more detail below:

Tourism Product Development

Tourism products highlighted in the strategy include boating facilities and resorts.

The former reflects the significance of boating and associated maritime activities in tourism to the Whitsundays, and the potential of the area to expand the area’s tourism industry through its world class sailing and boating environment.

PORT OF AIRLIE MARINA DEVELOPMENT

In this regard, the strategy seeks an outcome in which a range of boating opportunities and experiences, commensurate with visitor time and cost constraints, is provided. Strategic directions include the establishment of safe and secure facilities for the storage and operation of small craft, access to a diversity of marine experiences, the maintenance of the natural marine environment and the education of the boating public to maintain environmental and social values.

Clearly, the proposed development will contribute strongly to the expansion of the tourism industry through the maritime facilities to be provided, consistent with the above outcome and strategic directions.

The resort component of the strategy recognises the importance of both island-based and mainland resorts, and seeks an outcome in which a range of competitive resort experiences are available. Strategic directions include the encouragement of links between mainland and island resorts, ensuring that local resorts attain and maintain a competitive advantage, the adoption of ESD principles and the provision of a range of resort experiences.

The incorporation of a sea terminal within the proposed development will enhance transportation and tours to the Islands and the Reef, and will foster a greater level of integration between island and reef-based resorts. Similarly, the proposed bus/taxi transit facility will achieve the same effect with other mainland resorts. Further, the fact that the proposed development will include a range of tourist and residential accommodation types will contribute to the achievement of the required outcome.

Infrastructure Development

This aspect is concerned with the development of a range of accommodation types and associated facilities to meet the growing tourism demand. In particular, reference is made to the urgent need to service the growing need for boating-related facilities, with particular mention made of the need for passenger terminal and marina facilities.

Again, the proposed development will represent a significant contribution to the expansion and improvement of existing tourism infrastructure, both in terms of providing for a range of accommodation types, associated retail and recreation facilities, and in terms of maritime facilities and infrastructure.

Tourism Support

This aspect of the strategy deals with the need for retail, recreation, entertainment, commercial and other services and training services to be available to support the tourism industry.

The integrated and multi-faceted nature of the proposed development will be consistent with this aspect of the strategy, given that it will include a significant retail and commercial component, which could contain shopping, restaurants, bars, night clubs, tour operators, boat and car hire services and other tourism-orientated land uses. The proposed maritime training academy will also contribute in this regard, as will the various transport related components.

The above analysis demonstrates that the proposed development will be a significant contributor in the achievement of the basic requirements of the Whitsunday Tourism Strategy.

PORT OF AIRLIE MARINA DEVELOPMENT

4.3.4 The Vision Airlie Strategy

Following the launch in 1997 of the Whitsunday Tourism Strategy, Airlie Beach was specifically identified as an initial emphasis for the implementation of the strategy. This gave rise to the Vision Airlie strategy, which identified five features seen as central to the development (and success) of Airlie Beach:

- ❑ A pedestrian orientated village;
- ❑ A world competitive salt water swimming lagoon;
- ❑ The protection of the visual amenity of Airlie Beach from intrusions such as rock walls;
- ❑ Sustainable, environmentally sensitive development;
- ❑ Re-orientation to take greater advantage of the sea-aspect.

Although the focus of the Vision Airlie Strategy was on the existing Airlie Beach Town Centre and did not explicitly incorporate the Port of Airlie site, the proposed development will contribute significantly to the attainment of some of the above development principles. Vision Airlie is not a statutory document.

The provision of pedestrian linkages between the proposed development and the Airlie Beach Town Core will complement other initiatives in achieving the objective of a greater pedestrian orientation. This effect will be reinforced by the inclusion of an attractive waterfront boardwalk, incorporating street cafes and a variety of retail and entertainment experiences, and extensive site landscaping. The proposal to incorporate the bulk of on-site carparking in basements or semi-basements will also contribute to the achievement of a more pedestrian friendly environment.

As explained in more detail elsewhere in this Supplementary EIS, the proposed development will conform to ESD principles, by contributing substantially to the local economy, both directly and through multiplier effects, while at the same maintaining the environmental qualities of the site and the area.

The proposed development has been designed to maximise its benefit from the scenic qualities of its location, and its spectacular sea aspects in particular, creating a unique and attractive environment for tourists as well as for residents.

Vision Airlie contains an objective: “Ensure the visual amenity of Airlie Beach is not compromised by rockwalls”.

This statement does not prohibit the use of rock walls but requires that they be used in a sensitive manner that does not detract from the coastline. The rock embankments at Port of Airlie are part of the overall marina structure and blend with the concept. The creation of a beach avoids the need for an extensive rock embankment on the ocean side of the breakwater and other areas of rock embankment are in the form of rocky headlands rather sheer, formally structured rock walls.

4.3.5 Draft Whitsunday Retail Strategy

The proposed development will incorporate a total of 3,700m² of retail floor area plus 640m² of office and commercial space.

PORT OF AIRLIE MARINA DEVELOPMENT

As reported on in **Section 15**, the Whitsunday Shire Council's Retail Development Strategy suggests that projected growth in the retail market to 2011 could support an additional 4,000m² of retail floor area in Airlie Beach, with an emphasis on tourist-related retail facilities.

Section 15 concludes that the proposed development will not result in an oversupply of retail capacity in Airlie Beach because:

- ❑ The proposed development will serve island-bound and returning passengers using the proposed sea terminal, and will thus relocate customers now embarking or disembarking in Shute Harbour;
- ❑ The strategy would not have accounted for the additional demand for retail facilities arising from the residential and tourist population of the proposed Port of Airlie development.

4.3.6 State Coastal Management Plan

The State Coastal Management Plan ("the plan") commenced on 27 February 2002. It is a statutory instrument under Section 29 of the *Coastal Protection and Management Act 1995*, and has the effect of a State Planning Policy under the *Integrated Planning Act 1997*.

The plan is the product of a whole-of-government formulation process, and provides a framework for the management of development within the coastal zone.

The plan establishes a range of policies for the management of the coastal zone of the State. Applicable policies are examined below, although many of the aspects are dealt with more comprehensively and specifically in other sections:

Coastal Use and Development

Areas of State-Significance

The Plan acknowledges that the proposed development will be a 'strategic gateway' site of key economic and social importance, which should not be restricted or otherwise adversely affected by incompatible development.

Settlement Pattern and Design

The central theme of this policy is that the coastal environment should be protected from unwarranted intrusion, and that new development should preferably be confined to existing urban areas.

As the proposed development will comprise an infill development within the established urban centre of Airlie Beach, it will conform to this policy requirement.

Coastal Dependant Land Uses

This policy provides that preference for coastal locations should be given to coastal dependant land uses, being those uses that require waterfront locations or physical access to water in order to be able to function.

Clearly, the proposed development is such a land use, and its location is thus supported by the plan.

PORT OF AIRLIE MARINA DEVELOPMENT

Maritime Infrastructure

The plan recognises the economic significance of maritime infrastructure, including marinas, terminals and ramps, but also notes the importance of maintaining public access to the coast, and protecting coastal resources.

The proposed development will provide significant new infrastructure without sacrificing public coastal access or significant coastal resources, and is thus considered to comply with the policy.

Dredging

The need for, and importance of dredging to provide navigational and economic benefits is recognised by the plan, however the need to ensure that such activities are appropriately located and sustainably managed is emphasised.

Environmental impacts associated with the dredging activities are considered acceptable (see also **Section 6** and **7**).

Reclamation

The potential impacts of land reclamation are again recognised by the plan, as is the need to achieve a suitable balance between the need for any such proposal and the potential for adverse impacts on coastal resources.

In the case of the subject proposal, it is considered that the scope and extent of impacts involved are relatively minor and would be outweighed by the economic and social benefits of the proposed development, especially in terms of its potential impact on tourism.

Tourism and Recreational Activities

This policy requires the protection of coastal resources in order to maintain their tourism and recreational attributes.

The proposed development will benefit from the scenic and navigational attributes of the site, and will rely on these to promote tourism and a variety of associated recreational activities. Impacts on the coastal environment will be suitably managed, as reported elsewhere in this Supplementary EIS report.

Physical Coastal Processes

Relevant provisions within the State Coastal Plan which may impact on the development are discussed in **Table 4-1**, together with a response indicating how these issues will be managed for the proposed Port of Airlie.

Public Access to the Coast

Future Need for Access

As the proposed development will in effect enhance current levels of public access to the coast, this policy is fulfilled.

Design of Access

Access to and throughout the marina has been designed to ensure access for pedestrians, cyclists and people with disabilities. A key focus of the development is on the harbour and waterfront, providing people access to and interaction with the coast.

PORT OF AIRLIE MARINA DEVELOPMENT

■ Table 4-1 State Coastal Plan Provisions

State Coastal Plan Provision	Response
Siting of extractive industry activities	Only existing, properly licensed extractive industry sites will be used to source material for the development
Protection of erosion prone areas	The design and construction will minimise risk of beach or coastal erosion.
Development in identified risk areas for coastal hazards	The development has been designed to ensure that risk from storms and storm surge has been addressed (see also Section 2.7.1.4)
Water quality management	Only localised water quality impacts from increased turbidity expected. Some improvement with respect to nutrient levels also expected (see also Section 7).
Stormwater management	Stormwater management to include settlement pits and trash racks. See also Section 2.6.1
Groundwater quality and acid sulphate soils	Impacts on groundwater not expected. Further assessment to be carried out once detailed ASS testing is complete. ASS to be managed in accordance with SPP 2/02 (see also Section 6)
Protection of Coastal Wetlands	No significant coastal wetlands to be affected. Impacts on mangroves and intertidal areas discussed in Section 8 .
Expansion of areas of State significance	No areas of State significance expected to be affected.
Maintenance of biodiversity	No significant reduction in biodiversity expected. See also Sections 8, 9 and 19 .

Water Quality*Water Quality Management/Stormwater Management*

As discussed in **Section 2.6.1**, the proposed development will employ stormwater and effluent management systems to ensure that the water quality of the associated waters is not adversely affected.

Acid Sulphate Soils

This aspect is addressed in **Section 6**.

See also **Table 4-1**.

Indigenous Traditional Owner Cultural Resources/Cultural Heritage

These aspects have been covered in **Section 18**.

Coastal Landscapes

The proposed development is located within an area regarded as being significant for its scenic values, as an urban landscape with a significant hillside backdrop. The proposed development is considered to be compatible with these values.

Conserving Nature

Relevant policies included under this section of the plan include the following:

- ❑ Areas of state-significance (natural resources),
- ❑ Biodiversity,
- ❑ Rehabilitation of coastal resources.

These aspects are addressed in **Sections 8, 9 and 19** and also in **Table 4-1**.

PORT OF AIRLIE MARINA DEVELOPMENT

4.4 Local Land Use Issues

4.4.1 Existing Land Use Pattern

The immediate vicinity of the site is characterised by a variety of land uses, which generally reflects the pattern of strategic designations referred to in **Section 4.3.1** above.

The area to the west of the site and to the south of Airlie Esplanade contains the Airlie Beach Hotel and associated retail and other facilities, as well as a mix of retail and commercial land uses and backpacker accommodation facilities located along Shute Harbour Road, to the west.

The area north of the Airlie Esplanade contains beach related open space and associated amenities, carparking, a bus terminal and the Whitsunday Sailing Club and its associated facilities.

To the south of the site is Shute Harbour Road, beyond which the natural landform slopes steeply upwards to Golden Orchid Drive and beyond, rising to a level more than 75 metres above mean sea level. This area contains medium to high density, multi-storey residential and accommodation development extending up the north facing hillside slopes.

Further to the east of the above-mentioned residential and accommodation precinct, along the north facing hillside slopes above Shute Harbour Road, is an as yet undeveloped area strategically designated Medium Density Residential (MDR), and a precinct containing multi-storey tourist accommodation and apartment developments, generally accessed from Hermitage Drive. The latter precinct also contains some as yet undeveloped lots also strategically designated MDR.

4.4.2 Local Planning Issues

The best way of assessing the local effects of the proposed development, is to undertake a compliance assessment against the Whitsunday Shire Council's transitional planning scheme provisions. This is undertaken below.

The site is not included in the transitional planning scheme, and accordingly is not zoned. However, once the site is reclaimed and a development approval has been obtained for the proposed development under the *Integrated Planning Act 1997*, it is considered probable that the site would be zoned Particular Development, with development to be in accordance with an approved Plan of Development.

The Particular Development Zone ("PDZ") is intended to provide, among other land uses, for the development of tourist facilities.

The applicable assessment criteria for development generally are set out in Section 6.3 of the planning scheme, and the performance of the proposed development against these criteria and the associated acceptable solutions are summarised in **Table 4-2**.

PORT OF AIRLIE MARINA DEVELOPMENT

■ Table 4-2 Zoning Compliance

Component	Acceptable Solutions	Proposal	Compliance
Site Access	Designed in accordance with AS2890.1-1996 and AS 2890.2-1989	This requirement will be met	Yes
Onsite parking	Various requirements are specified. As the detailed design of the proposed development is not yet final, it is not possible to accurately determine the planning scheme requirement	Currently, over 1200 car spaces are proposed.	To be determined.
Onsite movement	Designed in accordance with AS2890.1-1996 and AS 2890.2-1989	This requirement will be met	Yes
Landscaping	Landscaping in accordance with an approved Landscaping Plan	To be submitted	Yes
Electricity Facilities	Transformers to be accessible and screened	This requirement will be met	Yes
Site and stormwater drainage	Designed in accordance with QUDM, AS2180 and AS3500.3 to accommodate a 1 in 10 year event	This requirement will be met	Yes
	Protection of downstream water quality.	This requirement will be met	Yes
	Necessary contributions paid	This requirement will be met	Yes
Filling	Stormwater management plan submitted	This requirement will be met	Yes
Vegetation Protection	Native trees retained	An area of mangroves to be removed	Variation required
Geotechnical considerations	Geotechnical report submitted	This requirement will be met	Yes
Environmental noise management	Inclusion of appropriate attenuation measures	This requirement will be met	Yes
Roadworks	Necessary roadworks undertaken by the applicant	This requirement will be met	Yes
Public utility services	All services to be available	This requirement will be met	Yes
	Headworks contributions paid	This requirement will be met	Yes
Beach protection	Development having regard to the <i>Coastal Protection and Management Act</i>	Addressed in Section 5 .	Yes
Views protection	Buildings shall generally not exceed 9 metres in height	This height will be exceeded by various elements of the development	Variation required
Building height	Maximum height determined in accordance with the strategic designation of the site.	Site not designated. In accordance with an approved Plan of Development	Not applicable
	Height not exceeding the existing tree canopy and surrounding buildings	Adjoining buildings off-site up to 6 storeys, approval given for 7 storey development at Airlie Beach Hotel	Variation required
Environmental impacts	Environmental appraisal and EMP to be submitted	This requirement will be met	Yes

As will be noted from the above analysis, the proposed development will achieve compliance with the bulk of the general development criteria set out under the planning scheme, although:

- ❑ Compliance with the on-site carparking requirements can only be determined once the details of the proposals have been finalised; and
- ❑ variations will be required in relation to building height and vegetation protection requirements.

The required variation in relation to mangrove removal is worthy of support, as the extent of the mangrove areas involved is relatively insignificant, given that far more

PORT OF AIRLIE MARINA DEVELOPMENT

extensive and therefore significant areas exist in the eastern part of Boathaven Bay, north of Jubilee Pocket, and to the west of Scrubby Hill in the Cannonvale area. The issue of building height and the related issues of visual impact and view reduction is perhaps more significant. Potential visual and view loss/reduction impacts would be expected in relation to the following:

- ❑ Potential visual impacts from Shute Harbour Road;
- ❑ Potential visual impacts in relation to shore views from Boathaven Bay;
- ❑ Potential view loss from existing developments to the south.

The potential for visual impact from Shute Harbour Road will be managed through the following design characteristics:

- ❑ The punctuation of building elements, to maintain view corridors;
- ❑ Building elements generally set well back from the site frontage;
- ❑ The use of site landscaping;
- ❑ The confinement of carparking to basements or semi-basements;
- ❑ Variations in the heights of individual building elements;
- ❑ Articulation of building elevations and the use of appropriate facade treatments.

Most of the above design techniques will also minimise any potential impacts on shoreviews from Boathaven Bay, as will the fact that the proposed development will 'blend' into the backdrop formed by the existing buildings to the south and west.

It would be expected that views from certain of the lower level buildings to the south will be somewhat affected as a consequence of the proposed development, but will retain bay views to the northeast over the Marina. Buildings located higher up the hillside would be expected to be affected by some view reduction. The extent of view loss and view reduction would not be regarded as excessive in the circumstances, and a variation in the applicable planning scheme provisions would be warranted in this case.

The planning scheme also contains specific assessment criteria for particular land uses, and the performance of the main components of the proposed development in relation to such relevant provisions is summarised in **Table 4-3**.

■ **Table 4-3 Planning Scheme Compliance**

Component	Acceptable Solution	Proposal	Compliance
Accommodation Units/Multiple Dwellings	Site Suitability : site stability, north and east orientation, buffers to major roads, within 400m of shops, open space and transport, etc, major road access	The proposed development meets these requirements.	Yes
	Site Layout: Site area of 1,000m ² +, Frontage of 20m	The proposed development meets these requirements.	Yes
	Building Bulk and Setbacks: Front setbacks of 6m, Side setbacks of 1.5m, Rear setbacks of 3m.	<i>The proposed development meets these requirements.</i>	Yes

PORT OF AIRLIE MARINA DEVELOPMENT

Component	Acceptable Solution	Proposal	Compliance
	Building Appearance: Buildings orientated to the street, Maximum height difference to adj. buildings of 1 storey, Design, form etc to be compatible Max. unarticulated length of 15m to the frontage.	Parts of the proposed development will exceed the one storey height difference provision. The other provisions will be complied with.	Variation required. Yes
	Detailed design parameters are specified for the following: Open space provision, Maintenance of privacy, Daylight access, Ventilation, Shadow generation.	These aspects will be confirmed at the detailed design stage, and a suitable degree of compliance achieved.	Yes

The above analysis confirms a high degree of compliance with the applicable planning scheme provisions, although a variation will be required in relation to the issue of building height. As discussed above, a variation in this provision would be supported.