

# Town Planning Report

## **Shute Harbour Marina Resort**

**Prepared for the Environmental Impact Statement**

July 2008

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CONICS BRISBANE PTY LTD

  
\_\_\_\_\_  
Director

31 July 2008

\_\_\_\_\_  
Date

## CONTENTS

1.0 EXECUTIVE SUMMARY .....	1
2.0 INTRODUCTION.....	7
2.1 Scope of Report .....	7
2.2 Development Summary .....	7
3.0 SITE DESCRIPTION AND ANALYSIS.....	11
3.1 Subject Site Details and Tenure .....	11
3.2 Site Characteristics.....	13
3.3 Site History .....	13
3.4 Site Location and Relationships.....	14
3.5 Consultation Program .....	17
4.0 DEVELOPMENT PROPOSAL AND VISION.....	25
4.1 Shute Harbour Precinct .....	25
4.2 Shute Harbour Marina Resort .....	26
4.3 Design and Development Framework .....	28
4.4 SHMR Development Code .....	29
4.5 Precinct Intents .....	32
4.6 Sustainability Initiatives .....	50
4.7 Development Details.....	51
4.8 Services and Infrastructure.....	55
5.0 PROJECT NEED AND ALTERNATIVES.....	56
5.1 Project Justification.....	56
5.2 Social Impacts and Benefits .....	64
5.3 Economic Impacts and Benefits.....	77
5.4 Net Benefit assessment.....	84
5.5 Alternatives to the Project.....	91

6.0 PROJECT APPROVALS.....	108
6.1 Assessment manager .....	108
6.2 Commonwealth Legislation .....	110
6.3 Queensland State Legislation.....	113
6.4 Requested Outcomes of the CoG's Report.....	137
7.0 REGULATORY / POLICY FRAMEWORK.....	140
7.1 Queensland Government Priorities .....	140
7.2 Whitsunday Hinterland and Mackay Regional Plan 2005 .....	141
7.3 State Planning Policies.....	145
7.4 Coastal Protection .....	147
7.5 Regional Tourism and Economic Development Strategies.....	150
8.0 LOCAL PLANNING PROVISIONS.....	156
8.1 Whitsunday Regional Council Planning Controls.....	156
8.2 Whitsunday Shire Transitional Planning Scheme 2000 – Strategic Plan.....	156
8.3 Draft Whitsunday Shire IPA Planning Scheme.....	171
9.0 CONCLUSION .....	190
APPENDIX A PERMIT TO OCCUPY AND LEASE DOCUMENTATION.....	192
APPENDIX B SHMR DEVELOPMENT CODE .....	193



## FIGURES

Figure 3-1: Current Site Cadastral Plan

Figure 3-2: Current Tenure Plan

Figure 3-3: Aerial Photo

Figure 3-4: Regional and Sub-Regional Location

Figure 3-5: Local Context

Figure 3-6: Current Marine Park Zoning

Figure 3-7: Stakeholder Responses

Figure 4-1: Shute Harbour Existing Uses

Figure 4-2: Shute Harbour Context Plan – Boat Ramp

Figure 4-3: SHMR Planning Hierarchy

Figure 4-4: Concept Masterplan

Figure 4-5: SHMR Precinct Plan

Figure 4-6: Indicative Marina Images

Figure 4-7: Indicative Marina Esplanade Images

Figure 4-8: Indicative Managed Resort Accommodation Images

Figure 4-9: Indicative Resort Hotel Images

Figure 4-10: Indicative Marina Plaza Images

Figure 4-11: Indicative Marina Plaza / Marina Office Images

Figure 4-12: Indicative Car Park Images

Figure 4-13: Indicative Open Space and Park Images

Figure 5-1: February 2008 Storms in Airlie Beach

Figure 6-1: EIS Process under the *SDPWOA*

Figure 6-2: Marine Park Zoning

Figure 6-3: EIS Process under the *SDPWOA*

Figure 6-4: Standard IDAS Process (Impact Assessment)

Figure 6-5: Coastal Protection Mapping

Figure 6-6: Nature Conservation Referral Matters

Figure 6-7: Transport Infrastructure Referral Matters

Figure 6-8: Regional Ecosystem Mapping

Figure 7-1: WHAMB 2005 Mapping

Figure 8-1: Transitional Planning Scheme Strategic Plan Mapping

Figure 8-2: Transitional Planning Scheme Zoning Mapping

Figure 8-3: Draft IPA Planning Scheme Zoning

## TABLES

Table 2-1 – SHMR Components

Table 3-1: Summary of Current Site Details

Table 3-2: Summary of Proposed Site Details

Table 3-3 Stakeholder Participation

Table 3-4 Stakeholder Issues Raised (Top 10 Values )

Table 3-5 Reasons For Supporting Development

Table 4-1: Approval Sequence

Table 5-1: Mackay SD Marina Berth Demand Forecast

Table 5-2: Mackay SD Proposed Marina Berths

Table 5-3 Comparable Visitor Accommodation in the WTR, 2007 and 2016

Table 5-4 Total Construction Population Impact

Table 5-5 Total Operational Population Impact

Table 5-6 Construction Phase Expenditure

Table 5-7 Economic Impacts of the Construction Phase

Table 5-8 SHMR Operating Phase Expenditure (2007)

Table 5-9 Economic Impacts of the Operational Phase

Table 5-10 Costs Summary

Table 5-11 Benefits Summary

Table 5-12 Quantitative CBA Summary

Table 5-13 Size of Components of Original Proposal  
(Scotex P/L)

Table 6-1: Summary of the *Environment Protection and  
Biodiversity Conservation Act*

Table 6-2: Summary of *Great Barrier Reef Marine Parks  
Act*

Table 6-3: Summary of *SDPWOA*

Table 6-4: Summary of *IPA*

Table 6-5: Summary of IDAS Referrals

Table 6-6: *Coastal Protection and Management Act 1995*

Table 6-7: *Environmental Protection Act 1994*

Table 6-8: *Fisheries Act 1994*

Table 6-9: *Summary of the Nature Conservation Act  
1992*

Table 6-10: *Summary of the Transport Infrastructure Act  
1994*

Table 6-11: Summary of the *Transport Operations  
(Marine Safety) Act*

Table 6-12: Summary of the *Transport Operations  
(Marine Pollution) Act*

Table 6-13: *Summary of the Vegetation Management Act  
1999*

Table 6-14: Summary of the *Aboriginal Cultural Heritage  
Act*

Table 6-15: Summary of the Building Act

Table 6-16: Summary of the *Dangerous Goods and  
Safety Management Act*

Table 6-17: Summary of the *Fire and Rescue Service Act*

Table 6-18: Summary of the *Land Act*

Table 6-19: Summary of the *Marine Parks Act (Qld)*

Table 6-20: Summary of the *Water Act*

Table 6-21: Summary of the Maritime Safety Act

Table 7-1: Alignment of Shute Harbour Marina with  
Queensland Government Priorities

Table 7-2 Alignment of Shute Harbour Marina with the  
WHAMB ROC

Table 7-3: Alignment of Shute Harbour Marina with the  
Draft Mackay Whitsunday Regional Coastal Management  
Plan

Table 7-4. Alignment of Shute Harbour Marina with the  
Whitsunday Growth Management Initiative

Table 7-5. Alignment of Shute Harbour Marina with the  
Mackay Whitsunday Regional Tourism Investment and  
Infrastructure Plan

Table 8-1: Response to Strategic Framework

Table 8-2: Response to DEOs

## TERMS AND ABBREVIATIONS

The following abbreviations have been used in this document.

CMD	Coastal Management District
CoG	Coordinator General (Qld)
CPMA	<i>Coastal Protection and Management Act 1995 (Qld)</i>
DEW	Department of Environment and Water (Comm)
DIP	Department of Infrastructure and Planning (Qld)
DMR	Department of Main Roads (Qld)
DNRW	Department of Natural Resources and Water (Qld)
DPIF	Department of Primary Industries and Fisheries (Qld)
EIS	Environmental Impact Statement
EP Act	<i>Environmental Protection Act 1994 (Qld)</i>
EPA	Queensland Environmental Protection Agency
EPBCA	<i>Environment Protection and Biodiversity Conservation Act 1999 (Comm)</i>
ERA	Environmentally Relevant Activity
HAT	Highest Astronomical Tide
IAS	Initial Advice Statement
IDAS	Integrated Development Assessment System
IPA	<i>Integrated Planning Act 1997 (Qld)</i>
IPR	<i>Integrated Planning Regulation 1998 (Qld)</i>
MCU	Material Change of Use
NC Act	<i>Nature Conservation Act 1992 (Qld)</i>
OW	Operational Work
QT	Queensland Transport (Qld)
ROL	Reconfiguration of a Lot
SDPWOA	<i>State Development and Public Works Organisation Act 1971 (Qld)</i>
SHMD	Shute Harbour Marine Development Pty Ltd
SHMR	Shute Harbour Marina Resort
ToR	Terms of Reference
VMA	<i>Vegetation Management Act 1999 (Qld)</i>
WRC	Whitsunday Regional Council
WSC	Whitsunday Shire Council
WSP	<i>Whitsunday Planning Scheme 2008</i>

Indicative Site Images



## 1.0 EXECUTIVE SUMMARY

Shute Harbour is an outstanding marina location and the development of the Shute Harbour Marina Resort (SHMR) provides a key opportunity to help make Shute Harbour a more complete destination, providing a mainland experience which is of consistent quality to the world class experience offered by the natural and resort environments available in the Whitsunday Islands.

The Shute Harbour Marina Resort Proposal was declared a Significant Project by the Queensland Coordinator General under the provisions of the State Development Public Works and Organisation Act (1971) (SDPWOA) on 24 July, 2006. The Shute Harbour Marina Resort Planning Report has been prepared as a component of the EIS required for assessment of the project by the Co-coordinator General of the SHMR proposal, under the requirements of the SDPWOA.

The Shute Harbour Marina Resort Concept Plan includes:

- A solid breakwater marina housing 669 berths (including 193 multi hull berths) and sewerage pump out + refuelling facilities;
- Resort Hotel including 4 1/2 Star hotel up to 5 storeys comprising 109 family suites;
- Marina Plaza precinct including a range of commercial retail and dining opportunities;
- Managed Resort Accommodation precinct on 117 freehold allotments - subject to code provisions and design guidelines;
- Charter Boat base – including purpose built facilities to support charter boat operations, co-located with a Marine Environment and Indigenous Cultural Heritage Centre;
- Waterfront boardwalk network and Breakwater Parkland;
- Marina office and amenities;
- Realignment of Shute Harbour Road and new intersection;
- Car parking facilities; and
- Extensive landscaping.

The Shute Harbour Marina Resort site currently consists of land, intertidal areas and waters covering an area of 45.234 hectares across two (2) leasehold titles and an area presently subject to a Permit to Occupy. An application has been filed to extend the existing lease to incorporate the 15.9Ha currently included in the Permit to Occupy area, whilst concurrently relinquishing approximately 4Ha of the existing lease north of Shute Harbour Rd, back to public ownership. The total lease area after consolidation would be approximately 41.1Ha.

Shute Harbour is and will always remain the central hub for marine traffic in the Whitsundays, due to its twin advantages of superior geographic proximity to the reef and resort Islands, as well as its natural safe anchorage. Shute Harbour and the marine transit facility plays a critical role in the Whitsundays as the mainland 'face' that the Whitsunday Shire, Queensland and Australia present to the local, national and international visitors seeking to experience the beauty of this region. The Transit Terminal carries in excess of 800,000 people annually and plays a critical role in the tourism and economic fabric in the Whitsunday region.



Shute Harbour is an area of exceptional natural beauty and considerable conservation significance. The subject site abuts and is framed by Conway National Park, and the vegetated hillsides and the views to nearby islands over Shute Harbour provide an outstanding natural backdrop and outlook. The tidal lands and waters are within the Queensland *Great Barrier Reef Coastal Marine Park*. The Marine Park Zoning Plan includes the site in the Habitat Protection Zone, although not part of a Fish Habitat area. Part of the site is within the outer margin of the World Heritage Area, and hence the project is subject to assessment under the EPBC Act.

The design approach to all aspects of the development has been based on the awareness of the critical need to respect and enhance this natural environmental importance of the area. By contrast, the current commercial development in the Shute Harbour precinct is generally considered to be lacking in design qualities, amenity and cohesion resulting from decades of relatively ad-hoc development, ultimately limiting its capacity to fulfil its critical regional role.

The SHMR proposal is designed to create a world class marina and tourist facility, capitalising on the geographic advantages of Shute Harbour, providing a valuable addition to the region's marina and tourism offerings, as well as enhancing the strategic importance of Shute Harbour by acting as a catalyst in the overall revitalisation and sustainability of the precinct.

The SHMR would help address the existing and growing demand for marina berths in the region, as well as help manage impacts of recreational boating in the Whitsundays, whilst protecting the water quality of Shute Harbour. The resort would provide a high quality mainland destination alternative, attracting tourists seeking a relationship with the marine environment whilst still having access to mainland facilities and services. The Resort is to provide a balanced, masterplanned marina resort environment including a range of hotel accommodation options integrated with a Managed Resort Accommodation precinct providing a relatively unique addition to the tourism options in the region.

A feature of the Marina Resort will be a 'Marina Plaza' area providing a hub for a range of retail and dining opportunities, providing a valuable addition to the social and recreational fabric of the region, providing a greater breadth of facilities for visitors to Shute Harbour and a stronger community heart for Shutehaven residents. The Marina Plaza will provide a relaxed and attractive environment providing a public interface between the resort and the marina and 'landmark' marina office building. The Marina Plaza also links directly to the extensive publicly accessible waterfront boardwalk network and 'Breakwater Park' at the end of the Isthmus, providing previously unavailable foreshore access and vantage points to Shute Harbour, nearby Islands and Conway National Park.

High quality urban design standards for built form and landscaping will create a coherent and sensitive overall design aesthetic, incorporating leading practices in sustainable design, particularly with respect to passive solar design, materials and energy and water efficiency. The resort is to complement and frame the marina, with the materials and appropriately muted colours along with extensive native landscaping combining to effectively transition between the marine environment and natural wooded backdrop, in keeping with a northern tropical style. Building heights have been limited to be commensurate with the height of the masts in the marina with the highest buildings designed in a cluster to nestle in context of a cove formed by an adjoining ridgeline and elevated outcrop.

Development will be controlled by a purpose written Development Code included as part of a Preliminary Approval and tailored to achieve the development intent, as well as by detailed Design Guidelines to be implemented as part of a Community Title Scheme, which also provides a long term management structure to maintain all resort assets at no cost to the public.

The SHMR is seen as becoming the logical hub for the local charter boat industry, providing comfortable lounge facilities to be integrated with a marine environment and cultural centre as part of the Marina Office building. The cultural centre will be complimented by a indigenous performance space and yarning circle proposed as part of a Cultural Heritage Management Plan.

The resort is to incorporate bus set down facilities encouraging enhanced public transport between Shute Harbour and Airlie Beach, as well as improving linkages between the site and the transit terminal. Important view corridors from Shute Harbour Road to nearby Islands will be protected, and along with the contribution being provided to a much needed replacement public boat ramp, and improvements to the transit terminal proposed separately to this project, the development is set to contribute significantly to the improvement to the overall operation and perception of the precinct.

The need for the marina development has been driven by consistently strong growth in recreational boating generating a shortage of marina berths throughout Queensland. The growth in demand that has also been stimulating a vibrant and growing marine industry is being supported by a variety of programs and policies implemented by all layers of government. Such policies recognize the vital role that appropriate marine infrastructure plays in the industry. Similarly, demand for quality accommodation options is strong, and the combination of the marina and the accommodation proposed provides a valuable addition to the regional tourism fabric.

The need for additional marina berths in the region has been acknowledged for many years, leading to the identification of the subject site in key marina demand reports, the preparation of the original marina lease agreement, previous recognition of the development as a Significant Project under the SDPWOA and specific inclusion of a marina designation on the site in the current Whitsunday Shire Council Strategic Plan. Despite recent marina construction activity on the only other responsible marina sites in the region, demand is still very strong and the marina is necessary in order to cater for short and mid term marina demand. There is no doubt that the subject site is the most strategically and environmentally appropriate marina site available in the region.

A series of alternative development options had been considered, both via the analysis of pros and cons of previous detailed proposals which had been undertaken over the site, as well as throughout the course of the EIS design and preparation process. The current design proposal has benefited from and been adjusted via this detailed analysis, and it is considered that the current proposal represents the highest and best use of the site, with design details optimized to provide an integrated, masterplanned development in comfortable balance with the importance, beauty and environmental sensitivity of the Shute Harbour environment.

The SHMR would provide a significant strengthening of the regional economy and employment. At the State level, it would be anticipated that 1,174 FTE positions would be created during the construction phase and 220 FTE positions during the operational phase, generating direct and indirect economic benefits totalling \$452.5M in the construction phase and \$61.4 M annually during operation.

A comprehensive qualitative and quantitative Net Benefit Analysis was undertaken to also assess overall environmental and social impacts and benefits. In addition to the economic impacts outlined above this analysis identified a range of community benefits including: increased amenity from lease of marina berths, additional employment opportunities, improved access to areas for recreational and leisure activity, enhancement of community interaction and cohesion and maintenance of the recreational value of the Great Barrier Reef World Heritage Area. Environmentally, the study considered elements such as increased habitat from the development of breakwater, reestablishment of seagrass from removal of swing moorings, increased mangrove habitat along western fringe and

maintenance of the environmental and ecosystem services value of the Great Barrier Reef World Heritage Area.

Overall, the proposed SHMD development was assessed to provide a positive net benefit to the State of Queensland with any costs associated with the project being outweighed by the total benefits provided in each of the categories of economic, social and environmental impacts. In cost benefit terms the assessment found that the development of the Shute Harbour Marina will provide for a strong benefit cost ratio of 1.44, assessed against economic, social and environmental criteria.

The design and assessment of the site is subject to an array of Federal, State and Local legislation, plans and policies, providing detailed guidance and considerations regarding the manner in which any development must take place, and the criteria which need to be met in order to do so. The Planning report and the EIS have outlined this regulatory framework in detail in order to clarify the extent of relevant regulatory matters and to convey the manner in which the design and reporting has responded to this framework. The development meets the objectives of a series of State priorities and it is considered that the development meets the intents and is in substantial compliance with all relevant regulatory mechanisms.

The Shute Harbour Marina Resort is designed to help the Shute Harbour precinct 'come to life' enhancing the Shute Harbour precinct as a memorable gateway to the Whitsunday Islands and Great Barrier Reef, with a quality and sensitivity of design, construction and operation which does justice to the outstanding natural local environment and the areas of national and international significance accessed via this gateway.



## SUMMARY TABLE

Table 1-1: Summary of Proposals	
Proposal:	Shute Harbour Marina Resort
Proponent:	Shute Harbour Marina Development Pty Ltd
Address of Site:	Shute Harbour Road, Shutehaven
Real Property Description and Tenure:	Lot 2 on SP117389 (Leased Land) Lot 273 on HR1757 (Leased Land) Permit to Occupy
Area of Site:	45.234 Ha
Name of Owner:	Shute Harbour Marina Development Pty Ltd (Leaseholder)
Regulatory Regime:	
<i>SDPWOA Significant Project (Queensland)</i>	Submission of Environmental Impact Statement
<i>EPBCA Controlled Action (Commonwealth)</i>	Submission of Environmental Impact Statement (under bilateral agreement with Queensland)
<i>Whitsunday Shire Planning Scheme (Local)</i>	Impact Assessable Development Approvals required
Regulatory Authorities:	
<i>SDPWOA EIS Process (Queensland)</i>	Coordinator General, Infrastructure and Economic Development Group, Department of Infrastructure and Planning
<i>EPBCA EIS Process (Commonwealth)</i>	Department of Environment, Water, Heritage and the Arts
<i>Subsequent Development Applications:</i>	Whitsunday Regional Council as Assessment Manager Other agencies as appropriate under IDAS
Statutory Designations:	
<i>Transitional Whitsunday Planning Scheme:</i>	
Strategic Intent:	Marina, Rural Landscape (land component); Scenic Management Zone B
Zoning:	Lot 2 on SP117389      Public Purpose (Land Area) Undesignated (Water Area)  Lot 273 on HR1757      Public Purpose Permit to Occupy      Undesignated (Water Area)
<i>Draft IPA Planning Scheme:</i>	
Zoning:	Lot 2 on SP117389      Open Space (Land Area) Undesignated (Water Area)

Table 1-1: Summary of Proposals	
	Lot 273 on HR1757    Open Space Permit to Occupy                      Undesignated (Water Area)
<i>Great Barrier Reef World Heritage Area:</i>	The GBRWHA lies seaward of low water
<i>Great Barrier Reef Marine Park:</i>	Queensland <i>Great Barrier Reef Coastal Marine Park</i>
<i>Great Barrier Reef Marine Park Zoning Plan:</i>	Habitat Protection Zone
<b>Summary of Proposal:</b>	
<i>Proposed Uses and Activities:</i>	Car park, Child Care Centre, Dredging Spoil Handling, Dual Occupancy, Dwelling House, Guest Accommodation, Home Occupation, Marina (ERA73 and ERA11), Multiple Dwelling, Office, Outdoor Recreation, Park, Professional Office, Resort Hotel, Restaurant, Shop
<i>Proposed Works:</i>	Dredging – ERA 19, disposing of dredge spoil or other solid waste in tidal water; draining across state coastal land above high water mark; constructing a bank or bund wall on state coastal land above high water mark; tidal works; prescribed tidal works and reclaiming land under tidal water; vegetation clearing; removal or destruction of marine plants; and interfering with water course
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## 2.0 INTRODUCTION

The Shute Harbour Marina Resort Proposal was declared a Significant Project by the Queensland Office of Coordinator General under Section 26(1)(a) of the State Development Public Works and Organisation Act (1971) (SDPWOA) on 24 July, 2006. The Shute Harbour Marina Resort Town Planning Report has been prepared as a component of the EIS required for assessment of the project by the Queensland Office of Co-ordinator General of the SHMR proposal, under the requirements of the SDPWOA.

### 2.1 SCOPE OF REPORT

This report has been prepared by Conics on behalf of Shute Harbour Marina Development Pty Ltd to address the planning related elements of the Terms of Reference (ToR) for the EIS. Whilst the planning report is written to be read as a stand alone document, it is ultimately to be read in conjunction with the EIS prepared by Cardno (Qld) Pty Ltd and other relevant supporting documents.

Broadly, this report will primarily focus on planning and design elements associated with:

- Project Vision and Details including identification of applications and program for approvals;
- Processes and Standards – outlining the project's consistency with all relevant legislation, plans policies and guidelines;
- Planning and Environmental Approvals - Outline the approvals necessary under the relevant Commonwealth, State and local government and identify relevant referral agencies.;
- Project Need and Alternatives; and
- Shute Harbour Marina Resort Code proposed as part of the Preliminary Approval to guide future development of the built form.

### 2.2 DEVELOPMENT SUMMARY

The Concept Masterplan for the proposed development incorporates water and land based elements, and is attached. The concept master plan indicates the following components that comprise Shute Harbour Marina Resort (Table 2-1 overleaf).

Master planning for the SHMR has been undertaken with regard to the dual roles of Shute Harbour as an access point to the Whitsunday Islands and as a resort destination in its own right. It is considered important that the development represents a valuable addition to the overall balance of uses and perception of Shute Harbour to tourists and locals alike.

Consequently, whilst the Concept Masterplan for the project relates directly to the Marina Resort proposal, a context plan has also been prepared indicating the manner in which the proposal relates to the proposed boat ramp and parking area (facilitated by a contribution from the proponent). It is noted that improvements to the Transit Terminal have also been proposed by other parties, along with enhanced pedestrian linkages between the proposal and the Transit Terminal.

Table 2-1 – SHMR Components

Precinct	Name	Components
Precinct 1	Marina	669 berths (including 193 multi hull berths); Excavation and dredging of the marina basin to achieve navigation depths to suit the types and sizes of vessels; A solid breakwater located at the eastern and southern edges of the site; Floating pontoons supported by driven piles; Charter Boat base – including purpose built facilities to support the charter boat operations ; Navigation aids, lights and signage to comply with Queensland Maritime Safety; and Sewerage pump out + refuelling facilities.
Precinct 1A	Marina Esplanade & Breakwater Park	Waterfront boardwalk network and Breakwater Parkland. Extensive landscaping
Precinct 2	Managed Resort Accommodation	117 freehold allotments - subject to code provisions and design guidelines.
Precinct 3	Resort Hotel	4 1/2 Star hotel up to 5 storeys comprising 109 family suites.
Precinct 3 A	Marina Plaza	Marina office and amenities. Charter boat base. Range of commercial retail and dining opportunities.
Precinct 4	Access & Parking	New road - -realignment of Shute Harbour Road. New intersection at Shute Harbour Road and landscaped entry statement. Car parking facilities.
Precinct 5	Open Space & Dredge Maintenance Area	Extensive landscaping

### 2.2.1 IPA Applications

To facilitate the above proposal, Shute Harbour Marina Development Pty Ltd will be seeking to lodge the following Development Applications under the Integrated Planning Act for the Shute Harbour Marina Resort, following receipt of the Co-ordinator General's report. Accordingly, the EIS is to be read and the Co-ordinator General's report framed in this context.

1. **Preliminary Approval for Material Change of Use to over-ride the Planning Scheme pursuant to s3.1.6** for the SHMR Development Code, including the Concept Masterplan and proposing the following uses (as generally included in the Draft Planning Scheme):

Car park	Child Care Centre	Dredging Spoil Handling*	Dual Occupancy
Dwelling House	Guest Accommodation	Home Occupation	Marina
Multiple Dwelling	Office	Outdoor Recreation	Park
Professional Office	Resort Hotel*	Restaurant	Shop

\* Uses have been specifically defined in the SHMR Development Code

2. **Development Permit for Material Change of Use for Environmentally Relevant Activities** including:

- *ERA 73.- Marina*
- *ERA 11(a) - Fuel storage*
- *ERA 19(c) – Dredging*

3. **Development Permits for Operational Works** for the staged construction of the breakwater walls, revetment walls, capital dredging of the marina basin and entrance channel and reclamation of land including:

- *constructing a bank or bund wall on State coastal land above high water mark*
- *disposing of dredge spoil or other solid waste in tidal water;*
- *draining across State coastal land above high water mark;*
- *tidal works including prescribed tidal works;*
- *reclaiming land under tidal water;*
- *vegetation clearing;*
- *removal or destruction of marine plant;*
- *interfering with a watercourse; and*
- *any other assessable operational works pursuant to the Whitsunday Shire Planning Scheme for works associated with the marina and land reclamation.*

### **2.2.2 Non-IPA Applications**

In association with the IPA applications described above, the following non-IPA applications and approvals are anticipated:

- Following the completion of the CoG's report, DEWHA will make a determination on the approval of the development pursuant to the EPBC Act;
- Resource entitlements, allocations of quarry material and native title notification to be made prior to IDAS applications being lodged; and
- Marine Park permits to be applied for concurrently with IDAS application for approval.

### 3.0 SITE DESCRIPTION AND ANALYSIS

This Chapter describes the location, tenure, extent and characteristics of the site. It also provides a description of the site's context and regional setting as sought by Section 3.3 of the EIS ToR.

#### 3.1 SUBJECT SITE DETAILS AND TENURE

The subject site is bounded by Conway National Park to the north, Shute Bay to the south, east and west (including the Great Barrier Reef Marine Park), along with frontage to Shute Harbour Road. Shute Harbour is naturally sheltered harbour with a southerly aspect that allows for shelter in cyclonic weather.

The Shute Harbour Marina Resort site currently consists of land, intertidal areas and waters covering an area of 45.234 hectares across two (2) leasehold titles and an area presently subject to a Permit to Occupy, as listed below in **Table 3-1** and illustrated in **Figure 3-1**. Copies of the lease document and Permit to Occupy are held in Appendix A.

Table 3-1: Summary of Current Site Details			
RPD	Address	Area (Ha)	Proprieter
L2 SP 117 389	Shute Harbour Road, Shutehaven	29.2	Shute Harbour Marina Development Pty Ltd
L273 HR1757	Shute Harbour Road, Shutehaven	0.134	Shute Harbour Marina Development Pty Ltd
Permit to Occupy	Adjacent to L2 on SP 117 389	15.9	Shute Harbour Marina Development Pty Ltd
	Total	45.234	

Figure 3-1: Current Site Cadastral Plan

*Refer to Conics Drawing 20906-01*

Lot 2 on RP117389 and Lot 273 on HR1757 are leasehold land. A Term Lease (TL 0/219495) has been issued by the Governor in Council to Shute Harbour Marina Development Pty Ltd under the *Land Act 1994* for marine works purposes including the construction of a marina, reclamation for residential, commercial and tourism purposes.

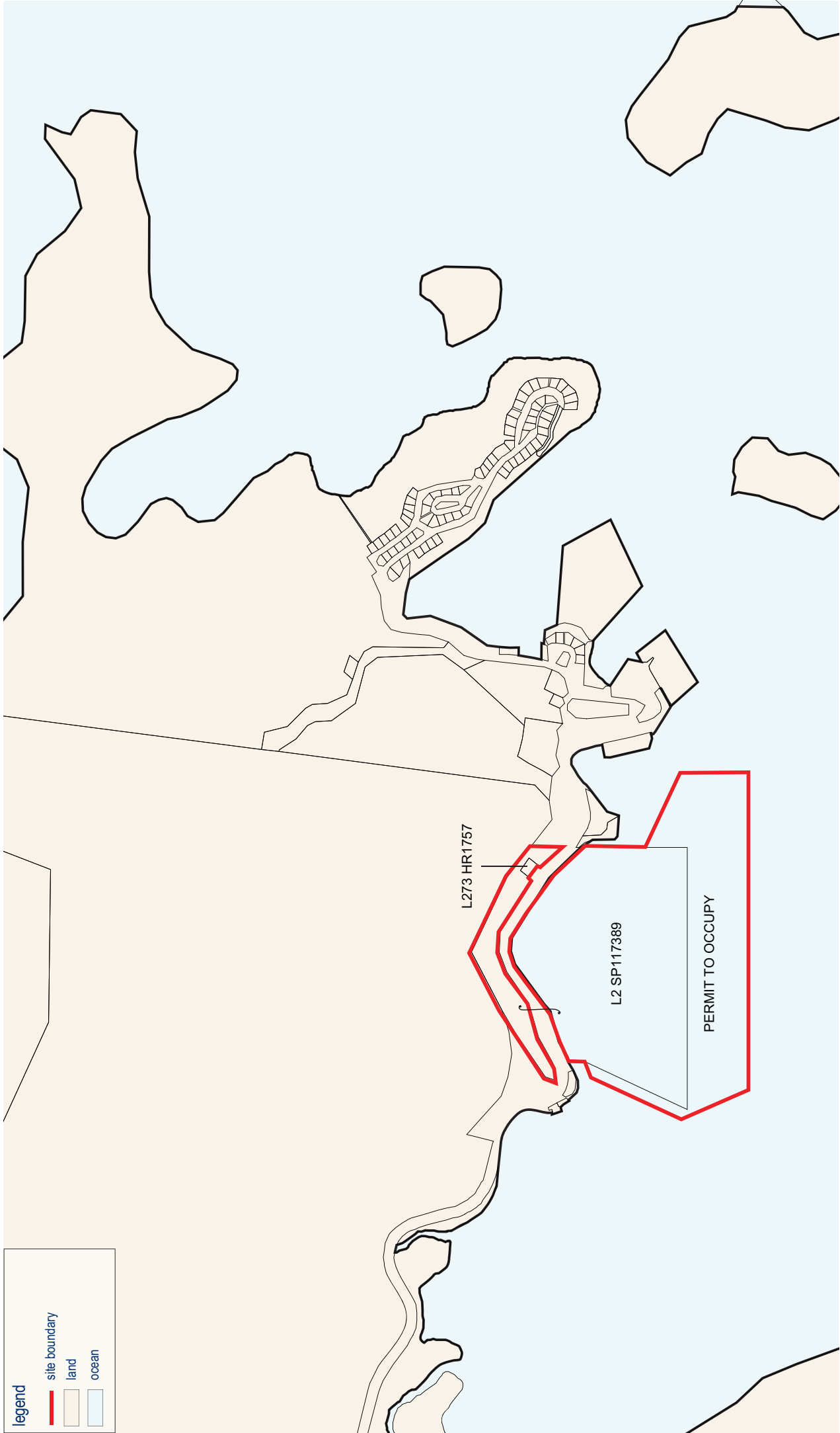
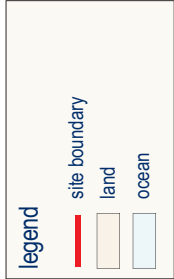
Upon completion of the major earthworks stages the land above the High Water Mark (MHWS) will be transferred to SHMD by progressive freehold. The land below MHWS is intended to be held by a 99 year seabed lease.

A series of short-term Permits to Occupy have been successively granted by the Department of Natural Resources and Water for SHMD to occupy the sea bed to the south of the lease land. The current Permit to Occupy, ref No 2008/001983 extends until 24 August 2008.

The current area subject to the development constitutes a total area of 45.234ha. The area north of Shute Harbour Road comprising approximately 4.14 Ha will not be developed and is to be transferred into Public ownership.

# shute harbour marina development

current site cadastral plan





An application dated 10 March, 2008 for a Lease in Priority under S 121(1) of the Land Act 1994 has been filed with the DNRW to extend the existing lease to incorporate the 15.9Ha currently included in the Permit to Occupy area. At the same time the 4.14Ha area of the existing lease north of Shute Harbour Rd would be relinquished. It is proposed that this lease would be recommended for extension as part of the Co-ordinator General's report. The total lease area after consolidation would be approximately 41.1Ha, as indicated below in Table 3-2.

Table 3-2: Summary of Proposed Site Details			
RPD	Address	Area (Ha)	Leaseholder
Balance of L2 SP 117 389	Shute Harbour Road, Shutehaven	25.2	Shute Harbour Marina Development Pty Ltd
Permit to Occupy	Adjacent to L2 on SP 117 389	15.9	Shute Harbour Marina Development Pty Ltd
Consolidated Leasehold lot	<b>Total</b>	<b>41.1</b>	Shute Harbour Marina Development Pty Ltd

The surrounding sites to SHMR are predominantly held by the State of Queensland as National Park. Two freehold parcels to the east of the site are occupied by an existing motel and a house occupies a freehold parcel to the west. Other land is held by the State and Whitsunday Shire Council as reserves for open space and foreshore purposes. A plan of the land tenure follows as *Figure 3-2*.

Figure 3-2: Current Tenure Plan

*Refer to Conics Drawing 20906-02*

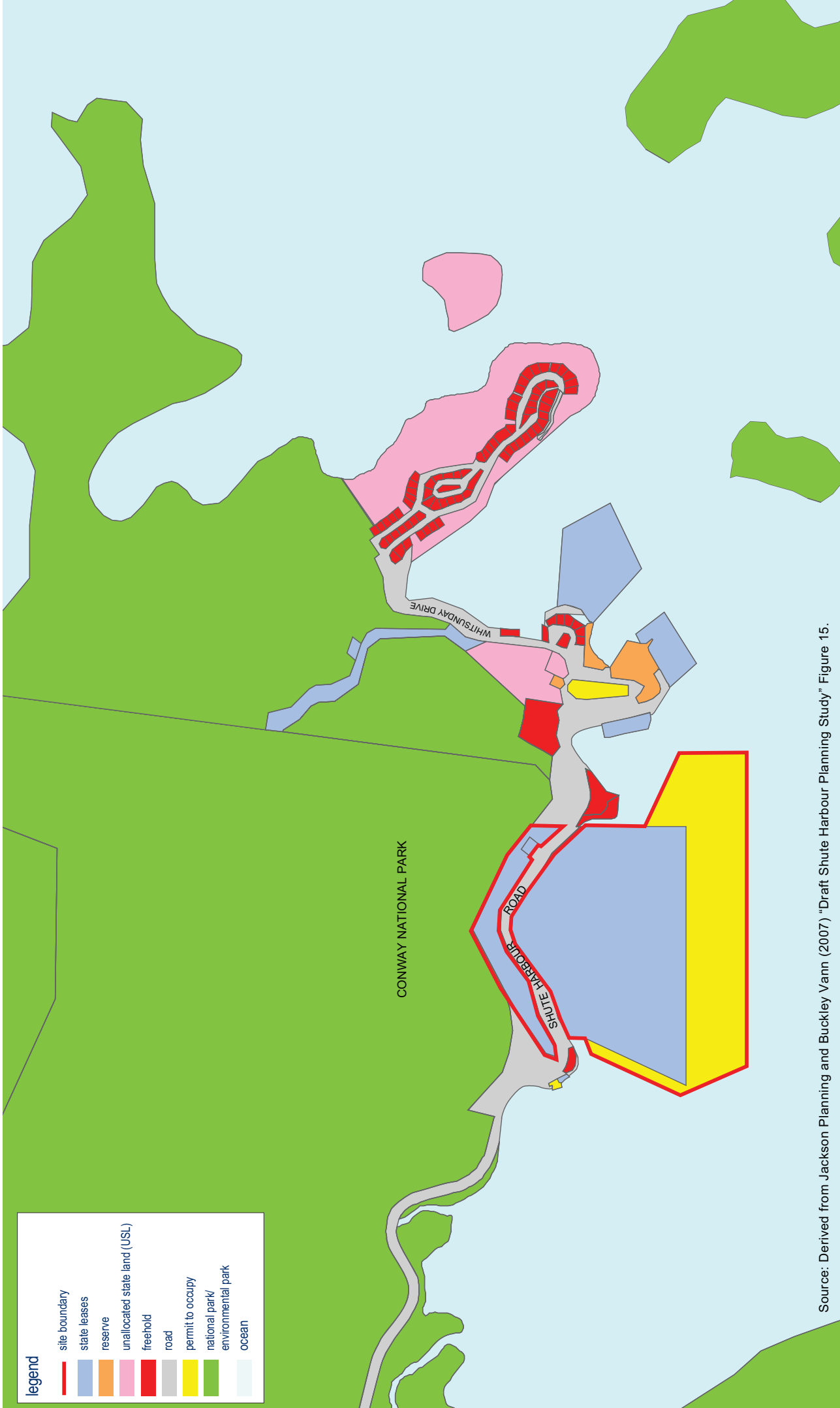
### 3.1.1 Native Title

Pursuant to section 23B of the *Native Title Act 1993* – the issuing of the special lease is classed as an exclusive possession act which extinguishes Native Title pursuant to section 20 of the Native Title Act (Qld) 1993 due to the following reasons.

- It is a Category A intermediate period act and is therefore valid pursuant to section 8A of the *Native Title Act* (QLD).
- It was issued prior to 23 December 1996; and
- It consists of the granting of a scheduled interest.

# shute harbour marina development

existing tenure plan



Source: Derived from Jackson Planning and Buckley Vann (2007) "Draft Shute Harbour Planning Study" Figure 15.

### 3.2 SITE CHARACTERISTICS

As can be seen in the Aerial Photo, **Figure 3-3**, the site is generally rectangular with an extension to the east to accommodate the breakwater entrance channel. Currently, the main land area of the site consists of approximately 4Ha north of Shute Harbour Road. After the lease for the land is relinquished, the majority of the site area of 41.1 Ha will consist of land below MHWS.

The land area of the current site is characterised by a steep, well vegetated rocky hillslope above MHWS. The rocky steep hillslope is up to 35m in elevation at the north western property boundary, and continues rising within the adjacent Conway National Park beyond. The northeast boundary also slopes up to 25m high, and continues rising to the north within the Conway National Park. The centre section of the northern boundary is lower lying. Two adjacent alluvial lined gulleys at about RL 5 m AHD are located at the toe of the hillslope, immediately to the north of Shute Harbour Road, which acts as a natural detention basin.

The land area is divided by Shute Harbour Road, which follows the foreshore having been constructed on a cut to fill earthworks bench. Below Shute Harbour Road the foreshore contains a narrow wave-cut platform, a tidal beach and sea bed below MHWS. The seabed is sparsely vegetated with seagrass with some mangrove communities fringing the shoreline.

Part of the waters comprising the site is currently used for swing moorings for recreational boats.

**Figure 3-3: Aerial Photo**

*Refer to Conics Drawing 20906-05*

### 3.3 SITE HISTORY

The need for a marina at the current location in Shute Harbour has been identified for many years with proposals originally being mooted in the 1980s. In 1994 Shutehaven Marina Pty Ltd (Scotex) was granted a Special Lease and associated Permit to Occupy. Following 'prove up' of the validity of the project, Special Lease No 200573 and Permit to Occupy No 200056 were issued to allow the proponent to proceed with a detailed EIS.

The Special Lease and the new Permit to Occupy was transferred to the current development company, Shute Harbour Marina Development Pty Ltd (SHMD) in April 1998. Following investigation by Commercial Advisory Services, SHMD was granted approval to proceed with the development and DNR approved a 7 year Term Lease commencing 25 August, 1999.

An Initial Advice Statement (IAS) was lodged in September 2003 which led to the previous development proposal being identified as a 'significant project' requiring an EIS. The EIS was subsequently lodged on 20 April 2005 and advertised for public comment in June 2005. Following the submission and assessment of the EIS, the concept design was revised to take into consideration the substantial feedback from referral agencies comments and the public.

A revised concept for the new marina was proposed and in July 2006 an Initial Advice Statement was lodged with the Coordinator General's Office to be a project of state significance pursuant to the SDPWO Act. On the 24 July 2006 the Co-ordinator General declared Shute Harbour Marina a 'significant project' for which an Environmental Impact Statement (EIS) is required in accordance with Section 26(1)(a) of the SDPWO Act. This EIS has been prepared in accordance with the ToR.



# shute harbour marina development

aerial photo



legend

site boundary

Aerial Photo 2007



The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



Job Number: 20906-05  
Date: March 2008  
Scale: NTS

Elements of the previous marina designs which have been amended include:

- removal of the Transit Terminal and Ship Repair Facility;
- reduction in land based development, with only a 5000m<sup>2</sup> increase in reclamation;
- Significant reduction in proposed residential dwellings;
- no development of land abutting Conway National Park;
- inclusion of a public esplanade along the entire frontage of the development, leading to a public park area at the southern end of the Isthmus;
- significant financial contribution to redevelopment of the existing boat ramp; and
- an increase in marina berths.

### 3.4 SITE LOCATION AND RELATIONSHIPS

#### 3.4.1 Regional Context and Role

The SHMR area is located on the Whitsunday Shire coastline approximately 10km south-east of Airlie Beach, 25km north-east of Proserpine and 100km north of Mackay.

The Whitsunday Shire is described (in part) by WSC:

*The Whitsundays is one of the world's most desirable destinations. It has more than 74 idyllic islands and is the major gateway to the magical Great Barrier Reef. More than 750 000 tourists flock to the region each year to wonder at what nature bestowed on it. Increasingly, people from all over the world are seeking to make their home here – lured by the charms of a tropical lifestyle.*

Tourism is one of the key mainstays of the Whitsunday Mackay region economy and the principle foundation of the economic strength of Airlie Beach, Shute Harbour and the resort islands.

Shute Harbour is and will always remain the central hub for marine traffic in the Whitsundays, due to its twin advantages of superior geographic proximity to the resort Islands, as well as its natural safe anchorage.

Shute Harbour is thus the principle gateway to the Whitsunday Islands and the Great Barrier Reef, providing a critical nexus between the mainland and the Islands and reef, experienced by the vast majority of tourists seeking to experience the globally significant beauty of the Whitsunday Islands region.

We are advised by Whitsunday Shire Council officers that the Shute Harbour Transit Terminal carries in excess of 800 000 people per year, and is recognised as the second busiest single passenger terminal in Australia, after Circular Quay in Sydney. The terminal is recognised by the Queensland Government as an area of State Significance for its Social and Economic importance.

Accordingly, Shute Harbour is the mainland 'face' that the Whitsunday Shire, Queensland and Australia present to the local, national and international visitors seeking to experience the beauty of



this region. It is therefore considered vital that the Shute Harbour precinct provides a mainland experience which is of consistent quality to the world class experience offered by the natural and resort environments available in the Whitsunday Island precinct.

*Figure 3-4* illustrates the site's regional and sub-regional location.

**Figure 3-4: Regional and Sub-Regional Location**

*Refer to Conics Drawing 20906-06*

### 3.4.2 Local Context

The subject site is surrounded by extensive areas of conservation significance and strategic importance to the region and State. Shute Harbour is separated from Airlie Beach by Conway National Park, providing a defined physical and mental separation from Airlie Beach. Conway National Park also abuts Conway State forest providing an extended area of vegetated land areas.

Shute Harbour is a natural safe harbour providing excellent protection from severe weather events and has strategic significance to the State due to its proximity to the Whitsunday Islands. The vegetated hillsides surrounding Shute Harbour and the views to nearby islands provide a backdrop and outlook with physical characteristics which equate with a number of the Whitsunday Islands. The outstanding natural environment provides the perfect framework for the mainland / Island interface mentioned above.

The site's local context is indicated in *Figure 3-5*.

**Figure 3-5: Local Context**

*Refer to Conics Drawing 20906-07*

#### 3.4.2.1 Current Shute Harbour Development

Presently the current commercial development in the Shute Harbour precinct is generally considered to be lacking in design qualities, amenity and cohesion resulting from decades of relatively ad-hoc development. The current form of development substantially limits the precinct's capacity and ability to capitalise on its unique location and is considered to detract from the quality of the overall tourism experience. In conjunction with its functional freight role Shute Harbour needs to act as a memorable gateway and provide a visitor experience which is at least consistent in quality with the tourism experience offered via the Whitsunday Islands and Great Barrier Reef.

#### 3.4.2.2 Boat Ramp

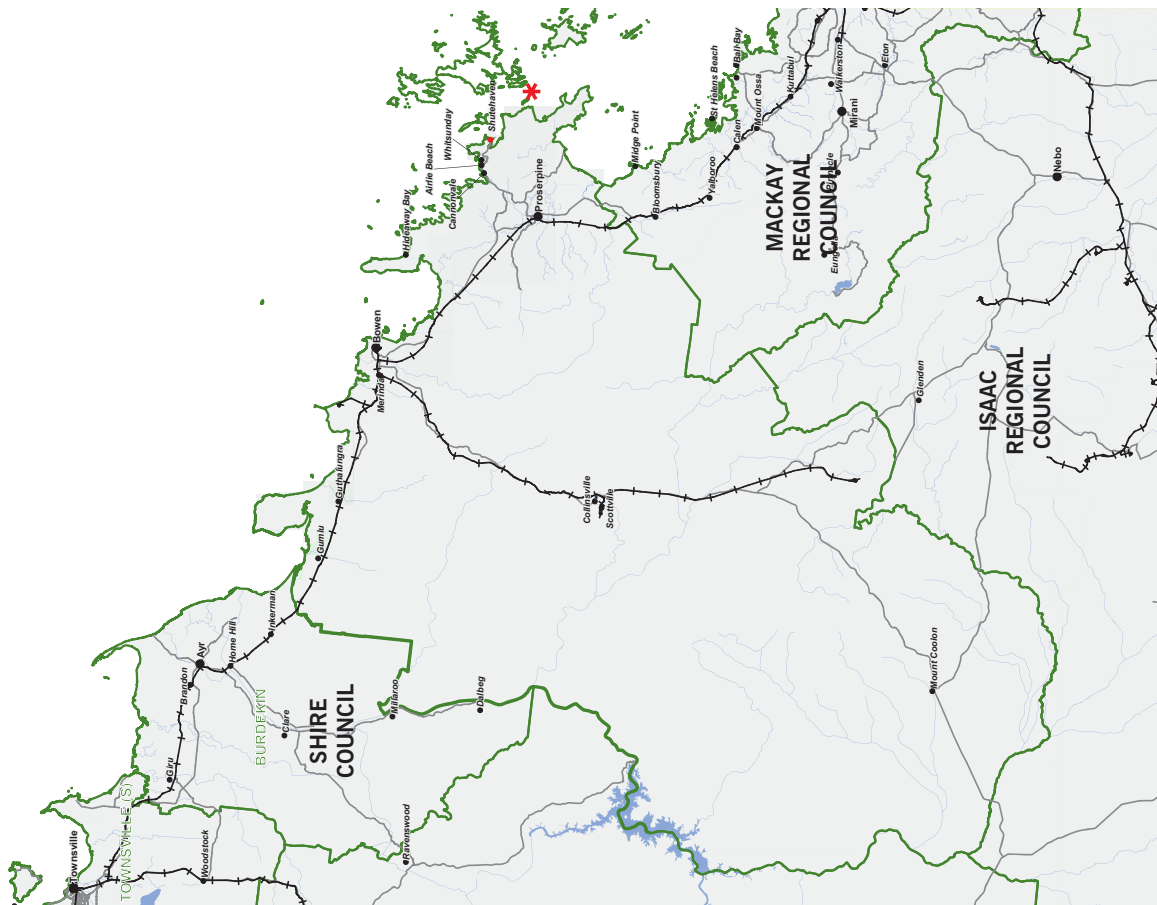
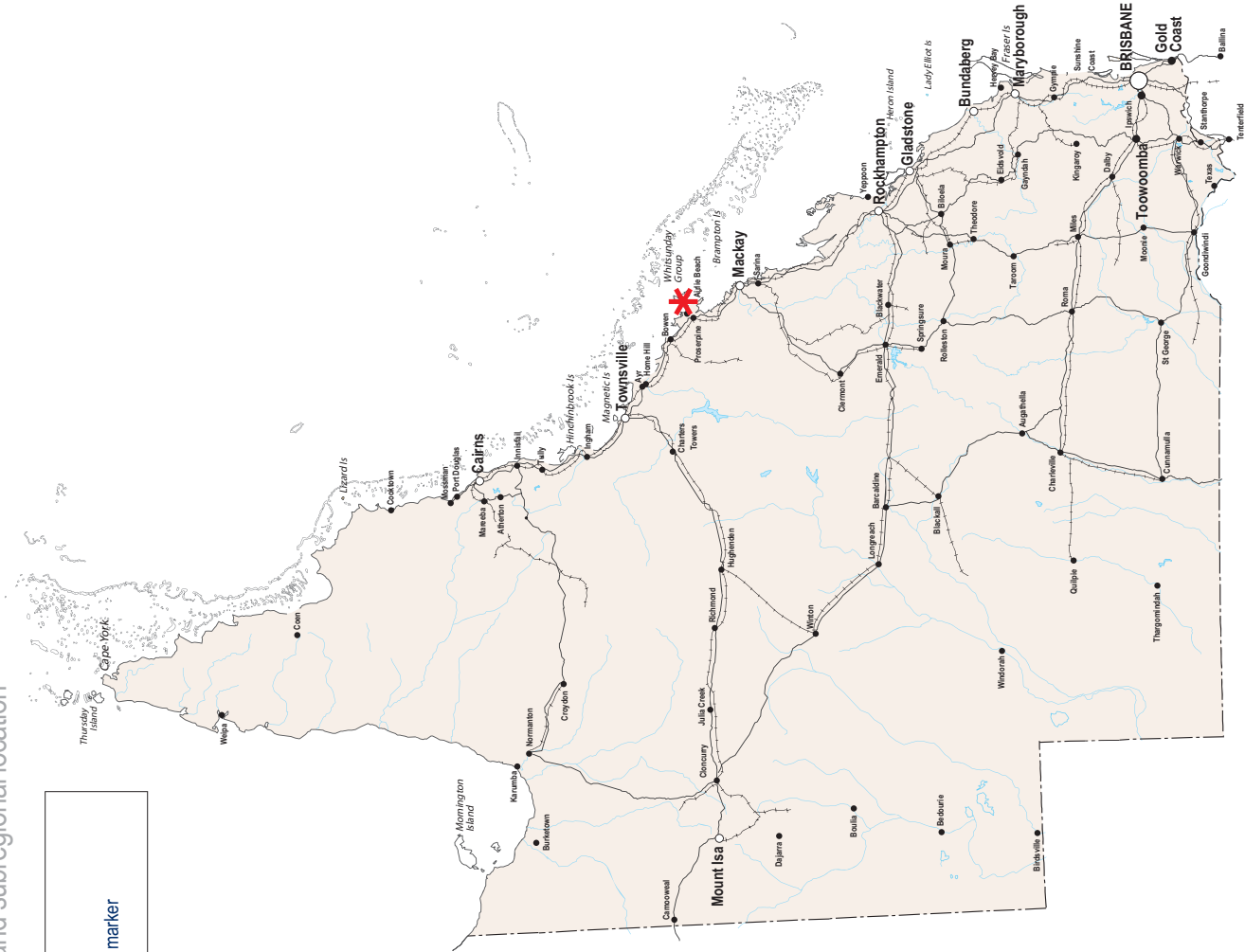
Shute Harbour has a public boat ramp which is subject to a considerable volume of marine and land traffic. The facilities available for this use are of a mediocre quality and of limited capacity. The public boat ramp is sandwiched between commercial island passenger wharves, and the commercial barge area, leading to a cluttered and unsafe marine traffic pattern. It is understood that 23 incidents between recreational and commercial marine traffic have been reported over the last 5 years.

### 3.4.3 Adjoining Interfaces

In its immediate vicinity the site has four primary interfaces which can be described as follows.

# shute harbour marina development

regional and subregional location



# shute harbour marina development

local context and shutehaven



Source: Environmental Protection Agency Map 247-3b.



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Job Number: 20906-07  
Date: March 2008  
Scale: NTS



#### 3.4.3.1 North

Immediately to the north of the subject site is Conway National Park, which comprises 21,800ha. The National Park to the north of the site consists of heavily vegetated steep hillsides, and forms the primary backdrop for the development when viewed from the water or other vantage points on the western or southern sides of Shute Harbour.

The actual development area is bordered by Shute Harbour Road which provides access from the site into Airlie Beach.

On the northern side of Shute Harbour Road is the balance of Lot 2 on SP 117 389. This area of the lease comprising approximately 4.14 Ha abutting Conway National Park is not to be developed. This land will be transferred into public ownership to ensure compatibility with it's location adjacent the National Park.

#### 3.4.3.2 South

The land components of the subject site are bound to the south by Shute Harbour Marina foreshore and beyond to the waters of Shute Harbour. The foreshore consists of a tidal beach and the banks of the foreshore are lined by existing mangrove communities.

There are some 350 swing moorings currently in Shute Harbour, attracted by the natural safe anchorage of the harbour. Consultation with the Regional Harbour Master (Marine Safety Queensland) indicates that there are 26 swing moorings within or on the boundary of the marina footprint. A further 31 swing moorings are in areas the RHM would see as appropriate 'setback' from the breakwater or in access channels required under the proposed Marina Traffic Plan. Therefore, a total of 57 swing moorings will require relocation. The relocation of the swing moorings will be at the cost of the project. The RHM has indicated that there is capacity in the bay.

#### 3.4.3.3 East

To the east of the site, south of Shute Harbour Rd a modest two storey motel is located on top of an elevated peninsula.

Further east, north of Shute Harbour Road is a 4 level Multi-story secure carpark catering to private marine users. Shute Harbour Road then curls to the south towards the Marine Transit Facility precinct that acts as the primary modal interchange for access to the Whitsunday Islands and the Great Barrier Reef. Shute Harbour Road is often lined with cars and trailers particularly in peak season. Heading from east to west the combined Marine Transit Facility comprises the following:

- Commercial barge operations ferrying provisions to the Island resorts;
- Public boat ramp;
- Commercial passenger transit terminal and wharves;
- Charter boat hire jetty;
- Vessel maintenance facility;
- Public car park and trailer parking; and

- Further public car and trailer parking on top of the peninsula overlooking the terminal and barge areas.

To the north-east is the Shutehaven community which comprises of residential detached dwellings. Shutehaven is located on the ridge to the northeast of the Marine Transit Facility.

#### 3.4.3.4 West

On the bend of the road to the west of the development site is a small house. Further west is a marine salvage operations facility, located on the foreshore, consisting of open air storage and some ancillary structures used for retrieval of metals and other marine salvage material.

Shute Harbour Road continues to the west connecting to Airlie Beach township.

The foreshore and rugged treed landscape of Conway National park continues to the west of this area before sweeping back around to form the southern extent of Shute Harbour.

#### 3.4.3.5 Marine Designations

The tidal lands and waters that form part of the development site are within the Queensland Great Barrier Reef Coastal Marine Park.

The site is included in the Habitat Protection Zone on the Masterplan Zoning Plan. This area extends seaward of the landward boundary of the coastline and below mean low water.

Maps showing the extent of the Zoning Plan designations are included below as Figure 3-6 and as Figure 6-2.

There is no Fish Habitat Area included within Shute Harbour.

Part of the site is within the outer margin of the World Heritage Area and is subject to assessment under the EPBC Act.

**Figure 3-6: Current Marine Park Zoning**

*Refer to Conics Drawing 20906-15*

### 3.5 CONSULTATION PROGRAM

An extensive stakeholder engagement process has been undertaken in accordance with the requirements of the ToR. Three Plus were commissioned to undertake this engagement process for to inform the EIS and the proposed development. The engagement process and findings are detailed in full in the Community Engagement Report prepared by Three Plus included as Appendix F of the EIS.

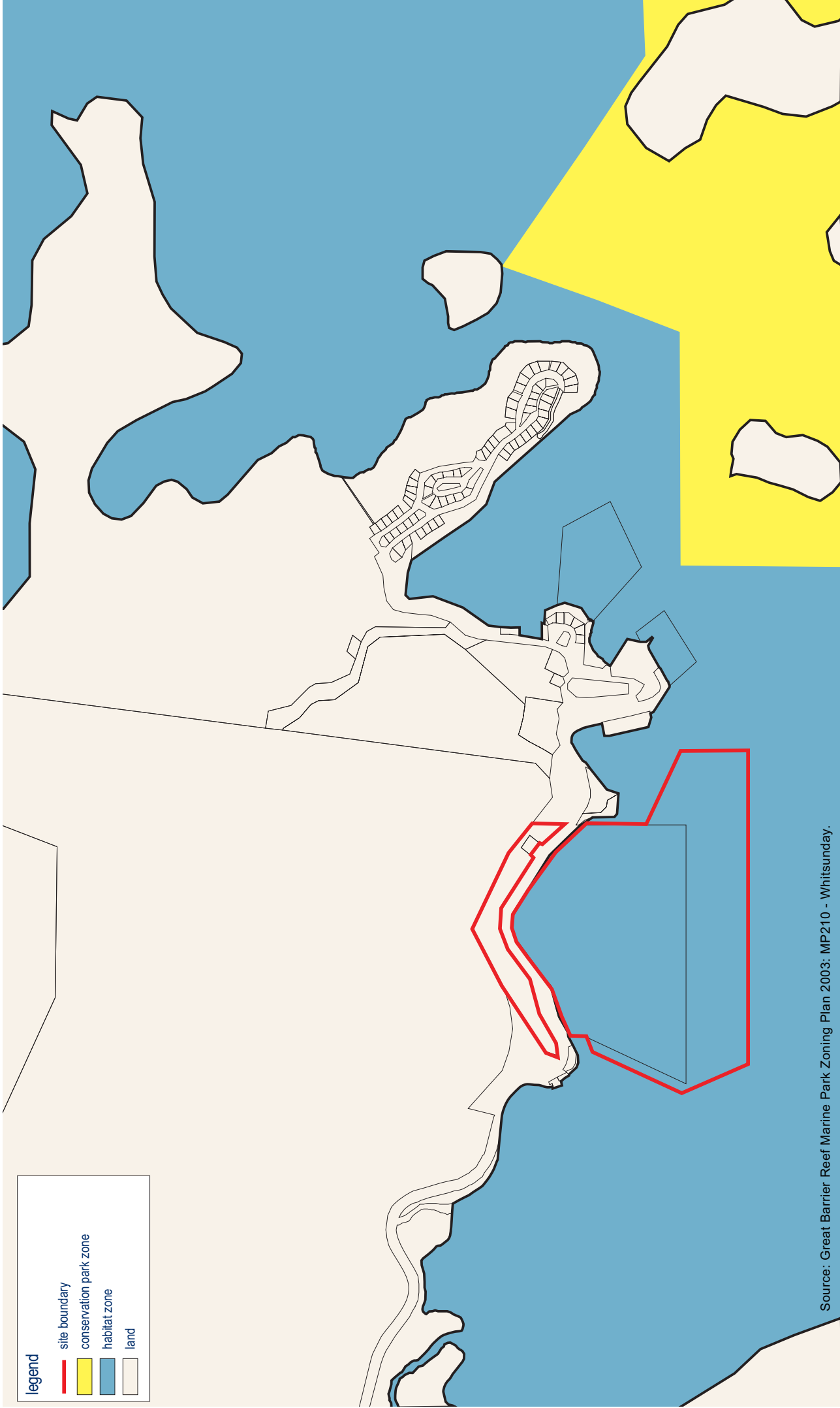
The following is a summary of major elements of that report.

#### 3.5.1 Government Agency Consultation

A considerable number of meetings have been undertaken with government agencies, including a State Government Agency briefing session held in Mackay in November 2006. A further meeting is proposed as required after the release of the EIS for public comment.

# shute harbour marina development

marine park zoning



Source: Great Barrier Reef Marine Park Zoning Plan 2003: MP210 - Whitsunday.



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Job Number: 20906-15  
Date: March 2008  
Scale: NTS

Additionally, technical consultant and/or the Project Manager have met with a variety of government officers as required, throughout the EIS in order to establish and maintain a two way flow of information.

At these opportunities details of the proposed development were provided and preliminary feedback requested to enhance the proposed design. As a result of these meetings, a number of changes have been incorporated from the proposal that was presented at the Impact Assessment Statement (IAS).

Consultation has been undertaken with the following government bodies:

- Old Office of Co-ordinator General (DIP)
- Department of Infrastructure and Planning; (Former DLGPSR)
- Whitsunday Shire + Regional Council;
- Queensland Environmental Protection Agency;
- Department of Natural Resources and Water;
- Queensland Transport;
- Department of Main Roads; and
- Commonwealth Dept of Environment, Water, Heritage and the Arts

This process, whilst part of the overall engagement program was in addition to the main Community Consultation program outlined below. As a result, there is some overlap with key stakeholders.

### 3.5.2 Community Consultation

An extensive Community Consultation program was undertaken by Three Plus. The program included: the development and maintenance of a stakeholder database, a toll free 24/7 1800 number, the coordination of community enquiries, a series of briefings and meetings with key stakeholders, two Community Information Sessions for interested stakeholder clusters (residents, business, recreational boating) and two community information days, with a further Community Information Day to be held with the release of the EIS for public comment

The above process was implemented over a two year period (2006 -2008) and was underpinned by a commitment by Shute Harbour Marina Development Pty Ltd to open, transparent and inclusive consultation with key stakeholders and the wider Whitsunday region community. In addition, three community newsletters, a project shopfront (by appointment), email and an online feedback form enhanced the extensive opportunities for public consultation.

Key Stakeholders consulted are listed below in Table 3-3.

Table 3-3 Stakeholder Participation	
Key Stakeholder	Representative
Elected representatives - Bowen Shire Council /Whitsunday Regional Council	Cr Mike Brunker (Mayor)
Elected representative – State	Hon. Janice Jarratt (MP Whitsunday)
Elected representative – Commonwealth	Mr James Bidgood (Dawson electorate)

**Table 3-3 Stakeholder Participation**

Key Stakeholder	Representative
Tourism Whitsunday	Mr Peter O'Reilly – General Manager
Whitsunday Development Corporation	Ms Rebecca Andrews – Executive Officer
(Whitsunday) Marine/Tourism Development and Q Transport, Maritime Safety Queensland	Deb Lewis, Contract Project Officer
Charter Boat Industry Association	Greg Lambert (also owner – Kiana Sail and Dive)
Shute Harbour Motel	Dave McInerney
Chocolate Fish	
Fantasea	
Whitsunday-Rent-A-Yacht	
Community groups – Shutehaven Residents Association	Helen Altmann, President
Community groups – Save Our Foreshore	Suzette Pelt
Community groups – Residents Traffic Action Group	Mary O'Flynn and Fay Chapman
Whitsunday Sailing Club	
Whitsunday Shute Harbour Secured Parking	
Conservation groups – Whitsunday Seagrass Watch	Kim Hodgson (EPA)
Conservation groups – Order of the Underwater Coral Heroes	Mr Tony Fontes
Sunfish Qld Inc	Harold Smith, Environmental Officer, Sunfish (Mackay Branch) and Fred Baxter (Proserpine Branch)
Directly affected property/business owners – Engwirda Marine (adjoining lease)	Jim Engwirda and Linda Engwirda
Central Qld Land Council	
Indigenous landowners – GIA and NGARO/GIA	
Education – Proserpine High School	Tracey Whitstat and Nicole Jolly
TAFE – Cannonvale	Linda Richardson
TAFE – Bowen/Townsville	Bev Cummins
Hamilton Island Enterprises	Craig Davidson
Emergency Services	
Qld Fire and Rescue Service	
Qld Police Service	
State Emergency Service (SES)	
Youth - PCYC	
GBRMPA	
Previous respondents	

### 3.5.2.1 Stakeholder Responses

During the consultation period, 485 stakeholders registered their contact details. Based on stakeholder input and feedback, the community issues/values were identified. In this context, an issue/value is defined as a topic that is raised during consultation and is reported as a 'value'. It may be positive, negative or neutral. The following table records the top 10 issues raised.

Table 3-4 Stakeholder Issues Raised (Top 10 Values )			
Issue	Events	Stakeholders	
		Distinct	Total
Support - general	114	111	116
Business opportunities - EOI	70	70	72
Marina berths - general enquiry/ comment	46	48	49
Consultation - keep informed	44	66	89
Marina berth - EOI	32	32	32
Real estate - EOI	29	29	29
Traffic flow and access	25	35	35
Design - suggestion	23	23	25
Maintenance facility	23	26	26
Environmental impact - neutral	17	16	17
<b>Events Matching Search</b>	<b>460</b>	<b>381</b>	<b>523</b>

Source: Three Plus Shute Harbour Marina Project Stakeholder Statistics Report, issues raised: 2 Jan 2006 - 29 Apr 2008

The below figure (Figure 3-7) is representative of the top ten values of stakeholders, as identified throughout this process.

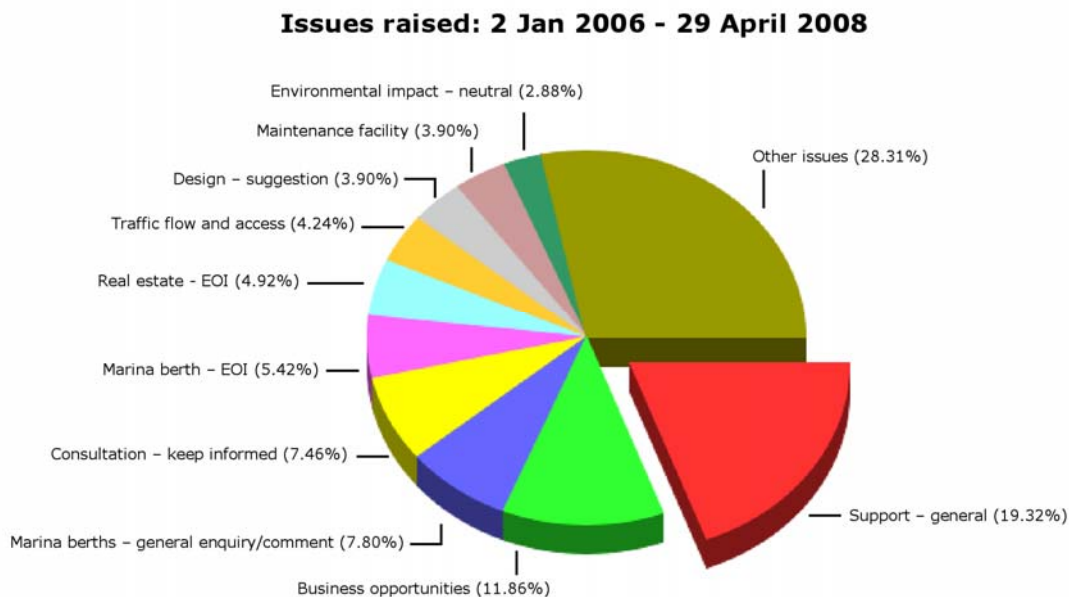
It is noted that 'Other issues' is represented as the highest issue/value reported (26.26%) and refers to issues/values that are either positive or negative and reported fewer than 17 times between January 2006 and April 2008. 'Other issues' includes reference, for example, to the size of the development, employment opportunities, environmental impact – negative, opposition – general, swing moorings and enquiry – general. These issues are 'bundled' because they don't fall within the top 10 band.

General support for the project is the second highest 'significant' community value at 19.29%, based on anecdotal evidence that was recorded over 114 events (total events  $\approx$  461). Other 'significant' percentage of inquiry and feedback refers to:

- general inquiries about business opportunities (11.84%),
- marina berths (7.78%)
- requests to be kept informed (7.61%);
- Expressions of Interest (EOI) in a marina berth (5.41%); and
- purchase of real estate (4.91%).

Overall, comment on construction impacts such as traffic flow and access (4.23%) and constructive comment on the preliminary design concept and the need for a maintenance facility (both 3.89%), as well as neutral comment on the environmental impact (2.86%), represent the least significant community issues/values.

Figure 3-7: Stakeholder Responses



However, this data should also be considered in conjunction with the results of the independent market research conducted by Footprints Market Research. The research was commissioned by Shute Harbour Marina Development Pty Ltd at the end of the consultation process that informed the EIS, to ascertain community attitudes and values in relation to the proposed Shute Harbour Marina.

#### 3.5.2.2 Footprints Market Research

Two surveys were undertaken – a quantitative attitudinal telephone survey of 301 residents across the region in April 2008 and a qualitative telephone interview with 14 key stakeholders in May 2008.

Results of the quantitative attitudinal survey are summarised, as follows:

- Three quarters of residents (74%) surveyed feel that the proposed marina development would be of benefit to the local community;
- In terms of the actual proposal, just over half of all residents (54%) support the development;
- In total, 29% of residents oppose the development, whilst 17% are undecided. This latter group feel they need either more information and/or reassurances that the environment will not be adversely affected by development;
- Residents who support the proposed marina development feel that it will be beneficial for the tourism industry;
- Concern for the environment is the key driver negatively impacting on support; and

- In addition, one quarter of those opposed to the development (24%) feel that there are sufficient marinas to cope with demand.

These findings are presented below in Table 3-5.

Table 3-5 Reasons For Supporting Development	
Reason for supporting development	Total sample in support of development (n=146)
Good for Tourism	27%
Will add value to the area	14%
Improved facilities for boats	11%
Sounds ok but need more information	11%
In favour as long as environmental concerns are addressed	10%
Will provide more berths and anchorages	9%
Creates jobs	7%
Will provide entertainment activities for locals	6%
Will reduce the cost of berths	5%
Its ok but have concerns that there will be too many marinas	4%
Will provide better infrastructure	4%
Long term need for it	3%
Other responses (1% or less)	4%
Reason for opposing development	Total sample in opposing development (n=100)
Environmental Concerns	42%
There are enough marinas to cope with demand	24%
No need for development	19%
Taking some of the national park	14%
Do not like the scale of the plans (too big)	14%
Destroying the natural beauty of the area	10%
Infrastructure not sufficient for development	5%
Not if favour of the proposed site (at the wrong site)	5%
Not enough information to support development	5%
Designed for tourists not locals	5%
Will disrupt roads during construction	2%
No local employment opportunities	2%
Will encourage more people to come to the area (overcrowding)	2%
Other	4%



### 3.5.3 Key stakeholder interviews

Fifteen key stakeholders were also invited to participate in a qualitative telephone interview during the final weeks of the EIS consultation. Shute Harbour Marina Development's purpose in commissioning the interview was to ensure an independent research methodology informed the engagement with directly affected residents, property owners and businesses in the project area.

Fourteen stakeholders responded to the letter of invitation although two declined to participate in the interview, choosing instead to provide written submissions

A summary of the findings (reasons for support and 'barriers' and concerns) and an evaluation (including recommendations based on assessment of qualitative data) is provided below.

#### Overcoming Barriers

- The majority of key stakeholders are either in favour of, or at least not opposed to the marina development. The development is seen as progress – a way to showcase Shute Harbour and increase tourism, bringing economic and social benefits to the area.
- Two key stakeholders opposed or unsure of the development fear that the marina will negatively impact on their core business. They are Shute Harbour Motel and Fantasea Cruises. They require more knowledge of the planned elements via one-on-one consultation with the developer.
- Open and transparent communication between the developer and community groups as to how environmental impacts will be minimised will be beneficial, as will demonstrating a need for a development of this size. In short, the developer must demonstrate a certain sense of stewardship back to the local community.

#### 3.5.3.1 Recommendations for Future Consultation

Based on the anecdotal feedback gathered during community consultation, the following recommendations were provided for consultation during subsequent project phases.

##### Community Reference Group

A second meeting of the combined (business + residents + boating), Community Reference Group (CRG) should be convened prior to the start of the EIS public comment period.

The purpose of the meeting would be to brief the CRG members on the final design and the outcomes of the key EIS studies. The 3D modelling should be displayed and Fact Sheets provided.

##### EIS Public Comment Period

The third Community Information Day should therefore be held at the Information Centre after the release of the EIS, to provide an additional opportunity for interested community members to meet with members of the project team and view the final design and 3D model.

A newsletter, Fact Sheets and CD Rom copies of the EIS would be required to ensure information about the outcomes of the key EIS studies is available in an easily accessible format.

### Future Project Phases

Beyond consideration of public submissions and release of the Coordinator-General's Report, the following actions are recommended:

- Letter from Port Binnli to database (including respondents) to advise availability of Coordinator-General's report;
- Maintain *Consultation Manager* and continue to log enquiries and feedback; and
- Reconvene the Community Reference Group at appropriate time, if the EIS is approved. Advise group that nominations would be sought for CRG membership for Construction Phase to meet the specific needs of interested stakeholders and the project owner.

## 4.0 DEVELOPMENT PROPOSAL AND VISION

### 4.1 SHUTE HARBOUR PRECINCT

Whilst the EIS is only specifically related to the SHMR proposal it is important that the development is understood within a broader perspective of the role and vision for the Shute Harbour Precinct, which comprises the SHMR and the developed areas related to the Transit Terminal, as well as the relationship of these developments to the existing residential community of Shutehaven.

As discussed, it is considered that the package of current facilities at Shute Harbour do not do justice to either the natural beauty of the landscape or the strategically pivotal role that Shute Harbour plays as the primary nexus between the Whitsunday Islands and Great Barrier Reef and the mainland. The quality of the overall experience of Shute Harbour is of considerable importance to the overall tourism experience for visitors, which in turn has considerable significance to the resort and tourism operations of the region, underpinning the local economy and of significance to the State economy.

As a natural area of National and International significance, the treatment of this overall interface presents an important physical and symbolic statement, particularly to the interstate and international visitors, who comprise approximately 60% of overall visitor numbers.

Figure 4-1 shows the existing pattern of land uses in the Shute Harbour area.

Figure 4-1: Shute Harbour Existing Uses

*Refer to Conics Drawing 20906-03*

#### 4.1.1 Transit Terminal

The transit terminal is and will remain the primary interface for visitors to Shute Harbour, seeking a pleasant and efficient transit experience. A separate project to the SHMR proposal will see a redevelopment of the transit terminal, providing a much more comfortable, attractive and appropriate environment for transit users, than the current outdated facilities.

#### 4.1.2 Boat Ramp

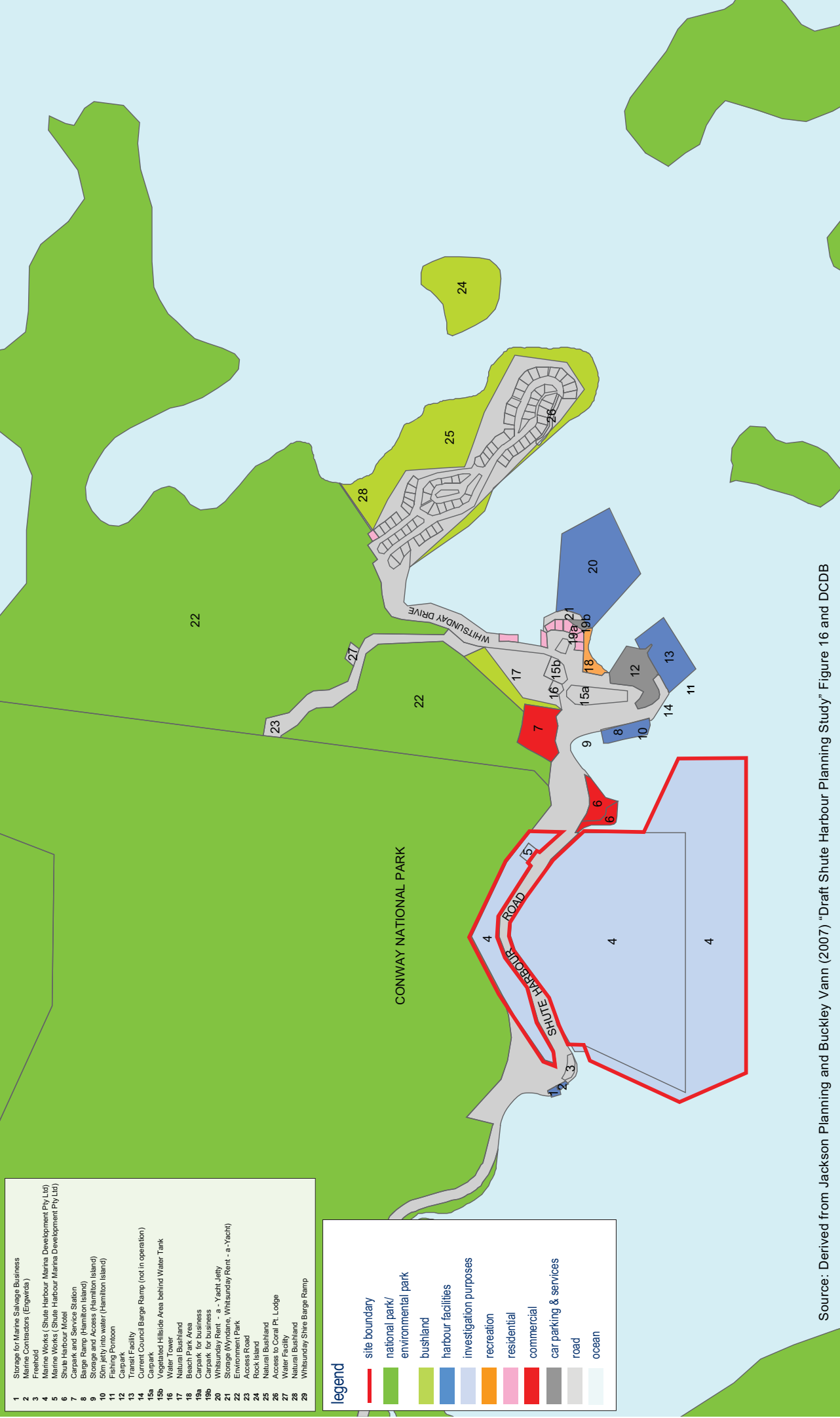
As mentioned in Section 4.4.2.2 the current public boat ramp is sandwiched between the commercial barge facilities and the commercial passenger ferry operations. The public boat ramp, commercial barge operations and passenger ferry operations all experience high marine traffic loads, exacerbating the actual and potential conflicts between users arising from the inappropriate location of the public boat ramp.

In recognition of the unacceptability of the current situation the SHMR proponents have offered to pay to Council a contribution of \$2,500,000 towards the relocation of the public boat ramp to the west of the commercial barge facility. The proposed facility would create a much larger ramp capacity as well as car and trailer parking capacity improving the efficiency for private marine users whilst effectively resolving the marine transport conflicts. A possible configuration for these upgrades is illustrated below in Figure 4-2.

The contribution is to be provided to Council as the boat ramp will be a public facility owned and maintained by Council. Approvals required for construction of the boat ramp will be undertaken by

# marina development **shute harbour**

## existing land use plan



Council. It is presented that the boat ramp construction would best occur in conjunction with the marina dredging as the efficiencies of doing so will dramatically reduce the need for public funding, whilst ensuring that the upgraded boat ramp will be provided within the shortest possible timeframe.

This concept has been presented to the Mayor, Councillors and other Council representatives, who have provided in principle support.

Figure 4-2: Shute Harbour Context Plan – Boat Ramp

*Refer to Studio Tekton Drawing 0605—SK01-SD18*

#### 4.1.3 Linkages – Walkways and Buses

Shute Harbour Road already carries considerable volumes of pedestrian traffic, largely due to people walking to or from their cars parked at the secure parking facility, or parked in long snaking lines along the shoulders of Shute Harbour Road. The development of the SHMR will increase the volumes of pedestrian traffic between the marina and the Transit facility.

In order to cater for this demand the proposal includes:

- Provision for a pedestrian walkway to be constructed along the side of Shute Harbour Road between the marina and the transit terminal as part of the design and construction of the public boat ramp; and
- Provision of a mini bus shuttle service between the marina and the transit terminal.

## 4.2 SHUTE HARBOUR MARINA RESORT

The Vision of the SHMR proposal is to create a world class marina and tourist facility, incorporating leading sustainable design practices, providing a valuable addition to the region's marina and tourism offerings, as well as acting as a catalyst in the overall revitalisation and sustainability of the Shute Harbour precinct.

The SHMR is focused around the marina, designed to help address the existing and growing demand for marina berths in the region, capitalising on Shute Harbour's natural safe anchorage protection in order to provide an outstanding marine facility.

The SHMR will use the marina focus to provide a high quality mainland destination, attracting tourists to the mainland, particularly where they will be seeking a relationship with the marine environment whilst still having access to mainland facilities and services. The SHMR will provide an alternative offering to both current mainland and Island tourist accommodation options, particularly with respect to the provision of holiday houses as part of the Managed Accommodation Precinct.

The built form will incorporate current leading practices in sustainable design, particularly with respect to passive solar design, materials and energy and water efficiency. The resort is to be designed to complement and frame the marina, providing an attractive interface between the marina environment and the vegetated hillsides. The design of the buildings is conceived to integrate with the natural backdrop of the area, utilising appropriately muted materials and colours, along with extensive native landscaping, in keeping with a northern tropical style.





KEY:

- 1 MARINA
- 2 MANAGED RESORT ACCOMMODATION
- 3 RESORT HOTEL
- 4 MARINA PLAZA
  - RESORT/TOURISM
  - CHARTER BOAT BASE, CHANDLERY
  - COMMERCIAL
  - RESTAURANT
  - MARINA OFFICE
  - MARINA AMENITIES
- 5 MARINA ESPLANADE & PARK
- 6 CARPARK (UP TO THREE LEVELS)
- 7 FUEL DOCK & PUMP OUT FACILITY
- 8 BREAKWATER
- 9 OPEN SPACE MAINTENANCE DREDG SPOIL HANDLING AREA

MARKER BOY  
LOCATION

PROPOSED  
LEASE

MARKER BOY  
LOCATION

BREAKWATER PARK

MARKER BOY  
LOCATION

0 50m 100m



# SHUTE HARBOUR MARINA RESORT

## MASTER PLAN

SCALE 1:2000 @ A1  
DRAWING NO. 0605 SK01

CHECKED  
DATE 19-02-08  
ISSUE  
SD18

SD18	GENERAL AMENDMENTS	05-06-08
SD17	REVISED KEY	19-02-08
SD16	GENERAL AMENDMENTS	01-02-08
SD15	GENERAL AMENDMENTS	22-01-08
SD14	GENERAL AMENDMENTS	10-12-07
SD13	GENERAL AMENDMENTS	29-11-07
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The layout of the internal accessways and open spaces has been designed to allow a number of critical view lines through the development from Shute Harbour Road, providing clear views through and past the marina to the waters and Islands of Shute Harbour, including the particularly impressive view attained at the western end of the site from Shute Harbour Road to the islands beyond.

Building heights have been limited to three storeys for the majority of the development, with the height of buildings able to be effectively screened and softened by mature vegetation and referenced to be generally less than or commensurate with the height of the masts in the marina. A pocket of higher buildings, limited in height to 5 stories is proposed for the resort hotel precinct, providing a coherent 'village centre' feel. This pocket of development has been positioned to also reference to the cove environment created by a major ridgeline in Conway National Park framing the eastern extent of the site, which extends to an elevated peninsula south of Shute Harbour Road into the harbour. An existing motel occupies the peninsula south of Shute Harbour Rd.

The Shute Harbour Motel is a single storey structure with a ridgeline height of 17.12m AHD. The highest building in the marina is proposed to have a total height of 22.125m AHD. Under the provisions of the current Planning Scheme, the Shute Harbour Motel could be developed to three storeys (Code Assessable) and indeed be higher than the highest proposed marina building (Refer to Visual Amenity Report, attached as Appendix J of the EIS).

The SHMR will create a 'Marina Plaza' area providing a hub for a range of retail and dining opportunities, catering for the resort guests, visitors to the transit facility and expanding the range of choices available for local Shutehaven residents. The Marina Plaza will provide a relaxed and attractive environment from which people can enjoy watching the activities and movements in the marina, whilst also meeting the needs of the guests and visitors. The Marina Plaza will link to the extensive boardwalk system, providing continuous access to the waterfront for guests and the public alike, culminating in a publicly accessible 'Breakwater Park' at the end of the Isthmus.

Vehicular access to the Resort Hotel precinct will be via an underground carparking facility, whilst guests staying within the Managed Resort Accommodation precinct will be able to enjoy the convenience of parking at the properties. Once staying at the resort, guests will be able to walk, cycle or use electric 'golf buggy' type vehicles.

The hotel will provide lobby services and facilities consistent with a 4 1/2 star facility, which will also serve as the lobby entrance and service centre for guests staying in the Managed Resort Accommodation precinct.

The Marina Office building, situated at the south eastern end of the Marina Plaza will function as the 'anchor' destination of the precinct, being the primary interface between the resort and the marina. The Marina Office will be designed to act as a landmark feature of the development, reflecting its functional importance and visual prominence.

The SHMR is seen as capitalising on Shute Harbour's natural geographic advantages with respect to the proximity of the Islands to the become the logical hub for the local charter boat industry, providing comfortable lounge facilities currently lacking in the area. This facility will be integrated with a marine environment and cultural centre as part of the Marina Office building.

The Shute Harbour Marina Resort is designed to help the Shute Harbour precinct 'come to life' adding to the overall vision of the Shute Harbour precinct operating as a memorable gateway to the Whitsunday Islands and Great Barrier Reef, with a quality and sensitivity of design, construction and

operation which does justice to the outstanding natural local environment and the areas of national and international significance accessed via this gateway.

#### 4.3 DESIGN AND DEVELOPMENT FRAMEWORK

Key Development objectives are:

- a) To provide a world class integrated marina and tourism facility with a residential character, providing a valuable addition to the marina and tourism offerings in the region;
- b) To enhance the strategic importance of the Shute Harbour precinct to the area by providing marine and tourism infrastructure in keeping with Shute Harbour's pivotal regional role;
- c) To capitalise on the geographic advantages of Shute Harbour to improve the overall efficiency and experiences of marine interaction with the Whitsunday Island region;
- d) To design the built form to integrate with the natural environment providing an effective transition between the marina environment and the natural wooded backdrop;
- e) To respond to sustainable design principles, including passive climatic design, water management and storage, energy conservation and production and travel demand management;
- f) To help manage impacts of recreational boating in the Whitsundays;
- g) To provide a significant strengthening of the regional economy and employment;
- h) To ensure integration of land uses to provide a balanced, masterplanned marina resort environment;
- i) To protect the water quality of Shute Harbour;
- j) To improve linkages between the site and the transit terminal and the overall operation and perception of the precinct;
- k) To facilitate enhanced public transport linkages between Shute Harbour and Airlie Beach;
- l) To ensure the provision of high quality urban design standards for built form and landscaping, creating a coherent and sensitive overall design aesthetic;
- m) To protect important view corridors from Shute Harbour Road to nearby Islands;
- n) To provide a valuable addition to the social and recreational fabric of the region, providing a stronger community heart for Shutehaven residents and greater breadth of facilities for visitors to Shute Harbour;
- o) To provide public access to the Marina esplanade and Isthmus parkland, creating new foreshore access and views;
- p) To support Airlie Beach's role as the Whitsunday Island tourism hub;



- q) To increase the array of accommodation choices available to the community;
- r) To provide a long term management structure to maintain the marina and resort infrastructure at no cost to the community; and
- s) To further protection and communication of the site's indigenous and cultural heritage.

#### 4.4 SHMR DEVELOPMENT CODE

The Shute Harbour Marina Resort Development Code, contained in Appendix B, sets out the way in which the Preliminary Approval will override the Planning Scheme in relation to development on the land subject to the approval.

The SHMR Development Code is intended to be ultimately incorporated into the Draft Whitsunday Planning Scheme 2007 that was recently on exhibition.

The land to be included within the Shute Harbour Marina Resort Code area is as described in S 4.1 being the area covered by the proposed consolidated lease comprising of the balance of Lot 2 on SP117389 south of Shute Harbour Rd, and an area of inundated land currently delineated by Permit to Occupy ref No 2008/001983, as illustrated on the Precinct Plan (refer to Figure 4-5).

##### 4.4.1 Intent of the Shute Harbour Marina Resort Code

The purpose of the Shute Harbour Marina Resort Development Code is to provide a framework for managing the development of the Shute Harbour Marina by:

- identifying the location of land uses and buildings, including five precincts for Marina, Resort Hotel, Marina Plaza, Managed Resort Accommodation, Marina Esplanade and Park, Open Space and dredge maintenance area, and Access and Parking;
- identifying assessment categories for development being exempt, self-assessable, code assessable and impact assessable; and
- identifying codes for assessing self-assessable and assessable development which specify appropriate standards of built form, amenity, energy efficiency and minimizes environmental impact.

##### 4.4.2 Format

The SHMR Development Code has been prepared as the statutory basis to guide and control development in the SHMR over the lifespan of the project.

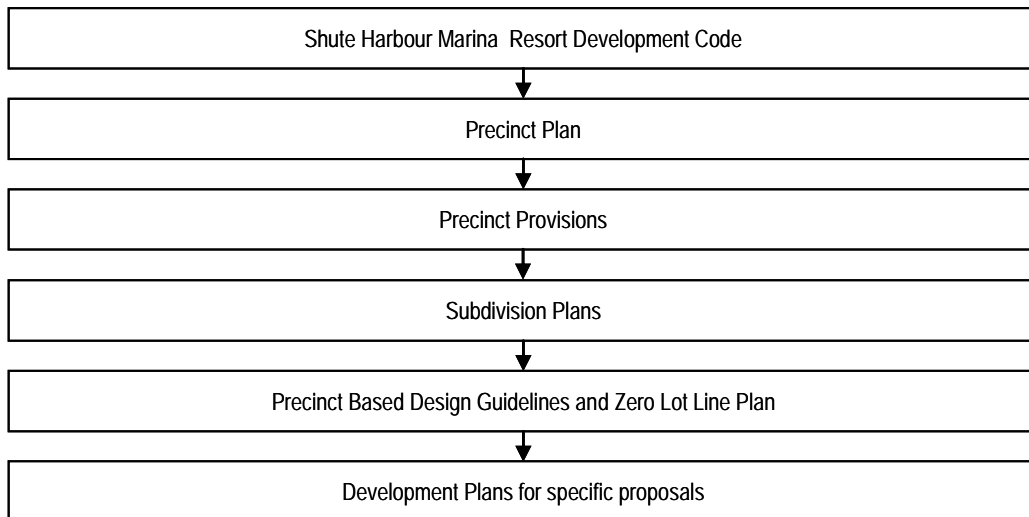
The Development Code is specifically tailored to the SHMR site and comprises a Precinct Plan that indicatively designates development precincts. The Development Code specifies the development intent for each precinct, overall outcomes, preferred land uses, the level of assessment required for future applications as well as relevant codes and development standards.

The SHMR Development Code applies only to the land illustrated on the Precinct Plan (Figure 4-5). The SHMR Development Code is included as Appendix B.

#### 4.4.3 Implementation

The SHMR Development Code provides for the detailed design of the Shute Harbour Marina Resort to be facilitated through a hierarchy of planning tools, shown in *Figure 4-3*.

Figure 4-3: SHMR Planning Hierarchy



These tools are:

- (a) **SHMR Precinct Plan**, is an annotated version of the Concept Masterplan which provides an indicative framework for the development of the SHMR Area through a preferred pattern of land use.
- (b) **Precinct Provisions**, provide detailed intents, overall outcomes and code provisions for each precinct including overall sustainability provisions for the development;
- (c) **Subdivision Plans**, prepared for a Development Application for the Reconfiguration of a Lot, show the detailed design of allotments, traffic thoroughfares and open space areas;
- (d) **Design Guidelines**, prepared relevant to each precinct, provide a finer degree of design control to achieve a high degree of urban design and built form, and provide further detailed guidance regarding best practice sustainable development to supplement the SHMR Development Code;

These guidelines will address detailed aspects of design such as architectural style, orientation, siting, shading, ventilation, colours, materials and landscaping, as well as energy and water efficiency measures. The guidelines are to be accompanied by plans specifying location for any mandatory zero lot lines;

The Design Guidelines will be implemented by a Design Review Committee under the auspices of the Body Corporate. Approval from the Design Review Committee will be required for all buildings, whether or not they are self assessable, and prior to lodgement of Development Applications for MCU with Council in the case of code assessable applications;

- (e) **Development Plans**, which accompany MCU applications for specific uses, and detail the design of buildings, and associated aspects such as landscaping and carparking.

#### 4.4.4 Concept Masterplan

The Concept Masterplan is a representation of the current vision for the project, and provides an indication of the likely form and essence of the development. The masterplan has been based on the experiences gained through previous proposals, detailed site and technical investigations, and demographic and market research.

The Concept Masterplan is divided into precincts, conveyed in the Precinct Plan. The intent of the precincts is outlined in the Development Code, supported by specifically tailored code provisions. We note that the pattern of villas, duplexes and multiple dwellings shown in the Managed Resort Accommodation precinct are indicative only, providing a representation of a pattern of development consistent with the code. Actual development will be undertaken in accordance with the code by third party purchasers and hence the pattern of built form will be affected by market preference.

The identification of precincts and accompanying codes seeks to facilitate the development of a high quality, sustainable marina and integrated resort development that provides for appropriate heights, densities, uses and the protection of the ecological values of the site, coast and marine areas.

Ultimately, it is envisaged that SHMR Development Code will be incorporated into the relevant Planning Scheme as either a consequential amendment or in the adoption of a future replacement Planning Scheme.

The Concept Masterplan is shown as *Figure 4-4*.

Figure 4-4: Concept Masterplan

*Refer to Studio Tekton Drawing 0605—SK01-SD18*

##### 4.4.4.1 Yield

The Concept Masterplan has indicated a likely development yield. The EIS however is addressing the merits of a Preliminary Approval overriding the Planning Scheme with respect to the built form elements of the proposal. The eventual Reconfiguration of a Lot and Development Applications will follow the Preliminary Approval and will need to be generally in accordance with the Preliminary approval, and respond to the Precinct intents and Codes provided in the SHMR Development Code.

The Managed Resort Accommodation Precinct provides for a mix of accommodation forms ranging from individual villas to multi unit apartments. These lots will be developed by third parties in accordance with the above provisions, which have been tailored to facilitate meeting a relatively broad range of the tourism market. The concept masterplan has indicated a mix of product which is considered to represent a likely mix of development product, however it is not possible to predict the exact mix of product which will be developed.

Accordingly, the actual allotment and dwelling / unit yields derived from the site will be determined according to the contents of the Reconfiguration of a Lot and Development Applications, which will be informed by the above as well as market conditions at the time of the development applications.





- KEY:
- 1 MARINA
  - 2 MANAGED RESORT ACCOMMODATION
  - 3 RESORT HOTEL
  - 4 MARINA PLAZA
    - RESORT/TOURISM
    - CHARTER BOAT BASE, CHANDLERY
    - COMMERCIAL
    - RESTAURANT
    - MARINA OFFICE
    - MARINA AMENITIES
  - 5 MARINA ESPLANADE & PARK
  - 6 CARPARK (UP TO THREE LEVELS)
  - 7 FUEL DOCK & PUMP OUT FACILITY
  - 8 BREAKWATER
  - 9 OPEN SPACE MAINTENANCE DREDG SPOIL HANDLING AREA

MARKER BOY  
LOCATION

PROPOSED  
LEASE

MARKER BOY  
LOCATION

BREAKWATER PARK

MARKER BOY  
LOCATION

0 50m 100m



# SHUTE HARBOUR MARINA RESORT

## MASTER PLAN

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1:2000 @ A1  
DRAWING NO.  
0605 SK01

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#### **4.4.5 Overall Outcomes for the SHMR Development Code**

The overall outcomes are the purpose of the Shute Harbour Marina Resort Development Code. The overall outcomes sought for the SHMR Development Code are the following:

Develop Shute Harbour Precinct as an integrated, vibrant mixed-use centre that meets the needs of and provides a rewarding experience for tourists and residents. The precinct caters for a marina, marina esplanade and park, a range of tourist accommodation facilities and associated tourist/recreation related commercial activities;

Development is sympathetic to the natural landscape and of a scale and intensity that is appropriate to the coastal environment;

Provision of a range of quality accommodation choices that cater for short and longer term tourist demands;

Development provides extensive public access to the marina boardwalks and a publicly accessible parkland area;

Development incorporates best practice ecological sustainable principles including site inspired tropical design, extensive locally appropriate landscaping and vegetation programs, solar lighting, water polishing and the efficient storage, capture and use of energy and water;

Development is environmentally sensitive and preserves environmental assets;

The operations and facilities of Shute Harbour Transit Terminal and Barge Jetty are protected from unacceptable encroachment;

Development provides an appropriate road alignment and intersection allowing a safe and effective vehicle interface to Shute Harbour Rd as well as bus facilities, which facilitates increased public transport mode share to Shute Harbour;

Provision of a long term management structure to guide and integrate development and maintain community and ecological assets; and

- (a) Provision of an active waterfront environment and recreation area for the residents and visitors to the Whitsunday Shire.

#### **4.5 PRECINCT INTENTS**

The SHMR Development Code has been structured with Precinct Intents to capture the essence and key features of the project.

It is intended that that Shute Harbour Marina Resort provides for the establishment of an integrated marina and tourism resort precinct contributing positively to Shute Harbour's role as the key gateway to the Whitsunday Islands.

It is envisaged that business and retail operations, cafes and restaurants, hotel and leisure uses and an array of tourism accommodation choices extend around the Marina Basin, linked aesthetically and functionally by buildings with compatible architectural themes, a waterfront promenade and high quality landscaped environments.

The development of the area will be intrinsically linked to its environment and will be compatible with the landscape as viewed from the ocean, major coastal vantage points and Shute Harbour Road.

The Shute Harbour Marina Resort is to be designed as a world class facility incorporating:

- Marina, along with ancillary facilities such as sewerage pump out, fuel dock, waste management, power and water;
- 4 1/2 Star resort hotel precinct consisting of buildings up to 5 storeys;
- Marina Plaza: Village precinct consisting of a range of retail and dining opportunities within the Resort Hotel precinct;
- Marina office and amenities (as part of mixed use building);
- Charter Boat base – hire facilities and arrival / departure lounge as part of Marina Office building;
- Marine interpretive and Cultural Centre also as part of the Marina Office building
- Managed Resort Accommodation developed on freehold allotments, controlled by Code provisions and design guidelines;
- Marina Esplanade and Parkland;
- Car parking facilities; and
- Extensive landscaping.

The SHMR Precinct Plan identifies five precincts (including two sub precincts) to provide further specific guidance to the preferred character of development.

The Precinct Intents for the development are described below. These precinct intents are largely as included in the SHMR Development Code however include some areas of additional descriptive rationale.

**Figure 4-5: SHMR Precinct Plan**

*Refer to Conics Drawing 20906-19*

#### **4.5.1 Precinct 1: Marina**

The Marina provides the essential focus for the development. The marina is designed to provide safe wave conditions in extreme (cyclonic) weather events. In addition to the natural protection afforded by Shute Harbour's natural harbour, the marina is protected by breakwaters to the east and south of the site, along with a breakwater framed Isthmus along the western edge. The marina comprises an area of approximately 25 Ha, which has been configured to accommodate 669 wet berths (including 193 multi hull berths).

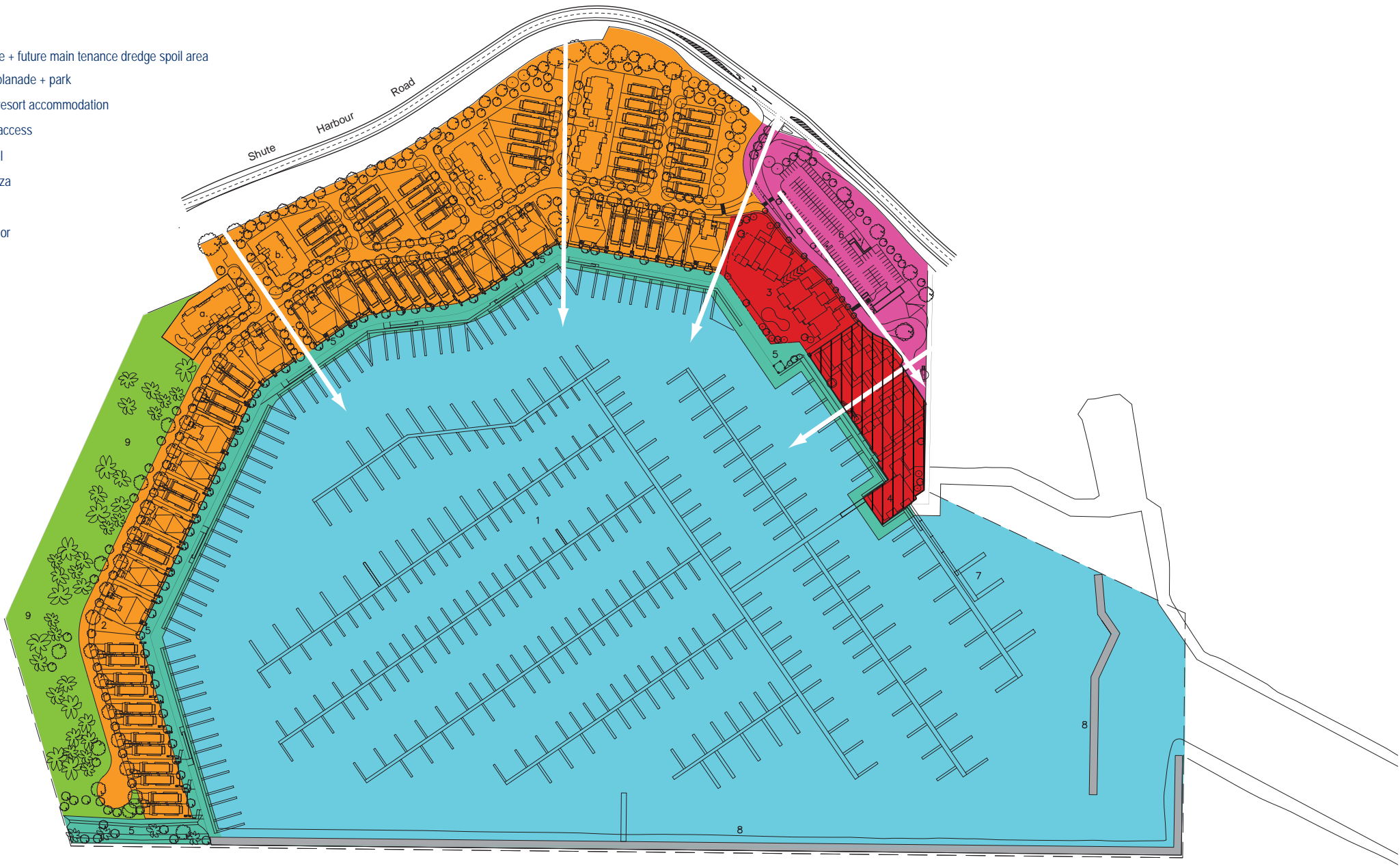
The marina precinct is to provide associated services such as sewerage pump out, power, and water and is required to adopt best practice construction and operation provisions in accordance with

# shute harbour marina development

precinct plan - figure 19

legend

- open space + future main tenance dredge spoil area
- marina esplanade + park
- managed resort accommodation
- carpark + access
- resort hotel
- marina plaza
- marina
- view corridor



AS3962-2001- Guideline for design of marinas and AS4997-2005 -Guideline for the design of maritime structures.

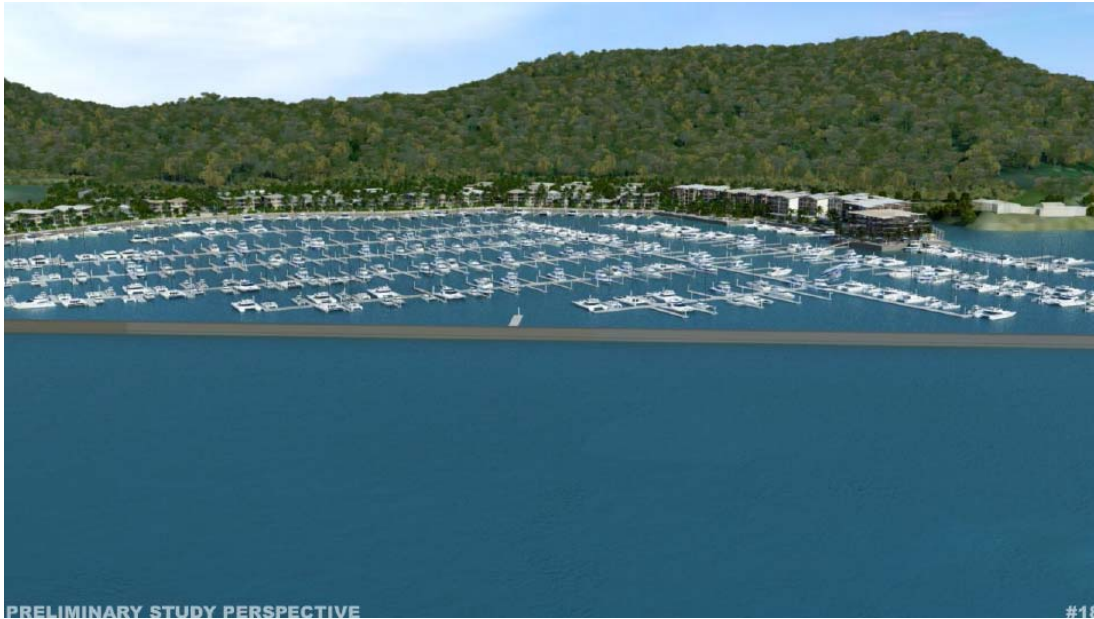
The built form of the development is intended to focus towards the marina, providing surveillance and a coherent interface to marina.

Figure 4-6: Indicative Marina Images





Figure 4-6: Indicative Marina Images



Source: V2I

#### 4.5.1.1 Sub Precinct 1a: Marina Esplanade and Park

The Marina will incorporate a pedestrian boardwalk framing the perimeter of the marina. The boardwalk will be a minimum of 8m in width to allow for a relaxed and open pedestrian environment whilst catering for pedestrians to linger and connect with the water. The boardwalk is anticipated to include appropriate urban design elements such as shade trees, landscaping, seating areas, and water bubblers. Potential exists for viewing platforms to be located at intervals along the boardwalk, such as bends in the marina wall.

The esplanade will allow for public access to the foreshore, ensuring that the marina can be enjoyed by both locals and tourists. The esplanade provides a linkage along the entire frontage of the marina, leading from the public areas of the Marina Plaza to the 'Breakwater Park' at the southern end of the Isthmus, providing unique vantage points to view the marina, Shute Harbour, Conway National Park and the Islands beyond.

It is intended that the boardwalk will link to prioritized pedestrian pathways through the Marina Plaza to Shute Harbour Road, ultimately connecting to a future enhanced pathway network providing a safe and enjoyable pedestrian and cyclist connection to the Marine Transit Facility precinct.

Figure 4-7: Indicative Marina Esplanade Images





Figure 4-7: Indicative Marina Esplanade Images



Figure 4-7: Indicative Marina Esplanade Images



Source: V2I

#### 4.5.2 Precinct 2: Managed Resort Accommodation

The Managed Resort Accommodation Precinct constitutes the majority of the land based development, located along the frontage of the marina and in the area to its' immediate north. Development in this precinct is intended to provide a high quality environment with a tropical, residential tourism character. Development is to provide for a range of tourism accommodation choices to service the visitors to the Whitsunday Region, whilst helping to provide a critical mass of custom required to sustain the vitality and viability of the social and commercial uses associated with the Marina Plaza.

A range of lower rise residential uses are anticipated within the waterfront areas of the Managed Resort Accommodation Precinct, such as villas, terraces, townhouses, dual occupancies and multiple dwellings, with a height not exceeding three-storeys. Whilst the primary purpose of the precinct is to provide a range of tourism options, permanent occupation will not be prohibited.

Where villa lots are provided, resulting houses will be built to the boundary in zero lot line formations. In most cases, such houses will be located with zero lot lines coincident with the neighbouring lot, allowing the walls to butt together. Where villas are detached from adjoining dwellings varied code and design guidelines apply to ensure effective integration with neighbouring dwellings.

Apartment buildings developed on larger lots or on amalgamations of lots will be freestanding within an allotment surrounded by landscaping and potential recreational facilities.

Built forms will be required to incorporate a high level of detailing and articulation to achieve a suitably attractive pedestrian focused character and environment. Buildings that have dual frontages onto the waterfront promenade or a realm abutting pedestrian thoroughfares will present equally attractively to both frontages and feature vertical separation from adjoining walkways.



Buildings will be set in high quality landscaped environments that integrate buildings with thoroughfares. Thoroughfares are to incorporate a variety of paving materials and textures, shade trees and other quality landscaping and urban design features to create an attractive streetscape and pedestrian environment. Local open space areas will be provided, providing amenity space for occupants and contributing to the integration of uses and places within SHMR.

The designs will incorporate:

- tropical design features with roofs that are flat or skillion, extensive sunshading, shutters, louvers, lattice, overhangs and deeply recessed windows;
- variation in line and plane, stepping away from the road and marine boundaries;
- attractive private open space and landscape areas to provide a range of living environments and to soften the visual impact of the built form;
- street lighting, signage, seating and dense plantings of local native vegetation;
- water sensitive urban design measures to protect water quality, whilst providing attractive landscaping opportunities;
- sustainability in the built form in accordance with the code provisions and guidelines; and
- high quality design, reflecting its status as a gateway to the Whitsunday Islands and the Great Barrier Reef.

Figure 4–8: Indicative Managed Resort Accommodation Images



Source: Studio Tekton

Figure 4-8: Indicative Managed Resort Accommodation Images





Figure 4–8: Indicative Managed Resort Accommodation Images



Source: V2I

#### 4.5.3 Precinct 3: Resort Hotel

The Resort Hotel Precinct is the centrepiece of the land based development. It includes and integrates with the Marina Plaza precinct to the east, enhancing the public realm and creating a focus for the marina. The Resort Hotel Precinct provides short-term accommodation which may include a range of hotel facilities such as a bar and dining, conference, spa and other indoor and outdoor recreation facilities.

The design of the buildings and landscaping is intended to integrate positively with the form and style of the Marina Plaza, providing a distinctive character denoting its hotel function. The buildings will be designed to be compatible with the view to Conway National Park from the water and the opposite side of Shute Bay, and will incorporate the use of building setbacks, relief and landscaping to provide an attractive aesthetic.

Buildings within the Hotel Precinct may extend in height up to five (5) storeys or 18m, allowing for a mixture of activities to be co-located. The height of the buildings has been limited such that they are commensurate in height with masts of yachts and form a coherent pocket of higher density intended to link visually with the elevated ridgeline and headland adjoining the site the east.

The Resort Hotel operation includes the Marina Plaza as the Hotel operation is intended to provide central management for all of the accommodation options. Resort Accommodation is proposed for the upper storeys of parts of the Resort Hotel and Marina Plaza precincts. The Resort Accommodation will provide tourism accommodation, along with potential longer term accommodation variations such as apartments and serviced apartments.

The Resort Hotel precinct includes significant areas of landscaped open space adjoining the marina frontage catering for a swimming pool, covered BBQ and seating areas, gazebo and other passive



recreational facilities. Deep planting areas will be available to allow the landscaping to provide shading and a green tropical feel, also softening the appearance of the built form when viewed from the water.

Carparking for resort guests is to be accommodated underground, with the carpark entrance to be located above the highest storm surge levels. This carpark is to accommodate a total of 234 car parks consisting of 218 for resort guests (2 per unit x 109 units) + 16 for visitors (1 per 7 units)

Development is to be designed and located in a manner which ensures that its' physical, environmental and visual impacts are limited. Specifically, the building design will:

- remain subservient to the overall landscape character;
- respond to the site's adjoining natural topography;
- be tropical in nature, reflecting the character of the Whitsunday region;
- promote sustainability in the built form by incorporating passive solar design principles, use of water and energy efficient fittings and fixtures, rainwater harvesting, non potable irrigation sources, shade devices, ceiling fans and non toxic paints and materials wherever possible; and
- reflect its status as a resort catering to a world class facility.

Figure 4-9: Indicative Resort Hotel Images



Figure 4-9: Indicative Resort Hotel Images





Figure 4-9: Indicative Resort Hotel Images



Source: V2I

#### 4.5.3.1 Sub Precinct 3a: Marina Plaza

The Marina Plaza precinct is intended to function as the social heart of the SHMR where a mix of accommodation, office and highly desirable lifestyle oriented uses combine to create a vibrant, integrated precinct.

The Marina Plaza precinct consists of a mix of land uses focused upon the marina basin providing an attractive and vibrant interface catering to the needs of the resort occupants, the marina users, Shutehaven residents and visitors to the development.

This area is located to the south east of the site and forms a key addition to the existing Shute Harbour Transit facility for tourists who may wish to spend some time in this area before or after transit to or from the islands. The connection between the two facilities is to be enhanced in conjunction with the construction of the proposed boat ramp providing improved public access to the coastal foreshore through outlooks and pathways. The Marina Plaza opens directly to the Marina Esplanade which greatly extends the pedestrian amenity and attraction of the area. Development in the Marina Plaza Precinct will reflect the strategic importance of the site as a gateway into the Whitsunday Islands and Great Barrier Reef.

The Marina Plaza is a mixed use area catering for uses such as:

- Marina Office;
- Marina Amenities;
- Commercial;
- Retail; and

- Resort Accommodation.

The blend of uses and users is intended to integrate in a manner which supports the vibrancy and viability of each of the uses. The Marina Plaza will have a clear interface with the main accessway incorporating a bus set down and pick up facility and prioritized pedestrian links to the carparking area and the pedestrian accessway leading to the Transit Terminal.

Figure 4-10: Indicative Marina Plaza Images



Source: V2I

### Marina Office and Marina Amenities

The marina office facility and mixed use building located at the south eastern end of the Marina Plaza precinct is intended to be a landmark building acting as the feature and cornerstone of the development. The building acts both as the anchor destination of the Marina Esplanade at the end of the Marina Plaza and Resort precinct and provides the primary interface between the resort and the marina.

The Marina Office will host the administrative and amenity functions required to support the marina as well as the transit lounge and associated offices required for the Charter Boat base.

The charter boat lounge will be designed with a discreet bar and refreshment facilities as well as a substantial environmental interpretative centre providing education and information regarding elements such as the Whitsundays region, Shute Harbour and the Great Barrier Reef, as well as a Cultural Centre highlighting the indigenous history and continuing connection to the region. This information is intended to support the evolving awareness of all marina users regarding both cultural awareness and the need for protection of the reef and marine environment including appropriate boating practices required to protect the sustainability of the marine environment.

The nature of the built form is intended to communicate and reinforce the environmental sensitivity of the development, the marine environment and the messages contained in the interpretive and cultural centre.

The cultural and marine interpretation centre is one of the major features of the Reef Conservation Fund being supported by the development, and may also provide an appropriate facility for meetings for local representative group/s involved in the wider implementation and governance of the Reef Conservation Fund.

The marina office will also provide services and facilities which support marina users, such as showers, toilets, laundry facilities and refuse recycling and disposal areas.

### Commercial and Retail

The commercial and retail of the Marina Plaza precinct will cater for an array of lifestyle uses such as bar, café, restaurant, as well as commercial premises catering to marine and tourism needs, such as charter and resort information. Retail is envisaged to provide for elements such as marine needs, limited clothing and apparel, souvenirs along with a convenience store catering for the needs of resort and marina users, as well as local Shutehaven residents.

The central plaza area of the precinct is to provide a central area for people to mix and relax in a comfortable landscaped tropical environment. The area is to include high quality urban design elements facilitating el fresco café and dining areas, shading structures, paving, sculptural features and areas to simply sit and relax whilst enjoying the view and the ambience.

### Resort Accommodation

Resort Accommodation is proposed for the upper storeys of the Marina Plaza precinct, helping to provide a critical mass of people in close proximity to the plaza activities.

Figure 4-11: Indicative Marina Plaza / Marina Office Images



Source: V2i



#### 4.5.4 Precinct 4: Access and Carparking

Precinct 4 consists of the primary vehicular access to the development which provides access for cars to the carpark, as well as access for buses and service vehicles. An intersection off the primary access provides access to the Managed Resort Accommodation precinct for resort guests.

A car park of up to three levels is proposed to accommodate up to 425 cars. The car park will be naturally ventilated and the exterior designed and constructed to be consistent with the look and feel of the balance of the development, utilising a similar colour palette as well as variation and articulation of the façade using elements which reflect those used on the accommodation buildings. The edges of the carpark are to include provision for planter boxes allowing planting along each level to further soften the appearance. The landscaping is to be irrigated by water sourced from on site rainwater tanks.

The second level of the carpark will provide shelter in extreme weather events, capitalising on the relatively sheltered position, height above water levels and concrete construction.

The main accessway and turnaround is to be designed to accommodate buses, with a bus set down area to be provided to allow ready access to the Resort Hotel and the Marina Plaza. This area will also feature a taxi rank and passenger drop off zone.

Pedestrian and cycle access is to be provided alongside the main access, with a further pedestrian linkage to be provided between the Marina Plaza and Shute Harbour road, facilitating convenient access to those wishing to walk between the development and the transit terminal or boat ramp.

Figure 4-12: Indicative Car Park Images



Source: Studio Tekton i

#### 4.5.5 Precinct 5: Open Space and Future Maintenance Dredging Spoil Area

A major landscaped open space area is provided at the western edge of the Isthmus. In the majority, this area is to be landscaped and available for passive recreation uses for resort guests. The area however also is to serve a function as the location for maintenance dredge spoil disposal.

Maintenance dredging is expected to be carried out every 5-7 years, dealing with a volume of dredge spoil equating to 3000 m3 per annum or 1500 dry tonnes per annum (EIS Appendix U3).

Maintenance dredging will be carried out using a small suction dredge over a 2-3 month period. The maintenance dredge spoil handling area will be constructed in such a way that it will function as a large sand filter.

Prior to maintenance dredging commencing, the required part of the maintenance dredge spoil handling area will have the vegetation and turf removed. Geobags will be placed on this area and the dredge spoil pumped into the bags. The Geobags will provide primary filtration, with the several hundred metres of the sand filled handling area providing final filtration prior to the water being collected by pipes, located above an impermeable layer separating the sand from the lower substrate, and reintroduced to the bay.

The dewatering of the dredge spoil by the use of Geobags is much quicker than would be achieved by traditional settling ponds. Being assisted by gravity and by loading through stacking the bags vertically, dredge spoil can be dewatered in days and weeks rather than years. The material in the Geobags will then be removed by trucks for land based disposal.

After completion of the maintenance dredging operation and transport of the spoil, the area will be reinstated with turf and vegetation to return the area to its former use as open space.

Permanent landscaping is proposed to each edge of the open space, providing a pleasant permanent edge, whilst also buffering and screening the internal areas when being used for dredge spoil dewatering. Access to the publicly accessible breakwater park is not affected by this process.



Figure 4-13: Indicative Open Space and Park Images



Figure 4–13: Indicative Open Space and Park Images



Source: V2I

#### 4.6 SUSTAINABILITY INITIATIVES

The SHMR is intended to be recognised as a leading example of sustainable design and operation, consistent with the both the sensitivity of the land and marine environment in which the development is located, and the increasing awareness within the industry, government and community to adopt increasingly sustainable approaches to design, construction and operation of development.

The EIS has outlined the project's consistency with the National Strategy for Sustainable development and the extensive measures in design and construction required to protect the sensitive land and particularly marine environments.

In relation to the design, construction and operation of the built form and marina a number of measures have been proposed which advance the sustainability of the development. These include:

- Provision of detailed sustainable design principles and requirements within the Development Code, via overall objectives, precinct intents and detailed code provisions. These Provisions include:
  - Passive solar design principles including shading, insulation, ventilation and orientation;
  - Use of solar or other efficient hot water systems;
  - Use of energy efficient lighting and appliances where possible;
  - Use of water efficient fittings and fixtures;
  - Rainwater capture and reuse; and

- Use of non toxic / low VOC finishes and materials wherever possible.
- Provision for common rainwater capture and reuse for non potable uses such as landscape irrigation of common areas, including a 100,000l water storage in the Resort area and 3000l per dwelling in the Managed Accommodation precinct;
- Use of solar powered LED lighting for the marina esplanade lighting and marina bollards;
- Use of solar hot water for Marina amenities hot water and solar or heat pump systems for the hotel;
- Provision of a 'Reef Conservation Fund' funded out marina berth sales and ongoing levies to provide for replacement of traditional swing moorings with sea grass friendly moorings as well as measures such as a Cultural Centre and Marine Interpretive Centre;
- Use of renewable energy to power the Marine Interpretive Centre;
- Resort Hotel operator to seek Green Globe or equivalent environmental certification for the resort hotel operations;
- Dedication of the land north of Shute Harbour Road to public ownership.

In addition to the physical measures detailed above the development will provide substantial enhancements of the economic and social sustainability of the region via means such as; a significant boost to employment and the local and state economy; use of local labour and businesses wherever possible; provision of employment based training; provision of additional social and recreational opportunities within the development; provision of the Marine Environment and Cultural Centre, as well as creation of an indigenous performance space and yarning circle.

These and many other measures have been outlined throughout the report and EIS and documented in the Net Benefit Analysis prepared by the AEC Group referred to in S6.1.8 and included as Appendix G of the EIS.

## 4.7 DEVELOPMENT DETAILS

### 4.7.1 Staging

SHMR will be developed in stages. A Preliminary Approval is to be sought for all land uses, overriding the Planning Scheme. The Preliminary Approval will seek approval of the SHMR Development Code including the Precinct Plan to provide a statutory basis for future approvals.

The EIS also considers the first tranche of Development Permits for MCU and Operational Works to be sought. These approvals are to enable the construction of the marina breakwaters, dredging of the marina and channels and reclamation of the land areas. Construction staging is discussed in Chapter 3.4 of the EIS.

The built form elements will be initially approved via a Preliminary Approval. Whilst construction of the marina is occurring the detailed design work for the built form and subdivision will be undertaken in order to lodge relevant Development Permits for MCU, Reconfiguration and Operational Works. It is imperative that the applications for development permit for the initial stage/s of built form and associated operational works can be considered whilst the construction of the marina is underway,

such that the construction of such stages can be commenced as soon as possible after the land has been reclaimed and the relevant sections of the lease converted to freehold.

The built form precincts will also proceed in stages, commencing with the marina facilities and resort hotel, with future stage running from east to west.

As the Preliminary Approval would alter the level of assessment and the parameters for assessment through the SHMR Development Code, subsequent development permits for anticipated development would be either Code Assessable or Self Assessable, depending on the complexity of the use and compliance with the SHMR Development Code.

Subsequent development permits will be required for Reconfiguration of a Lot applications and Material Change of Use application which may include (but are not limited to) the following uses:

Car park	Child Care Centre	Dual Occupancy
Dwelling House	Marina	Multiple Dwelling
Office	Outdoor Recreation	Park
Professional Office	Resort Hotel	Restaurant
Shop		

Table 4-1 below identifies the approximate timing for each phase of the SHMR:

Table 4-1: Approval Sequence		
Sequence	Approval and Development Type	Development Component
(1)	<b>Initial Development Approvals for the SHMR Project (IDAS) – Combined Applications</b>	
	Preliminary Approval overriding the Planning Scheme	Shute Harbour Marina Resort Development Code including all Concept Masterplan, proposed uses, Level of Assessment Table and development codes
	Development Permit – Material Change of Use	Marina ERA 73 Marina ERA19 Dredging
	Preliminary Approval – Material Change of Use	ERA 11 Fuel Storage
	Development Permit – Operational Work	staged construction of the breakwater walls, revetment walls, capital dredging of the marina basin and entrance channel , reclamation and associated works
(2)	<b>Initial Development Approvals for the SHMR Project (Non-IDAS)</b>	
	Marine Parks Permit	
(3)	<b>Phase 1 Development (IDAS)</b>	
(a)	<i>Uses and Development Parcels</i>	



Table 4-1: Approval Sequence		
Sequence	Approval and Development Type	Development Component
	Development Permit/s – Material Change of Use	Marina Resort (hotel + other commercial uses) + Carpark
	Development Permit/s – Reconfiguration of a Lot	Managed Resort Accommodation allotments
	Development Permit/s – Material Change of Use (where required under the SHMR Development Code)	Managed Resort Accommodation buildings
(b)	<i>Works</i>	
	Development Permit – Operational Works	Maritime Works: tidal works for marina (piles, pontoons etc) Internal Works: Civil construction of roads, services and building pads Internal Works: Landscape Works External Works: External roads and services
(4)	<b>Tenure and Management Lots (Non-IDAS)</b>	
	Approval to progressively convert parts of lease to freehold (reclaimed land above MHWS)	Creation of Englobo lots as management lots
(5)	<b>Subsequent Development Stages (IDAS)</b>	
(a)	<i>Uses and Development Parcels</i>	
	Development Permit/s – Material Change of Use	Other detailed proposals for components not applied for in Stage 1
	Development Permit/s – Reconfiguration of a Lot	Other detailed proposals for components not applied for in Stage 1
(b)	<i>Works</i>	
	Development Permit – Operational Works	Internal Works: Further civil construction of roads, services and building pads Internal Works: Further landscape Works

#### 4.7.1.1 Enabling Provisions – CoG's report

Lodgement, assessment and approval of Development Applications for the SHMR are complicated by the fact that the majority of the site is below MHWS, and therefore currently beyond the boundary of the Whitsunday Regional Council.

This affects a number of aspects regarding the Development Applications including:

- determination of the relevant Assessment Manager;
- initial Development Applications for Preliminary Approval – overriding the Planning Scheme, including the creation of the SHMR Development Code, and Development Permits for the SHMR; and
- subsequent Development Applications for Development Permits for Phase 1.

In this case it is contended that the relevant Assessment Manager will be the Whitsunday Regional Council. The logic for this conclusion is detailed in S 7.1 of this report.

In relation both the initial Preliminary Approvals and Development Permits and Phase 1 Development Permits, each of these applications will need to be lodged and assessed prior to the creation and freeholding of the englobo lots, which is the normal trigger for inclusion of land within the relevant Planning Scheme. The ability to determine these applications prior to the land being freeholded is critical to the timely construction and delivery of the SHMR.

In order to achieve these objectives, it will be necessary for the CoG to include a series of enabling recommendations in the CoG Report. Suggested enabling recommendations are included in S7.4 of this report.

#### Creation of Englobo Lots

As the macro stages of the reclamation are completed, it will be necessary to convert the reclaimed land above MWHS from leasehold to freehold. This land is to be converted as progressive freehold upon satisfaction of relevant development lease conditions and operational works conditions.

#### **4.7.2 Proposed Tenure and Titling Arrangements**

The current tenure and ownership of the site is outlined in S4.1. As outlined in that section the majority of the site is subject to a Term Lease which is intended to be consolidated to both include the area of sea bed currently subject to the Permit to Occupy, as well as relinquishing part of the lease over the land north of Shute Harbour Rd.

Upon construction of the major development stages the land above the MHWS will be progressively transferred to freehold, owned by SHMD. The land below MHWS is intended to be a 99 year seabed lease. The marina berths will be sub let to purchasers of the berths.

##### **4.7.2.1 Land Tenure and Management**

When the site is developed, the land will consist of a mixture of freehold (land above MHWS) and leasehold (marina). The freehold areas will be incorporated into a Community Titles Scheme, under the provisions of the Body Corporate and Community Management Act (BCCM) 1997, which will deliver an enduring management structure for the benefit of all occupants of the project.

The details of this community titles scheme (CTS) will be developed at the appropriate time, however the likely elements include:

- Establishment of a management structure to ensure shared facilities are effectively managed;
- A system of cost contribution from each component of the project to ensure fair and equitable allocation of levies;
- Creation of common property for thoroughfares and other shared assets;
- Creation of Public Thoroughfare Easements (PTE) to secure public access where necessary.

The resultant structure of the CTS will be likely to involve a layered scheme, with subsidiary schemes for specific precincts (e.g. managed resort accommodation), and separate lots for other components.

The relationship between the marina and the adjoining CTS will be an important feature when the details of the scheme and management arrangements are developed. Examples of existing major projects that are successfully managed will guide the formation of the scheme.

Furthermore, the titling and management arrangements will be established to accommodate the progressive development of the project to ensure that, as each element is developed, it compliments the overall structure for the benefit of each owner and occupier.

#### Maintenance

The Body Corporate is to be structured to levy maintenance fees in proportion with use and benefits attributable to the users of the various precincts.

Maintenance of the development will be the responsibility of the owners, thereby not requiring financial contributions from State or Local Governments.

#### Public Access

A key opportunity afforded by the construction of the marina is the ability for resort guests, marina users, tourists and local residents to access the water's edge, to enjoy both the ambience of the marina and take in previously unavailable vantage points of the marina, Shute Harbour, Conway National Park and nearby Whitsunday Islands. Whilst all of the development is obviously accessible as a resort, the marina plaza, marina esplanade and breakwater park are intended to be permanently publicly accessible within operating hours. The marina plaza and carpark will operate in a normal commercial manner inviting access for customers and visitors.

The right of public access to the Marina Esplanade and Breakwater Park will be afforded by the granting of a Public Thoroughfare Easement over the underlying common property of these areas, as well as an unbroken linkage to Shute Harbour Road.

### **4.8 SERVICES AND INFRASTRUCTURE**

The development is well located for efficient provision of necessary infrastructure. All essential services such as water, sewerage, power and telecommunications are available to the development, without the need for significant upgrading, except for the need to upgrade existing power supplies which will require a contribution from the proponent.

Details of the servicing requirements and strategies are referred to in Section 3.5 of the EIS.

## 5.0 PROJECT NEED AND ALTERNATIVES

### 5.1 PROJECT JUSTIFICATION

#### 5.1.1 Marina Demand Trends

The primary basis for the project is the continued strong growth in demand for marina berths. This demand has been evident for many years and has been occurring throughout Australia and internationally. This demand has been particularly strong in Queensland where total boat registrations recently exceeded total registrations in NSW.

As early as 1996 the Whitsunday Tourism Strategy (1996) commented that *"Inadequate facilities exist at present to service existing and growing boating needs. A new passenger terminal at Shute Harbour is necessary to provide improved service to islands and Reef"*. The strategy went on to identify the need for provision of a vessel berthing facility to improve marine services and improvement of the quality of passenger terminal facilities at Shute Harbour as two strategic directions of the strategy.

The appeal of the SHMR site to boat owners and operators is already evidenced by the large number of craft on swing moorings in the Bay and the popularity of the adjacent Shute Harbour Ferry Terminal, which is the primary gateway to the Whitsundays. With the Queensland Government actively encouraging the growth of the marine industry, combined with the unparalleled conditions provided by the 74 Whitsunday Islands and enticing waters of the Great Barrier Reef, it would appear inevitable that the Whitsundays will continue to attract increasing numbers of visiting and resident boats.

In addition to the core tourism markets, the attractiveness of the Whitsunday area for boating activities is drawing the attention of retirees, baby boomers with disposable income, as well as younger people to relocate to the Whitsunday area for lifestyle reasons or to own a marina berth and holiday in the area. In addition the relative affordability of airfares provides increasing opportunities for southern residents to base their boats in the Whitsundays, for at least part of the year.

#### 5.1.2 Marine Industry Growth – Government Programs

The continued growth in the Marine Sector and its importance as a key industry has led to its recognition as such by all levels of Government. Examples of some of relevant initiatives are listed below:

##### 5.1.2.1 Australian Marine Industry Action Agenda

The Australian Government Dept of Innovation, Industry Science and Research have created a Marine Industry Action Agenda to help foster industry leadership and help the marine industry develop growth strategies.

##### 5.1.2.2 Queensland Smart Industry Policy

In Queensland, the State Government has identified the Marine Sector as one of 15 priority sectors identified in Queensland's Smart Industry Policy.



#### 5.1.2.3 Marine Sector Action Plan

In accordance with this policy Dept of Tourism, Regional Development and Industry has developed a Marine Sector Action Plan providing an overarching framework to help support the continued development of the Marine Sector in Queensland.

We note that one of the key actions contained in that strategy is *"engaging with proponents to develop environmentally sustainable marine infrastructure projects throughout the State in order to service current demand and identified sustainable growth."*

#### 5.1.2.4 Queensland Manufacturing Strategy

The identification of the marine industry as a priority sector within the Queensland Government's Manufacturing Strategy, *Making Queensland's Future*.

#### 5.1.2.5 Mackay/ Whitsunday Region

As part of the overall national and State programs promoting the Marine Industry, the Mackay / Whitsunday region has been identified as one of the key regions for focussed attention, due to factors such as the attractiveness of the Whitsundays and the Great Barrier Reef as a world- class boating destination, coupled with the marine services facilities at Mackay Harbour and elsewhere in the region.

Desley Boyle, Minister for the DTRDI, released a press release, dated 6 March, 2008 titled 'Mackay Whitsunday marine sector top priority for Government'. The press release was marking the launch of a new 'Marine Services Action Plan for the Mackay Whitsunday region'. The minister was quoted *"I have no doubt that the Mackay Whitsunday region will become a world-class marine tourism and maintenance centre"*

Another example of the State Government's focus on this region is the Mackay/Whitsunday Region Marine Industry Sectoral Analysis and Investment Opportunity Study, prepared on behalf of the DRTDI in late 2007. Amongst it's findings it states:

*'Marine Tourism: the Mackay / Whitsunday region is one of the best cruising grounds in the world and the numbers of vessels in the region continues to increase. Visitor numbers in the region are increasing. Grey nomads and baby boomers investing in boats are driving increased demand for vessels and this is being reflected in increased visitor numbers in the Mackay / Whitsunday region' (p18)*

*Infrastructure: Investment in marinas and support infrastructure is a vital component of the marine industry. The region has the significant advantage of being an investment location for a number of major operators. This proactive investment in marinas is vital to support marine tourism growth' (p17)*

#### 5.1.3 Marina Location

Given the trend of growing demand for marina berths a Whitsunday Region Marina Demand Analysis (WMDA) was undertaken in 2001 (Brown and Root, 2001) to identify the most appropriate locations for marinas in the Whitsunday region between and including Bowen and Mackay. The identification of the most appropriate locations was based on analysis of site selection issues (including environmental, engineering, locational and planning considerations) and constraints, as well as a sieve mapping process. This methodology was developed for strategic planning purposes as a means of comparing and ranking a number of possible marina sites.

The ranking of localities revealed Airlie/Muddy Bay and Shute Harbour leading the order of preference for development of marina facilities in the region. The Shute Harbour locality used in the ranking process included potential sites east and west (current proposal) of the existing Shute Harbour ferry terminal while the Airlie/Muddy Bay locality included the sites of the Abel Point marina expansion and Port of Airlie.

The report concluded that

*"The Airlie/Muddy Bay and Shute Harbour group score well for access to the marina from populated areas and favoured destinations from the marina. Both scored well on environmental matters and proximity to services. This is particularly so for the Airlie/Muddy Bay locality, where in most cases facilities and services are available and considerable alteration to the natural environment has already occurred. Shute Harbour is better protected from cyclonic activity than Airlie/Muddy Bay and this is reflected in the scoring. However, both localities require extensive dredging and have potential difficulties with the disposal of dredge material and as a result each scored poorly in this criteria.*

*The assessment process has a preference for the development of marina facilities in the Airlie / Muddy Bay and Shute Harbour localities. This is particularly important as the greatest demand for marina facilities is in these locations" P 3 -13, Whitsunday Region Marina Demand Analysis.*

The TOR for the EIS has in section 2.1 asked for a revision of the site as a suitable location in the context of the primary level constraints listed in the WMDA, Brown and Root, 2001

While the WMDA is not the only justification used for the site, for the purposes of completeness, the site has been reviewed as shown below in terms of the primary level constraints used as part of the report.

The WRMDA report assumed the site along with the Airlie Beach /Muddy Bay site would have "extensive dredging and potential difficulties with the disposal of dredge material and as a result each scored poorly in this criteria". The coastal process show this not to be the case (refer to EIS Appendix O). All the material resulting from capital dredging will be used in the reclamation process and contained behind the revetment walls of the site. The maintenance dredging at only 3000m3 per annum (1500 dry tonnes) is very manageable, with all the maintenance dredge spoil handling conducted on site and transported to a land based disposal site.

The primary level constraints of the WMDA report relate to the following issues:

- Declared Fish Habitat Areas;
- Dugong Protection Areas;
- National Parks;
- GBRMP zoning; and
- Seagrass areas of regional significance.

The site contains no declared fish habitat areas or dugong protection areas. The development site has been deliberately shifted south of Shute Harbour Road, with the area of land abutting the Conway National Park to be returned to public ownership.

The zoning in relation to the GBRMP is a 'habitat protection zone' which has the same conditions as the general use zone except for the exclusion of trawling and a requirement for a permit for shipping other than in a designated shipping area. The 'habitat protection zone' correlates with the General Use 'B' zone in operation at the time of the WMDA report and is considered an appropriate zone for a marina facility by that report.

The issue of seagrass distribution is covered in detail in the report by FRC on aquatic ecology in Appendix P1 of the EIS. The FRC report concludes that the seagrass community covers only part of the site and is "sparse to moderate". In addition, it is concluded that the seagrass community has "relatively low regional significance". A further gain of approximately 900m<sup>2</sup> of seagrass will occur through the relocation of conventional swing moorings and replacement with environmentally friendly moorings which do not result in "chain drag" and disruption of the sea bed.

Whilst the underlying trend in marina berth demand and the need to identify suitable marina locations which led to the Brown and Root report being compiled has remained, it would have been difficult in 2001 to foresee the full extent of growth in boat registrations and tourism visitation increases to the Whitsundays in the intervening years. This has led to the situation where the Port of Airlie marina site referred to in the report as Airlie/Muddy Bay is now under construction, other marinas have expanded capacity and demand is still outstripping supply, as discussed below.

#### 5.1.4 Current Marina Demand

In August 2006, Pacific South West were commissioned to undertake a current analysis of demand for a new marina in the region, taking into account extensions and construction of additional berths and marinas in the recent years. This study was subsequently updated in February, 2008.

The key findings of the demand analysis were as follows:

##### 5.1.4.1 Boat Registrations

Queensland boat registrations reached 219,033 at the end of December 2007, and were up 17,089 (or +4.8 percent) since December 2006. For the corresponding period, registrations for boats greater than eight metres in length totalled 11,941, and were up 636 (or +5.6 percent). Demand for marina berths has been mainly dependant on the number of boats in the eight metres plus length range.

The average annual growth trend for boat registrations in Queensland in the five years since 2002 was:

- 4.9 percent for overall boat numbers; and
- 7.7 percent for boats over eight metres in length.

The average annual growth trend for boat registrations in the Mackay SD since 2001 was:

- +6.5 percent for overall boat numbers; and
- +11.1 percent for boats over eight metres in length.

Growth of recreational boat registrations was stronger in Mackay SD than in Queensland for both overall boat numbers and for boats greater than eight metres length for the period.

While still showing substantial growth, the trend line for larger boats has decreased for Queensland from 9.6 percent growth in 2004 to 5.6 percent in 2007 and for Mackay SD from 23.8 percent to 6.4 percent.

For the Mackay SD, recreational boat registrations reached 18,685 at December 2007, up 1,670 (or +5.8 percent per annum) from June 2006. For boats greater than eight metres length, the corresponding numbers were 1,022 registrations, up 101 (or +6.4 percent per annum).

#### 5.1.4.2 Marina Berth Demand

Based on the boat registration trends, the project team estimated that marina berth demand for Mackay SD using the following assumptions:

- Base demand of 1,993 marina berths in Mackay SD in 2005 (existing berths, dry storage, moorings and unsatisfied demand).
- Yearly growth in demand for berths based on growth in registrations for boats over eight metres length (6.6 percent per annum 2002 to 2006). Three values were considered:
  - Low of 4.5 percent;
  - Medium of 6.5 percent (likely); and
  - High of 8.5 percent.

Table 5-1: Mackay SD Marina Berth Demand Forecast			
Year	Low (4.5% growth)	Medium (6.5% growth)	High (8.5% growth)
2005	1,993	1,993	1,993
2010	2484	2731	2997
2020	3857	5126	6776

Source: Pacific Southwest Strategy Group, 2008.

Based on the medium growth modelling, an additional 738 berths will be required by 2010 (range 491 to 1,004) and 3,133 by 2020 (range 1,864 to 4,783).

The 669 berth marina proposed for the *Shute Harbour Marina Resort* will cater for about 90 percent of the additional berths required in the Mackay SD by 2010 and 21 percent of those required by 2020.

#### 5.1.4.3 Future Marina Supply

Owing to the growth in marina berth demand there has been some construction of berths as well as modifications to plans in the region. Detailed below are the known projects for expansion of existing marina facilities, or provision of new facilities for the region:



Table 5-2: Mackay SD Proposed Marina Berths

Project	Additional Berths		
	Wet	Dry	TOTAL
Mackay Marina Expansion	156	200	356
Laguna Quays Expansion	500	-	500
Bowen Harbour	600	-	600
Hamilton Island	200	35	235
Port of Airlie	240	-	240
Shute Harbour	669	-	669
TOTAL	2,365	235	2,600

Source: Pacific Southwest Strategy Group, 2008.

Based on the above, there are an additional 2,600 wet and dry berths in planning for the Mackay SD (1931 berths excluding SHMR).

Regional demand is forecast to be for an additional 3,133 berths by 2020 suggesting that without the construction of the SHMR there would be a shortfall of 1202 berths. With the construction of all the projects listed, including SHMR there would still be a shortfall of 533 berths in the region.

The analysis provided by Pacific South West clearly shows significant demand for marina berths. This analysis is consistent with the findings in the Mackay/Whitsunday Region Marine Industry Sectoral Analysis and Investment Opportunity Study. In S3.3 of the report relating to Links between the Queensland Marine Industry Sector Plan and the Mackay / Whitsunday Region the report states:

*'The Australian Marine Industries Federation reports that Queensland Marina occupancy rates in 2006 were 90%. Marine Queensland and the Marina Industries association report that large waiting lists exist and that there is significant unmet demand for marina berths. Marinas in the Mackay / Whitsunday region confirm this situation.*

*Given the consistently high growth in boat registration numbers (6% per annum over the past 5 years) and the increased demand from the baby boomer segment, this demand will continue.*

*Supporting major investment in marinas, support infrastructure for marinas and maintenance facilities (slipways, boat ramps, hardstands, ship lifts) is a critical strategy for the Mackay / Whitsunday marine industry.'*

#### 5.1.4.4 Large Vessels

Of the 669 proposed marina berths, 193 berths are proposed for multi hull vessels. The relatively high percentage of allocations for multi hulled vessels is a reflection of the popularity of these vessels in the relatively calm waters of the Whitsundays.

A small number of berths have also been allocated to longer marine craft with lengths exceeding 25m (maximum length of 35m) to cater for the important, but relatively limited ownership of vessels of this size. A single area near the refuelling area has been designed to accommodate the occasional visitation by so called 'super yachts' which tend to provide a marked stimulus to the local economy by virtue of the extensive provisions and supplies required for their operation.

#### 5.1.4.5 Boat Ramp

The proposal does not include provision for a boat ramp within the SHMR, due to the limited available land required for the ramp and associated car and trailer parking facilities. A public boat ramp currently exists adjacent to the transit terminal facility, however is severely constrained in size and location, being positioned between the commercial barge facility and the commercial ferry services. The proponent has proposed a financial contribution of \$2,500 000 towards the construction of a new boat ramp and car and trailer parking facility which will substantially increase capacity and improve the safety of marine users. The establishment of the proposed SHMR facilities', in combination with the introduction of new public facilities, provide for an integrated cluster of marine facilities and effectively resolves the existing operational constraints.

The new boat ramp is to be a public facility, owned by Council and is not directly part of the proposal. The importance of the new boat ramp however is reflected in the value of the contribution offered by the proponents, as it is considered that the creation of a new boat ramp facility would greatly enhance the overall operation of Shute Harbour precinct, and would provide an appropriate public benefit. The Council has provisionally indicated that they are satisfied with the location of the proposed new boat ramp and carparking facility, subject to consideration of the overall development proposal.

#### 5.1.5 Charter Boat Hub

A major feature of the marina will be the presence of a number of charter boat operations. A purpose designed charter boat base will provide an air-conditioned departure and arrival lounge with modern and comfortable amenity for customers. The location of Shute Harbour is particularly well suited to charter operations given its proximity to desirable boating destinations.

Discussions with charter operators indicate that a well designed departure and arrivals lounge would greatly improve customer enjoyment. Currently, many customers are required to wait on unshaded pontoons at the beginning and end of their trips. In addition, at the end of what can be a very physically active trip, many people would like to simply disembark and be able to walk directly to comfortable land based accommodation in order to conveniently rest, recuperate and dine out prior to the challenge of further travel. This opportunity is offered by SHMR which can provide a very pleasant finale to a marine charter experience, as opposed to a less than ideal experience which may discourage people from future trips or positive recommendation to others.

The marina will provide for the needs of charter boat customers and charter boat operators as an important element of its design. Coupled with the advantage of its location, charter operations, while occupying a small percentage of the marina berths, are likely to become an important focus of the operation of the marina. Marine based activities are likely to be a key attractor for many of the tourists utilising the resort accommodation and Marina Plaza precinct.

The marina will provide refuelling, pump out and waste management facilities which are essential to the marina and charter boat operations.

#### 5.1.6 Accommodation Demand

Whilst the need for a quality marina utilising the safe harbour characteristics of Shute Harbour forms the underlying rationale for the development, it is essential that a range of accommodation and other land based facilities are provided to complement and support the marina, such that the balance of uses work together in an integrated manner. The interrelationships between uses are further discussed in S6.2.9 - Design Interdependencies.

AEC Group was commissioned to examine the demand for the Resort and Managed Resort Accommodation proposed for the development, in the context of current and future demand and supply projections.

In summary, the report found that the Whitsunday Tourism Region (WTR) is currently experiencing high rates of overnight visitor growth and high occupation ratios, with percentages of growth and occupancy well above the Qld average. Despite a significant number of developments planned or under construction, there was found to be sufficient market demand for the accommodation to be provided at SHMR.

The SHMR Accommodation Demand Assessment Report is included as Appendix H3 of the EIS. A summary of the key findings are presented below:

#### 5.1.6.1 Current Accommodation Demand

- Overnight visitors to the WTR increased by 177,846 since 2002, a total increase of 5.1% per annum;
- By comparison, Queensland overnight visitors increased by 9.6% in the same period, an average of 1.9% per annum;
- Growth in overnight visitors to the WTR was driven by domestic visitors which increased from 426,000 in 2002 to 605,000 to June, 2007, an increase of 28% or 7.3% per annum; and
- International visitation has remained essentially static since 2002, with visitation rates reduced by 1,154, a decrease of 0.6% or 0.1% per annum.

#### 5.1.6.2 Current Supply of Comparable Accommodation

A wide range of accommodation options exist in the WTR. For the purposes of comparison the report considered all other 4 and 5 star accommodation options as reflecting the range of alternative market sectors relevant to visitors to the SHMR.

Using this methodology, the online survey conducted found that there are 1,499 rooms/units available in the WTR that could be considered comparable to the visitor accommodation at SHMR. Using the average number of beds per room in the WTR (3.5 per room) (Tourism Queensland 2007) this equates to 5,190 bed spaces.

Importantly, the survey revealed that there was an extremely limited supply of alternatives comparable to the Managed Resort Accommodation, particularly with respect to the option of detached accommodation dwellings, co-located with a marina which appears to be unique in the region. Accordingly, it would appear that this sector of the market is clearly under represented.

#### 5.1.6.3 Future Supply of Comparable Accommodation

There is an estimated \$2.3 billion worth of investment in accommodation related developments in the Whitsunday LGA, which is either under construction, committed or under study.

The report found that major recent and current development projects with a visitor accommodation component providing comparable accommodation to SHMR, total 1179 rooms/ units, which equates to 6,139 bed spaces.

Table 5-3 Comparable Visitor Accommodation in the WTR, 2007 and 2016		
	Rooms/Units	Bed Spaces
Current Supply	1,499	5,190
SHMR (Resort)	109	377
SHMR (MRA)	207	717
Other Supply (by 2016)	1,773	6,139
<b>Total Supply 2016</b>	<b>3,588</b>	<b>12,422</b>
Source: AEC Group ( <i>SHMD Accommodation Demand Assessment Report</i> , Table 2.5)		

The *SHMD Accommodation Demand Assessment* report prepared by the AEC Group included at Table 6-56, a review of comparable accommodation in 2007, indicating:

- A total of 1,499 room nights (5,190 visitor nights) were available;
- There was demand for 1,235 room nights (4,277) visitor nights; and
- This resulted in an occupancy rate of 82.4%, which is well above what is considered to be market equilibrium (indicatively between 60% and 70% occupancy). The Queensland market for example, typically fluctuates around an average annual occupancy of approximately 65% (currently 67.7%).

By 2016, AEC's research estimates that:

- A total of 3,588 room nights (12,422 visitor nights) will be available;
- There will be demand for 2,605 room nights (9,018 visitor nights); and
- Resulting in an average occupancy rate of 72.6%, which is slightly higher than would be expected in an efficient accommodation market, indicating that the market is again in or is moving to an excess demand position.

## 5.2 SOCIAL IMPACTS AND BENEFITS

The AEC Group Limited was engaged by SHMD Pty Ltd to undertake a Socio-Economic Impact Assessment of the proposed SHMR, attached as Appendix T of the EIS.

The Socio-Economic Impact Assessment describes and examines the social and economic values of the local Shute Harbour region and the broader region that may be affected by the proposed SHMR project and considers the potential impacts of the project (both beneficial and adverse) on the local and regional community.

The assessment undertaken by AEC provided extensive baseline data and analysis which was summarised by Cardno (at Section 4.11 of the EIS) and included as EIS Appendix T.

As these elements have been covered in detail by the above report and summary the background demographic data is not included here. Rather the following summary, adapted from Appendix T of the



EIS, is included, focussing on impacts, both positive and negative, as well as proposed mitigation strategies.

### 5.2.1 Summary o Existing Social Environment

1. The population in the Whitsunday LGA has grown rapidly in the past five years, above that of the Mackay Statistical Division (SD) and Queensland;
2. Whitsunday LGA has a relatively more transient population than the Mackay SD and Queensland average, recording a relatively higher proportion of people changing address within the same catchment and migrating to the region from interstate between 2001 and 2006;
3. The Whitsunday LGA has a higher average age when compared to the Mackay SD and the State, although the average age for the Whitsunday LGA has declined over the past five years. This is likely due to young adults migrating to the region in search of job opportunities and coastal lifestyle, while older persons may be migrating to other regions to avoid increasing cost of living;
4. The Whitsunday LGA is a culturally diverse area, recording a high percentage of overseas born persons when compared to the Mackay North Coast, Mackay SD and Queensland. However, the Whitsunday LGA records a lower proportion of persons of Indigenous heritage;
5. The Whitsunday LGA has a low proportion of 'families with children' and a high proportion of 'other family', 'group' and 'other' household types compared to the Mackay SD and Queensland;
6. Average household incomes are lower in Whitsunday LGA than in the Mackay SD or Queensland, although have grown at a faster rate in the past five years than the Queensland average;
7. Post-school qualifications are relatively low in Whitsunday LGA when compared to the Mackay SD and Queensland;
8. The Whitsunday LGA regional economy has been growing strongly over the past five years, in line with the State;
9. The Whitsunday LGA economy is highly reliant on the accommodation, cafés and restaurants sector and the transport and storage sector, largely attributable to the Whitsunday's position as a key leisure tourism destination and significant air and sea transport infrastructure in the region;
10. Demand for house rental properties in the surrounding service centre has increased by over 20% in the past year, while demand for unit rentals has remained relatively constant;
11. The availability of public and community housing in the Whitsunday LGA is relatively low, with sizable waiting lists for both State Government managed public housing and housing cooperative managed community housing;
12. The average cost of housing (both home loans and rents) is higher in the immediate area and the surrounding service centre than in broader regional centres and the State, placing greater emphasis on the need for affordable housing for low income earning households in the region; and
13. The immediate area and surrounding service centre of the Shute Harbour Marina Resort has considerable social, community and recreational infrastructure capable of servicing the majority of the local population's needs, while regional level services are primarily provided in Proserpine and Mackay.

Further discussion of economic impacts, which are necessarily linked to social impacts, is provided in Section 4.13 of the EIS.

#### 5.2.1.1 Local Values, Vitality and Lifestyle

The Whitsunday Shire offers a relaxed, low-key, leisure based coastal lifestyle, with a range of natural assets that enhance the region's appeal for both residents and visitors (Whitsunday Shire Council, 2005).

Within the Shute Harbour community, consultation results from both the Shute Harbour Planning Study (Jackson Planning & Buckley Vann, 2007) and the Shute Harbour Marina Resort Community Engagement Report (Three Plus, 2006, 2007) indicate that the Shute Harbour community values the following aspects of their community and lifestyle:

- accessibility to waterways and moorings for recreational boating;
- preservation/protection of the area's environmental values and biodiversity;
- restrictions on development activity in Shute Harbour– including limitations on height, scale and further expansion of the urban footprint;
- the importance of the 'iconic view' to community members;
- management of waterways for recreational and commercial marine activities;
- safety – including road and water safety;
- the importance of Shute Harbour as a transit terminal and port;
- connection to place and custodianship over the environment; and
- identification with a 'tropical' lifestyle that was distinct from a 'southern' lifestyle and influenced the design of the township.

Within the broader context of the Whitsunday local government area, the following characteristics are also considered likely to exist in the Shute Harbour community:

- identification of clearly delineated nodes of activity within the Shire, particularly Airlie Beach, Proserpine and Cannonvale;
- a focus on sustainable development at a local and regional level;
- centrality of the Whitsunday Islands to the region's economic prosperity;
- recognition of the unique environmental values of the region and a desire to protect these values;
- sense of a coastal 'retreat' or 'hideaway' associated with the less densely populated areas of the Whitsunday Shire (including Shutehaven) as opposed to the busier character of Airlie Beach;
- laidback and casual lifestyle focusing on the outdoors, in particular recreational use of waterways and beaches; and

- a desire to manage growth pressure in the community in accordance with social justice and ecological sustainability principles.

Further details regarding these characteristics can be found in Appendix B of the EIS.

## 5.2.2 Potential Impacts and Mitigation Measures

### 5.2.2.1 Labour Force Impacts

The proposed SHMR is expected to impact on the labour market of the immediate Shute Harbour area and the surrounding service centre during both the construction and operational phases, in terms of labour and skill requirements.

#### Construction

Consultation with the proposed SHMR primary construction companies (Jetty Specialist & Lucy Construction) identified a strong likelihood and opportunity for continuity of construction workforce from the Port of Airlie development (currently being constructed) to the proposed SHMR. As the Port of Airlie development and SHMR have relatively similar anticipated work crews – in annual estimated FTE terms 160 FTEs for Port of Airlie (Queensland Department of State Development 2004), compared to the average 78 FTE and a peak of 192 FTE for SHMR – the impacts associated with the presence of the SHMR construction crew in the region are likely to be a continuation of those currently associated with the Port of Airlie construction crew. However, to ensure a conservative assessment, the Socio-Economic Impact Assessment considers the SHMR in isolation.

Current skill availability in the surrounding and broader service areas and the implementation of education, training and skills development programs is expected to enable approximately 50% (39 average, 96 peak) of the construction labour requirement to be sourced from within the surrounding service centre, with the remainder needing to be attracted from elsewhere to meet labour requirements.

The secondary construction phase (e.g. dwelling construction, contracted by individual allotment owners) is anticipated to require 89 FTE employees on average, with a peak of 107 FTEs. The majority of the labour requirement for the secondary construction phase is expected to be sourced from existing local residential and accommodation construction companies and represent a continuation of work for these companies and employees. As such, it is not anticipated that the secondary construction phase will result in any significant change in the overall level of employment in the surrounding service centre.

#### Operation

During the operational phase of the development a daily workforce of approximately 142 people is expected to be required (SHMR, 2006) with 75% (106) of these anticipated to be filled using local labour. The remaining 36 employment positions are anticipated to be filled from outside the surrounding service centre. The total workforce equates to approximately 58.4% of those individuals actively looking for work in the Whitsunday Shire and approximately 9.4% of those persons actively looking for work in the Mackay North Coast region, suggesting that there may be potential to attract staff from the regional unemployment pool.

### 5.2.3 Population Impacts

Population impacts from the SHMR could result from the attraction of labour, visitors and residents that would not otherwise come to the region, and can have significant flow on impacts on demand for social infrastructure and services.

#### 5.2.3.1 Construction

It is estimated that the construction of the SHMR would result in an increase of population levels in the surrounding service centre (and Whitsunday LGA) during the construction period averaging 46 persons (39 workers and 7 additional family members), peaking at 112 persons (96 workers and 16 additional family members).

#### 5.2.3.2 Operation

It is expected that approximately 25% of the operational workforce (36 workers) will be sourced from outside the region and relocate to the surrounding service centre, with 30% of these relocating their family with them (18 family members). This equates to an estimated total additional persons in the region of approximately 54 persons. It is anticipated that less than 5% of the 142 operational workforce will reside in the immediate area (Shutehaven and Shute Harbour).

#### 5.2.3.3 Tourism Precinct Visitors/ Tenants

An average of 220 units/ suites can be expected to be occupied throughout the course of the year, peaking at approximately 276. This equates to between 493 and 623 additional persons staying in the immediate area at any one time.

#### 5.2.3.4 Marina Precinct Visitors

It is estimated that at a maximum the marina would average an additional 100 people on any one day for the sole purpose of using the marina facilities.

#### 5.2.3.5 Total Additional Operational Population

Once fully operational the development is estimated to result in an average population staying in the immediate area of 493 people, with a peak of 623. The surrounding service centre and Whitsunday LGA are estimated to have a slightly higher population staying in the area of 574 people on average (677 peak) with approximately 25% of the operational labour force anticipated to reside in these areas, with some bringing their families.

It is estimated that there is the potential for the Shute Harbour Marina Resort to contribute an estimated 1,128 persons in the immediate area, with a peak of 1,258 persons per day.

The additional persons in the surrounding service centres and the Whitsunday LGA is estimated to average approximately 1,047 persons throughout the year, with a peak of 1,177 persons.

#### 5.2.3.6 Summary of Population Impacts

The analysis above indicates that the SHMR is expected to result in the following population impacts in terms of additional people residing or temporarily staying in the three catchment areas during the construction and operational phases.



Table 5-4 Total Construction Population Impact			
	Immediate Area	Surrounding Service Area	Whitsunday LGA
Average	0	46	46
Peak	0	112	112

Table 5-5 Total Operational Population Impact			
	Immediate Area	Surrounding Service Area	Whitsunday LGA
Average	493	547	547
Peak	623	677	677

## 5.2.4 Demographic, Social and Cultural Impacts

The size and scope of the proposed development has the potential to generate impacts on the existing demographics, lifestyle and values of the local community, access to requisite social, community and recreational facilities and services, accessibility of property, and cultural heritage. These impacts can be related to physical changes in the environment from the development itself as well as increases in population flowing from the development. A number of impacts were identified following a detailed assessment of the demographic, social and cultural implications of the SHMR, and are summarised below.

### 5.2.4.1 Demographic Impacts

#### Construction

Construction workers are expected to only be on-site during the day and the construction site will not be open for public access. No significant demographic impacts are expected to be experienced in the immediate area or surrounding service centre as a result of the development and the associated increase in population.

#### Operation

The operational phase of the development is likely to see a long-term increase in the average number of persons present each day of 1128 persons on average (peaking at 1258). While this is a significant increase on the 232 people counted as staying in the immediate area in 2006, almost half of this increase is expected to be tourists staying in the tourist precinct or managed resort accommodation, with the remainder being day visitors travelling to the area to work or utilise the marina facilities (and residing elsewhere).

Given the existing strong tourism profile of the immediate area, as well as the somewhat secluded nature of the main residential area of Shutehaven from the Shute Harbour Marina Resort site, the development is not expected to have a significant influence on the nature of the immediate area's demographic characteristics.

### 5.2.5 Community Values and Lifestyle

The proposed development has the potential to impact on elements of the community values and lifestyle of the immediate area. This is primarily due to the size and scope of the proposed development in comparison to the current characteristics of the Shute Harbour community. Of the issues identified through consultation and research, the potential impacts on the values and lifestyle of residents in the area are:

- (a) Potential impacts (both negative and positive) on accessibility to and enjoyment of recreational boating activities in the area;
- (b) Potential for changes to the level of community cohesiveness and the identity of the Shute Harbour community; and
- (c) Enhancement of recreational, leisure and employment options in the longer term.

#### 5.2.5.1 Recreation & Access

The Marine Traffic Study estimates that approximately 57 of the 300 swing moorings are located within or in close proximity to the proposed development site. These swing moorings will be relocated to an area outside the marina footprint. In addition, the 669 new proposed marina berths in Shute Harbour and the new boat ramp which will be constructed by Council with a financial contribution from SHMD Pty Ltd of \$2.5 million will serve to significantly increase water access in the area.

#### 5.2.5.2 Visual Amenity & Community Character

The Visual Amenity Study presented in Appendix J of the EIS, indicates that the proposal “is expected to maintain or enhance the amenity of adjacent land uses via provision of view corridors through the proposed development and by screening existing incompatible uses” (Yurrah Pty Ltd, 2007). The lifestyle impacts of this development as a result of the potential loss of views are therefore considered to be able to be mitigated against through the adherence of the developer to these suggestions, with some of the rehabilitation programs undertaken as part of the proposal providing the opportunity to increase visual amenity in certain localities.

The potential impact of the proposed development on community cohesion and sense of identity are difficult to quantify due to the potential for competing interests to be present in the area. Any change to the community as a result of the development has the potential to increase a sense of community cohesiveness for residents of Shutehaven due to the geographical separation of this community from those visiting or temporarily staying at the proposed development.

#### 5.2.5.3 Local Economy & Tourism

The proposed development is expected to provide further opportunities for economic growth in the region with local employment opportunities available in the construction, accommodation, hospitality, water transport, and retail industries. It is expected that the majority of these benefits will be gained by those in the broader surrounding area as at present there are no unemployed persons identified as living within the Shute Harbour immediate area. Positive economic benefits may be generated through increased demand for the services provided by local businesses.

The construction of a significant tourist accommodation facility within the proposed development is expected to increase the number of visitors to the area, with an average of 1,128 additional persons in

the community on any given day. The presence of the marina also suggests the potential for increased day-trip travel to the area for boating purposes.

The increased tourism flows are anticipated to generate some impacts on the local community, with increased demand for services and facilities, greater traffic volumes on Shute Harbour road and increases in water traffic expected as a result of the development. While changes to the Shute Harbour foreshore are planned it is not anticipated that these will detract from the tourist experience of the Whitsundays or the Whitsunday eco-tourism brand for the majority of individuals, as the development will be constrained to a small, self contained peninsula and will not extend into the Great Barrier Marine Park Area or Conway National Park.

#### **5.2.6 Access & Availability of Social & Community Infrastructure & Services**

Population impacts from the Shute Harbour Marina Resort are likely to place some additional demand on social and community facilities and services during both the construction and operational phases. However, many workers during the construction phase, and tourist visitors during the operational phase are likely to source family and community support services, health care and other services from their "home base", rather than from within the region they are working/visiting, except in emergency circumstances.

Population-based benchmarks indicate that the current level of social and community infrastructure and services will have capacity to cater for the increase in population expected as a result of the SHMR. Some health and child care service levels appear to be currently under stress, but the predicted increase in population would not significantly influence the expansion of these facilities or the provision of new facilities. As the population increases in general within the Whitsunday LGA, investment in these areas over the coming years may be warranted.

##### **5.2.6.1 Access & Availability of Recreational Activities**

Benchmark analysis indicates that current levels of provision for opens space are well above benchmarks and will not need to be supplemented as a result of the development of the SHMR. However, it is noted that the SHMR will result in an additional 0.25 hectares of parkland area and 0.7 hectares of pedestrian boardwalk between the land and marina facilities, linking through to parkland areas and a carpark area. The boardwalk and pathway network has been designed to ensure that the general public and marina users have the opportunity to access the foreshore area that is currently effectively inaccessible to the general public due to a steep bank and mangroves. It is expected that the additional open space areas provided by the development will be sufficient to meet the requirements of the additional population during operation (peak of 677 people).

Assessment of existing sporting facility provision in the surrounding service centre against population based benchmarks suggests that the existing supply of most sporting facilities is sufficient to cater to an increase in population of over 4,000 people. Sporting fields and tennis court provision is below recommended levels and may be experiencing demand pressures. The addition of 112 people during construction and 677 people during operation has the potential to exacerbate current demand pressures on these facilities.

#### **Marine Access**

The Shute Harbour Marina Resort will provide for an increase the level of marine access with a new four lane public access boat ramp with parking for approximately 100 vehicles with trailers (this is to be

developed separately to the marina with the proponent providing a financial contribution of \$2.5 million) and the opportunity to safely berth a boat within the marina complex.

The marina development is expected to provide additional berth capacity to cater to the rapidly growing number of boat registrations in the Mackay region.

It is anticipated that the additional marine access provided by the development will be sufficient to meet the requirements of the additional population during operation (peak of 677 people), and will serve as an outlet for increased recreational water based activities in the surrounding service centre.

### 5.2.7 Property Access & Relocation

Based on observed trends, the majority of the construction workforce that are not currently residing in the region are anticipated to seek rental accommodation where available, with relatively less expensive short stay accommodation such as caravan parks and motels a secondary option. The supply of rental properties in the surrounding service centre has increased in recent years, however, rental prices have also increased and rental properties do not stay available for long due to the current high demand. Rapid growth in accommodation costs may place increasing financial burden on low income families in the region. However, the impact of the SHMR on this will be minimal as a result of the majority of construction workers already residing in the area.

During operation, it is expected that some of the operational workforce will need to be sourced from outside the region. These workers are expected to relocate and seek a residence within an appropriate travel time to their place of work, placing increased demand on the property and rental markets. However, given the relatively low number of workers (some with family members) anticipated to move to the region (36), the highly mobile nature of the surrounding service centre population (i.e. low proportion of residents in the same address as the previous year) and the considerable amount of property development currently being undertaken in the region, it is not expected that the attraction of workers to the region will have any significant impact on the property market during operation.

### 5.2.8 Transport Accessibility & Safety Impacts

The SHMR has the potential to impact on the accessibility and safety of transport networks in the local area. Impacts have been assessed for road, water, public, pedestrian, equality and emergency access and safety, with the following impacts identified.

#### 5.2.8.1 Road Access, Mobility and Safety

Construction and operation of the marina development is anticipated to result in a total increase in traffic in peak hour of 168 vehicles during construction (increase of approximately 50%) and 338 vehicles during operation (increase of approximately 100%). This increase in traffic has the potential to reduce access and mobility through increased congestion, travel times and safety risks on Shute Harbour Road. This is detailed in EIS Appendix K1.

It is noted that a Traffic Management Plan has been developed to assist in mitigating these impacts.

#### 5.2.8.2 Water Access, Mobility and Safety

During construction, access to the development site will be limited for health and safety reasons. However, while the site area will be inaccessible for recreational and commercial use this is not anticipated to significantly impact on water access to the surrounding area as current foreshore access



from the development site is effectively non-existent and the nearby ferry terminal and boat ramps will remain operational.

During operation, water access is expected to be enhanced through the provision of 669 marina berths and associated facilities, as well as a new boat ramp to be developed as a separate project which is to be partly funded by SHMD Pty Ltd. Water access from the existing ferry terminal and boat ramps is not expected to be impeded with the marina design to allow sufficient manoeuvrability and access from and to the site.

While it is anticipated that the marina development will result in the displacement of approximately 57 swing moorings, these moorings will be replaced within the existing mooring pattern, and is not anticipated to impact on access to the area

#### 5.2.8.3 Public Transport

Scheduled bus services operate between Airlie Beach, Shute Harbour and Proserpine, with services travelling along the site frontage along Shute Harbour Road approximately every 15 to 30 minutes between 6:00 AM and 6:30 PM. There is currently no bus stop at the site, however a bus lay-by is to be provided within the commercial precinct near the roundabout to cater for bus services provided by Whitsunday Transit (if required). The development also proposes to provide a minibus service to supplement any gaps in scheduled public transport services and ensure links to the major support service centres are provided. The provision of courtesy bus services to/ from the development site would be expected to reduce traffic loads on Shute Harbour Road (Cardno, 2007a).

#### 5.2.8.4 Bicycle and Pedestrian Access

Pedestrian access will be provided in the development site through a pedestrian boardwalk along the water edge, a park and pedestrian paths are provided along the collector roads. This will result in significant improvement in pedestrian access to, within the site and along the foreshore.

Current pedestrian access from the development site to the ferry terminal is limited. Cardno (2007a) has recommended that strategies be developed to improve connectivity between the marina development site and the ferry terminal.

#### 5.2.8.5 Equality of Access

Design of the SHMR will satisfy Whitsunday Shire Council's Universal Equity Access policy requirements for equitable access.

#### 5.2.8.6 Emergency Access

Emergency service access is primarily provided via Shute Harbour Road which has adequate response times of just over 10 minutes. Mitigation measures to minimise road and traffic impacts are expected to minimise impacts on emergency service response times. Additional emergency service access to the site will be available via water transport or helicopter if required.

### 5.2.9 Impacts on Current Land Use

The proposed development site will not have a direct impact on private land as it is wholly contained within Lot 2 on Plan SP 117389, Lot 273 on Plan HR1757, which is currently managed by SHMD Pty

Ltd. Some of the planned development area is currently occupied by swing moorings, however the swing moorings within the plan area will be relocated prior to the commencement of construction.

Concerns were initially raised by the Hamilton Island Barge operation relating to the impact of the development on the safety and operation of barges as a result of increased traffic in the Shute Harbour area. This risk has been mitigated through the preparation of a management plan for traffic in the area, which has been approved by the Harbour Master (Mackay) and Hamilton Island Enterprises have since confirmed their support for the proposed marine management.

The owners of the motel adjacent to the development site expressed some concerns regarding their ability to attract visitors during construction due to noise and dust issues. Mitigation strategies to minimise noise and dust impacts have been outlined in the 'Noise and Dust' section of the EIS.

Concerns have also been raised regarding the impact of the development on property values for adjacent properties, particularly from decreased visual amenity. Mitigation strategies have been developed in the Visual Amenity Report by Yurrah Pty Ltd (2007) as attached as Appendix J of the EIS. Visual amenity of adjacent lands is expected to be maintained or enhanced via the provision of view corridors through the proposed development and by screening existing incompatible land uses.

#### **5.2.10 Potential Environmental Harm on the Amenity of Adjacent Areas**

The SHMR is not anticipated to generate any significant environmental impacts on the amenity of adjacent areas. While the marina is expected to have some impacts on the near field aquatic environment, these impacts are anticipated to be mitigated as outlined in Section 5 of the EIS. Further, the proponent has developed an environmental trust to be funded from the sale of the marina berths.

#### **5.2.11 Implications for Future Developments in the Local Area**

Outside the footprint of the site itself precluding alternative future developments, it is not anticipated that the SHMR will constrain land use in the surrounding area. The development will provide opportunities for existing business growth and expansion due to enhanced local access to the marina and associated facilities, particularly for businesses in related upstream and downstream industries. Additional detail regarding the implications for future development in the local area is provided in the Economic Impact Assessment.

#### **5.2.12 Social Impact Mitigation Strategies**

Section 8.1 of the SEIA Report outlines the mitigation measures have been recommended as appropriate to minimise any potential negative impacts of the SHMR to the social environments, and facilitate potential positive impacts.

Strategies have been developed for both the construction and operational phases of the project and strategies have been prepared for the following identified impacts.

1. Addressing labour force impacts -encouraging the use of the local labour pool by:
  - a. target local skilled labour where possible when recruiting;
  - b. develop specialised education, training and skills development programs in consultation with education and training providers to develop the requisite skills in the local labour force, particularly in unemployed, youth and school leaver groups;

- c. undertake consultation with local businesses and industry groups to assist their preparation for supply of goods and services to the project; and
  - d. reducing population impacts from the second stage of construction.
- 2. Minimising population impacts of second stage construction by:
  - a. developing labour force skills capacity during stage one construction of the marina;
  - b. encouraging developers to utilise local construction labour where possible; and
  - c. consult with adjacent property owners, Department of Communities and Whitsunday Regional Council to monitor project impacts (demand) on local social infrastructure, and any concern about impacts on local community values, and take action to redress impacts where possible.
- 3. Reducing the potential impacts on access to water for recreational boating by providing financial contribution for construction of an all-tide public boat ramp and support infrastructure.
- 4. Integrating the values of the existing community and their lifestyle into the development by:
  - a. engaging and consulting with the community during the planning, construction and operational stages of the development to enhance community acceptance of the marina and minimise potential negative impacts on community cohesiveness and identity; and
  - b. incorporating covenants to ensure second stage development is in accordance with the vernacular of the region and expressed local values.
- 5. Monitoring and addressing demand for recreational facilities in the region and enhance recreational, leisure and employment options in the longer term by:
  - a. promoting the use of local labour at the marina and associated facilities during the operation phase; and
  - b. engaging and consulting with the community during the planning, construction and operational stages of the development to promote and maximise the community benefits from the use and visitation of the marina and associated recreational and leisure facilities.
  - c. source labour from the local labour pool where possible to reduce number of workers/ families needing to relocate to the region during both construction and operation;
  - d. consult with local sporting bodies/ organisations/ facility providers and Whitsunday Shire Council to identify any reduction in access; and
  - e. encourage the use of marina recreational facilities by local community members.
- 6. Improving access to health care services and reduce impacts arising from additional population demand by:
  - a. sourcing labour from the local labour pool where possible to reduce number of workers/ families needing to relocate to the region during both construction and operation;

- b. consulting with local GPs, medical centres, hospitals and other affiliated health practitioners on an ongoing basis to identify any changes in access (e.g. increased waiting lists/ times); and
  - c. considering on-site provision of medical services if demand from workforce is causing stress on local health service access.
7. Improving local community access to recreational facilities provided by the project by:
- a. sourcing labour from the local labour pool where possible to reduce number of workers/ families needing to relocate to the region during both construction and operation;
  - b. consulting with local sporting bodies/ organisations/ facility providers and Whitsunday Shire Council to identify any reduction in access;
  - c. engaging and consulting with the community during the planning, construction and operational stages of the development to inform the community of the recreational facilities and activities to be provided by the development;
  - d. enabling future public transport access to/ from the marina;
  - e. providing sufficient car parking at the marina and associated facilities to accommodate visitors;
  - f. Undertake local educational and marketing campaign to disseminate the facilities and activities on offer at SHMD; and
  - g. Encouraging the use of Marina recreational facilities by local community members.
8. Improving accessibility by:
- a. improving public transport access to and from the Marina;
  - b. improving connectivity between Marina and Ferry Terminal; and
  - c. ensuring equitable access within the Marina and associated facilities for all persons.
9. Reducing potential impacts on short stay accommodation availability, rental prices and the accessibility to traditional low-cost housing options by:
- a. sourcing labour from the local labour pool where possible to reduce number of workers needing to relocate to the region during both construction and operation;
  - b. consulting with accommodation providers, real estate agents and relevant Government departments to identify sufficient, suitable accommodation for construction workforce;
  - c. assisting construction workers in locating suitable accommodation;
  - d. monitoring the effect of workforce demand on housing in consultation with real estate agents, local community housing providers and the Department of Housing; and



- e. If required, provision of accommodation for construction workers, which could add to the supply of affordable housing in the area after the construction phase is completed.

### 5.3 ECONOMIC IMPACTS AND BENEFITS

The AEC Group Limited (AECgroup) was engaged by SHMD Pty Ltd to undertake a Socio-Economic Impact Assessment of the proposed SHMR, and this is attached as Appendix T of the EIS.

The assessment undertaken by AEC provided extensive baseline data and analysis which was summarised by Cardno and included as S4.13 of the EIS.

As these elements have been covered in detail by the above report and summary the background data is not included here. Rather the following summary, adapted from S4.13 of the EIS, is included, focussing on impacts, both positive and negative, as well as proposed mitigation strategies.

The economic impact assessment component of the assessment examines the anticipated impacts generated by the proposed development in the context of the Whitsunday LGA and the Mackay Statistical Division (SD) regional economies. Few economic impacts are anticipated to be captured by the broader Queensland economy that is not captured by the Mackay SD economy.

These requirements were examined using three methods:

- a cost benefit analysis (CBA) examining the overall returns from the development;
- an economic impact assessment (EIA) of the likely direct and flow on impacts of the development; and
- a qualitative discussion surrounding any associated potential economic and business impacts.

The EIA and Qualitative discussion element are summarised below. The assessment also recommended a number of mitigation strategies and monitoring regimes to ensure that the economic values of the region are enhanced or, at least maintained by the project and these strategies are outlined in Section 8 of EIS Appendix T.

The Cost Benefit Analysis is included in the Net Benefit Assessment contained in S6.4 below. Details of the assessments, outcomes and discussions is provided in Appendix G of the EIS.

#### 5.3.1 Summary of Economic Conditions

A complete description of the existing socio-economic environment is presented in Appendix T to the EIS. In conclusion, the following key points regarding the existing regional economic environment can be noted.

- The Whitsunday LGA regional economy has been growing strongly over the past five years, in line with the State.
- The Whitsunday LGA economy is highly reliant on the transport and storage sector in terms of both contribution GRP and employment, largely attributable to the significant air and sea transport infrastructure in the region and Whitsunday's position as a key leisure tourism destination.

- The strong tourism sector is also the primary driver to a relatively higher contribution to GRP and employment from the accommodation, cafés and restaurants industry in the Whitsunday LGA economy than in Mackay SD or Queensland economies.
- In line with the Mackay and State experiences, Whitsunday LGA is currently experiencing a 'tight' labour market, with historically low levels of unemployment.
- Whitsunday LGA has a relatively high proportion of persons employed in the occupations of managers, labourers and community and personal service workers, and a relatively lower proportion of persons employed in the occupations of clerical and administrative workers and professionals.
- Whitsunday LGA has experienced a strong level of dwelling investment in the past three years, with the number and value of dwelling approvals growing at a faster rate than the Mackay SD and Queensland.
- The majority of private dwellings in the Shute Harbour area are owned outright by the occupants, while the surrounding service centre (including Cannonvale, Airlie Beach, Flametree and Jubilee Pocket) is characterised by high levels of rental properties.
- Over the past year, Whitsunday LGA has experienced strong growth in the number and value of sales for house and unit properties, particularly in the suburbs of Cannonvale, Airlie Beach and Jubilee Pocket.
- Demand for house rental properties in the surrounding service centre has increased by over 20% in the past year, while demand for unit rentals has remained relatively constant.
- The availability of public and community housing in the Whitsunday LGA is relatively low, with sizable waiting lists for both State Government managed public housing and housing cooperative managed community housing.
- The average cost of housing (both home loans and rents) is higher in the immediate area and the surrounding service centre than in broader regional centres and the State, placing greater emphasis on the need for affordable housing for low income earning households in the region.

## 5.3.2 Potential Impacts and Mitigation Measures

### 5.3.2.1 Quantitative Assessment of Economic Impacts

#### Construction

Table 5-6 below shows the forecast costs associated with the primary (SHMD Pty Ltd expenditure) and secondary (secondary developer expenditure) construction phases of the development and the proportion of that expenditure that is expected to be retained within the regional and state economies.

Table 5-6 Construction Phase Expenditure			
Element	Development Cost (\$M)	Retained in Region(a) (\$M)	Retained in State (\$M)
SHMD Pty Expenditure	253.4	158.1	213.7
Secondary Developer Expenditure	104.5	83.6	94.0
Sales Commissions	5.4	4.3	4.8
<b>Total (c)</b>	<b>363.2</b>	<b>245.9</b>	<b>312.5</b>

Source: AECgroup

The following table summarises the economic impact of the \$363.2 million expenditure during the construction phase including the direct and flow on elements for the regional and state economies. The figures represent the total impact of the combined primary and secondary construction phases.

Table 5-7 Economic Impacts of the Construction Phase								
	Mackay SD				Queensland			
	Output (\$M)	Value Added (\$M)	Income (\$M)	Emp (FTE)	Output (\$M)	Value Added (\$M)	Income (\$M)	Emp (FTE)
Direct	\$245.9	\$105.3	\$44.9	552	\$312.5	\$133.5	\$57.4	781
Flow on	\$91.4	\$42.3	\$13.6	269	\$140.0	\$62.2	\$19.1	393
<b>Total(a)</b>	<b>\$322.9</b>	<b>\$137.2</b>	<b>\$51.6</b>	<b>821</b>	<b>\$452.5</b>	<b>\$195.7</b>	<b>\$76.5</b>	<b>1,174</b>

Notes: (a) Some totals may not add up due to rounding.

Source: AECgroup

### Operation

Table 5-8 illustrates the anticipated annual operating output from each element of the development. The assessment examines anticipated expenditure both within the SHMD itself as well as within the wider region (all expenditure is assumed to be retained within Mackay SD). This analysis only includes expenditure from visitors that would not come to the region if the SHMD did not exist as this represents the additional expenditure in the region as a result of the development.

**Table 5-8 SHMR Operating Phase Expenditure (2007)**

Element	% of Expenditure Included in EIA	Annual Output (\$M)	% of Total SHMD Output
Hotel Accommodation	80%	\$9.4	21.4%
Managed Resort Accommodation	80%	\$21.0	47.9%
Marina	90%	\$3.1	7.0%
Charter Boat Base	80%	\$3.4	7.9%
Commercial	80%	\$4.7	10.8%
Retail	80%	\$2.2	5.0%
<b>Expenditure within SHMD</b>	<b>82% <sup>(a)</sup></b>	<b>\$43.8</b>	<b>100%</b>
<b>Expenditure outside SHMD</b>	<b>82% <sup>(a)</sup></b>	<b>\$12.4</b>	
<b>Total Expenditure</b>	<b>82%</b>	<b>\$56.2</b>	

Visitors to the SHMD would also purchase goods and services in the wider region resulting in approximately \$31.4 million being spent by visitors to the SHMD outside of accommodation expenditure. Some of this expenditure is expected to be spent within the facilities offered at SHMD, however approximately \$51.1 million will contribute to the annual output in the wider region.

Consultation with business operators undertaken for the development of the economic impact assessment indicates that they do not anticipate any loss of earnings as a result of the proposed development.

Table 5-7 below shows the expected annual economic impact of:

- SHMD resident visitor expenditure within SHMD (\$43.8 million);
- SHMD resident visitor expenditure within the region (excluding SHMD) (\$12.4 million); and
- SHMD resident visitor expenditure within the region (including SHMD) (\$56.2 million).



Table 5-9 Economic Impacts of the Operational Phase

	Mackay SD				Queensland			
	Output (\$M)	Value Added (\$M)	Income (\$M)	Emp (FTE)	Output (\$M)	Value Added (\$M)	Income (\$M)	Emp (FTE)
<b>SHMD resident visitor expenditure undertaken at the SHMD</b>								
Direct	\$43.8	\$20.6	\$7.0	117	\$33.7	\$15.9	\$5.4	95
Flow on	\$18.0	\$8.0	\$2.4	54	\$13.9	\$6.2	\$1.9	43
Total <sup>(a)</sup>	\$61.8	\$28.6	\$9.4	171	\$47.6	\$22.1	\$7.3	138
<b>SHMD resident visitor expenditure undertaken outside of SHMD</b>								
Direct	\$12.4	\$6.3	\$3.1	78	\$10.1	\$5.1	\$2.5	64
Flow on	\$4.5	\$2.1	\$1.0	22	\$3.7	\$1.7	\$0.8	18
Total <sup>(a)</sup>	\$17.0	\$8.4	\$4.0	100	\$13.8	\$6.8	\$3.3	82
<b>Total SHMD resident visitor expenditure (including at SHMD and outside of SHMD)</b>								
Direct	\$56.2	\$26.9	\$10.0	195	\$43.8	\$21.0	\$7.9	159
Flow on	\$22.5	\$10.1	\$3.4	76	\$17.6	\$7.9	\$2.7	61
Total <sup>(a)</sup>	\$78.8	\$37.0	\$13.4	271	\$61.4	\$28.9	\$10.6	220

Notes: (a) Some totals may not add up due to rounding.

Source: AECgroup

Over the operating phase of the development, the EIA concluded that the total anticipated annual economic contribution of the development to the Mackay SD regional economy is estimated to be approximately an additional:

- \$78.8 million of direct and indirect output;
- \$37.0 million of direct and indirect value added;
- 13.4 million of direct and indirect as income; and
- 271 direct and indirect FTEs.

It is anticipated that the impact on the Queensland economy will be approximately:

- \$61.4 million of direct and indirect output;
- \$28.9 million of direct and indirect value added;
- \$10.6 million as direct and indirect income; and
- 220 direct and indirect FTEs.

Although the magnitude of the impact of the operational phase is smaller than that of the construction phase, it must be noted that the operational impacts are annual and would be expected to continue to accrue each year over the operational life of the development.

### 5.3.3 Summary of Economic Impacts

#### 5.3.3.1 Economic Impacts on Employment and Households

The SHMD would be expected to directly generate 552 FTE positions during the construction phase and a further 171 FTE positions in the operational phase within the Mackay SD. Further, indirect impacts of the development would be expected to create 269 FTE positions during the construction phase and 100 FTE positions in the operational phase in the Mackay SD. At the State level, it would be anticipated that 1,174 FTE positions would be created during the construction phase and 220 FTE positions during the operational phase.

Household incomes in the Mackay SD would be expected to increase by \$51.6 million during the construction phase and \$13.4 million per annum in the operating phase.

#### 5.3.3.2 Economic Impacts on Existing Businesses

During the construction phase, it is estimated that Mackay SD regional output would increase by \$322.9 million and \$452.5 million at the State level. This would include an increase in value added production of approximately \$137.2 million and \$195.7 million at the regional and State levels respectively.

During the operating phase, it is estimated that Mackay SD regional output would increase by \$78.8 million per annum and \$61.4 million at the State level. This would include an increase in value added of \$37.0 million and \$28.9 million at the regional and State levels respectively.

Consultation identified the majority of businesses in the Shute Harbour area to be in favour of the development, anticipating additional business opportunities that may flow on to them associated with the demand for goods and services from the growth in visitor numbers especially given the characteristics of the SHMD target market. There were some concerns regarding the impact of the construction phase and any associated increase in marine traffic in the Shute Harbour area, however, these are addressed through mitigation strategies proposed in the EIS.

#### 5.3.3.3 Economic Diversity

It is likely that employment created during the construction phase will help to provide employment for the existing construction sector employees rather than driving any significant change in the proportion of workers in the region or state that are employed in this sector, thereby contributing to the maintenance rather than an increase in economic diversity.

The operational phase is not identified to have any significant impact given the relatively small number of employees involved relative to the labour force as a whole.

#### 5.3.3.4 Economic Impacts on Non-Business Groups

Although infrastructure costs are still subject to negotiation, no requirement for extensive expansion or improvements to the existing local government services has been identified (Cardno, 2007c). There may be potential for the local government to improve existing facilities at Shute Harbour as a result of the SHMD, such as car parking and the boat ramp. SHMD Pty Ltd has committed a contribution of \$2.5 million to the Whitsunday Shire Council to upgrade the existing boat ramp and associated facilities at Shute Harbour should the proposed marina proceed.

The economic loss to Council from no longer charging for the use of the ferry terminal appears to be minimal and the potential contribution towards the costs of the new boat ramp represents a considerable saving. Assuming an appropriate agreement is reached regarding infrastructure costs and that the full costs of providing services to the development are recovered through an appropriate charging regime, there should not be a net cost to Council from the SHMD.

Some residents have expressed concerns about the impact of the development on property values. However, it is considered more likely that the development may contribute to an increase in property values resulting from increased services in the region.

#### 5.3.3.5 Economic Impacts on Current Land Use

Outside the footprint of the site itself, it is not anticipated that the Shute Harbour Marina Resort will constrain land use in the surrounding area. The development will provide opportunities for existing business growth and expansion due to enhanced local access to the marina and associated facilities, particularly for businesses in related upstream and downstream industries.

#### 5.3.4 Economic Impact Mitigation Strategies

Section 8 of the SIEA Report outlines a number of mitigations strategies to manage economic impacts. Those identified strategies include the following

- Retaining as much construction expenditure as possible in the regional economy by:
- facilitation of discussion with local businesses to establish which services are available in the region; and
- encouraging local suppliers to tailor their services to better meet the requirements of the developer.
- encouraging the primary contractor to utilise local suppliers, where possible in the development of the facility.
- Retaining as much visitor expenditure as possible in the regional economy by ensuring the availability of visitor information regarding facilities and attractions in the region.
- Facilitating opportunities for local businesses to capitalise on the benefits of the project by:
- Encouraging the use of locally produced products for required construction materials where possible;

- Enhancing links between the marina, associated facilities and local business, in particular businesses in related industries such as marine and tourism through a local skills/ capability marketing campaign;
- Sourcing of labour from the local labour pool during the construction phase to maximise the retention of income and expenditure in the local region;
- Engaging and consulting with local business during the planning, construction and operational stages of the development to inform businesses of the opportunities available for supply of goods and business linkages.
- Reducing the potential impacts on short stay accommodation availability for tourists during the construction phases of the project by:
  - sourcing labour from the local labour pool where possible to reduce number of workers needing to relocate to the region during construction;
  - consulting with accommodation providers, real estate agents and relevant Government departments to identify sufficient, suitable accommodation for construction workforce;
  - assisting construction workers in locating suitable accommodation; and
  - if required, providing accommodation for construction workers, which could add to the supply of affordable housing in the area after the construction phase is completed.

## 5.4 NET BENEFIT ASSESSMENT

A central tenet of the approach to the Shute Harbour Marina Resort development has been to ensure that clear net benefits are delivered by the project. This approach is considered to be essentially the most fundamental test regarding the relative merits of a project.

Whilst this approach is used as a broad foundation for the project in general, a number of areas of State Government policy also specifically adopt this approach, and have adopted formalised definitions and methodologies to provide rigour around the reporting and assessment frameworks. The Net Benefit Analysis also provides a ready means of deriving balanced conclusions from the detailed socio-economic analysis

AEC Group have accordingly prepared a Net Benefit Assessment report to provide an analysis of the proposed Shute Harbour Marina Resort in terms of its net benefit to the State of Queensland.

This Net Benefit Assessment section has summarised the main findings of the AEC report. The Net Benefit Assessment Report prepared by the AEC Group is included as Appendix G of the EIS.

### 5.4.1.1 Shute Harbour Net Benefit Assessment Triggers

The proposed Shute Harbour Marina Resort triggers assessable development under:

- the Coastal Protection and Management Act 1995 (CPM Act);
- policies within the State Coastal Management Plan (SCMP);and



- the Draft Mackay Whitsunday Regional Coastal Management Plan (RCMP)

all of which require the proposed development to demonstrate it provides a net benefit for the State of Queensland.

The definition under the *RCMP* of a net benefit for the State is as follows:

"there is a net benefit (taking into account all financial, social and environmental impacts) to the State as a whole, as distinct from sectoral, commercial, private or regional gain, and the proposal delivers the greatest net benefit of all viable alternatives".

Policies within the *SCMP* and *RCMP* identified, in consultation with Queensland EPA, as triggering the net benefit assessment in relation to the proposed Shute Harbour Marina Resort include:

- 2.1.5: Maritime infrastructure;
- 2.1.9: Reclamation;
- 2.8.1: Areas of state significance (natural resources);
- 2.8.2: Coastal wetlands; and
- 2.9.4: Private use of state land on the coast.

#### 5.4.1.2 Net Benefit Assessment Criteria and Methodology

A cost benefit analysis (CBA) was utilised in this analysis to identify if the benefits delivered by the proposed development are anticipated to outweigh the costs of the development across the triple bottom line. CBA assesses the impact of a development by comparing the "with" and "without" scenarios.

The key decision criteria investigated in the CBA were:

- **Net present value (NPV):** represents the present value of all benefits minus the present value of all costs. If the net present value is positive, (i.e. present value of benefits is greater than the present value of costs) then the option or project is considered economically desirable and will provide net benefit; and
- **Benefit cost ratio (BCR):** is the present value of benefits divided by the present value of the costs. If the resulting BCR is greater than one (1) then the option or project is considered economically desirable and will provide net benefit. The higher the BCR the greater the quantified economic benefits compared to the quantified economic losses.

Where the analysis undertaken met these decision criteria, the development of the proposed Shute Harbour Marina Resort was considered to result in a net benefit to the State of Queensland.

#### Impact Quantification

The CBA identified that both the direct (those accruing to the proponent) and indirect (those accruing to external stakeholders) benefits of the proposed development outweigh the direct and indirect costs.

Direct benefits of the development, including:

- income from the sale of land;
- land based facilities and marina berth leases; and
- income from operation of the marina,

were estimated to total approximately \$536.1 million over the 30 years of the analysis, which has a present value of approximately \$295.8 million (discount rate 10%).

By comparison, the cost to the proponent of constructing the SHMD is expected to total approximately \$254.4 million, with a present value of \$202.2 million.

Indirect benefits of the SHMD including:

- revenues to secondary developers from the sale of Managed Resort Accommodation;
- increased business activity as a result of the SHMD; and
- social and environmental benefits from maintenance of the coral reef as a result of a Reef Conservation Fund

were estimated to total approximately \$1.31 billion over the 30 years of analysis, which has a present value of \$688.8 million (discount rate 6%).

By comparison, indirect costs, which includes the cost of developing the Managed Resort Accommodation, purchasing marina berth leases, the loss of business elsewhere in Queensland, as well as environmental impacts from the removal of seagrass and mangrove communities in the marina footprint, were estimated to total approximately \$805.6 million, which has a present value of \$483.1 million.

#### 5.4.1.3 Costs and Benefits Summary

The list of costs and benefits included in the AEC analysis is listed below. The table identifies whether the impacts are direct or indirect as well as whether they were able to be quantified.

## Costs

Table 5-10 Costs Summary		
Impact	Impact Type (Direct / Indirect)	Impact Quantified (Yes / No)
<b>Economic</b>		
Cost of approvals	Direct	Yes
Construction cost of the marina and related amenities	Direct	Yes
Construction cost of the land based aspects of the development	Direct & Indirect	Yes
Ancillary costs including contributions to the community	Direct	Yes
Reef Conservation Fund	Direct & Indirect	Yes
Cost of Managed Resort Accommodation development	Indirect	Yes
Cost of purchasing a lease on a marina berth	Indirect	Yes
Additional social, community and recreational infrastructure and services	Indirect	No
Transfer of business activity from elsewhere in Queensland	Indirect	Yes
<b>Social</b>		
Increased road traffic (Shute Harbour Road)	Indirect	No
Decreased water safety from increased water traffic	Indirect	No
Loss of cultural heritage	Indirect	No
Increased demand for accommodation and housing	Indirect	No
Increased demand for community and recreational services and facilities	Indirect	No
Noise impacts	Indirect	No
Changing community values and lifestyle	Indirect	No
<b>Environmental</b>		
Removal of seagrass/ macro algae	Indirect	Yes
Removal of mangroves	Indirect	Yes
Removal of coral communities	Indirect	Yes

Notes: (a) Assumes infrastructure and utility services provided by Whitsunday Shire Council or other stakeholders are operated on a full cost recovery basis, which are therefore considered transfer payments.

Benefits

Table 5-11 Benefits Summary		
Impact	Impact Type (Direct / Indirect)	Impact Quantified (Yes / No)
<b>Economic</b>		
Land sales income to proponent	Direct	Yes
Revenue to proponent from lease of marina berths	Direct	Yes
Revenue to proponent from sale of land based facilities	Direct	Yes
Revenue to secondary developers from sale of Managed Resort Accommodation	Indirect	Yes
Increased business activity at SHMD	Direct & Indirect	Yes
Increased business activity outside of SHMD	Indirect	Yes
Appreciation of property values	Indirect	No
Enhanced networking and linkages in the marine sector	Indirect	No
Increased business confidence (investment attraction)	Indirect	No
Tourism support	Indirect	No
<b>Social</b>		
Increased amenity from lease of marina berths	Indirect	Yes
Maintenance of the recreational value of the Great Barrier Reef World Heritage Area	Indirect	Yes
Increased mangrove habitat along western fringe	Indirect	Yes
Improved access to areas for recreational and leisure activity	Indirect	No
Enhancement of community interaction and cohesion	Indirect	No
Additional employment opportunities	Indirect	No
<b>Environmental</b>		
Increased habitat from development of breakwater	Indirect	Yes
Reestablishment of seagrass from removal of swing moorings	Indirect	Yes
Increased mangrove habitat along western fringe	Indirect	Yes
Maintenance of the environmental and ecosystem services value of the Great Barrier Reef World Heritage Area	Indirect	Yes

#### 5.4.1.4 Cost Benefit Assessment

A cost benefit analysis (CBA) framework was used to assess the quantifiable impacts of the proposed Shute Harbour Marina Resort. Each impact was quantified, valued in monetary terms and assessed individually before being combined in the CBA model to calculate the net impact of the proposed development. All values are presented in 2007-dollar terms.

The assessment has been conducted in accordance with the Queensland Department of Treasury's Cost Benefit Analysis Guidelines (2006), the Environmental Protection Agency's guidelines for Environmental Economic Valuation (2003a) and the Environmental Protection Agency's Information Sheet on techniques for environmental economic valuation (2003b).

To clearly identify impacts by stakeholder two forms of impacts are examined throughout the analysis:

- **Direct impacts:** Those borne by the proponent, have been discounted at 10.0%, which is the indicative risk adjusted rate; and
- **Indirect impacts:** Those externalities or impacts borne by those other than the proponent, are discounted at 6.0% (Queensland Treasury, 2006).

Not all impacts can be readily quantified in dollar terms. To ensure all project impacts are adequately considered, those impacts, not readily attributed a monetary value were considered qualitatively. These impacts are predominantly social amenity and lifestyle impacts, which are inherently difficult to quantify in monetary terms.

#### Sensitivity Analysis

A sensitivity analysis was undertaken incorporating a range of magnitudes for key inputs which were modelled to determine the sensitivity of the project outcomes to the inputs driving the results.

To ensure a conservative approach, the assessment focussed on the 'down-side' rather than the 'up-side' when testing the variables in the sensitivity analysis. This analysis demonstrated that the overall benefits were generally very robust for each of the key assumptions utilised.

#### 5.4.1.5 Net Benefit Assessment Findings

The CBA assessment found that development of the Shute Harbour Marina Resort is expected to deliver:

- a total net benefit of \$299.4 million in present value terms (NPV) at a discount rate of 10% for direct impacts (i.e. incurred by the proponent) and 6% for indirect impacts (i.e. to stakeholders other than the proponent)
- a present value of benefits of \$984.6 million and a present value of costs of \$685.3 million.; and
- an overall benefit cost ratio (BCR) of 1.44 (i.e. returns \$1.44 for every dollar spent in delivery of the project);
- a positive direct net benefit (i.e. to the proponent) in present value terms of \$93.6 million with a BCR of 1.46;



- a positive indirect net benefit (i.e. to stakeholders other than the proponent) in present value terms of \$205.7 million with a BCR of 1.43.

All aspects across the triple bottom line (economic, social and environmental) are anticipated to record a net benefit as a result of the project.

It is anticipated that the overall net benefit was understated by these results as where possible a conservative approach was applied. A number of economic and social benefits were unable to be quantified, with these benefits expected to outweigh the economic and social costs identified from the SHMD project that have not been able to be quantified, which further supports this assessment potentially understating the benefits delivered by the SHMD development.

A summary of the quantitative CBA impacts is shown below:

Table 5-12 Quantitative CBA Summary				
Impact	PV of Benefits (\$M)	PV of Costs (\$M)	Net Present Value (\$M)	BCR
<b>Economic</b>				
Direct Impacts	\$295.8	\$202.2	\$93.6	1.46
Indirect Impacts	\$570.6	\$461.4	\$109.2	1.24
Total Impacts	\$866.5	\$663.6	\$202.8	1.31
<b>Social</b>				
Direct Impacts	N/a	N/a	N/a	N/a
Indirect Impacts	\$94.0	\$0.0	\$94.0	N/a
Total Impacts	\$94.0	\$0.0	\$94.0	N/a
<b>Environmental</b>				
Direct Impacts	N/a	N/a	N/a	N/a
Indirect Impacts	\$24.1	\$21.6	\$2.5	1.12
Total Impacts	\$24.1	\$21.6	\$2.5	1.12
<b>Total</b>				
Direct Impacts	\$295.8	\$202.2	\$93.6	1.46
Indirect Impacts	\$688.8	\$483.1	\$205.7	1.43
<b>Total Impacts</b>	<b>\$984.6</b>	<b>\$685.3</b>	<b>\$299.4</b>	<b>1.44</b>

Source: AECgroup

From the outcomes of the net benefit assessment, it is clear that the direct, indirect and overall impacts of the project result in a clear benefit to the community.

#### 5.4.1.6 Net Benefit Assessment Conclusion

The proposed SHMD is identified to provide a range of community, economic and environmental benefits including increased access and recreational space, employment and additional business activity across a range of industries. The proposed SHMD also contributes to a net, or overall improvement in the environmental conditions throughout the Whitsundays, valued through the increase of ecosystem services values and recreational value of the natural attributes of the Great Barrier Reef maintained as a result of the development.

The proposed SHMD development provides a positive net benefit to the State of Queensland with any costs associated with the project being outweighed by the total benefits provided. That is, the SHMD returns a positive net present value and a benefit cost ratio of above one. Indeed, the proposal provides a net benefit to the State in each of the categories of economic, social and environmental impacts.

### 5.5 ALTERNATIVES TO THE PROJECT

As noted in project history, a marina project at the SHMR site has been under consideration for a many years. The current development company has been involved with the site since the late 1990's and a previous EIS was prepared and lodged in 2005.

Since the preparation and lodgement of the 2005 EIS the Shareholders and Directors of SHMD changed, with Port Binnli assuming a 50% interest in SHMD, along with Project Management responsibilities.

Whilst the extended development design and approval process has been arduous for the original proponents, the long history of detailed design and assessment has provided ample opportunity to consider a variety of alternatives to the current proposal. The current directors, shareholders and design team have the advantage of being able to draw upon the experiences and feedback arising from previous proposals, as well as being able to tailor the proposal to current conditions, which have changed remarkably in recent years, particularly with respect to tourism visitation in the Whitsundays and the continued rise in boat registrations and marina demand.

The alternatives considered during the feasibility studies and this EIS included:

1. Original Proposal by Scotex Pty Ltd;
2. Amended Proposal by SHMD Pty Ltd, 2005;
3. Current Proposal by SHMD Pty Ltd;
4. Design Alternatives Within Current Proposal;
5. Alternative Berthing Opportunities;
6. Alternative Marina locations; and
7. Alternative of Not Proceeding with the Current Proposal.

### 5.5.1 Alternative 1: Original Proposal by Scotex Pty Ltd

The original proposal by Scotex Pty Ltd was instigated around 1994 and incorporated a range of facilities that attempted to cater for the perceived needs within the local community and local tourism markets such as:

- two to three star resort complex providing a fully integrated accommodation resource;
- condominiums providing unique water frontage lifestyles;
- marina meeting the community's need for commercial, charter and private vessels;
- yacht club serving the community and visitors to the area;
- commercial area to provide for existing needs;
- community shopping centre within the Shutehaven area; and
- ship repair facility providing slipways, travel cranes and hard stand areas necessary for the maintenance of commercial and charter boats in the region.

The marina comprised 322 berths. Marina berths were to be equipped with electricity, water, telephone connections, standard bollards, fenders and refuelling and pump-out facilities. The marina was to be serviced by a hardstand area, a slipway and overhead crane, a number of shops and offices complementary to marina activities as well as a dockmaster's office. Marina berths were to cater for casual and permanent berthing.

The proposed resort hotel was planned for two to three star status with 200 rooms. The resort complex was proposed to have a high quality finish and designed to blend with the maritime surroundings. The resort hotel was to include:

- bars and restaurants to service the local community, resort residents, condominium owners and marina tenants;
- large rooms with en suite, in-house video, Sky channel and modern entertainment systems; and
- public areas comprising of lobby, bars, restaurants, conference facilities, gymnasium, pool system and terraced areas.

The proposed development had 100 condominiums with waterfront accommodation, which would be two bedroom apartments of varying sizes from 110 to 140m<sup>2</sup>. Some of the condominiums were proposed to be located on the rock breakwater.

The Yacht Club was designed to become the focus of the entire project. It was designed to provide a venue for visiting yachtsmen, a yacht racing headquarters, a meeting venue for local residents and an entertainment and relaxation centre for members and guests.

Two commercial areas were planned. The first area of 900m<sup>2</sup> was located in the middle of the hard stand at the centre of marina activity. The second area of 1,400m<sup>2</sup> was located adjacent to the main

road. The area was to feature tourism related businesses such as bakeries, booking agencies, tourist shopping, water taxis headquarters, seaplane headquarters and other community services.

Arrangements had been made with Australian Bareboat Charters (Shute Harbour) Pty Ltd (ABC) to provide a headquarter facility.

The size and distribution of specific land uses which made up the full development is shown in Table 5-13.

<b>Project Component</b>	<b>Area (ha)</b>	<b>Unit Count</b>
Resort	2.5	200 rooms
Condominiums	2.3	100 units
Marina	5.0	322 berths
Marina Commercial Centre/Shipyard	0.3	
Shopping Centre	0.25	
Charter Base	0.05	
Yacht Club	0.25	
Open Space	2.15	
Support Area Precinct	0.5	
Car Parking	2.0	500 spaces
<b>Total</b>	<b>15.3</b>	

The advantages of the original proposal were the benefits that a marina and residential development could bring to the Shute Harbour area. This proposal was conceived with regard to the tourism demographics and market forces at the time, however was not able to be proven as economically viable, given market conditions and returns able to be achieved for tourism, residential and marina berths at the time.

Other disadvantages of the proposal were that it did not provide as many benefits to the community as the current proposal. The proposal included 5 storey buildings to be located on the breakwater which was later judged to be a less desirable location than adjacent to the shore where the visual impact is significantly lessened by the context of the steep hillsides. In addition, the construction of the rock breakwater required importation of large volumes of armour rock with the consequent transport of numerous loads of rock by heavy trucks through the settled areas of Cannonvale and Airlie Beach and along Proserpine-Shute Harbour Road.

### **5.5.2 Alternative 2: Amended Proposal by SHMD Pty Ltd, 2005**

The master plan for the amended proposal was the subject of an EIS prepared by Connell Wagner (2005), and included a 33.45ha site incorporating the following land uses:

- marina and associated infrastructure such as floating wave attenuator, ferry wharf, pontoons, slip, hardstand, chandlery, fuelling and sullage pump out facilities;

- commercial precinct comprising Marine Transit Centre, offices, retail, sailing club, tavern, charter base, cyclone shelter, emergency services, sea rescue facilities and car parking;
- residential precinct comprising 115 allotments for development of single dwellings;
- resort precinct comprising a 75 suite resort and associated facilities such as reception, lounge, bars, function rooms, restaurant, kitchen, offices, carparking, pool and maintenance facilities; and
- landscaped roads, pathways and urban design elements.

A number of alternatives to this design were considered during the design and reporting process however the amended option was chosen for reasons including limited environmental impact and maximum benefits, including economic viability. These options included:

- less resort and residential areas (which adversely impacted on the project feasibility);
- less carparking (which would not meet the future growth in parking demand);
- smaller marina (which would not be economically viable due to high capital costs of establishing the breakwater and reclamation area);
- less reclamation (which would result in less developable land and a project not financially viable);
- larger slip and hardstand (which would provide surplus facilities with the Mackay Marina in close proximity);
- less hillside cutting (which meant importation of materials through Airlie Beach township which would be disruptive and undesirable);
- no resort (which adversely impacts on the project feasibility and results in a lost opportunity to develop a world-class resort);
- rock breakwater (which would adversely impact on views, aspects and visual amenity. The Proponent conducted an overseas investigation of various marinas that used alternative construction methods for breakwaters. It was found that floating breakwaters could provide a feasible alternative for this marina (Kellogg Brown & Root Pty Ltd, 2004).

### 5.5.3 Alternative 3: Current Proposal by SHMD Pty Ltd.

Following the submission of the EIS in 2005 substantial feedback was provided by both agencies and the community. A supplementary EIS was requested by the CoG to respond to the submissions arising from the EIS Proposal. Following the change of composition of directors and shareholders the project was subject to a detailed design review undertaken in order to address the areas perceived as causing community and agency concern. Major changes to the amended proposal included:

- removal of the Transit Terminal and Ship Repair Facility;
- significant reduction in land based development, with only a 5000m<sup>2</sup> increase in reclamation;



- no development of land north of Shute Harbour Road, abutting Conway National Park;
- inclusion of a public esplanade along the entire frontage of the development, leading to a public park area at the southern end of the Isthmus;
- significant financial contribution to redevelopment of the existing boat ramp; and
- an increase in marina berths.

These changes were deemed to be of a scale that required a new assessment under the SDPWO Act. Subsequently a new ToR was released in July 2006 requiring technical studies to inform both the public and assessing authorities of the scope, benefits and impacts of the current proposal and of the measures proposed to mitigate potential impacts to result in an ecologically sustainable development.

The current proposal encompasses approximately 41.1ha and incorporates the following aspects (in summary):

- realignment and upgrade of the Proserpine-Shute Harbour Road in the development vicinity;
- surrender of land north of Shute Harbour Road to the State;
- marina (at a depth of -5.2m AHD) and associated infrastructure including public boardwalk and facilities, refuelling and sullage pump out facilities, sheet pile breakwater, floating catwalks and pontoons (with sensitive seagrass moorings), ancillary marine equipment (eg. navigation aids) and access channel;
- managed resort accommodation precinct encompassing 117 development lots with dwellings or units of a residential character up to 3 floor levels, landscaped open space and internal road network;
- resort hotel precinct comprising a four and 1/2 star tourism resort, limited to 5 storeys with 109 family suites and associated facilities such as reception, lounge, bars, function rooms, restaurant, kitchen, offices, underground carparking, pool and maintenance facilities;
- tourism orientated commercial ventures including food outlets and speciality shops;
- three story carparking facilities;
- extensively landscaped roads, pathways and urban design elements (including visual character and water sensitive urban design);
- landscaped open space area on western Isthmus including land to be used for intermittent maintenance dredge spoil; and
- designed entrance statement.

A number of alternatives to this design were considered during the internal design and EIS preparation process however the current proposal was chosen for reasons including limited environmental impact and maximum benefits. These alternatives included:

- re-configuration of the isthmus to project at a 90 degree angle from the coastline (which would adversely impact on coastal processes and seaward access to the adjacent marine salvage yard, as well as being less visually attractive);
- rearranged site access (which would result in road safety issues);
- single wave protection barrier (which solely would not reduce wave height and risk of property damage);
- differing stormwater and internal road design (which did not adequately manage water quality and quantity and facilitate public access); and
- 6m deep marina basin (in parts) to accommodate super yachts (which would result in increased dredge volumes).

A number of changes to the design have also occurred since the completion of the IAS and original community engagement processes. These include:

- Realignment of the southern end of the Isthmus providing a number of benefits including: improved coastal processes, better enclosure of the marina and reduction in overall size of marina into Shute Harbour;
- Reduction of total marina berths from 733 berths to 669 berths;
- Redesign of the pontoon layout to be more efficient and to lead to directly to the marine facilities and publicly accessible marina plaza commercial and retail precinct;
- Redesign of the mixed use precinct (now known as marina plaza) to provide more of a village plaza feel, expected to provide a recreational and social hub for the development and visitors;
- Redesign of the road and allotment layout to provide enhanced view corridors from Shute Harbour Rd to the marina and beyond to the Islands (particularly the distant view to the Island at the western end of the development);
- Similar improvement to internal view corridors to the marina and beyond;
- Clarification of proposed development controls for the Managed Resort Accommodation areas ensuring that a wider range of accommodation options can be provided, whilst ensuring a residential height and character are maintained;
- Clarification of the operation of the Managed Resort Accommodation facility via use of the hotel lobby facilities for processing of all resort guests in the complex;
- Amendment of the concept design of the built form to provide increased shading, fenestration and a softer and more natural palette of colours, providing a softer interface between the marina environment and the natural backdrop;
- Inclusion of a public parkland area at the southern end of the Isthmus, providing distinct and desirable public areas at both ends of the continuous public marina esplanade;

- Redesign of the marina entrance moving the breakwater closer to the entrance and providing a much safer and more legible separation of private and commercial marine traffic from both the marina and the (proposed) new public boat ramp, resolving the current unacceptable public and commercial marine traffic conflicts;
- Redesign of the vehicle entrance to provide a better interface between the entrance, the hotel resort precinct and the marina plaza area; and
- Provision of a larger and more legible bus set down area adjacent the marina plaza.

Additional measures have also been proposed offsite improving the relationship of the development to the Transit facility and the development's net benefits to the region, including:

- Creation of a Marine Conservation Fund providing an ongoing funding stream linked to marina berth lease sales and ongoing contributions to be managed by local GRMPA in conjunction with a local reference group. The funds are intended to be directed towards marine protection and rehabilitation in the following ways:
  - Contribution towards provision of sea grass friendly moorings replacing current chain systems which destroy sea grass in the vicinity of the moorings;
  - Provision for a Cultural Centre and marine environmental interpretive facility to be incorporated into the charter boat waiting lounge facilities improving environmental awareness as well as appreciation of indigenous and European heritage and indigenous customs and connection to the site.

#### 5.5.3.1 Design Interdependencies

The proposal has been carefully conceived to provide a balance of uses allowing the SHMR precinct to function as an integrated resort facility, whilst making provision for uses and areas which will be enjoyed by the local community.

The heart of the proposal is the marina, driven by the continuing growth in demand for marina berths and the supremacy of the proposed location as the most suitable marina location in the region, due to its twin key advantages of proximity to the key Whitsunday Islands and its natural harbour geography providing an excellent foundation for providing safety against tropical cyclones. Whilst the marina is the primary focus of the development, it is critical that the proposal includes sufficient supporting facilities to harness the benefits of the marina location.

In this regard a careful balance has been struck between the level of development required to support the marina being compatible with protection and preservation of the natural environmental context of Shute Harbour.

As mentioned, a number of previous elements of the preceding proposal were removed or modified as a result of previous feedback. The current design concept essentially consists of:

- The marina;
- The marina resort and managed accommodation;
- Marina and charter boat supporting facilities and infrastructure;

- Marina plaza commercial and retail facilities; and
- Carparking, access and bus facilities

The design has sought to balance the size, scale and location of these facilities such that they function together as an integrated facility. Within the context of fitting within an aesthetic scale appropriate to the landscape the iteration of uses and scales thereof are related in the following manner:

- The marina has been sized in order to cater for marina berths in the mid term – bearing in mind the supremacy of the marina location and the lack of appropriate future marina locations in the region;
- Marina facilities are, of course, sized to match the number of marina berths and users;
- Charter operations have been sized to address the popularity of charter boats hire as a means of enjoying the Whitsunday Island marine environment, in the knowledge that Shute Harbour's proximity to the Islands makes it a logical hub for Charter boat operators. Analysis of current alternative charter boat facilities has revealed a clear need for land based facilities of a contemporary standard in order to better harness this important element of the marine tourism market;
- The marina resort has been designed to frame the northern and western ends of the marina providing surveillance and an element of activity to the marina, whilst maintaining a scale which is commensurate with maintaining attractive vistas from key vantage points such as Shute Harbour, Shute Harbour Rd and the Transit terminal.
- Underpinning the successful operation of the marina, marina resort and public benefit arising from the development is the Marina Plaza precinct; This precinct is intended to function as the activity heart of the development, providing an attractive and comfortably vibrant area where people can mingle, shop, dine and relax whilst enjoying the marina and natural vistas and activities.

In order for the Marina Plaza precinct to meet these objectives, it is necessary for a critical mass of people to be using the area. In this case, the area will be populated by a mix of marina users, occupants of the Marina resort and Managed Resort Accommodation, arriving and departing charter boat groups, visitors en route to or from the Transit terminal, and local residents.

SHMR is designed to primarily cater for visitors seeking to interact with the Marine environment. Whilst Shute Harbour is relatively close to Airlie Beach, it is not intended that the development rely upon drawing significant tourist traffic from Airlie Beach. Accordingly, it is vital that a critical mass of people are catered for within the Shute Harbour precinct, sufficient to support the commercial and retail uses within the Marina Plaza.

Provision of a successful balance of people will allow the Plaza area to fulfil an important role in the tourism fabric of Shute Harbour and the Whitsundays, adding another element to the mix of opportunities available to tourists. Failure to support these uses would undermine the attractiveness of the marina, the marina resort and the charter operations, and provide less benefit to Shutehaven and other local residents.

Any significant undermining of the plaza and resort would render the marina less attractive to users, with the combination of factors potentially critically affecting the feasibility of the project.

Due to the relative isolation of the precinct, the size and scale of the project has to be carefully balanced in order to function successfully. Development has been limited to a residential scale for the majority of the development site, in cognisance of the aesthetics of the natural environment and community views. Whilst it is considered that a critical mass of patrons will be achieved from the current proposal, it is clear that there is limited scope to reduce the extent of development without affecting the functionality and viability of each of the other factors.

#### **5.5.4 Alternative 4: Design Alternatives Within Current Proposal**

A number of design alternatives were also considered to the format of the current proposal. As mentioned the current design has evolved with the benefit of the array of previous proposals and feedback and hence has been subject to considerable rigour.

##### **5.5.4.1 Building height and location**

Building heights in the proposal have been limited to 5 storeys in the hotel resort precinct pocket at the eastern end of the site and three storeys for the balance of the development. The rationale for this design was guided by the natural landform created by the height and sense of enclosure afforded by the ridgeline leading to the outcrop on which the neighbouring motel is situated. This landform creates a context in which the 5 storey height of the hotel resort precinct can sit comfortably within this cove, with the cove and existing motel limiting the extent to which these buildings are noticeable from key vantage points such as the transit terminal and marine vistas.

This approach has enabled the majority of the development density to be located in one pocket of the development, limiting visual impact whilst concentrating activity close to the marina facilities and strongly supporting the vitality of the marina plaza precinct.

The balance of the development has been limited to three residential storeys in order to minimise visual impact from other vantage points, whilst creating a clearly defined edge and sense of enclosure, surveillance and safety for the marina. The height limit has been selected to integrate with the marina environment whereby the built form will be commensurate with the height of the masts in the marina.

This approach creates a relatively natural interface between the marina, the built form and the surrounding landscape, whilst ensuring that the built form is not dominant from vistas available from Shute Harbour Road. The height limit and the design covenants are designed to ensure a residential character is achieved, and is of a scale that can be readily softened by the extensive landscaping proposed.

It is noted that, with respect to freestanding dwellings the height limit of three storeys is proposed primarily to enable the construction of lightweight roof decks and pergolas, which enable outstanding views and breezes to be enjoyed by occupants whilst creating additional roof level landscaping opportunities. This approach is intended to soften and break up the building line of the buildings, adding interest whilst minimising visual impact. For these dwellings, the main building structures will therefore be likely to read as two storeys dwellings.

Alternatives to this approach were considered whereby greater heights were to be available towards the hillsides, given the height and scale of the wooded backdrop. This approach was dismissed in order to maintain a comfortable scale when viewed from Shute Harbour Road, and to keep buildings within the scale of the masts.



Consideration was also afforded to reduction in the height of the hotel resort precinct to three and /or four stories. These scenarios were dismissed owing to the reduction of units necessary to provide the critical mass of patronage needed to support the development and the viability of the marina plaza precinct. As mentioned, these buildings were seen to fit comfortably in the context of the elevated ridgeline and cove, and had limited visual prominence from most viewing locations. The adjoining hotel be redeveloped to a maximum height of three storeys under the current provisions of the Planning Scheme. Therefore, it is considered that the majority of proposed building heights proposed are expected to be consistent with future development in the area.

A further alternative based on this premise was to continue four storey buildings for a greater distance to the west in order to maintain the critical yield required for overall viability. Again, this approach was discounted as the effect of nestling into the cove type landform diminishes when further removed from the ridgeline and outcrop, and the buildings would be more prominent from Shute Harbour Road.

#### 5.5.4.2 Alternatives to Dredge Spoil Disposal

The dredge spoil disposal option selected for maintenance dredging is the use of the reclaimed isthmus in planned open space, which will be constructed with a sand filter and use geobags for dewatering purposes. In theory, an alternative for dredge spoil disposal is at sea disposal. Searches were undertaken to check whether there were any existing approved at sea disposal sites, however, due to the proximity and extent of the GBRMP, at sea disposal was not considered to be a feasible alternative.

No practicable alternative to dredge spoil associated with the marina development was identified for the following reasons:

- quantity of material;
- characteristics of material (i.e. marine mud);
- natural area constraints including marine park;
- proximity to landfill; and
- suitability of material (when mixed with sand) for fill.

#### 5.5.4.3 Reclamation vs Land Based Development

One of the key decisions in the design proposal was to reduce the extent of land based development proposed. This decision has resulted in the ability to restrict development to the south of Shute Harbour Rd, with all land to the north of the road to remain in its natural state, and be transferred to public ownership to ensure that its role as a buffer to the National Park be protected and maintained.

This design change is considered to result in a considerable improvement in visual amenity as it enables the undisturbed protection of the vegetated hillside as the backdrop to the development. The increase in land reclamation area was limited to 5000 sqm which was an area considered to have limited impact as part of the reclaimed landscaped environment of the resort development.

#### 5.5.4.4 Existing Lease Vs Proposed Lease

The relative merits of the use of the existing lease area vs the proposal lease area is closely related to the merits of reclamation vs land based development. Essentially, the previous proposal received considerable unfavourable feedback with respect to its use of the land areas of the lease, which necessitated substantial earthworks into the hillside adjacent the national park, creating significant scarring of the hillside.

In order to avoid this impact and be in a position to return the land north of Shute Harbour Road to public ownership, additional development area was required in the waters of Shute Bay. The proposal has been carefully configured such that the additional reclamation area was limited to 5000sqm. The additional area included in the Permit to Occupy was required in order to cater to the existing and expected future demand for marina berths, documented in the Section 6.1.3 and Appendices H1 and H2 of the EIS.

As the current proposal site is the last feasible marina location in the region it was considered imperative that the marina have sufficient capacity to make a significant contribution towards addressing this demand, maintaining the viability of the marine based tourism in the area, and supporting marine industries in the State. It is clearly impractical and inefficient to stage the construction of a marina - essentially, it is necessary and desirable to plan for and construct the ultimate capacity in the first instance.

Adherence to the existing lease area would have rendered the region with a clear undersupply of future marina berths, and / or restricted the extent of land based development area available hindering the ability to reach a critical mass of custom necessary for relative self sufficiency.

As was seen in the moderate storm of 11 February 2008 where very substantial damage of approximately 55 boats on swing moorings occurred, the relative safety afforded by marinas compared to swing moorings is obvious. This is evidenced by the fact that no damage to boats in marinas occurred during this event. Additional marina capacity provides the opportunity for more boats to be moored safely, drastically reducing financial and potential personal and environmental costs of storm damage.

#### Environmental Comparison

The use of Shute Harbour road as the boundary to the development avoids the need for earthworks and allows the natural areas to remain intact, avoiding much of the 'edge effects' which would have been encountered as part of the previous proposal. In comparison, the small amount of additional reclamation would have limited additional effect to the marina proposal, the environmental affects of which have been designed and assessed in rigorous detail throughout the EIS.

#### Visual Amenity

The extension of the marina was seen as having a clearly lesser impact than earthworks based use of the land area. We note that not all of the Permit to Occupy area is to be incorporated into the marina, as the eastern extent of the marina entrance has been reduced and the Isthmus design now bends to the south at it's edge, better framing the marina, reducing the marina size and improving the coastal processes in the vicinity.

Figure 5-1: February 2008 Storms in Airlie Beach



Source: [http://www.sail-world.com/index\\_n.cfm?nid=41828](http://www.sail-world.com/index_n.cfm?nid=41828) retrieved 31 July 2008

#### 5.5.4.5 Technological Alternatives

The technological alternative to marina berths is on land 'dry stackers'. Dry stackers provide a physical means of storing small to mid sized boats in racks, typically stored within large buildings of an industrial nature.

Use of a dry stacker, could have conceivably been used to compensate for a reduction in the number of the berths in the marina. However the facilities required to support a dry stacker include dedicated areas to launch and collect the boats, massive boat lifting cranes and large areas of hard stand between the water's edge and the storage building, all of which has to be inaccessible to the public for safety reasons.

The incorporation of a dry stacker would render the area involved with a very definite industrial look, feel and function, suited to integration with other industrial operations such as boat maintenance and other shipyard facilities. We note that ship repair facilities were included in an earlier proposal, contributing to significant negative feedback.

In short, the use of a dry stacker in this location was clearly not suited to the beauty of the Shute Harbour which demands an attractive and integrated marina resort environment which can successfully blend with the natural environment.

#### **5.5.5 Alternative 5: Alternative Berthing Opportunities**

Within the region, additional marina berths on Hamilton Island and as part of the expanded Abel Point marina and the recently approved Port of Airlie marina have proved popular, however with the growth in boat ownership and boating activities, the existing and developing marinas will not be able to meet future demands. This finding is evidenced in the SHMR Marina Demand Update (February 2008) attached as Appendix H2 to the EIS.

Also with significant increases over the past four years in size and consequently purchase price of boats, there has been an increased focus on safeguarding investments in boats, with accompanying greater emphasis on safe berths and marinas offering not only a complete range of services and facilities but also embracing high environmental standards.

The demand for marina berths within a safe harbour facility has driven the planning and design of the current proposal.

#### **5.5.6 Alternative 6: Alternative Marina Locations**

The Brown and Root WMDA report (2001) resolved that the preferred marina locations were at Airlie Beach / Muddy Bay and Shute Harbour. Owing to the sustained strong growth in boat registrations the Port of Airlie marina is now under construction.

The demand analysis undertaken by Pacific Southwest (2008) demonstrates that, despite significant extensions of marina capacity in the region, there is still an underlying demand to be satisfied, underpinning the need for the development of a marina in Shute Harbour. As the other preferred marina site has been committed, the only marina sites of merit considered were the two sites considered in Shute Harbour.

Of these two sites the current site has the key advantage of being best able to integrate with and help complete the functioning of the Transit Terminal, as well as being specifically supported as a Marina location by the current Strategic Plan designation as well as the current Development Lease / Permit to Occupy. The Brown and Root sieve analysis noted that the eastern site had greater areas of seagrass and greater requirements for capital dredging. The site was further discounted due to lack of connecting infrastructure, weak relationship to the Transit Terminal and unsuitable foundations.

Accordingly, it is considered that the current location is an optimum location for a new marina. Beyond the fact that it is the only reasonable option for a substantial marina in the region, its geographic advantage and linkage to the Transit terminal make it integral to the successful management of marine traffic in the region, whilst linking with the terminal to strengthen the region's image, identity and interface to the Whitsunday Islands and Great Barrier Reef.

#### **5.5.7 Alternative 7: Not Proceeding with the Current Proposal**

The greatest consequence of not proceeding with the development would be the loss of the opportunity for the marina itself. The proposed site is clearly the best suited marina site in the region, with outstanding geographic advantages compared to other potential sites, both for level of storm protection and proximity to the Whitsunday Islands. Such natural advantages are too great to be ignored.

Creating a significant marina provides the opportunity to manage marina berth demand for a considerable period of time. If not provided, pressure for and costs of marina berths would continue to

intensify. Higher costs would continue pressure on demand for swing moorings, leading to increased sea grass damage and greater marine craft damage occurring in storms and cyclones, such as was experienced in the storms of February 2008. Provision of marina facilities such as sewage pump out, also reduces the incidence of inappropriate effluent disposal incidences. Pressure for marina berths would ultimately lead to pressure to develop at alternative, less suitable locations.

Failure to proceed with the marina would be in complete contrast to the aims of the State Government Marine Action plans, Smart Industry policy, Manufacturing Strategy, all promoting the creation of sustainable infrastructure supporting the strength of the Queensland Marine industry.

The alternative of not proceeding with the proposal would leave Shute Harbour falling further behind in the extent that it fails to meet the increasingly discerning expectations of visitors to the reef and Whitsunday Islands.

Shute Harbour, whilst still managing to be intrinsically attractive due to its natural attributes and geographic advantages, has suffered from previous development decisions over decades, with relatively tired and mediocre facilities. Failure to proceed with the project would deny a key catalyst to be added to the mix of uses at Shute Harbour, facilitating an overall modernisation, reorganisation and integration of the precinct.

The marina and marina resort provides a level of completeness to Shute Harbour helping to strengthen its role as place to be appreciated and enjoyed in its own right, rather than its current primarily utilitarian role - a place that is passed through en route to other areas. The marina resort presents a single and logical opportunity to provide a coherent marine based mainland destination where the natural beauty of Shute Harbour and the Conway National Park can be experienced. There is no better location within Shute Harbour or elsewhere in the region to create such an opportunity and failure to proceed would leave this important addition out of the fabric of tourism offerings in the Whitsundays.

The range of facilities and accommodation within the marina and marina resort have been conceived to meet the needs of the growing sector of the population owning and utilising marine craft. In particular, the proposed charter boat hub and lounge facilities will present a significant improvement on current facilities available to this important sector of the marine tourism market. If not provided, guests will continue to be forced to board and depart using inadequate ground facilities, leading to increased vulnerability to other boating areas with better facilities.

Not proceeding with the current proposal would deprive the local community, visitors to the area, and the regional economy of a range of associated net environmental, economic and social benefits. Such net benefits are documented in the Net Benefit Assessment, attached as Appendix G of the EIS and are not detailed here, however we note that headline key benefits not realised would include:

- **Economic benefits** - a total net benefit of \$299.4 million in present value terms (NPV) and a total of 821 construction and 271 ongoing jobs associated with the support of marine based industries and support and stimulation of tourism;
- **Environmental benefits:** the development was assessed as providing a net environmental benefit through sensitive design and construction, as well as innovative initiatives such as the Reef Conservation Fund, creating a funding stream to proactively enable the replacement of traditional swing moorings with seagrass friendly moorings, as well as supporting greater environmental awareness of marina users;



- **Social benefits:** The marina resort supports the recreational enjoyment of boating in the Whitsundays, the resort provides an integrated marine based holiday environment and provides areas such as the café and retail facilities of the marina plaza, where residents and visitors can enjoy the marina resort atmosphere. A landmark agreement with local indigenous groups provides the scope for indigenous performances and increased indigenous and cultural understanding whilst the marina esplanade and breakwater park providing unique publicly accessible vantage points to view the beauty of the surrounds.

At a local, functional level failure to proceed would mean that the unacceptable public boat ramp interface with commercial marine traffic would remain unresolved, along with the undersupply of carparking, leaving parking on the road side. Doing so would forsake the opportunity to create a new series of ramps providing a safe route clear of commercial traffic, whilst creating appropriate berthing and parking capacity at minimal public cost.

The lack of marina berth supply to be experienced in the region would lead to a continuation and lack of options for increasingly expensive marine craft to be moored on swing moorings, creating unnecessary exposure to storm damage as experienced in the 11 February 2008 storms,

It is of course true that not proceeding would leave the foreshore areas in it's current state, and would not disturb the current mangroves and sea grass communities. However significant compensatory habitats, such as the mangroves likely to colonise on the western side of the isthmus, the fish habitats created in clean marina environments around the jetty structures, and the benefits of the seagrass friendly moorings funded by the Reef Conservation Fund ensure that a net environmental benefit is achieved.

As a tourism destination of international as well as domestic renown, expectations of visitors to the Whitsundays are becoming more demanding and sophisticated. A high quality, environmentally conscious marina resort is considered to be a use which is consistent with the role and imagery of Shute Harbour as an outstanding environment and a critical lynchpin of the Whitsunday's economy. However, rather than highlighting the value placed on the experience of visitors and the environmental protection of the region, the current ad hoc nature of the commercial built form and inappropriate foreshore activities of Shute Harbour suggests an indifference to both. Failure to proceed with the development would deprive the region, the state and the country of the ability to better capitalise on the strategic importance of Shute Harbour, which would ultimately limit the number of visitors and decreasing their overall satisfaction with their Whitsunday tourism experience.

### 5.5.8 Summary of Potential Lost Opportunities

LOST OPPORTUNITY	CONSEQUENCE
<b>World Class Marina</b>	<p>Mid and long term lack of marina berths in region</p> <p>More swing moorings – sea grass damage + storm exposure</p> <p>Lack of local fuel supply and sewerage pump out facilities</p> <p>Reduced superyacht ability</p> <p>Weaker nexus with Whitsunday Islands for recreational boating population</p> <p>Reduced national and international recognition as a boating destination with complete facilities</p>
<b>Marine Industry</b>	<p>Stifled by lack of intrinsic infrastructure</p> <p>Inconsistent with a series of Government programs recognising and supporting the importance of the Marine Industry</p> <p>Reduction of confidence in industry and government – too difficult</p>
<b>Shute Harbour Precinct</b>	<p>Image of precinct to continue to fall behind standard expected and inconsistent with the standard of the Whitsunday destination and branding</p> <p>No replacement boat ramp</p> <ul style="list-style-type: none"> <li>Existing recreation boat undercapacity and safety conflict to remain</li> <li>Commercial operations limited in their capacity to expand due to safety and space limitations</li> <li>Loss of private contribution to public good</li> </ul> <p>Carparking issues not rationalised</p>
<b>Charter Boats</b>	<p>Charter boat industry still hampered by lack of appropriate on shore facilities and weaker nexus with Whitsunday Islands</p>
<b>Marina Resort and Managed Resort Accommodation</b>	<p>Loss of chance to provide a quality mainland destination providing a marine experience with an Whitsunday Island outlook and environment</p> <p>Lost chance for the Managed Resort Accommodation to fulfil a distinct gap in the existing accommodation offerings in the region</p> <p>No access to marina esplanade and breakwater park providing unique public access viewing experience</p> <p>Loss of valuable addition to the tourism fabric of the region</p>
<b>Marina Plaza</b>	<p>Lost opportunity for vibrant public space providing a rewarding experience for tourists and the wider community</p> <p>Shutehaven residents lose opportunity for local hub. Continue to be dependent on driving to Airlie Beach for basic commodities, dining and recreational experiences</p>

LOST OPPORTUNITY	CONSEQUENCE
<b>Reef Fund and Cultural and Environmental Interpretive Centre</b>	<p>Existing chain based swing moorings continue to degrade sea grass, coral and other communities in their range. Funding opportunity lost.</p> <p>Environmental education and engagement opportunities lost</p> <p>Major cultural agreement with indigenous groups left unrealised.</p> <p>Performance space and yarning circle not provided.</p>
<b>Economic and Employment</b>	<p>A total net benefit of \$299.4 million in present value terms (NPV) and a total of 821 construction and 271 ongoing jobs associated with marine based industries and tourism not provided</p> <p>Flow on economic benefits and employment associated with above not provided</p>

## 6.0 PROJECT APPROVALS

This Chapter addresses the requirements of Section 1.6 of the EIS ToR to:

- identify the legislation and policies controlling the approvals process, and
- identify all necessary licences, planning and environmental approvals, the agencies involved and their jurisdictions.

Whilst a broader response to the requirements of Section 1.6 of the EIS ToR is given in the EIS, this Chapter provides particular focus to planning matters, which are normally addressed by the *Integrated Planning Act 1997* and the Integrated Development Assessment System.

In summary, the regulatory assessment framework for the SHMR involves the interaction of legislation and statutory instruments which operate at various levels, namely

- Commonwealth legislation, comprising
  - the *Environment Protection and Biodiversity Conservation Act 1999*, and
  - the *Great Barrier Reef Marine Park Act 1975* and the associated Whitsunday Plan of Management 2005
- Queensland legislation, particularly
  - the *State Development and Public Works Organisation Act 1971*,
  - the *Integrated Planning Act 1997* and its subordinate components including State Planning Policies, along with the Integrated Development Assessment System (IDAS),
  - other legislation incorporated into the IDAS through the inclusion of various activities as "assessable development"
- Local Government Planning Schemes
  - the Whitsunday Planning Scheme 2000 (the Transitional Planning Scheme)
  - the draft Whitsunday IPA Planning Scheme.

### 6.1 ASSESSMENT MANAGER

The land component of the subject site which currently comprises Lot 273 on HR1757 and part of Lot 2 on SP117389 is located within the Whitsunday Regional Council and designated within the Public Purpose Zone under the 2000 Transitional Whitsunday Planning Scheme. The areas of lease north of Shute Harbour Road is intended to be relinquished. Land between Shute Harbour Road and MHWS will remain part of the lease and is designated within the Public Purpose Zone, as described above.

The water component of the subject site which comprises the majority of the balance of Lot 2 on SP117389 and the area subject to the Permit to Occupy is undesignated within the Whitsunday Planning Scheme and is located below MHWS.

#### 6.1.1.1 Local Government Area

Under Schedule 10 of the IPA, local government area means a part of the State established as a local government area under the *Local Government Act 1993*. The Local government boundaries are shown on LGRB69 Edition 2 held by the Department of Infrastructure and Planning. The Local Government Area comprises the mainland and all islands above their respective sea-shores within the encompassed area. Land below high water mark is not within a local government's area unless provided for in the Local Government Act 1993. Unless otherwise provided for by legislation, a local government has no jurisdiction below high water mark.

#### 6.1.1.2 Area below MHWS

Under the provisions of the Coastal Protection and Management Act, the Environmental Protection Agency (EPA) generally has jurisdiction for a local government tidal area. However, the IPA gives local governments jurisdiction for assessing and deciding applications for prescribed tidal works within the tidal area for a local government, and the Planning Scheme may be applied to that assessment.

Schedule 10 of the IPA states that the tidal area for the local government means - *if the boundary of the local government's area is the high-water mark or is seaward of the high-water mark – the area that is seaward and within 50m of the high-water mark.*

#### 6.1.1.3 Conclusions

The Whitsunday Planning Scheme applies to all of (the former) Whitsunday Shire Council planning area, which is the entire Local Government area of the Shire of Whitsunday. To the extent that the land below MHWS may not be zoned, a development application that is impact assessable is still required in respect of that unzoned land (*Jenner v Douglas Shire Council*). However, the local government jurisdiction generally ends 50m seaward of MHWS and the proposed development extends well beyond that mark.

Section 3.1.7 (1) (a-b) of IPA identifies that the Assessment Manager for an application mentioned in Schedule 8A is the entity stated for the application and administers and decides an application. However, subject to the inclusion of Referral Agencies, the Assessment Manager may not assess all aspects of the development for the application.

As the land subject to the development proposal is not completely within the local government's planning scheme area, Section 3.1.7 (3) applies. This section provides that subsection (1), above, applies and that the local government has the jurisdiction to assess the application in respect to prescribed tidal work in addition to any other jurisdiction it may have.

Under Schedule 8A, Table 1, Item 1 (c), the Local Government is the Assessment Manager for prescribed tidal work partly within a single local government tidal area and in no other local government tidal area or port authority strategic port land tidal area.

It is concluded that the proposed development best meets the tests of Section 3.1.7 (a-b) and Section 3.1.7 (3) as part of the land of the development application is within the boundaries of the Whitsunday Regional Council and under the jurisdiction of the current Whitsunday Shire Planning Scheme, and includes development for prescribed tidal works.

Pursuant to Schedule 8A Item 1 (c) it is concluded that the Whitsunday Regional Council is the most appropriate Assessment Manager for the proposed development application because the land that is



subject to the development application is partly in a single local government area AND in no other local government tidal area or port authority strategic port land tidal area.

#### 6.1.1.4 Ministerial Designation

The assessment above has concluded that the Whitsunday Shire Council is the applicable Assessment Manager in this instance. It is acknowledged that the drafting of the relevant IPA provisions determining Assessment Manager appear to have leave scope for interpretation. If it is considered that the interpretation offered is not sufficiently definitive, it is noted that the matter can be resolved by the Minister administering the IPA. If this is to be the case it is suggested that this may form part of the CoG's recommendations.

## 6.2 COMMONWEALTH LEGISLATION

### 6.2.1 Environmental Protection and Biodiversity Conservation Act 1999

Table 6-1: Summary of <i>the Environment Protection and Biodiversity Conservation Act</i>	
Legislation	<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBCA)</i>
Subordinate Instruments	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i>
Administering Authority	Commonwealth Government: Department of the Environment, Water, Heritage and the Arts (DEWHA) State Government:
Authority's Role	EIS Assessor and Decision Maker
Site and Contextual Designations	<ul style="list-style-type: none"> <li>• Great Barrier Reef World Heritage Area</li> <li>• Listed Threatened Species and Communities</li> <li>• Listed Migratory Species, and</li> <li>• Marine Environment</li> </ul>
Approvals Required	<ul style="list-style-type: none"> <li>• Determination whether the project is a controlled action under the EPBCA</li> <li>• EPBCA determination based on the <i>SDPWOA</i> conducted EIS</li> </ul>
Other Comments	Bilateral Agreement between the Commonwealth and Queensland Governments allowing the <i>SDPWOA</i> to operate as an accredited assessment process for the EPBCA

The *Environment Protection and Biodiversity Conservation Act 1999 (EPBCAA)* regulates actions that have, will have or are likely to have a significant impact on matters of national environmental significance. Matters of national environmental significance include the world heritage values of a declared World Heritage area, listed threatened species and migratory species, and the environment of a Commonwealth Marine Area.

In accordance with the provisions of the EPBC Act, the SHMR proposals were referred to the Department and consequently were declared to be a controlled action under Section 75 of the EPBC Act by the Minister on 27 July 2006. The declaration stated that the controlling provisions under Part 3 Division 1 of the EPBC Act affecting the SHMR project are:

- Sections 12 & 15A (World Heritage);
- Sections 18 & 18A (Listed Threatened Species and Communities);
- Sections 20 & 20A (Listed Migratory Species); and
- Sections 23 & 24A (Marine Environment).

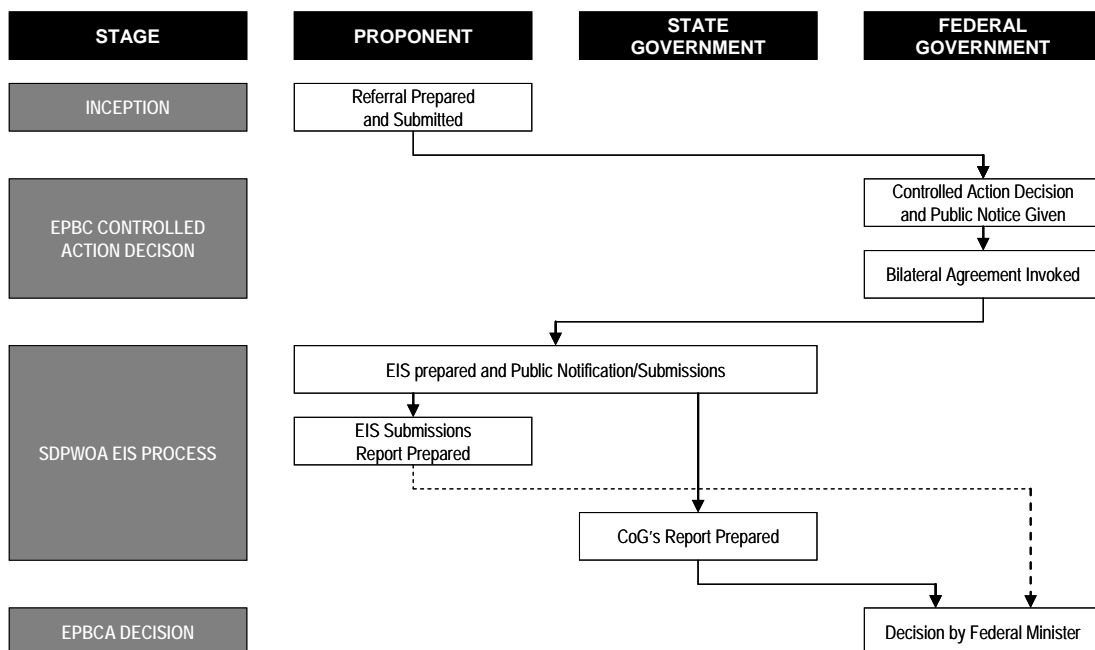
#### 6.2.1.1 Assessment under the EPBC Act

The statutory impact assessment process under the *State Development and Public Works Organisation Act 1971* is subject to a bilateral agreement between Queensland and the Commonwealth Government in relation to environmental assessment under the EPBC Act.

It is noted that DEWHA will undertake a separate approval process following release of the Coordinator General's (CG) report. The Minister can then grant, or refuse an approval for the controlled action under Section 133 of the EPBC Act. The Minister may also attach conditions to an approval in addition to those set by the CG, if approved to mitigate the impacts on matters of national environmental significance.

In this case, the DEWHA response has been used in the formulation of the Terms of Reference for the EIS, allowing the detailed information gathering and assessment to be carried out as part of the EIS Certificate. The EIS must provide a stand alone report as an appendix to the EIS that exclusively and fully addresses the potential impacts on the matters of NES that are identified above.

Figure 6-1: EIS Process under the *SDPWOA*



Refer to Appendices Q, P1 and P2 of the EIS for Assessment against the EPBC Act prepared by Cardno

## 6.2.2 Great Barrier Reef Marine Parks Act 1975

Table 6-2: Summary of <i>Great Barrier Reef Marine Parks Act</i>	
Legislation	<i>Great Barrier Reef Marine Parks Act 1975 (GBRMP Act)</i>
Subordinate Instruments	<ul style="list-style-type: none"> <li><i>Great Barrier Reef Marine Park Regulation 1983</i></li> <li>Great Barrier Reef Marine Park Zoning Plan 2003</li> </ul>
Administering Authority	Commonwealth Government and State Government: Great Barrier Reef Marine Park Authority (GBRMPA)
Authority's Role	The GBRMPA is responsible for the management of the Marine Park, including developing and implementing zoning and management plans, environmental impact assessment and permitting of use, and marine environmental management advice. Day-to-Day Management of the Great Barrier Reef Marine Park is conducted by the GBRMPA in cooperation with Queensland agencies.
Site Designations	Nil
Contextual Designations	<ul style="list-style-type: none"> <li>Great Barrier Reef Marine Park Zoning Plan               <ul style="list-style-type: none"> <li>Habitat Protection Zone</li> </ul> </li> </ul>
Approvals Required	Marine Parks Permit

The Great Barrier Reef Marine Park Act (GBRMP Act) includes provisions which:

- Establish the Great Barrier Reef Marine Park
- Provides a framework for planning and management of the Marine Park through zoning plans, plans of managements and permits
- Provides for regulations, collection of Environmental Management Charge and enforcement.

Most of the Great Barrier Reef Marine Park, generally that part seaward of 3 nautical miles from the Queensland coastline, is also a Commonwealth marine area.

The Great Barrier Reef Marine Park Zoning Plan 2003 is the primary planning instrument for the conservation and management of the Marine Park. The Zoning Plan takes account of the world heritage values of the Marine Park and the principles of ecologically sustainable development.

Under the *Great Barrier Reef Marine Park Regulation 1983*, permits are required for activities inconsistent with the marine park zoning and are assessed in conjunction with the State Government under the MP Act.

As the Habitat Protection Zone of the GBRMP is located seaward of the SHMR site, the development will not require approval under this Act, but it is expected the GBMPRA will be an advice for works within the Coast Marine Park.

Mapping under the *Great Barrier Reef Marine Park Zoning Plan 2003* is shown as Figure 7-2.

Figure 6-2: Marine Park Zoning

*Refer to Conics Drawing 20906-15*

## 6.3 QUEENSLAND STATE LEGISLATION

### 6.3.1 State Development and Public Works Organisation Act 1971 (SDPWO Act)

Table 6-3: Summary of <i>SDPWOA</i>	
Name	<i>State Development and Public Works Organisation Act 1971</i>
Subordinate Instruments	Nil
Administering Authority	State Government: Coordinator General, Department of Infrastructure and Planning (CoG)
Authority's Role	EIS Project Manager and EIS Assessor
Site and Contextual Designations	Nil
Approvals Required	Coordinator General's Report provides <ul style="list-style-type: none"> <li>• direction and conditions for IDAS managed development approvals, and</li> <li>• recommendations for non-IDAS managed development approvals</li> </ul>

The *State Development and Public Works Organisation Act 1971 (SDPWOA)* provides for State planning and development through a coordinated system of public works organisation and mechanisms for environmental coordination. Section 25 of the *SDPWOA* establishes that

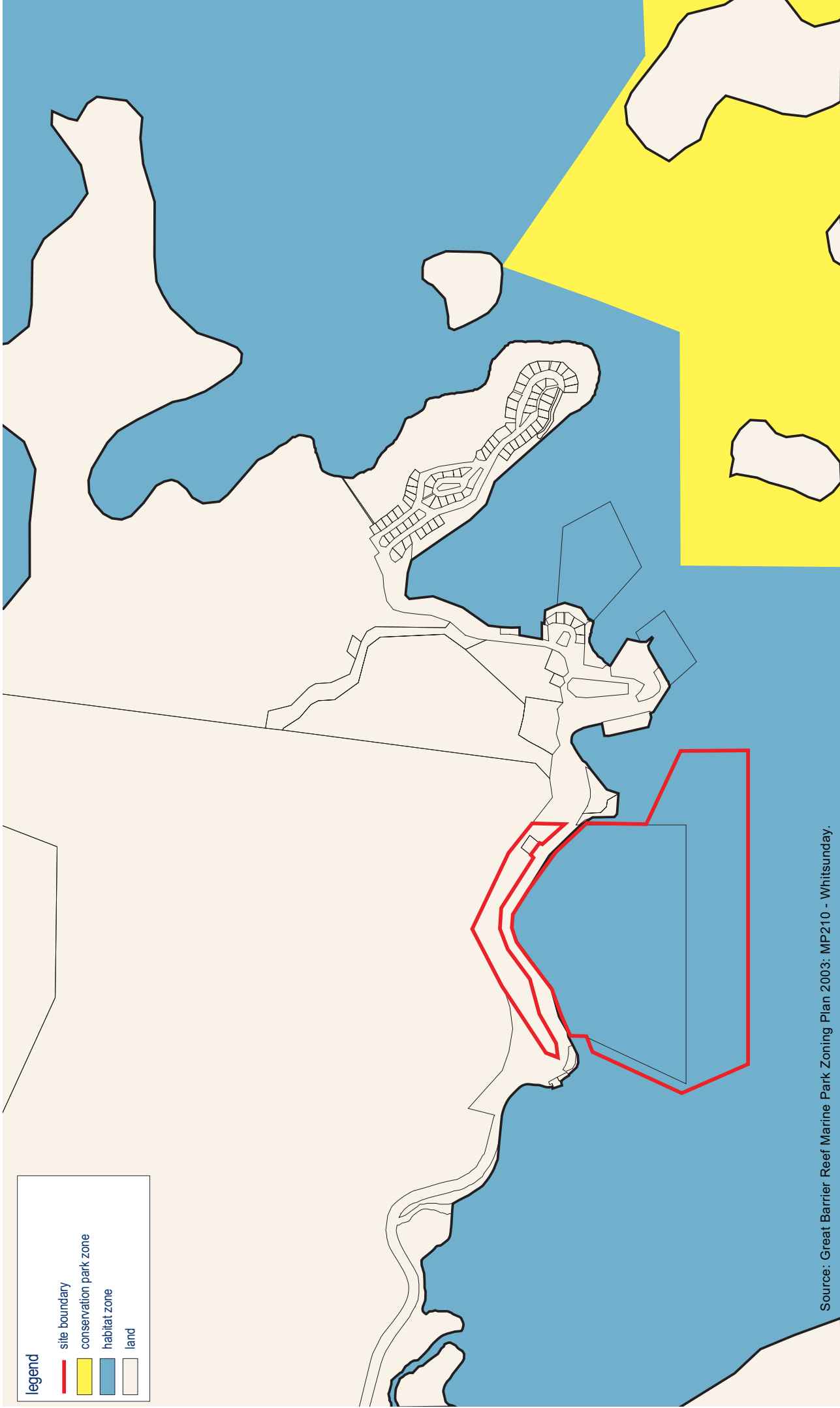
*the Coordinator-General shall, of the Coordinator-General's own motion or at the direction of the Minister, coordinate departments of the Government and local bodies throughout the State in activities directed towards ensuring that in any development proper account is taken of the environmental effects.*

The *SDPWOA* establishes that the Coordinator General (CoG) may declare a project to be a "significant project" for which an environmental impact statement (EIS) is required to coordinate assessments of the proposal. The EIS process an assessment system for significant projects, but largely does not provide the "approval".

The EIS process is described in Part 4 of the *SDPWOA* (s24 to s35), and is shown in diagrammatic form below in Figure 6-3. Following declaration as a significant project, the CoG prepares Draft Terms of Reference which undergo public notification before finalisation. The proponent then prepares an EIS in response to the Terms of Reference, which is also publicly notified for comments. Following this public notification, the EIS, any submissions by individual State departments on the EIS and the community comments are assessed by the Coordinator General (CoG). The CoG issues a report (the CoG's Report) on the proposals, which is effectively the Government's decision on the proposal.

# shute harbour marina development

marine park zoning



Source: Great Barrier Reef Marine Park Zoning Plan 2003: MP210 - Whitsunday.



Job Number: 20906-15  
Date: March 2008  
Scale: NTS

The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



The *SDPWOA* also sets out how additional information and assessments may be required, in a Supplementary EIS, to which the CoG prepares a separate assessment, termed a "Coordinator-General's change report".

#### 6.3.1.1 Significant Project Declaration

The Proposal was declared to be a 'significant project' under Section 26 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act) by the Coordinator General (CG) on 24 July 2006.

This declaration initiates the statutory environmental impact assessment procedure of Part 4 of the SDPWO Act, which requires the preparation of an Environmental Impact Statement (EIS) for the Proposal. The statutory impact assessment process under the SDPWO Act is also the subject of a bilateral agreement between the Queensland and Commonwealth Governments in relation to environmental assessment under the EPBC Act.

Under the provisions of the SDPWO Act, as the project is declared to be a significant project, the evaluation report prepared by the CoG on the EIS is effectively a whole of government response, at the level of a concurrence agency under the *Integrated Planning Act 1997* (IPA).

#### 6.3.1.2 Assessment under the SDPWO Act

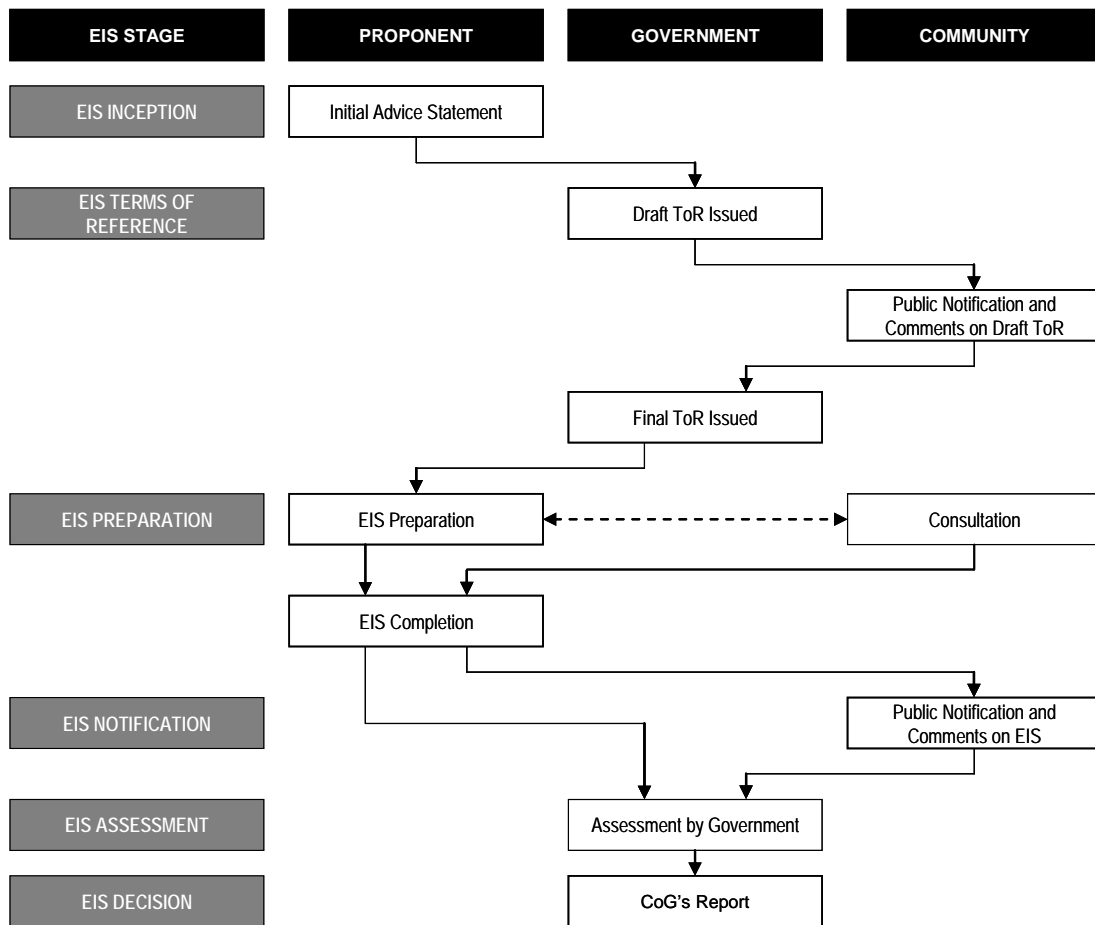
Sections 36-42 of the *SDPWOA* set out how the EIS assessment process combines with the IDAS under the *IPA*, as shown in Figure 6-1. In summary, where a project involves development which requires a development approval, the SDPWO Act provides that:

- the IDAS Information and Referral Stage and the Notification Stage do not apply to any application for a material change of use or which requires Impact Assessment;
- the role of additional referral agencies under IDAS is annulled, with the agencies' assessment function assumed by the CoG so that until the Development Approval takes effect, the CoG's Report is taken to be a Concurrence Agency's response to the application under IDAS;
- the CoG may state for the Assessment Manager the nature of the decision and conditions that must attach to the decision, although the Assessment Manager may also assess the application and impose further conditions;
- the CoG may nominate an entity as a Concurrence Agency for the approval and associated conditions, with the Concurrence Agency resuming its jurisdiction upon the day the approval takes effect (i.e. at the expiration of all appeal periods); and
- A properly made submission about the EIS is taken to be a properly made submission about the application.

The decision stage for the Proposal under IDAS does not start until:-

- If the CG is not the assessment manager for the application - when the CG gives the assessment manager a copy of the report; or
- If the CG is the assessment manager for the application – when the CG gives the proponent a copy of the report.

Figure 6-3: EIS Process under the *SDPWOA*



### 6.3.2 Integrated Planning Act 1997

Table 6-4: Summary of <i>IPA</i>	
Name	<i>Integrated Planning Act 1997</i>
Subordinate Instruments	<ul style="list-style-type: none"> <li><i>Integrated Planning Regulation 1998</i></li> <li>Regional Plans: <i>Whitsunday Hinterland and Mackay Plan 2005</i></li> <li>State Planning Policies</li> <li>Planning Scheme: <i>Transitional Whitsunday Shire Planning Scheme</i></li> <li>Planning Scheme: <i>Draft Whitsunday Shire Plan 2006</i></li> </ul>
Administering Authority	State Government: Department of Infrastructure and Planning (DIP) Local Government: Whitsunday Regional Council
Authority's Role	LG: EIS Referral Agency, IDAS Assessment Manager DIP: EIS Referral Agency, IDAS Concurrence Agency

The foundation of Queensland's planning and development assessment legislation is the *Integrated Planning Act 1997 (IPA)* and the *Integrated Planning Regulation 1998 (IPR)*.

The purpose of the *Integrated Planning Act 1997 (IPA)* is to achieve ecological sustainability by coordinating planning at all levels of government and by managing the development process as well as the impact of development. The IPA has a number of functions, including

- operation of the Integrated Development Assessment System (IDAS), a framework for the making, assessing and deciding of development applications;
- setting triggers on when development requires approval;
- establishing the role and jurisdiction of agencies involved in the development assessment process;
- making and administering planning instruments that provide the controls and policies under which planning decisions are made, such as regional plans, State Planning Policies, Local Government planning schemes, and infrastructure charging mechanisms; and
- establishing regimes for the planning and financing of infrastructure.

#### 6.3.2.1 IDAS Process

The IDAS has four basic steps for the assessment and approval of development applications, as shown below in Figure 6-4. It consists of:

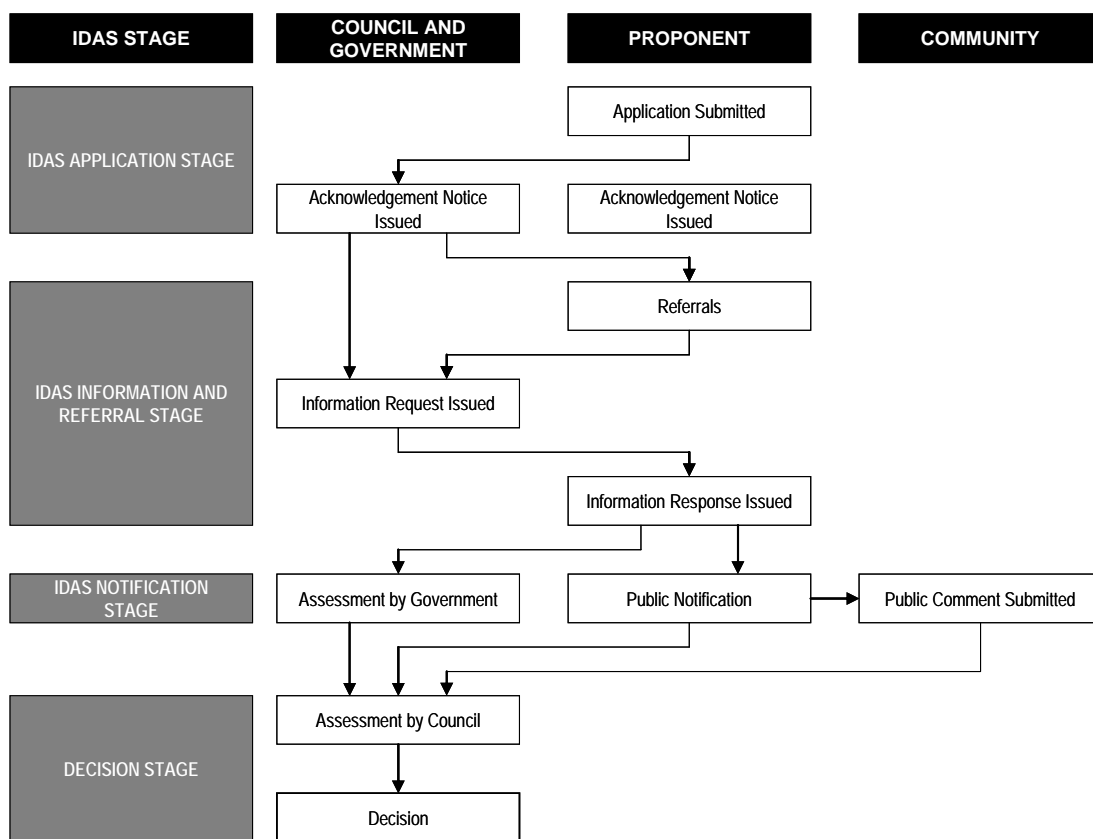
- *Application Stage*: the stage where the application is lodged with the assessment manager (usually the local government);
- *Information and Referral Stage*: the application is forwarded to the Referral Agencies and the extent of information provided with application is reviewed. During this stage the assessment manager and any Concurrence Agencies may request further information and particulars about the proposal. Under now superseded provisions of the IPA, a common information request was undertaken in some circumstances, termed Referral Coordination;
- *Notification Stage*: is the stage in which an impact assessable application is publicly advertised and comments on the proposal are invited from the community; and
- *Decision Stage*: is the stage in which the assessment manager makes a decision on whether the application is to be approved, often involving negotiation with the application. After making a decision, the assessment manager advises the applicant and any submitters and referral agencies of their decision.

The IDAS process involves the following participants:

- The *Applicant*: the person or company responsible for lodging the application;
- The *Assessment Manager* is responsible for assessing and deciding the application and is usually the Local Government (Council), but may be a State Government agency depending upon the types of development involved;

- A *Referral Agency* is usually a State Government agency. There are two types of Referral Agencies: Concurrence Agencies (who to assess the application against legislation and policies which have been incorporated into the IDAS); and Advice Agencies (who provide advice to the assessment manager about specific issues);
- A *Submitter* is a person, group or organisation who makes a submission about an impact assessable application to the assessment manager during the notification stage of IDAS. A properly made submission secures appeal rights for the submitter against the approval of the application.

Figure 6-4: Standard IDAS Process (Impact Assessment)



#### 6.3.2.2 Assessable Development, Integrated Legislation, Agencies and Jurisdictions

Since the commencement of the *IPA* in 1998, an extensive range of development types, approval triggers and statutory agencies have been incorporated into the IDAS. Development assessed under State legislation is listed in Schedule 8 to the *IPA*, whilst Schedule 2 to the *IPR* prescribes the referral agencies and their jurisdiction for various aspects of development assessable under IDAS.

As a development proposal may encompass a range of matters which fall under several pieces of legislation, Schedule 8A to the *IPA* also identifies the Assessment Manager for a Development Application based on the combination of developments proposed. Local Government predominantly acts as the Assessment Manager as development commonly involves assessment against a Local Government Planning Scheme.

Legislation which has been incorporated into the IDAS which is applicable to the Shute Harbour Marina Resort is:

- Coastal Protection and Management Act 1995;
- Environmental Protection Act 1994;
- Fire and Rescue Service Act 1990;
- Fisheries Act 1994;
- Land Titles Act 1994;
- Marine Parks Act 2004;
- Nature Conservation Act 1992;
- Transport Infrastructure Act 1994;
- Transport Operations (Marine Safety) Act 1994; and
- Vegetation Management Act 1999.

Not all legislation/approvals are processed by means of the IP Act. For example, the following Acts of relevance to the SHMR operate independently of the IDAS, and so require separate approvals or permits:

- Dangerous Goods and Safety Management Act 2001 (DGSM Act);
- Marine Parks Act 2004 (MP Act); and
- aspects of the Water Act 2000

### 6.3.3 Referral Agency summary

As noted above in 6.3.1.2 the provisions of the *SDPWOA* modify the application of the *IPA* to the development approval process whereby the Information and Referral and Notification stages of the *IPA* are replaced by the EIS process under the *SDPWOA*.

In technical terms there are then no referral agencies, with the agencies' assessment function assumed by the CoG with the CoG report taken to be a Concurrence Agency response under IDAS.

Nonetheless, the referral status of the agencies is relevant as it informs the CoG of the powers the agencies would have had for an *IPA* application, and it is the system understood by all stakeholders.

Accordingly, the normal IDAS referral terminology has been used in this report for ease of reference.

The following agencies have been identified as referral agencies pursuant to Commonwealth and State legislation:



**Table 6-5: Summary of IDAS Referrals**

Agency	Legislation Trigger	Agency under IPA
Department of Environment and Heritage	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>  Matter of National Environmental Significance (NES)	Assessment Manager
Office of Co-ordinator General (CG)	<i>State Development and Public Works Organisation Act (1971)</i>  Significant Project (Section 26)	Co-ordination and assessment of the EIS
Environmental Protection Agency	<i>Coastal Protection and Management Act 1995</i>  Application involving land completely or partly within a coastal management district.	Concurrence Agency
	<i>Coastal Protection and Management Act 1995</i>  Operational Work that is tidal work, reclaiming land under tidal water and dredging.	Concurrence Agency
	<i>Environmental Protection Act 1994</i>  Material change of use for an environmentally relevant activity.	Concurrence Agency
	<i>Vegetation Management Act 1999</i>  Operational work and a material change of use for vegetation clearing.	Concurrence Agency
	<i>Marine Parks Act 2004</i>  Material change if use in, or within 100m of a marine park.	Advice Agency
Department of Primary Industries and Fisheries	<i>Fisheries Act 1994</i>  Development on land that adjoins a declared fish habitat area.	Advice Agency
	<i>Fisheries Act 1994</i>  Operational work that is the removal, destruction or damage of marine plants.	Concurrence Agency
Department of Natural Resources and Water (NR&W)	<i>Coastal Protection and Management Act 1995</i>  Application involving land completely or partly within a coastal management district.	Concurrence Agency
	State Planning Policy 2/02 Planning and managing development involving acid sulphate soils  The subject site is contains Acid Sulfate Soils and the proposed development involves excavating more than 1,000m <sup>3</sup> of soil sediment.	Advice Agency
	<i>Vegetation Management Act 1999</i>  The subject site is affected by a property map	Concurrence Agency

Table 6-5: Summary of IDAS Referrals

Agency	Legislation Trigger	Agency under IPA
	of assessable development, and is greater than 2ha in area	
	<i>Aboriginal Cultural Heritage Act 2003</i>	Advice Agency
	Water Act 2000 Interfering with a water course.	Advice/Concurrence Agency
Queensland Transport	<i>Transport Infrastructure Act 1994</i>  Work within a Coastal Management District (reclaiming land under tidal water) and land within 400m of a public passenger transport facility.	Concurrence Agency
Department of Main Roads	<i>Transport Infrastructure Act 1994</i>  Material change of use that exceeds the threshold of 8,000m <sup>2</sup> of GFA in Schedule 5, column 2 or 3	Advice Agency
Department of Infrastructure and Planning	<i>Integrated Planning Act 1997</i>  Preliminary approval under section 3.1.6 of the IPA.	Advice Agency
Maritime Safety Authority	<i>Transport Operations (Marine Safety Act) 1994</i>  Maritime navigation: setting quay lines and designating water allocation areas.	Advice/Concurrence Agency
Queensland Fire and Rescue Service	<i>Transport Operations (Marine Safety Act) 1994</i>  Fire safety management as the proposed marina has more than 6 berths	Advice/Concurrence Agency
Department of Emergency Services	<i>Dangerous Goods Safety Management Act 2001</i>  The development requires a licence to store FCL	Advice/Concurrence Agency
Great Barrier Reef Marine Park Authority	<i>Great Barrier Reef Marine Parks Act 1975</i>  Permit is sought for the construction of the marina and any works associated with the development including reclamation for the development.	Advice/Concurrence Agency

### 6.3.4 Coastal Protection and Management Act 1995 (CPM Act)

Table 6-6: <i>Coastal Protection and Management Act 1995</i>	
Name	Coastal Protection and Management Act 1995 (CPM Act)
Subordinate Instruments	Coastal Protection and Management Regulation 2003 State Coastal Management Plan 2001  Regional Coastal Management Plans: <ul style="list-style-type: none"> <li>• Draft Mackay – Whitsunday Regional Coastal Management Plan 2006 and associated regulatory maps</li> <li>• Erosion Prone Area mapping</li> </ul>
Administering Authority	State Government: Environmental Protection Agency (EPA) Local Government: Whitsunday Regional Council
Authority's Role	EPA: IDAS Concurrence Agency or Assessment Manager LG: IDAS Assessment Manager
Site Designations	Erosion Prone Area: Not Applicable  Proposed Coastal Management District
Contextual Designations	Erosion Prone Area: Not Applicable  Proposed Coastal Management District
Approvals Required	<ul style="list-style-type: none"> <li>• Operational works, such as tidal works, interfering with quarry material, disposing of dredge spoil, reclaiming land under tidal water or constructing an artificial waterway;</li> <li>• Material change of use of premises;</li> <li>• Reconfiguring a lot; and</li> <li>• Buildings seaward of a coastal building line</li> </ul>

The purpose of the *Coastal Protection and Management Act 1995* (CPM Act) aims to co-ordinate and integrate planning and decision making at the state level through the closer integration of the State's development assessment process with that of local governments through the Integrated Development Assessment System (IDAS) contained within the *Integrated Planning Act 1997*.

The CPM Act provides for the preparation of two types of Coastal Plans, namely:

- State Coastal Management Plan – Queensland's Coastal Policy which is a broad State based plan which describes how the Coastal zone is to be managed; and
- Regional Coastal Management Plans which describe how a particular region covered by the plan is to be managed and identifies the Coastal Districts in the region.

The Coastal Management Plans are statutory instruments and given statutory force through the CPM Act. Under the CPM Act, the Plan has the status of a State Planning Policy for the purpose of making and amending planning schemes and assessing and deciding development applications.

One of the fundamental tools to implement the Coastal Management Act is the State Coastal Management Plan and regional coastal management plans. The subject site is contained within the Draft Mackay-Whitsunday Regional Coastal Management Plan.

Written submissions to the draft Mackay-Whitsunday Regional Coastal Management Plan closed on 16 June 2006. It is anticipated that following review this Plan will be adopted. Assessment against the Draft Mackay-Whitsunday Regional Coastal Management Plan can be found in Section 8 of this report.

While the Draft Mackay-Whitsunday Coastal Management Plan describes and maps Coastal Management Districts, the Erosion Prone Area is identified by the Beach Protection Authority. Erosion Prone Area maps currently identify the location of the transitional Coastal Management Districts.

Coastal management districts occur over all tidal waters and on most land adjacent to tidal waters in Queensland, and are defined as:

*An area declared as a coastal management district through a Regional Coastal Management Plan.*

Where no regional coastal management plan has been prepared, an area within a designated Erosion Prone Area or a Coastal Management Control District declared under the now repealed *Beach Protection Act 1968* is taken to be a coastal management district under Section 168 of the Coastal Act.

#### 6.3.4.1 Assessment of the development under the Coastal Management Act

The provisions of the CPM Act do not preclude development from occurring on the site. However, it does mean that the manner and form of development will require careful planning. The requirements of the CPM Act are provided to ensure that development is designed appropriately to ensure that there is no adverse impact upon coastal processes.

Under the CPM Act, all coastal development applications are to be assessed against the object and criteria contained within the Act. The criteria considered by the EPA in assessing the potential impact of development on coastal management includes:-

- Natural coastal, riverine and estuarine processes, including the erosion and accretion, wave and tidal currents, littoral drift, tidal prism and tidal inundation;
- Natural topography and drainage of coastal land, including the integrity of dune systems and natural surface runoff;
- Coastal wetlands and other ecological systems including the wildlife, biological diversity and water quality of the wetlands or systems;
- Places or objects that have cultural heritage, landscape, historical, anthropological, archaeological or aesthetic significance or value including significance or value under Aboriginal or Torres Strait Islander tradition and custom; and
- Public access to the foreshore.

As the Shute Harbour Marina Resort site is included within the draft Mackay-Whitsunday Regional Coastal Management Plan the following work would trigger assessment by the EPA as a concurrence agency in relation to coastal protection and management of the following work:-

- Material change of use (preliminary approval);
- Building work on land completely or partly seaward of a coastal building line;
- Operational Work that is:
  - Carrying out tidal works in, on or above land under tidal works;
  - Reclaiming land under tidal water;
  - Disposing of dredge spoil or other solid waste in tidal water;
  - Draining or allowing drainage or flow of water or other matter across State coastal land above MHWS; and
  - Constructing a bank or bund wall to establish a ponded pasture on land, other than State coastal land, above MHWS
- Reconfiguring a Lot

Figure 6-5: Coastal Protection Mapping

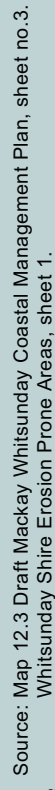
*Refer to Conics Drawing 20906-14*

### 6.3.5 Environmental Protection Act 1994

Table 6-7: <i>Environmental Protection Act 1994</i>	
Name	Environmental Protection Act 1994 (EP Act)
Subordinate Instruments	<i>Environmental Protection Regulation 1998</i> <i>Environmental Protection Policy (Air)</i> <i>Environmental Protection Policy (Noise)</i> <i>Environmental Protection Policy (Waste)</i> <i>Environmental Protection Policy (Water)</i>
Administering Authorities	Environmental Protection Agency (EPA) Local Government (i.e., Whitsunday Regional Council)
Authority's Role	EPA: Administering Authority; IDAS Assessment Manager or Concurrence Agency LG: IDAS Assessment Manager or Concurrence Agency
Site Designations	None Applicable
Contextual Designations	None Applicable
Approvals Required	Development Permits and subsequent registration for Environmentally Relevant Activities (IDAS Concurrence Agency trigger) <ul style="list-style-type: none"> <li>• ERA 11 Fuel Storage</li> <li>• ERA 19 Dredging</li> <li>• ERA 73 Marina</li> </ul>



## coastal management



The object of the Environmental Protection Act 1994 (EP Act) is to protect Queensland's environment while allowing for development that improves the total quality of life, now and in the future, in a way that maintains ecological processes on which life depends. This approach is termed 'ecologically sustainable development'.

The EP Act establishes a general environmental duty of care, regulates the conduct of various activities which have environmental effects, establishes a regime for the management of contaminated land, and establishes the basis for environmental protection policies. Current Environmental Protection Policies relate to waste, noise, air and water.

The *Environmental Protection Regulation 1998 (EP Reg)*, provides a schedule of activities, termed "Environmentally Relevant Activities" (ERAs), that require development approvals and requirements for registration certificates to be held. Approval for ERAs is completed through the IDAS, with the Local Government or the EPA (as a Concurrence Agency) acting as the administering authority depending upon the scale and impact of the ERAs involved.

Environmentally Relevant Activities for the proposals include dredging, operating a marina and fuel storage. These activities are administered by the EPA or the Local Government depending upon circumstances prescribed in section 39 (Devolution of powers- environmentally relevant activities) of the EP Reg.

A development permit for a material change of use for the abovementioned ERAs are required. These are to be assessed under the Standard Criteria of the EP Act.

The EP Act's regulation of contaminated land establishes the Contaminated Land Register (CLR) which identifies contaminated sites, and the Environmental Management Register (EMR) which identifies sites which may become contaminated based on activities presently occurring. Schedule 2 of the EP Act lists notifiable activities which must be included on the EMR which includes item 29 - fuel storage.

#### 6.3.5.1 Relevance to the Shute Harbour Marina Resort

Development approvals for the abovementioned ERAs are required. These are to be assessed under the Standard Criteria of the EP Act.

Operators of ERAs are required to hold registration certificates pursuant to the EP Act. Applications for registration certificates will be applied for following approval of the development.

Under the provisions of the IP Act and triggered through item 20 of table 3 and item 38 of table 2 of schedule 2 of the IP Regulation, the development is required to be assessed against the provisions of the EP Act as it is located within 100m of a wetland. The development will be required to be assessment against all matters of the standard criteria that relate to the protection of wetlands. The EIS process will be used to make this assessment.

The development of any environmental management plans shall be required to be consistent with the provisions of the EP Act and its subordinate policies and regulations.

### 6.3.6 Fisheries Act 1994

Table 6-8: <i>Fisheries Act 1994</i>	
Legislation	<i>Fisheries Act 1994</i>
Subordinate Instruments	Fisheries Regulation 2008 Fish Habitat Area Mapping
Administering Authority	Department of Primary Industries and Fisheries (DPIF)
Authority's Role	EIS Referral Agency, IDAS Concurrence Agency
Site and Contextual Designations	Fish Habitat Areas (FHA): None Applicable
Development Proposals	Removal of marine vegetation (Triggers IDAS Concurrence Agency)

The *Fisheries Act 1994* provides a framework for the regulation of fisheries, fish habitat and marine plants (including mangroves). Impacts on fish habitat, including the removal of mangroves and other marine vegetation would trigger this legislation and referral to the Department of Primary Industries & Fisheries (DPIF).

The object of the Fisheries Act 1994 (Fisheries Act) is to provide for the management, use, development and protection of fisheries resources and fish habitats and including the management of aquaculture activities.

The Fisheries Act and its subordinate regulations seek to regulate fisheries and protect fisheries habitat through the declaration of protected Fish Habitat Areas (FHAs) and protection of marine plants.

#### 6.3.6.1 Relevance to Shute Harbour Marina Resort

Dredging or development of any areas containing marine plants has the potential to damage these marine plants and thus, approval is required under Item 29 of table 2 of schedule 2 of IP Regulation with the Department of Primary Industry and Fisheries (DPIF) as the concurrence agency. Thus, applications required for this development will be made through the IDAS process with the DPIF as a concurrence agency.

No FHAs have been declared within Shute Bay.

The removal, destruction or damage to marine plants (including mangroves, melaleucas and other plants in the marine environment); and/or works or related activities in a declared Fish Habitat Area require application under the Integrated Planning Act 1997 (IPA) with referral to the DPIF under Item 29 of Table 2, Schedule 2 of the IPA Regulations.

### 6.3.7 Nature Conservation Act 1992 (NC Act)

Table 6-9: Summary of the Nature Conservation Act 1992	
Legislation	<i>Nature Conservation Act 1992</i>
Subordinate Instruments include	Nature Conservation (Administration) Regulation 2006 Nature Conservation (Protected Areas Management) Regulation 2006 Nature Conservation (Protected Areas) Regulation 1994
Administering Authority	Environmental Protection Agency (EPA)
Authority's Role	EIS Referral Agency, IDAS Advice Agency
Site Designations	None Applicable
Contextual Designations	Conway National Park Great Barrier Reef Coast Marine Park
Development Proposals	Development adjoining a protected area (Triggers IDAS Advice Agency)

Designations under the *Nature Conservation Act 1992* are indicated in Figure 6-6.

The *Nature Conservation Act 1992* is based on principles to conserve biological diversity, ecologically sustainable use of wildlife, ecologically sustainable development and international criteria developed by the World Conservation Union (International Union for the Conservation of Nature and Natural Resources) for establishing and managing protected areas.

The Act's object is the conservation of nature. The Act provides for interim conservation orders to conserve, protect or manage wildlife, habitat or areas subject to a threatening process likely to have significant detrimental effect.

The Nature Conservation Act 1992 (NC Act) and its subordinate regulations provide specific protection for Queensland's flora and fauna. It seeks to achieve this through an integrated and comprehensive conservation strategy for Queensland that involves:

- gathering of information and community education;
- dedication and declaration of protected areas;
- management of protected areas;
- protection for native wildlife and its habitat;
- use of protected areas to be ecologically sustainable; and
- recognition of interests of Aborigines and Torres Strait Islanders in nature and their cooperative involvement in its conservation.

**Figure 6-6: Nature Conservation Referral Matters**

*Refer to Conics Drawing 20906-13*

The Conway National Park and the Great Barrier Reef World Heritage Area are both protected by the NC Act. Wildlife (flora and fauna) can also be protected under the NC Act.

#### 6.3.7.1 Assessment under Nature Conservation Act

Certain triggers under the IP Act for development either in or located near a protected area require that the Environmental Protection Agency provide advice regarding aspects relating to the protection of values of that park, in this case the Conway National Park.

The Conway NP is adjacent to the current development parcel and is a 'Protected Area' pursuant to NC Act. The SHMR site contains an area on the north side of the state controlled road that is adjacent to the Conway National Park. It is intended that this area of land be relinquished and hence the land be retained in public ownership.

The development has been assessed against the provisions of the NC Act and has been addressed in Section 4.9 of the EIS and Appendix Q of the EIS.

#### 6.3.8 Transport Infrastructure Act 1994

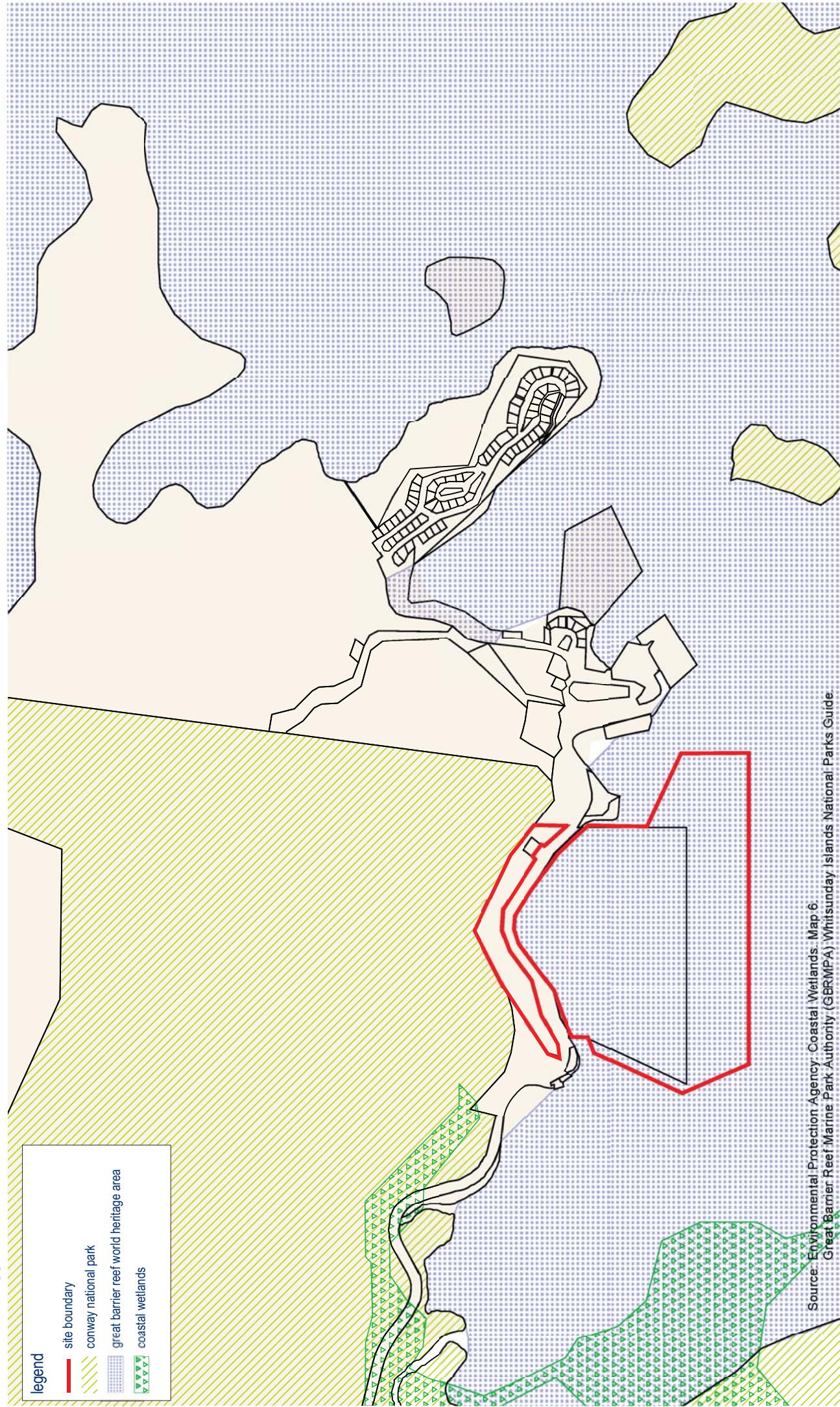
Table 6-10: Summary of the Transport Infrastructure Act 1994	
Legislation	<i>Transport Infrastructure Act 1994</i>
Subordinate Instrument	<i>Transport Infrastructure (Ports) Regulation 2005</i> <i>Transport Infrastructure (Public Marine Facilities) Regulation 2000</i> <i>Transport Infrastructure (State-controlled Roads) Regulation 2006</i>
Administering Authority	Department of Main Roads
Authority's Role	EIS Referral Agency, IDAS Concurrence Agency
Site Designations	None Applicable
Contextual Designations	State-controlled road: Shute Harbour Road Harbour
Approvals Required	Development contiguous with a State-controlled road

This Transport Infrastructure Act 1994 (TI Act) provides a regime for planning and management of transport infrastructure relating to roads, rail, ports and busways. It provides regulation of development that will impact on state controlled roads. The development is proposed adjacent to Shute Harbour Rd, which is a state controlled road and the development will require referral to the DMR.



# shute harbour marina development

IDAS referral triggers - nature conservation



Source: Environmental Protection Agency: Coastal Wetlands. Map 6.  
Great Barrier Reef Marine Park Authority (GBRMPA) Whitsunday Islands National Parks Guide.



The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



Job Number: 20906-13  
Date: March 2008  
Scale: NTS

#### 6.3.8.1 Relevance to the Shute Harbour Marina Resort

The development will require referral to the DMR for assessment under triggers provided within the IP Regulation.

Resource entitlement may also be required for works within a state controlled road that interfere with a state resource. Schedule 10 of the IP Regulation lists the State Resources and the entity that provides entitlement to that resource. The DMR is the relevant Department to provide resource entitlement for applications made pursuant to the IP Act.

Furthermore, Transport Infrastructure (State Controlled Roads) Regulation 2000 requires the approval of encroachments and ancillary works listed in schedule 1 of the regulation. The development is located along a state controlled road will require approval in accordance with the provisions of this regulation.

The *Transport Infrastructure (Public Marine Facilities) Regulation 2000* regulates use of State-owned boat harbours and marine facilities such as boat ramps, jetties and pontoons. The facilities at Shutehaven are not controlled under this Regulation. The *Transport Infrastructure (Ports) Regulation 2005* declares the limits of ports and the associated port authority. Shute Harbour is not included within a declared port.

The *Transport Infrastructure (State-controlled Roads) Regulation 2006*

Designations under the *Transport Infrastructure Act 1994* are indicated in Figure 6-7.

Figure 6-7: Transport Infrastructure Referral Matters

*Refer to Conics Drawing 20906-12*

#### 6.3.9 Transport Operations (Marine Safety) Act 1994

Table 6-11: Summary of the <i>Transport Operations (Marine Safety) Act</i>	
Name	<i>Transport Operations (Marine Safety) Act 1994</i>
Administering Authority	Marine Safety Queensland, Queensland Transport
Site Designations	None Applicable
Contextual Designations	None Applicable

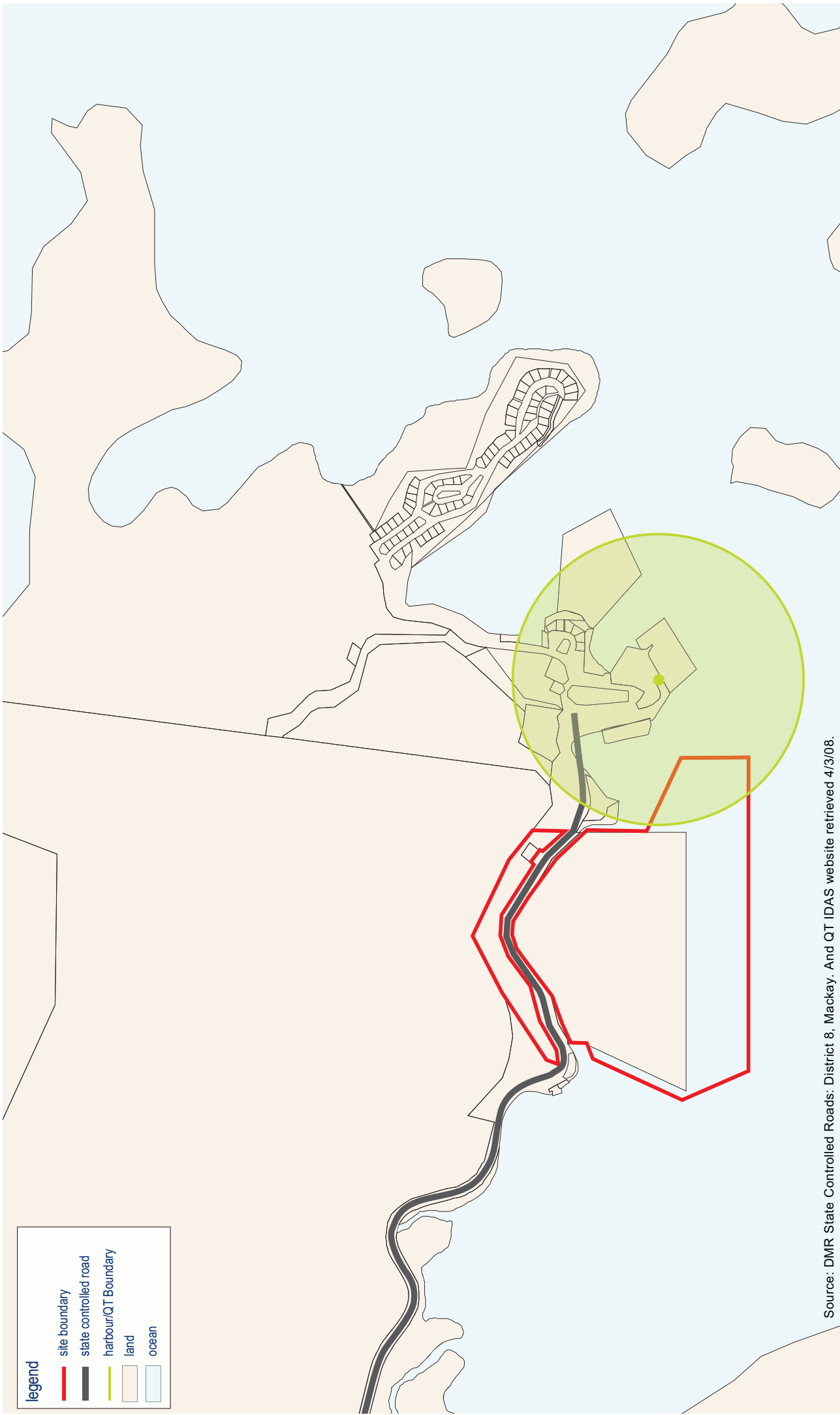
The Transport Operations (Marine Safety) Act 1994 (Marine Safety Act) seeks to provide a system that achieves an appropriate balance between regulating the maritime industry to ensure marine safety, and enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

In particular, the objectives of the Marine Safety Act include the establishment of a system so that marine safety can be effectively planned and managed allowing for the regulation of a range of matters in relation to the operational management of maritime activities.



# marina development **shute harbour**

IDAS referral triggers - transport



Source: DMR State Controlled Roads: District 8, Mackay. And QT IDAS website retrieved 4/3/08.



The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



Job Number: 20906-12  
Date: March 2008  
Scale: NTS

#### 6.3.9.1 Relevance to Shute Harbour Marina Resort

Development in or certain developments adjacent to navigable waters must be referred to the Department of Transport, Maritime Safety to ensure that they are not likely to cause an impact or safety risk. The IP Act specifies that Operational Works that are Tidal Works or Prescribed Tidal Works are referred for approval pursuant to the Marine Safety Act.

Thus, the Maritime Safety Queensland (MSQ) (within the Department of Transport) will be Concurrence Agency for this development application.

#### 6.3.10 Transport Operations (Marine Pollution) Act

Table 6-12: Summary of the <i>Transport Operations (Marine Pollution) Act</i>	
Name	<i>Transport Operations (Marine Pollution) Act 1995</i>
Administering Authority	Queensland Transport (Marine Queensland)
Subordinate Legislation	<i>Transport Operations (Marine Pollution) Regulation 1995</i>
Authority's Role	Administering Authority
Site Designations	None Applicable

The Transport Operations (Marine Pollution) Act 1995 (Marine Pollution Act) aims to protect Queensland's marine and coastal environment by minimising deliberate and negligent discharges of ship-sourced pollutants into coastal waters by seeking to achieve this purpose through:

- providing an approach to protecting Queensland's marine and coastal environment from ship-sourced pollutants complementary to the approach of the Commonwealth and other states;
- making provision about the discharge of sewage from ships;
- giving power to deal with shipping casualties that are polluting, or are threatening to pollute coastal waters;
- enhancing, through education processes, industry and community awareness of the effects of ship-sourced pollutants on Queensland's marine and coastal environment; and
- providing for the imposition of severe penalties on persons who pollute Queensland's marine and coastal environment in contravention to the Act.

The Transport Operations (Marine Pollution) Regulation 1995 seeks to prescribe various matters pursuant to the Act.

Regulations require vessels to have provision for containing waste including sewage. Offences are created for discharging such wastes into coastal locations such as marinas.

### 6.3.11 Vegetation Management Act 1999

Table 6-13: Summary of the Vegetation Management Act 1999	
Name	<i>Vegetation Management Act 1999</i>
Subordinate Instruments	<i>Vegetation Management Regulation 2000</i>
Administering Authority	Department of Natural Resources and Water
Authority's Role	Administering Agency; IDAS Concurrence Agency
Site Designations	Remnant Not of Concern Vegetation
Contextual Designations	Remnant Not of Concern Vegetation
Approvals Required	IDAS: Clearing of vegetation

The Vegetation Management Act 1999 (VM Act) seeks to regulate the conservation and management of vegetation communities, ensure clearing does not cause land degradation, prevent the loss of biodiversity and maintain ecological processes while managing environmental effects and reduce greenhouse emissions. Within this legislation, regional ecosystems (RE) are defined as a vegetation community in a bioregion that is consistently associated with a particular combination of geology, landform and soil.

Figure 6-8 illustrates Regional Ecosystem mapping dated 25 June 2007, which shows RE 8.12.14/8.12.5 on a portion of the development site seaward of the road. These RE are considered to be remnant and "not of concern". The Regional Ecosystem mapping also shows

- Essential habitat (Ramsar wetlands), which includes areas identified as essential habitat by the EPA for a species of wildlife threatened or rare under the EPBC Act.
- State wildlife corridor, which includes areas identified as links between large tracts of vegetation including riparian areas.

**Figure 6-8: Regional Ecosystem Mapping**

*Refer to Conics Drawing 20906-16*

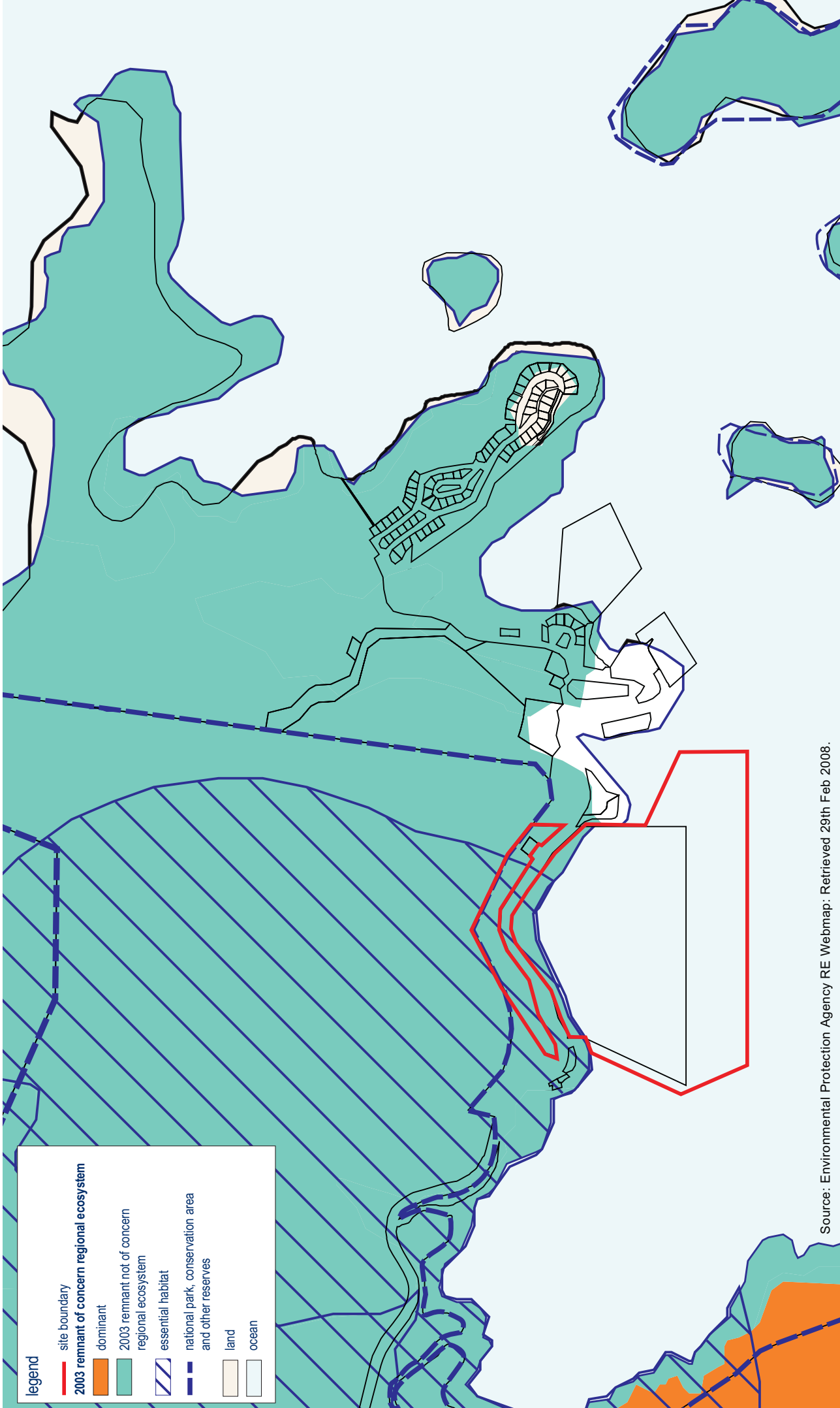
The removal of the vegetation seaward of the road requires assessment of the proposal by the Department of Natural Resources and Water against the Regional Vegetation Management Codes. The Codes provide guidelines describing acceptable outcomes of when and how vegetation can be removed for development amongst other purposes.

Should the proposed site be considered an "Environmental Use" as it is vacant land, irrespective of its "Public Purpose" designation under the Whitsunday Planning Scheme, then referral to the Department of Natural Resources and Water is required for an IP Act approval. Irrespective of this, vegetation removal is considered within this EIS.



# shute harbour marina development

vegetation management: regional ecosystem mapping



Source: Environmental Protection Agency RE Webmap: Retrieved 29th Feb 2008.

For urban or non urban areas on State Land, Table 3 of the Policy "Concurrence Agency Policy for Material Change of Use, 20 November 2006:" is applicable.

Where the vegetation to be removed is "not of concern", the application is assessed against the particular code for the development. Part S of the Vegetation Management Code for Coastal Bioregions is applicable for developments that have been declared Significant Projects under the SDPWO Act. Significant Projects are considered a relevant purpose under the VM Act.

A property vegetation management plan will be required to accompany an application to clear any assessable vegetation.

### 6.3.12 Aboriginal Cultural Heritage Act 2003

Table 6-14: Summary of the <i>Aboriginal Cultural Heritage Act</i>	
Name	<i>Aboriginal Cultural Heritage Act 2003</i>
Administering Authority	Department of Natural Resources and Water
Subordinate Legislation	Nil
Site Designations	None
Contextual Designations	None
Approvals Required	Compliance with the duty of care established or entry into an agreement with the Aboriginal or Torres Strait Islander party for the area.

The *Aboriginal Cultural Heritage Act 2003* is intended to provide effective recognition, protection and conservation of Aboriginal cultural heritage.

The Act defines Aboriginal cultural heritage as anything that is a "significant Aboriginal area" in Queensland, a "significant Aboriginal object" or evidence which is of archaeological or historic significance of Aboriginal occupation of an area of Queensland. A "significant Aboriginal area" and a "significant Aboriginal object" must be of particularly significance to Aboriginal people, as determined by Aboriginal people.

The Act requires that a person must exercise due diligence and reasonable precaution before undertaking an activity which may harm Aboriginal cultural heritage. Additionally, the Act states that a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

The duty of care will be discharged through the Development Application process, including consultation with stakeholder groups as necessary and searches of the public registers.

#### 6.3.12.1 Assessment of development under the Aboriginal Cultural Heritage Act 2003

Gia and Ngaro traditional owners have been involved in the consultation process and investigations have been conducted on the subject site with the traditional owner respondent parties. However, no artefacts or other information has been discovered for this site. The legislation will be applicable should any artefacts or other information be discovered on site during any of the scoping or development phases.

This Dangerous Goods and Safety Management Act 2001 (DGSM Act) regulates locations involved in the manufacture, storage or sale of Dangerous Goods and provides a number of obligations to minimise the risk of hazards associated with such materials. Part 4 of the Dangerous Goods and Safety Management Regulation 2001 (DGSM Regulation), provides regulatory provisions for storage of flammable and combustible liquids such as commonly used fuels.

The overall objective of the DGSM Act is to protect people, property and the environment from harm caused by hazardous materials, particularly dangerous goods. The requirements of the DGSM legislation increase as the quantity of dangerous goods stored at any premises exceeds specified amounts. Premises are classified into one of four categories as the quantity of dangerous goods or hazardous materials increases:

Small quantities – minor storage workplaces (a minor storage workplace refers to ‘a workplace that is not a major hazard facility or a dangerous goods location, where stated dangerous goods or combustible liquids are stored or handled’);

- Medium quantities – dangerous goods locations (DGLs);
- Large quantities – Large Dangerous Goods Locations (LDGLs; and
- Very large quantities – major hazard facilities (MHFs).

A fuel facility will require approval and licensing by the WSC under the provisions of the DGSM Act. WSC is required to assess compliance with required standards for such matters as location to protected works, equipment used and fire protection systems.

### 6.3.15 Fire and Rescue Service Act 1990

Table 6-17: Summary of the <i>Fire and Rescue Service Act</i>	
Name	<i>Fire and Rescue Service Act</i>
Subordinate Legislation	<i>Building Fire Safety Regulation 1991</i> <i>Fire and Rescue Service Regulation 2001</i>
Administering Authority	Department of Emergency Services (Emergency Management Queensland)
Authority's Role	IDAS: Concurrence Agency for marina proposals
Site Designations	None Applicable
Contextual Designations	None Applicable
Approvals Required	Marina approval

The Fire and Rescue Service Act 1990 provides for fire safety requirements for certain occupancies amongst other things. Obligations exist for persons to ensure that certain buildings have the required fire safety requirements.

Applications for marina developments are required to be referred for assessment under this legislation.

### 6.3.16 Land Act 1994

Table 6-18: Summary of the <i>Land Act</i>	
<i>Name</i>	<i>Land Act 1994</i>
Subordinate Legislation	<i>Land Regulation 1995</i>
Administering Authority	Department of Natural Resources and Water
Authority's Role	Non-IDAS, Administering Authority
Site Designations	Leasehold tenure Unallocated State Land with Permit to Occupy
Contextual Designations	Land area: mixture of freehold and state land Water area: Unallocated State Land, Leasehold land
Approvals Required	Grant of Leasehold and Grant of Freehold

The Land Act 1994 consolidates laws relating to the administration and management of non-freehold land, deeds of grants in trust and the creation of freehold land and other related purposes.

The Department of Natural Resources and Water administers the Land Act 1994 and is required to determine whether the proposed use is:

- a suitable use under the conditions of the existing lease;
- provide resource entitlement on state land; and
- determine appropriate tenure.

The proposed development site is State land. The proponents were issued a lease pursuant to the Land Act 1994 covering the site. This lease was issued for the purpose of constructing a marina and reclamation for residential, commercial and tourism purposes.

Resource entitlement to undertake works is required on State land. IP Act applications require resource entitlement instead of owners consent for certain operational works. Schedule 10 of the IP Regulation lists the resource entitlements and the entity to provide the entitlements.

The Land Act 1994 is applicable for the registration of properties created through the reconfiguration or otherwise produced as a result of reclaiming land under water.

### 6.3.17 Marine Parks Act 2004 (Qld)

Table 6-19: Summary of the <i>Marine Parks Act (Qld)</i>	
Subordinate Instruments	<p>Marine Parks Regulation 2006</p> <p>Marine Parks (Declaration) Regulation 2006</p> <p>Great Barrier Reef Coastal Marine Park Zoning Plan (covers Queensland tidal lands and tidal waters)</p>
Administering Authority	<p>Environmental Protection Agency (EPA)</p> <p>Great Barrier Reef Marine Park Authority</p>
Authority's Role	Non-IDAS: Administering Agency
Site Designations	GBRMP Zoning Plan: Habitat Protection Zone
Contextual Designations	GBRCMP Zoning Plan: Habitat Protection Zone
Development Proposals	<ul style="list-style-type: none"> <li>Operational works, such as tidal works, interfering with quarry material, disposing of dredge spoil, reclaiming land under tidal water or constructing an artificial waterway;</li> <li>Material change of use of premises;</li> <li>Reconfiguring a lot; and</li> <li>Buildings seaward of a coastal building line</li> </ul>

The MP Act provides for marine parks and the conservation of the marine environment amongst other purposes. The MP Act and regulations enable the declaration of Marine Parks and regulates activities contained within those designated areas or parks.

Marine parks are established over tidal lands and waters to protect and conserve the values of the natural marine environment while allowing for its sustainable use.

The subject site is located within the Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004. This establishes a zoning plan for the marine park which in effect extends the Commonwealth zoning of the GBRMP from the low water mark to the high water mark.

Permits are required for commercial activities in the Marine Park and are issued jointly with those issued by the Great Barrier Reef Marine Park Authority.

The Habitat Protection Zone of the GBRMP is located seaward of the landward boundary of the coastline pursuant to the Queensland Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004. Permits are required for commercial activities in the Marine Park and are issued jointly with those issued by the GBRMPA.

The development is within the boundaries of the GBR Coast Marine Park. Aspects of the development will require permits under the MP Act for: building works, reclamation and dredging.

Thus, these components will require separate permits to be lodged under the IP Act, MP Act and the GBRMP Act.



Aspects of the proposed development will require permits from the Environmental Protection Agency – Queensland Wildlife and Parks Service for building works associated with Marina, reclamation and dredging.

### 6.3.18 Water Act 2000

Table 6-20: Summary of the <i>Water Act</i>	
Name	<i>Water Act 2000</i>
Subordinate Legislation	<i>Water Regulation 2002</i>
Administering Authority	Department of Natural Resources and Water
Authority's Role	IDAS (Works in a watercourse): Concurrence Agency Non IDAS (Riverine Permit): Administering Authority
Site Designations	None Applicable
Contextual Designations	Watercourse running through leasehold land north of Shute Harbour Road
Approvals Required	None Applicable

### 6.3.19 Maritime Safety Act 2002

Table 6-21: Summary of the <i>Maritime Safety Act</i>	
Name	<i>Maritime Safety Act 2002</i>
Administering Authority	Queensland Transport and Marine Safety Queensland
Subordinate Legislation	<i>Maritime Safety Queensland Regulation 2002</i>
Authority's Role	None Applicable
Site Designations	None Applicable
Contextual Designations	None Applicable
Approvals Required	None Applicable

The Maritime Safety Queensland Act 2002 (MSQ Act) establishes the Maritime Safety Agency of Queensland which provides advice and functions related to marine safety.

The MSQ administers provisions of this Act and Subordinate Instruments of this Act and other Acts in relation to marine activities such as the Marine Pollution Act as previously discussed.

## 6.4 REQUESTED OUTCOMES OF THE COG'S REPORT

Upon assessment of the EIS, should the CoG determine that the overall report should recommend approval of the project, a number of enabling recommendations will be required to facilitate detailed approval machinations. Whilst the CoG report will contain a wide range of recommendations key enabling recommendations considered necessary from a town planning perspective include:

- (a) Tenure
  - (1) Consolidation of leasehold areas in accordance with the request by Port Binnli dated 10 March, 2008 to:
    - (i) incorporate the area of sea bed currently subject to the Permit to Occupy;
    - (ii) relinquishment of the area of leasehold north of Shute Harbour Road (part of Lot 2 on SP117389 and Lot 273 on HR1757); and
    - (iii) issue of a replacement lease the terms of which provide for:
      - assessment of proposed uses and operational works against the SHMR Development Code;
      - such assessment to be undertaken by Whitsunday Regional Council in accordance with the IDAS process under the IPA
  - (2) Provision of Resource Entitlements (prior to lodgement of initial Development Applications):
    - (i) from DNRW for lease area to enable initial development applications are to be lodged;
    - (ii) from Department of Main Roads, for the areas of Shute Harbour Road over which development applications are to be lodged; and
    - (iii) from the Environmental Protection Agency, for the quarry material to be removed from the lease areas and access channel (for the dredging of the marina basin and access channel under the *Coastal Protection and Management Act 1995*).
  - (3) Provision of Resource Entitlements (prior to Phase 1 Development Applications):
    - (i) from DNRW, for the areas of lease over which Development applications are to be lodged; (for MCA, Reconfiguration of a Lot and operational works over land to be reclaimed)
  - (4) DNRW to authorise progressive conversion of leasehold areas above MHWS to freehold at completion of earthworks stages for reclaimed land (priority freeholding)

- (b) Associated approvals, permits and administrative actions:
  - (1) Designation of the access channel as a navigation channel under the *Transport Infrastructure Act 1994* prior to submission of the Development Application seeking dredging work in the access channel
- (c) Local Government: Area + Planning Scheme
  - (1) The area of the consolidated lease to be designated as an Additional Territorial Unit under Division 3 of the Local Government Act (1993) for the purpose of defining the Local Government area and the jurisdiction of the Planning Scheme, to enable the making of a Development Application for Preliminary Approval overriding the Planning Scheme to establish the SHMR Development Code in a timely manner, and the assessment of subsequent Development Applications against the Preliminary Approval;
  - (2) If the inclusion of the area of the consolidated lease into the Planning Scheme is subject to significant delays, an infrastructure agreement between the proponent and the local authority will be entered into to confirm that Council will undertake informal assessment of proposed development applications against the provisions of the SHMR Development Code in the period prior to inclusion of the lease area in the Planning Scheme.
  - (3) The making of consequential amendments to the Planning Scheme to update any areas of inconsistencies with the approval, such as the zone and overlay mapping.
- (d) IDAS Matters:
  - (1) Designation of assessment managers as follows:
    - (i) Whitsunday Regional Council as Assessment Manager for the Preliminary Approval under s3.1.6 of the *IPA*;
    - (ii) Whitsunday Regional Council as Assessment Manager for the subsequent Development Permits for Material Change of Use, Reconfiguring a Lot and Operational Works made under the Planning Scheme.
  - (2) Direction to the Whitsunday Regional Council regarding determination of the Preliminary Approval;
  - (3) Identification of Concurrence Agencies for Development applications;
  - (4) Preliminary Approval conditions; and
  - (5) Development Permit for Operational Works conditions.

A Cultural Heritage Management Plan has been negotiated and registered with the DNRW.

Refer to Appendix S2 to the EIS prepared by Three Plus.

### 6.3.13 Building Act 1975

Table 6-15: Summary of the Building Act	
Name	<i>Building Act 1975</i>
Subordinate Instruments	<i>Building Fire Safety Regulation 1991</i> <i>Building Regulation 2006</i>
Administering Authority	Department of Infrastructure and Planning Private Certifiers
Authority's Role	IDAS: Assessment Manager
Site Designations	None Applicable
Contextual Designations	None Applicable
Approvals Required	Development Permits will be required through the IDAS for all buildings and structures

The Building Act 1975 makes provision for assessment of developments through the IP Act. These assessments are dependent on the class of building (s) to be developed. The Building Act 1975 calls up a set of Building Codes and Australian Standards which all building must comply with. These codes deal with structural design, fire and safety considerations and regulations.

Building(s) will require approval from the Whitsunday Shire Council, the Queensland Fire and Rescue Authority or in some cases a private certifier depending on design. Once the development plans as been finalised, referral requirements can be identified.

### 6.3.14 Dangerous Goods and Safety Management Act 2001

Table 6-16: Summary of the <i>Dangerous Goods and Safety Management Act</i>	
Name	<i>Dangerous Goods and Safety Management Act 2001</i>
Subordinate Legislation	<i>Dangerous Goods Safety Management Regulation 2001</i>
Administering Authority	Local Government and Department of Emergency Services
Authority's Role	Administering Authority (Non-IDAS)
Site Designations	None Applicable
Approvals Required	Licensing for the storage of fuel and chemicals will be required

- (e) Marine Park matters:
  - (1) Recommendation for approval of marine park permits
  - (2) excision of the consolidated lease and access channel area from the GBRCMP, to come into force upon the designation of the Additional Territorial Unit under the Local Government Act



## 7.0 REGULATORY / POLICY FRAMEWORK

There are a number of regulatory provisions, including Statutory Plans, legislation, codes and regional strategies and policies which are relevant to the assessment of the SHMR. The following section identifies the key priorities for each strategy and the relevant outcome delivered by the Shute Harbour Marina Resort for each.

### 7.1 QUEENSLAND GOVERNMENT PRIORITIES

The Queensland Government Priorities have been identified by the Queensland Government to provide a directional approach to the development of policy and are outlined in the following table along with the synergies delivered by the Shute Harbour Marina Resort.

Table 7-1: Alignment of Shute Harbour Marina with Queensland Government Priorities	
Queensland Government Key Priorities	Delivered by Shute Harbour Development
Realising the <i>Smart State</i> (education, skills and innovation)	<p><b>Increase employment opportunities in <i>Smart State</i> priority industries (marine &amp; tourism sector):</b></p> <p>Provision of a marina and tourism precinct will provide both mid term construction employment and long term marina and tourism employment opportunities in identified priority <i>Smart State</i> industries.</p>
Protecting children and enhancing community safety	<p><b>Emergency services and facilities:</b></p> <p>The second storey of the marina car park will provide for enhanced safety in storm events. The marina will provide water based emergency service access and a safe haven for boats in the area. The proposed public boat ramp will enhance safety by separating communal and recreational marina traffic.</p>
Managing urban growth and building Queensland's Regions	<p><b>Regional job creation:</b></p> <p>The site will cater to the targeted increase in local and regional workforce.</p> <p><b>Marine industry:</b></p> <p>Marine industry facilities and maintenance services in the surrounding service centre will support the marina and marine tourism operators.</p>
Protecting the environment for a sustainable future	<p><b>Sustainability:</b></p> <p>Regulation of marine and industry practices with a 'clean and green' philosophy, including provision of a trust fund to assist in the management and maintenance of coral.</p> <p><b>Improved management and education of recreational boaters:</b> The management and education of recreational boaters facilitated by the proposed marina is anticipated to assist in reducing potential detrimental impacts of recreational boaters on the reef. A marine interpretive centre will be included as part of the charter boat waiting lounge.</p> <p><b>Rehabilitation and environmental management:</b></p> <p>The proponent has developed a "Reef Conservation Fund" to be operated as a trust funded from the sale of the marina berths, which would initially contribute approximately \$1,000 000 with an ongoing contribution in excess of \$150,000 per annum. This fund will contribute to the ongoing sustainability of the coral providing environmentally coral and sea grass friendly moorings on the reef. Part of this funding is anticipated to be</p>

Table 7-1: Alignment of Shute Harbour Marina with Queensland Government Priorities

	<p>directed to ongoing public education and awareness campaigns, as well as a traditional owner cultural centre and marine environment interpretive centre.</p> <p><b>Sustainable construction and operation practices:</b> The marina resort buildings and facilities are to incorporate best practice sustainable construction techniques and the resort is to be run according to industry best practice.</p>
Growing a diverse economy and creating jobs	<p><b>Job creation and employment opportunity:</b> Direct and indirect flow on effects on employment with education and training opportunities to expand the skilled workforce base.</p> <p><b>Diversification, productivity and growth:</b> The development of retail, commercial and managed tourism accommodation, 41/2 star hotel, and a large marina facility including charter boat hub has the ability to create a diverse community in Shute Harbour Bay with a high standard of productivity and economic growth.</p> <p><b>Increasing capacity of the marina market:</b> Increased supply of marina berths to the market that is currently undersupplied will help continue to stimulate the Qld marine industry;</p> <p><b>Supporting Shute Harbour precinct:</b> Enhancement of the Shute Harbour Precinct's pivotal role in the Whitsundays will help stimulate and support the long term growth of tourism in the region</p>

## 7.2 WHITSUNDAY HINTERLAND AND MACKAY REGIONAL PLAN 2005

The Whitsunday Hinterland and Mackay (WHAMB) region is centrally located on the Queensland coastline and has experienced strong population and economic growth, increasing the region's contribution to the Queensland economy in recent times through its major industries of mining, agriculture, marine and tourism. The WHAMB region encompasses Mackay City Council and the Belyando, Bowen, Broadsound, Nebo, Mirani, Sarina and Whitsunday Shire Councils. The area of the WHAMB is shown below in Figure 7-1.

Figure 7-1: WHAMB 2005 Mapping

*Refer to Conics Drawing 20906-09*

The Whitsunday Hinterland and Mackay Regional Plan 2005 provides a framework for guiding growth and development in the region over the next 15-20 years. The WHAMB Regional Plan was established to provide a holistic and integrated approach to recognising and addressing the economic, social and environmental elements, issues and opportunities of the region. The key components of the WHAMB Regional Plan include:

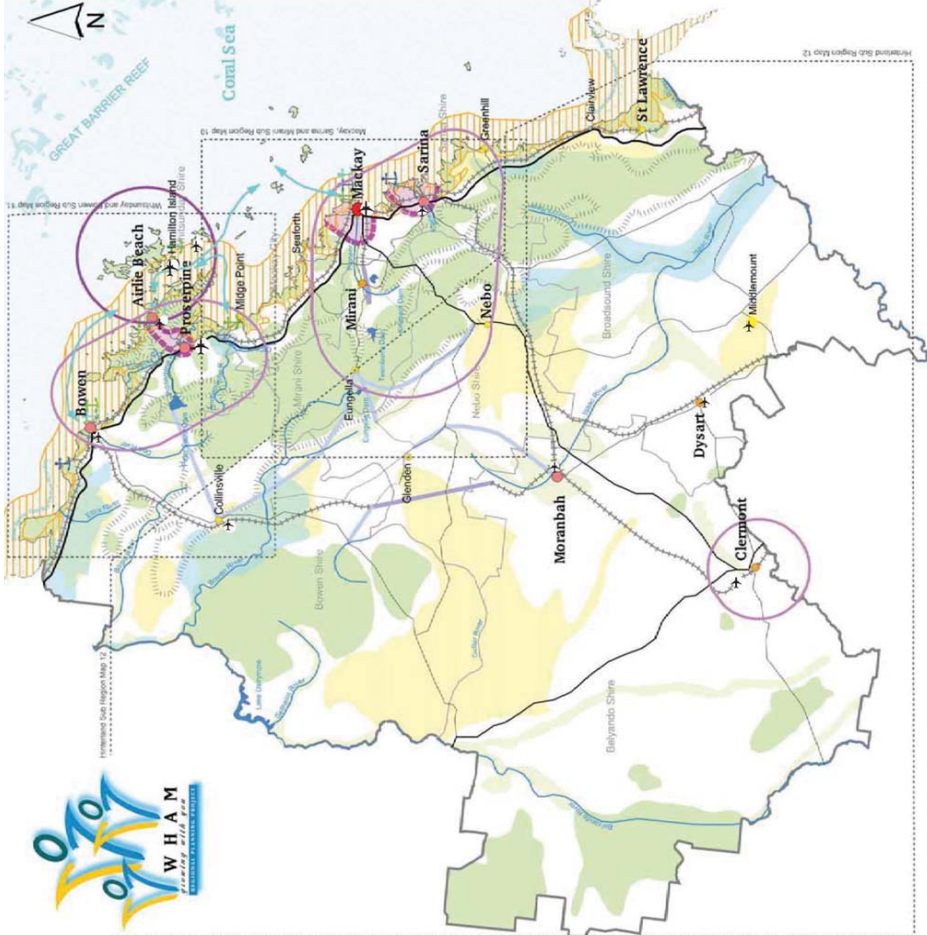
- A Regional vision that provides a conceptual image of what the WHAMB region and its communities should desirably look like in the future;
- A summation of the key issues and opportunities facing the region;

# shute harbour marina development

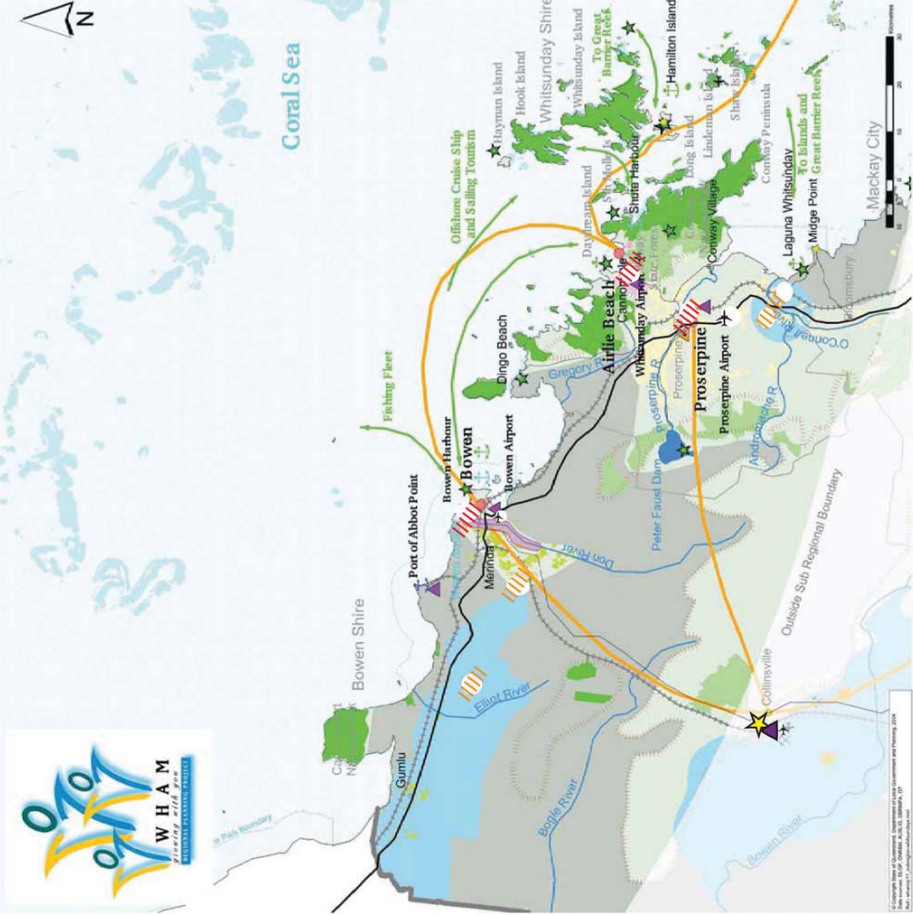
regional planning framework

legend

 site marker





Map 9 Regional Structure Plan





Map 11 Whitsunday & Bowen


- Natural Environment and Resource Management


 Coastal Area


 Great Barrier Reef Marine Park


 Ecological Conservation Value


 Fishery Conservation Value


 Landscape Conservation Value
- Economic


 Dominant Tourist Area


 Developing Tourist Area


 Key Potential Irrigation Areas
- Settlement Pattern


 High Growth Area
- Transport and Infrastructure


 Potential Road Links


 Potential Ferry Services


 Railway


 Sub Regional Development Plan Maps
- Key Regional Features


 WHAM Region


 Local Government Boundary Centres


 Regional Centre


 Sub Regional Centre


 Town Centre


 Village


 Rivers, Dams


 Bribe Highway


 Major State Roads

 Other Roads

 Mountain Range

 Coast Sea, Reef

 Major Commercial Airports

 Local Airports / Airstrips

- A set of Integrated Regional Goals and Strategies, aimed at achieving the Regional Vision, considering the following themes;
- Regional identity, leadership and management;
- Environment and natural resources;
- Economic development;
- Social infrastructure;
- Settlement pattern;
- Infrastructure;
- Transport.
- A Regional Structure Plan that sets out the preferred physical arrangement for the region, including settlement pattern and infrastructure servicing, and
- A list of Regional Priorities to guide the implementation program.

The WHAMB Regional Plan seeks to consolidate all future urban development within existing urban centres and promote development which enhances quality of life and protects the key values of the region. In terms of economic initiatives, the plan intends to promote the diversification of the tourism industry in order to reinforce the region's status as the pre-eminent tourist destination in Queensland.

Whilst not a statutory planning document, the WHAMB Draft Regional Plan provides key goals and implementation strategies which lay out the future direction for urban development in the region. These goals and strategies focus on a range of issues including environment and natural resources, economic development, social infrastructure, settlement pattern and transport.

The priorities and goals of the WHAMB Regional Plan delivered by the Shute Harbour Development are identified in the table below:

Table 7-2 Alignment of Shute Harbour Marina with the WHAMB ROC		
Key Priorities and Goals of WHAMB	Description	Delivered by Shute Harbour Development
Regional identity, leadership and management	<b>Regional Identity:</b> Establish region as a distinct economic, cultural, social and administrative entity.	Development of <b>regional identity</b> towards a marine and tourism hub. Enhancement of overall Shute Harbour Precinct
	<b>Collaborative Planning and Management:</b> Integration, coordination and streamlining of planning and management to improve quality and effectiveness of outcomes.	<b>Integration</b> of individual and stakeholder collaboration between the marine, tourism and transport sectors into a key development and strengthened Shute Harbour precinct

Table 7-2 Alignment of Shute Harbour Marina with the WHAMB ROC

Key Priorities and Goals of WHAMB	Description	Delivered by Shute Harbour Development
	<b>Investment and resourcing:</b> Secure investment and resource avenues to support major growth, productivity and prosperity.	<b>Secure investment</b> in the Shute Harbour development with the capacity to support growth with provision of marina, tourism and commercial infrastructure. The construction of the development is a major investment and vote of confidence for the region.
<b>Environment and natural resources</b>	<b>Natural disaster management:</b> Manage and minimize potential impacts of social, economic and natural disaster of the region.	<b>Safe Harbour:</b> Provision of a marina in Shute Harbour in conjunction with the Harbour's natural weather protection provides exceptional marine safety in extreme cyclonic events  <b>Assist in the management and education of recreational boaters</b> to reduce the risk of potentially detrimental environmental impacts.  <b>Cyclone shelter:</b> The second storey of the marina carpark will be equipped to respond to cyclone disaster.
<b>Economic development</b>	<b>Economic climate:</b> Establishment of a stable, cost-competitive and sustainable environment for business and investment that facilitates economic growth and employment.  <b>Sustainable industries:</b> Maximise investment in sustainable industries.  <b>Tourism:</b> Establish region as a distinctive tourist destination that offers a diverse range of tourism opportunities and unique experiences.  <b>Management and workforce skills:</b> Attract and retain skilled workforce to strengthen economic opportunities and social infrastructure.  <b>Land infrastructure and transport:</b> Provide infrastructure and adequate services that are suitably located to meet the needs of the region.	<b>Tourism precinct:</b> Precinct facilities will include a four and ½ star, 109 suite hotel; managed resort accommodation, marina office, amenities, carparking, charter boat cruise base, retail space and landscaped gardens entry and open space as well as managed resort accommodation.  <b>Key industry investment:</b> The project will provide accommodation and supporting infrastructure for approximately one year's growth in the regional tourism sector (tourism, accommodation, cafés and restaurants, transport and storage and marine support). This will assist in enhancing tourism opportunities and experiences in the region and promote sustainable economic growth.  <b>World Class Facility:</b> The provision of a world class facility will promote the identity of Shute Harbour and the Whitsundays to the international tourism market, capitalising on the unique attributes of the region.  <b>Attraction and retention of skilled workers:</b> Establishment of a marina and tourism precinct will increase demand for



Table 7-2 Alignment of Shute Harbour Marina with the WHAMB ROC

Key Priorities and Goals of WHAMB	Description	Delivered by Shute Harbour Development
		<p>skilled labour and employment opportunities in key sectors of the marine, tourism and hospitality industries.</p> <p><b>Transport infrastructure and transit centre:</b> The development of a marina will provide key marine-based transport infrastructure, increasing access to the area by sea.</p> <p><b>Precinct improvement:</b> The development's contribution towards the upgrading of the Shute Harbour precinct is likely to help protect the precinct's pivotal role for some decades, aiding the region's long term competitiveness with other tourism areas</p>
<b>Social infrastructure</b>	<p><b>Services and facilities:</b> Provision for current and future needs of communities through timely and appropriate planning.</p>	<p><b>Transport infrastructure:</b> Provision for marina berths to cater to current and expected future regional demand.</p> <p><b>Improvement of transport links</b> to the Shute Harbour region (courtesy bus, improved road infrastructure through the deed of agreement with Main Roads and increased patronage on the existing bus route).</p> <p><b>Provision of leisure infrastructure:</b> The development will include the provision of retail, cafe and restaurant areas in the Marina Plaza precinct. This will increase leisure opportunities in Shute Harbour and the surrounding service centre, and provide a meeting place for residents and visitors.</p> <p><b>Provision of recreational infrastructure:</b> The development includes a \$2.5 million contribution to a new public boat ramp and car parking facility.</p> <p><b>Pedestrian linkages and foreshore access:</b> The development will provide approximately 1km of boardwalk along the marina esplanade and Isthmus parkland, creating new and unique vantage points to view the marina, Shute Harbour, Conway National Park and the Islands to the east</p>
<b>Infrastructure</b>	<p><b>Infrastructure planning and coordination:</b> Provision for the appropriate physical and social infrastructure to allow for economic</p>	<p><b>Infrastructure services:</b> Power, water, sewer, stormwater drainage and telecommunications will be provided, but do not require infrastructure upgrades apart</p>

Table 7-2 Alignment of Shute Harbour Marina with the WHAMB ROC

Key Priorities and Goals of WHAMB	Description	Delivered by Shute Harbour Development
	<p>development.</p> <p><b>Energy and telecommunications:</b> Appropriate and timely infrastructure development to meet demands.</p> <p><b>Sewerage:</b> Provision for appropriate environmentally friendly, safe and effective sewerage disposal.</p> <p><b>Water infrastructure:</b> Provision for water demands in timely, cost effective, safe and environmentally responsible manner.</p>	<p>from power, a contribution for which will be provided by the developer.</p> <p><b>Marina and supporting social and commercial infrastructure:</b> Appropriate planning and coordination of marina infrastructure with tourism, recreational, commercial, and transport infrastructure of the project. Provision of pump out facilities to maintain high water quality and reduce instances of illegal or inappropriate effluence disposal.</p> <p><b>Road infrastructure:</b> A new intersection will be created &amp; the road alignment modified on Shute Harbour Road in line with the deed of agreement between the Department of Main Roads and Shute Harbour Marina Resort Pty Ltd.</p>
Transport	<p><b>Seaports:</b> Provide competitive, cost effective, efficient and safe transport facilities to meet the needs of regional industry.</p> <p><b>Aquatic facilities:</b> Provide and maintain quality, environmentally sustainable aquatic infrastructure to meet commercial and recreational needs.</p>	<p><b>Marina and aquatic facilities:</b> The establishment of 669 berths and supporting marina structure will provide significant facilities to the marine industry and increase the availability of aquatic activities in the region.</p> <p><b>Marine transport:</b> The improvement of the seaport, facilities and capacity of marine vessel accommodation in the area will meet increasing demand for such services in the region.</p> <p><b>Improved operation and Capacity:</b> The provision of the public boat ramp facilitated by the proponent's monetary contribution will increase marine safety for all users and remove a current impediment for growth in capacity for the transit terminal</p>

### 7.3 STATE PLANNING POLICIES

State Planning Policies (SPPs) set out the State government's interests in environmental management and development control. Whilst the main purpose of SPPs is to shape Planning Schemes so that the State's requirements can be incorporated with those of Local Governments, SPPs are also relevant in the determination of Development Applications. The SPPs are reviewed below:

#### 7.3.1 SPP1/92: Development and the Conservation of Agricultural Land

This SPP seeks to retain agricultural land for cropping purposes and to ensure adequate buffers are provided between incompatible land uses.

The SHMR site is not within an agricultural area. Consequently, SPP1/92 is not applicable to the proposal.

### **7.3.2 SPP1/02: Development in the Vicinity of Certain Airports and Aviation Facilities**

The intent of this SPP is to ensure that incompatible land uses do not compromise the function of key airports.

The nearest airport and aviation facilities to the SHMR site are located off-shore on Whitsunday, Hamilton and Lindeman Islands. The site does not align with any of these runways, and consequently, the proposal will not impact on aviation facilities. Due to the separation involved, the proposal will not be adversely affected by aircraft noise.

Consequently, there is no conflict between the development and the aviation operations.

### **7.3.3 SPP2/02: Planning and Managing Development Involving Acid Sulfate Soils**

This SPP aims to ensure that development involving acid sulphate soils is planned and managed to avoid the release of potentially harmful contaminants into the environment. It applies to all land at or below 5 metres Australian Height Datum (AHD) where the natural ground level is less than 20 metres AHD, and addresses development involving any of the following activities:

- excavating or otherwise removing 1000m<sup>3</sup> or more of soil or sediment; or
- filling of land involving 500m<sup>3</sup> or more of material with an average depth of 0.5 of a metre or greater.

The requirements of the SPP have been incorporated into the *Whitsunday Shire Plan 2000* and the *Draft Whitsunday Shire Plan 2006*. The extent of potential ASS have been assessed in site specific reporting undertaken by Ullman & Nolan in 2005 (as contained in EIS Appendices I2 and I3). This reporting responds to the requirements of the SPP and the Planning Scheme. The reporting found that marine sediments have a potential for acid generation, however marine muds in the project area have an acid neutralising capacity deemed by to be sufficient to eliminate net acid production. This natural buffering capacity derives from particles of calcium carbonate (coral and shell) in the marine sediments.

Management of potential ASS in earthworks and dredging operations has been discussed by Cardno in S 4.1.1.5 and S4.1.2.5 of the EIS. with the approach conveyed in an Acid Sulfate Soils Management Plan (EIS Appendix I3).

### **7.3.4 SPP1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide**

This SPP aims to minimise the potential adverse impacts of flood, bushfire and landslide on people, property, economic activity and the environment, and has been incorporated into the provisions of the *Draft Whitsunday Shire Plan*.

A response to the requirements of the SPP is set out in EIS S4.3.4.4 as well as in response to the Draft Planning Scheme below in S9.3.4.2. These responses conclude that the risks of adverse affects from these matters is low in this instance and the development location and design have taken sufficient regard of any potential risk.

### **7.3.5 SPP 1/07: Housing and Residential Development (including Guideline)**

SPP1/07 applies when a local government decides to prepare a new scheme or amend an existing scheme or is required to amend their planning scheme in response to a regional planning process. The SPP requires local governments to identify the housing needs of their community and analyse, ensure that the Planning Scheme provides opportunities for a range of housing options that respond to the housing needs of the community.

Although the Policy has no effect when development applications are assessed, preparation of the SHMR proposals and the SHMR Code has been undertaken with the objectives of SPP1/07 in mind. The focus of the proposal is primarily towards short stay tourist related accommodation, and therefore the built forms proposed will provide only limited diversity in housing stock. Nonetheless, the built forms which are likely to eventuate will be capable of providing for permanent accommodation, and are likely therefore to meet particular housing needs

### **7.3.6 SPP2/07: Protection of Extractive Resources**

The SPP on extractive industries works to identify and preserve extractive resources of state significance, to protect those resources from incompatible development and to limit the impact of resource exploitation upon sensitive receiving environments. There are no extractive activities or haul routes near the site.

## **7.4 COASTAL PROTECTION**

Under the Coastal Protection and Management Act 1995, the State Coastal Management Plan and underlying Regional Coastal Management Plans have the status of State Planning Policies for the purpose of making and amending planning schemes and assessing and deciding development applications. The Coastal Management Plans seek to operate as a framework of desired outcomes, principles and policies which apply generally at the State level and are given more specific focus through the regional plans.

The affect of the development on coastal processes as required in Coastal Management Plans forms a major focus of the EIS and is addressed in rigorous detail in Chapter 4.5 of the EIS, amongst other sections. Effects upon the coastal environment are also described within the following reports included as Appendices of the EIS:

- Stormwater Management Strategy – EIS Appendix N;
- Coastal Processes Report - EIS Appendix O;
- Aquatic Ecology Report -EIS Appendix P1; and
- Acid Sulphate Management Plan -EIS Appendix I3

### **7.4.1 Draft Mackay-Whitsunday Regional Coastal Management Plan 2006**

The Draft Mackay-Whitsunday Regional Coastal Management Plan (MWRCMP) provides direction for development management with the aim of protecting the unique ecosystem of the Mackay-Whitsunday Region within the framework of the State Coastal Management Plan. Accordingly the plan has the force of law to guide relevant decisions by State and local governments and the Planning and Environment Court.

It is a response to the growing demand for coastal residential and commercial development, and the challenge to protect local wetlands, flora, fauna, and erosion prone areas. Apart from providing environmental value, these resources contribute significantly to the social and economic well being of the region. (Environmental Protection Agency, 2006).

The Mackay Whitsunday Coastal Plan addresses the following key coastal management issues for the region:

- Maintaining diversity of recreational opportunities to accommodate the diverse range of visitors;
- Planning and managing for natural coastal erosion processes;
- Maintaining biodiversity within the region;
- Balancing the need for urban expansion due to population growth with protection of environmental resources in the region;
- Improving quality of water entering the Great Barrier Reef Marine Park and World Heritage Area;
- Recognition of the social and economic importance of the ports, airports and identified marine transport facilities; and
- Identification and protection of significant scenic coastal areas and species habitats in the region.

The Draft MWRCMP identifies the following areas adjacent to the site as being of state significance:

- The Shute Harbour Transit Terminal to the east - Identified as one of five strategic port land areas of social and economic importance to the region; and
- Conway National Park – an undeveloped vegetated peninsula with scenic coastal landscape value.

These state significant areas require protection from incompatible land uses.

Specific key principles of the Management Plan are outlined below, along with aspects of the SHMR which support these legislative principles.



Table 7-3: Alignment of Shute Harbour Marina with the Draft Mackay Whitsunday Regional Coastal Management Plan

Coastal Management Key Principles	Delivered by Shute Harbour Development
Recognition of coastal resources in development and planning.	<b>Recognition:</b> The proposed SHMR development is directly reliant on coastal resources such as recreation and boating opportunities. The value of these resources is recognised in the design of the marina and resort facilities, initiation of education programs and the establishment of an environmental management trust fund.
Coastal use, infrastructure, and development is planned and managed to ensure that significant adverse effects of activities on the natural environment are avoided, mitigated or remedied.	<b>Sustainability:</b> Regulation of marine and industry practices with a 'clean and green' philosophy, including provision of a Marine Conservation Fund fund to assist in the management and maintenance of marine habitat including provision of sea grass friendly moorings; and  <b>Improved management and education of boat owners and operators:</b> Improved management and education of boat owners and operators will be facilitated by the initiation of education programs at the proposed marina environment interpretation centre which is anticipated to assist in reducing potential detrimental impacts of boaters on the environment.
Development and use of the coast should enhance and maintain quality of life for residents and visitors.	<b>Transport:</b> Increased transportation networks will provide more options for tourists, visitors and residents.  <b>Industry:</b> The development of the marine industry will provide skills training and employment for residents, and enhanced social infrastructure options for both visitors and inhabitants.  <b>Tourism:</b> The enhanced infrastructure will provide more destination options and accommodation for tourists staying in the region and visiting the neighbouring islands.  <b>Diversification of opportunities:</b> The development of retail, commercial and managed tourism accommodation will create a diverse community in the region with the potential for high levels of productivity, growth, and expanding social opportunities and infrastructure.
Maintenance of functionality in areas of state significance (social and economic) and protection from incompatible land uses and activities that may adversely affect the continued use of those areas.	<b>Areas of state significance</b> include those which provide coastal dependent recreational and marine transport facilities. The Shute Harbour Transit Facility is listed as one of those key significant sites. The proposed SHMR will act as a key catalyst in the overall upgrade and enhancement of the Shute Harbour precinct, allowing the Transit terminal to better fulfil it's pivotal role in the tourism fabric of the Whitsunday region.  <b>Marine Safety:</b> The development itself is designed to be compatible with the operations of the terminal and barge facilities, and the construction of the public boat ramp facilitated by the proponent's monetary contribution will lead to increased capacity and safety for all users of the precinct.  <b>Enhanced Opportunities:</b> Development of the Shute Harbour Marina will enhance the <b>accessibility and functionality</b> of coastal dependent transport services offered in the region. Infrastructure investment will provide the framework for expanded social and economic opportunities.

## 7.5 REGIONAL TOURISM AND ECONOMIC DEVELOPMENT STRATEGIES

### 7.5.1 Whitsunday Growth Management Initiative

The Whitsunday Growth Management Initiative was established to ensure a proactive response to rapid growth and development within the Whitsunday Shire (Department of Infrastructure and Planning, 2007). The Initiative was the product of a collaborative effort between the Queensland Government and the Whitsunday Shire Council, in the formation of the Whitsunday Growth Management Group.

This group is led by the Department of Infrastructure and Planning, and has maintained that a key aim of the Initiative is the development of an integrated, strategic and collaborative approach to service and infrastructure planning.

The project is closely linked to Whitsunday Hinterland and Mackay Regional Plan (WHAMB). While it is particularly focused on the high growth areas of Cannonvale and Airlie Beach, the strategy is relevant for the surrounding localities as well.

The Growth Management Initiative is currently still under review, however the Growth Management Group has released its Strategic Infrastructure and Services Plan for the Whitsundays, of which key aims are outlined in the following table, along with deliverables of the SHMR project.

Table 7-4. Alignment of Shute Harbour Marina with the Whitsunday Growth Management Initiative		
Whitsunday Growth Management Key Objectives	Description	Delivered by Shute Harbour Development
<b>Skilled Development Opportunities</b>	Whitsunday Shire has very low levels of unemployment however, issues such as skills development and training are key needs for Whitsunday. Seasonal tourism and the attraction of nearby coal mines mean that many skilled employees leave the region.	<b>Increased Employment:</b> The proposed SHMR will provide diversification of employment and skills development opportunities, including year-round options in the marine, tourism, recreation, and service industries.
<b>Electricity and water supply</b>	It is recommended that electricity and water supply expand to meet expected future population and industry growth for the region.	<b>Infrastructure services:</b> Power, water, sewer, stormwater drainage and telecommunications will be provided, but do not require infrastructure upgrades apart from power, a component of which will be provided by the proponent.
<b>Support of the Marine Industry</b>	The growing marine industry is a major economic driver and needs to be supported through infrastructure provision and a skilled employee base.	<b>Marine industry:</b> Marine industry facilities and maintenance services in the surrounding service centre will support the marina and marine tourism operators.  <b>Employee Training opportunities:</b> The expansion of employment opportunities and the marine industry will provide a basis for developing a complementary, skilled labour supply.
<b>Traffic</b>	Preservation of amenity and economic	<b>Transport infrastructure and transit centre:</b> The

Table 7-4. Alignment of Shute Harbour Marina with the Whitsunday Growth Management Initiative		
Whitsunday Growth Management Key Objectives	Description	Delivered by Shute Harbour Development
Management	value of the area through traffic management.	<p>development of a marina will provide key marine-based transport infrastructure, increasing access to the area by sea and providing transport which is focused on the key amenity in the region, the coastline.</p> <p><b>Road infrastructure:</b> New road alignment will be designed to accommodate increasing amounts of visitors and labourers in the region. Reports indicate the current condition of Shute Harbour Road is appropriate for additional traffic impact from the proposed development.</p> <p><b>Public Transport:</b> A regular bus service already exists from Airlie Beach to Shute Harbour. The development includes a bus set down area, and increased demand for access to Shute Harbour can be expected to provide a commensurate increase in patronage on the bus route. The additional patronage may stimulate increased service frequency which in turn would encourage more use from existing users.</p>

### 7.5.2 Mackay Whitsunday Regional Tourism Investment and Infrastructure Plan (RTIIP)

The Mackay Whitsunday Regional Tourism Investment and Infrastructure Plan 2006- 2016 (MWRTIIP) was developed to determine real opportunities for sustainable growth within the region, with the aim of creating collaborative opportunities for private and public sectors (Tourism Queensland and the Department of Tourism, Fair Trading and Wine Industry Development, 2006). Key aims and SHMR deliverables are outlined in the table below.

Table 7-5. Alignment of Shute Harbour Marina with the Mackay Whitsunday Regional Tourism Investment and Infrastructure Plan	
RTIIP Key Points	Delivered by Shute Harbour Development
Create a sense of uniqueness especially in built environments.	<p>The proposed development is built upon the unique characteristics of the region, Shute Harbour and the marine and tourism industry. The SHMR is to be designed as a World Class Facility acting as an icon for the region.</p> <p><b>Precinct Enhancement:</b> The SHMR will add to and facilitate the enhancement of the Shute Harbour precinct to better fulfil it's pivotal role in the tourism industry of the Whitsundays.</p>
Invest in new and enhanced infrastructure.	<b>Marine Transport infrastructure:</b> Provision for marina berths in the region's most appropriate marina location to cater to current and expected future regional demand.

Table 7-5. Alignment of Shute Harbour Marina with the Mackay Whitsunday Regional Tourism Investment and Infrastructure Plan	
RTIIP Key Points	Delivered by Shute Harbour Development
	<p><b>Marina and supporting social and commercial infrastructure:</b> Appropriate planning and coordination of marina infrastructure with tourism, recreational, commercial, and transport infrastructure as an integrated project.</p> <p><b>Road infrastructure:</b> Road alignment will be developed on Shute Harbour Road in line with the deed of agreement between the Department of Main Roads and Shute Harbour Marina Resort Pty Ltd.</p> <p><b>Boat Ramp:</b> The proponent's contribution towards a new public boat ramp will facilitate the construction of a key piece of community infrastructure rationalising and adding to the capacity, functionality and marine safety of the precinct</p> <p><b>Pedestrian linkages and foreshore access:</b> The development will provide approximately 1km of boardwalk along the marina esplanade and Isthmus parkland, creating new and unique vantage points to view the marina, Shute Harbour, Conway National Park and the Islands to the east</p>
Ensure an appropriate mix of products are available to visitors.	<p><b>Diversification of opportunities:</b> The development of retail, commercial and managed tourism accommodation will create a diverse community in the region with the potential for high levels of productivity, growth, and expanding social opportunities and infrastructure.</p> <p><b>Residential Tourism:</b> The ability to provide waterfront tourism accommodation of a residential character within the Managed Resort Accommodation precinct caters to a market which is largely absent from the current tourism accommodation mix.</p>
Develop Shute Harbour including the Shute Harbour Foreshore and Waterways Management Plan.	The proposal directly complies with this provision via the development of the Shute Harbour Marina and foreshore.
Improve electricity and water supply and service, and telecommunications to the region.	<b>Infrastructure services:</b> Power, water, sewer, stormwater drainage and telecommunications will be provided, but do not require infrastructure upgrades apart from power, a component of which will be provided by the proponent.
Expand accommodation facilities catering to leisure and business visitor markets.	<p><b>Key industry investment:</b> The project will provide accommodation and supporting infrastructure for approximately one year's growth in the regional tourism sector (tourism, accommodation, cafes and restaurants, transport and storage and marine support). This will assist in enhancing tourism opportunities and experiences in the region and promote sustainable economic growth. The standard of the accommodation lends itself well to strengthening the options for general leisure and particularly business markets</p> <p><b>Tourism precinct:</b> Precinct facilities will include a four and 1/2 star, 109 suite hotel; managed resort accommodation, marina office, amenities, carparking, charter boat cruise base, retail space and landscaped gardens entry and open space as well as managed resort accommodation.</p>

Source: Tourism Queensland and the Department of Tourism, Fair Trading and Wine Industry Development (2006).

### 7.5.3 Whitsunday 2015: A Whitsunday Shire Economic Development Strategy

Whitsunday 2015: A Whitsunday Shire Economic Development Strategy (Pacific Southwest Strategy Group, 2006b) is an economic planning document that has been developed by the Whitsunday Shire Council and Whitsunday Development Corporation (WDC). Whitsunday 2015 aims to produce economic and social outcomes in the Whitsunday Shire by building on the region's competitive advantages whilst balancing the management of the environment and national parks and fostering community cohesion.

The main focus of the vision is to build on the thriving tourism industry whilst achieving infrastructure targets that provide safe, clean communities and a high standard of living, built in harmony with the social, natural and environmental features of the region.

Key goals and objectives of the strategy were identified to include:

- Facilitation of business growth and development;
- Creation of job training and local needs;
- Marketing and promotion;
- Cooperative asset development and optimisation; and
- Increased networking and coordination.

The Strategy is considered to be broadly consistent with both the MWRTIIP and the WHAMB and hence is supported by the measures outlined in the responses provided to those sections above. In particular however, the proposed SHMR development aligns with the strategy by assisting in and improving the delivery of:

- **Transport and transport servicing:** Development of a marina and transit centre will augment the water transport services and facilities and encourage linkages between water and land based tourism in the region;
- **Tourism and travel:** The construction of the four and ½ star resort/ managed tourism accommodation tourism precinct and retail facilities in conjunction with the marina will promote the tourism and water transport services in and around Shute Harbour and the broader service centre;
- **Marketing and Promotion:** The provision of a world class marina resort facility in Shute Harbour, coupled with the leveraged enhancement of the precinct will aid the image and identity of the region, increasing marketing and promotion reach, whilst aiding in providing a more completely satisfying tourism experience for visitors travelling to and from the Whitsunday Islands and Great Barrier Reef;
- **Cooperative Asset Development:** There are clear synergies between the development and the enhancement of the overall Precinct. The contribution towards the public boat ramp by the proponents is considered to be an excellent example of a cooperative approach to asset development. The overall investment in the precinct which is of State Economic and Social significance in line with State, Regional and Local priorities represents successful integration of public and private interests and investments; and



- **Education and training:** The proponent has a commitment to training and development of the local labour force and has partnered with the Barrier Reef Institute of TAFE to deliver identified training needs.

#### 7.5.4 Whitsunday Destination Management Plan

The Whitsunday Destination Management Plan (Tourism Queensland, 2004a) has been developed to ensure the future of the tourism industry in the Whitsundays and Great Barrier Reef. This plan supports the development of a sustainable and ecologically 'friendly' tourism industry and promotes industry growth whilst aligning with the environmental and sustainable obligation guidelines set out by the Government. The goals and strategies of the Whitsundays Destination Management Plan and how they align with the proposed development include:

- **Promoting the Whitsunday's as a desirable holiday experience in domestic and international markets:** The proposed development will have a range of accommodation and tourism facilities to meet the demand of both domestic and international tourists. The proposed development provides accommodation and associated infrastructure for approximately one year's growth in the regional tourism market. The development and its leveraged effect on the Shute Harbour Precinct will help Shute Harbour to better perform its pivotal role in the overall image and tourism experience of the Whitsundays.
- **Ensure more effective distribution of travel information, products and services to the trade and consumers:** *The four and 1/2 star hotel and managed tourism accommodation and associated facilities of the proposed development will allow for and facilitate linkages with other destinations, particularly in relation to land and water based activities.*
- **Identify and facilitate the development of infrastructure and services that are appropriate to the needs of visitors and residents:** *Infrastructure and services of the development include marina services and facilities, transport facilities, a four and 1/2 star hotel and managed tourism accommodation precinct, with commercial and retail infrastructure provision and associated leisure facilities such as cafes restaurants in the marina plaza precinct, linked to an extensive marina esplanade and Isthmus parkland.. The Charter boat base including transit lounge and interpretive centre will provide a clear strengthening and improvement of the boating experience for charter boat and other marina users.*
- **Promote the value and importance of sustainable tourism practices:** *The project upholds the values of environmental sustainability and 'clean and green' tourism and marine based activity, including the design, construction and operation of the marina and resort and a commitment to fund a trust to assist in the management and maintenance of marine habitat in the region, including provision of sea grass friendly moorings and an interpretative and environmental education centre*

#### 7.5.5 Shute Harbour Planning Strategy Interim Report – Issues and Directions

The Shute Harbour Planning Strategy Interim Report – Issues and Directions released in draft form in June 2007 (Jackson Planning / Buckley Vann, 2007) identified the strategic context and existing local conditions for Shute Harbour, and investigates likely future conditions and the desirable future role for Shute Harbour.

The intent of the study was to aid the direction of the entire Shute Harbour precinct. SHMR supported the intent of the study and was represented in the engagement process, however significant concerns

were raised regarding the process undertaken in the study by a number of the participants, as well as some who were not aware of or invited to the workshops. These concerns were documented in a submission provided by SHMR dated 31 July, 2007.

To date, no official feedback has been received in relation to this, nor, it is understood, any other submissions to the study. As the EIS process for the SHMR had already formally commenced the completion of the study was put on hold pending the completion and assessment of the EIS. The report has remained as an Interim Draft study since its release.

As previously identified in the justification for the SHMR, this interim planning study identifies Shute Harbour as a major tourist and freight facility and access point for the Islands and Great Barrier Reef. This role is supported by other maritime and tourist related uses with the residential enclave of Shute Haven relatively independent of these functions.

The future role and character for Shute Harbour is based on a set of relevant principles which has driven the planning and design of all components of the current proposal including:

- Shute Harbour should continue to provide important maritime based services to the Whitsunday Region;
- the area's natural landscape and environmental values are acknowledged as extremely important assets to both the tourism industry and the community, and these values should be maintained and protected;
- public (recreational) access to the foreshore and water should be improved;
- future development should be designed to an appropriate scale and height that avoids visual intrusion and negative environmental impacts; and
- proposals outside the urban footprint and general port area should demonstrate that there is a need for the proposed facilities and their development would not compromise the visual and environmental values of Shute Harbour and should consider policy directions.

The SHMR has been designed with clear awareness of the above principles and conforms to the issues and directions of the interim planning study by demonstrating strong demand for a marina at this location and its ecological sustainable design and best practice design construction and operation management techniques. It is noted that it is beyond the interim planning study to provide any assessment of the current proposal.

## **8.0 LOCAL PLANNING PROVISIONS**

### **8.1 WHITSUNDAY REGIONAL COUNCIL PLANNING CONTROLS**

At the last local Government elections the Whitsunday Shire was amalgamated with the Bowen Shire to form the Whitsunday Regional Council. Whilst the Council is now amalgamated the Planning Schemes relevant to each of the previous Shires will continue to be used until such time as a new Planning Scheme is created for the new Council.

The current Scheme in force is the Whitsunday Transitional Planning Scheme 2000. A draft of an IPA compliant Scheme was publicly exhibited in late 2007, however it is yet to be gazetted.

Owing to the transitional nature of the Planning Schemes, the development has been reviewed against the provision of both Schemes.

### **8.2 WHITSUNDAY SHIRE TRANSITIONAL PLANNING SCHEME 2000 – STRATEGIC PLAN**

#### **8.2.1 Strategic Plan Purpose**

The purpose of the Strategic Plan is to outline the future Preferred Dominant Land Uses (PDLU) and major infrastructure strategy for the Shire. The main purposes of the Strategic Plan include:

- To identify the desired future land use and infrastructure for the Shire and the principles which are intended to be observed in guiding development and the use of the land;
- To present strategies by which to achieve ecologically sustainable development;
- To establish the preferred relationship between various parts of the Shire and to provide a context for local area planning;
- To guide the assessment of development proposals, particularly in terms of their location, site suitability and potential impact in terms of their location, site suitability and potential impact and how such proposals fit into Council's broad planning intent for the general area of the proposal;
- To present a framework to guide Council and other service agencies in co-ordinating the provision of social and physical infrastructure.

The Strategic Plan designates the future PDLUs within the Shire and schematically shows designations appropriate for different areas on the Strategic Plan Map C. The Strategic Plan also includes a Vision Statement and uses a series of Strategic Development Principles which forms the foundation for the Strategic Plan and is applicable to all development.

The following sections cover the Strategic Plan mapping designations and PDLU which specifically relate to the site, followed by consideration of the alignment of the development with the overall Vision and Strategic Development Principles that directly influence the proposed development at Shute Harbour Marina Resort.

### 8.2.2 Strategic Plan Mapping

The subject site has been specifically nominated as a Marina site. We note that the designation in the Strategic Plan was consistent with previous investigations undertaken over the site, as outlined in S4.3 Site History

### 8.2.3 Preferred Dominant Land Use Intent and Performance Criteria

The subject site is specifically identified as a 'Possible Tourist Facility Focus' PDLU. This PDLU designates lands which *highlight opportunities for tourist facilities in locations likely to be attractive to visitors which are relatively accessible, serviceable and which promote economic viability.*

Included within the Mainland Urban section the site is designated as a *possible tourist facility node that is of an urban nature...* and is identified in the following manner:

Figure 8-1: Transitional Planning Scheme Strategic Plan Mapping

*Refer to Conics Drawing 20906-17*

#### Shute Harbour

*The designation at this site is intended to cover the area of land situated between Shute Harbour Road and the sea identified as a potential marina site and subject to a former marina investigation lease.*

The subject site is specifically and uniquely identified.

*Nodes are intended to provide for a range of tourist accommodation and visitor and recreation experiences.*

It is clear that a range of associated tourist accommodation and visitor and recreation uses were specifically envisioned for the subject site in support of the marina – which is consistent with the proposal

*It is intended that these nodes be provided with full urban services and designed to be sympathetic to their waterfront and/or National Park setting and prominent positions at the main road and sea entries to the Town. Development is intended to be encouraged where it meets a demonstrated community need.*

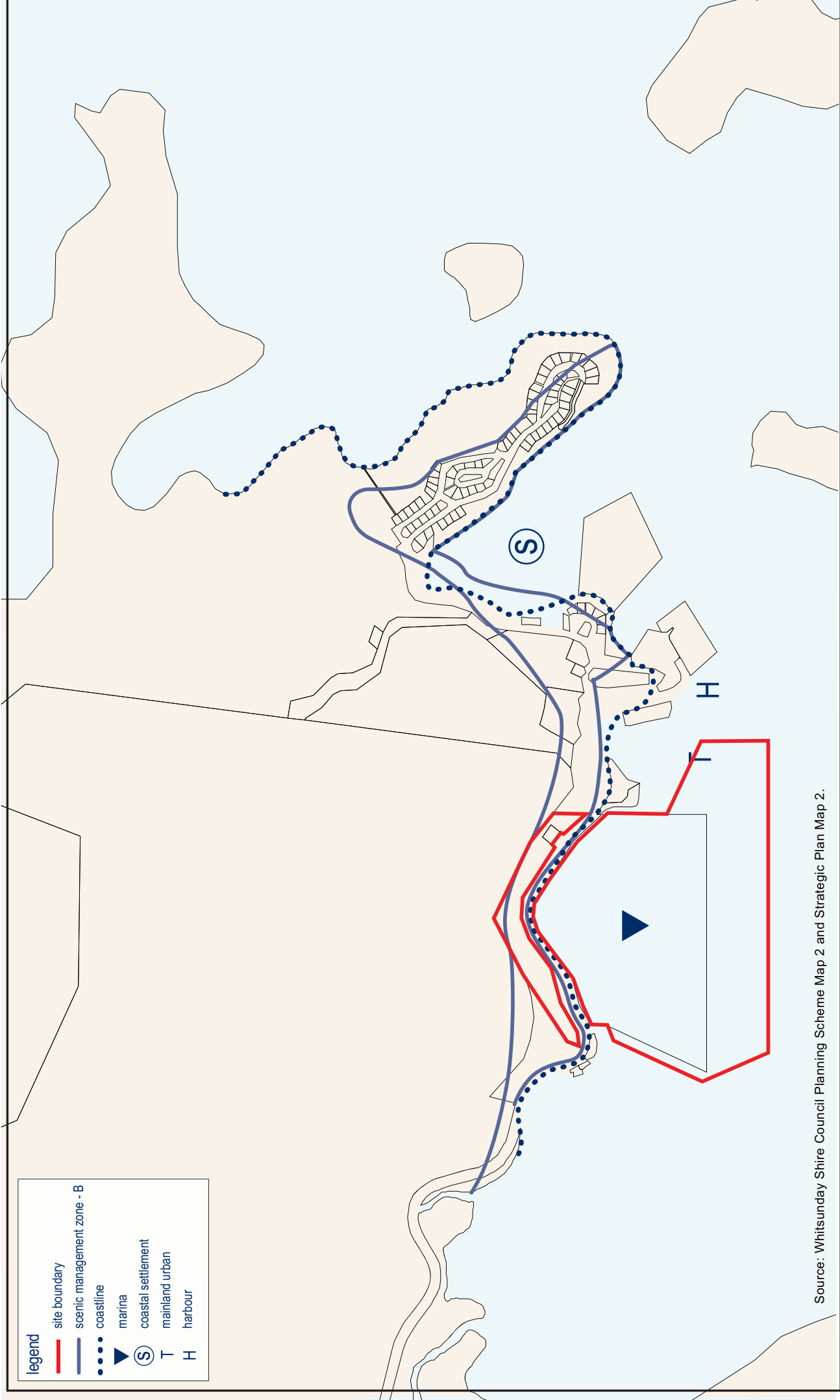
Full urban services are proposed and the development has been designed in sympathy with both the waterfront and National Park setting. The planning report and EIS has demonstrated strong demand for marina berths, tourism accommodation, quality charter boat facilities and local recreational facilities such as cafes, upgraded boat ramp, parking and safety, as well as the need to support the Transit Terminal's critical role in the Shire. The proposal is considered to meet all of these needs.

The PDLU further outlines a range of elements pertinent to the design and approval considerations for the development. These are listed and discussed below:

*Development is intended to be in accordance with an approved Plan of Development that reflects the following design philosophies:*

# shute harbour marina development

local planning framework - transitional planning scheme (2000): strategic plan



**legend**

- site boundary
- scenic management zone - B
- coastline
- marina
- coastal settlement
- mainland urban
- harbour

Source: Whitsunday Shire Council Planning Scheme Map 2 and Strategic Plan Map 2.



The contents of this plan are conceptual only, for discussion purposes. All areas and dimensions are approximate only subject to relevant studies, Survey, Engineering and Council approval.



Job Number: 20906-17  
Date: March 2008  
Scale: NTS



- *built forms remain low rise and subordinate to the landscape of foreshores, hill slopes and knolls, as viewed from the ocean and major coastal vantage points;*

The built form has been designed to be predominantly 3 stories or less, incorporating natural colours and be softened by landscaping. A pocket of 5 storey development is proposed in sympathy with the adjoining ridgeline and outcrop providing a balanced context when viewing from the south and east. A visual analysis undertaken by Yurrah found that the development was largely hidden by the ridgeline when viewed from the Transit Terminal and was subservient to the landscape when viewed from ocean approaches, as the built form was of a scale in keeping with the height of the masts of the yachts.

- *landscaping and built forms which integrate with and reflect the natural landform and reinforce the tropical, heavily treed nature inherent in the coastal village character, as reflected in forested hillslopes, mangroves and foreshores;*

The site is to be extensively landscaped with native species, including deep planting areas to reflect and reinforce the tropical and natural character of the surroundings. The landscaping is to integrate with the built form to soften the appearance and strengthen the ecological theming of the development. The height, steepness and proximity of the forested hillsides ensures that the scale of the development is clearly subservient to the natural backdrop. Mangroves are expected to colonise on the western edge of the Isthmus. The integrated nature of the development and the marina plaza in particular will be reflective of a coastal village atmosphere. The development form and indicative landscaping is clearly demonstrated in the three dimension imagery of the concept development.

- *layouts that maximise public access to the ocean front, open spaces and commercial facilities;*

The design has provided an extensive esplanade boardwalk providing public access to the ocean front. The boardwalk runs from the marina plaza, providing public access to the commercial areas of the development in a village atmosphere, to the breakwater park providing a destination and a range of previously unavailable vantage points.

- *development themes, scales and character compatible with or complimentary to surrounding designations;*

The marina resort has been designed to compliment the transit terminal, helping to make the Shute Harbour precinct more complete. It is considered to be a key catalyst in the overall integration of the precinct, contributing to the public boat ramp, and coinciding with separate plans for a significant upgrade of the Transit Terminal. The scale of the development is considered to be in keeping with the context of the surrounding area, as discussed above. The combined precinct will be much more in keeping with the critical role that Shute Harbour fulfils for the region and the State.

- *direct property access is minimized through use of design measures such as service roads and property amalgamation;*

A single intersection is proposed to the realigned Shute Harbour Rd at a safe location. No direct property access is proposed. Shute Harbour road will be safer as a result of the development.

*Development at Shute Harbour is intended by way of.... development of the various foreshore development leases in a manner that is demonstrated as sustainable through detailed environmental appraisal*

The proposal incorporates the specific foreshore lease identified for the marina site. The EIS process under the SDPWO Act is the most rigorous planning and environmental appraisal system in the State.

*Council intends to seek an environmental appraisal (including social and economic impact assessment) and detailed Environmental Management Plans where the nature and the circumstance of the development warrant. In all circumstances, Council intends development to comply with the provisions regarding visual and environmental assessment outlined in the "Integrated Neighbourhood" designation*

The Planning report, EIS and specialist appendices provide a comprehensive assessment of all significant impacts associated with the development. A specific visual analysis has been undertaken by Yurrah, assessing wider views and perceptions, as outlined in the Integrated Neighbourhood designation.

#### 8.2.3.1 Objectives and Performance Criteria

The table below assesses the proposed development against the stated objectives and performance criteria of the Possible Tourist Facility Focus PDLU.

Performance Criteria	Development Response
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.	
(a) Development which fulfils the provisions of Strategic Development Principles	<p>The development responds to the strategic designation of the site as a marina.</p> <p>The development has been assessed against the strategic development principles and provides a high degree of compliance</p>
(b) 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.	<p>The subject site is located within the "possible tourist facility" PDLU. The proposal directly responds to the strategic intent through the provision of a marina with ancillary tourist accommodation and retail/commercial uses that will meet the demand within the Whitsunday region, and help consolidate and strengthen Shute Harbour's strategic tourism role.</p> <p>The development meets the intent for the area and is designed to mitigate against environmental impact.</p>
(c) Development which through building height and bulk, street presentation, building materials and colours, signage and landscaping, demonstrates compatibility with the desired character of the locality.	<p>The vision for the SHMR is to respond to and reflect the coastal environment. The scale and bulk of the development is sympathetic to its surrounds, ensuring that the proposal does not overwhelm the natural beauty of the surrounds.</p> <p>This is achieved through appropriate design controls in the proposed Development Code. Features include incorporation of balconies, roof forms, high ceilings, natural materials and neutral colours, native landscaping and legible street networks. The development has placed a focus on environmentally sustainable development with progressive standards incorporated into the development code.</p>

Performance Criteria	Development Response
(d) Development that demonstrates designs and land management practices to reduce sediment runoff and point/non-point source contamination of the freshwater and marine environment.	<p>The development has been designed to ensure that the stormwater quality will be consistent with the sensitive marine environment.</p> <p>The stormwater management system is to incorporate best practice Water Sensitive Urban Design principles, including swales with underlying bio retention systems, rainwater tanks, gross pollutant traps, and oil and grease separators</p> <p>A Stormwater Management Strategy (SWMS) for the development was prepared by Cardno Lawson Treloar, and is provided in Appendix N of the EIS</p>
(e) 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.	<p>The site is bounded by Conway National Park to the north and the passage to the Great Barrier Reef to the south.</p> <p>The site adjoins Conway National Park, however no development is proposed north of Shute Harbour Road. This land will remain in its natural state, and be transferred to public ownership. The dedication will also protect the viewshed of the wooded hillside, and limit the visual encroachment of the built form. This land will form an effective permanent buffer to Conway National Park.</p> <p>The development incorporates a marina, which will provide secure mooring for boats in the area. This will reduce swing moorings which have been proven to be destructive to the marine environment, and allow a haven in cyclonic conditions.</p> <p>The scale of development is sympathetic to and appropriate to the area and reflects the importance of the area to the tourism industry of the Whitsunday Region.</p>
(f) Development which will not generate traffic likely to undermine the safety, character and efficiency of the access streets.	<p>Traffic studies have been undertaken to understand the impact of the development on Shute Harbour Road. A realignment of Shute Harbour Road is proposed in accordance with an existing agreement with the Dept of Main Roads</p> <p>A single point of access from the development to Shute Harbour Road will be well landscaped and signed to provide a safe and attractive gateway to the marina.</p> <p>The development has no impact on any access streets.</p>
(g) Development that provides for pedestrian links, where appropriate, which are designed to be direct, integrated, safe and pleasant.	<p>The proposed development will introduce direct and unrestricted pedestrian access to the waterfront via boardwalks and pathways. The boardwalk will extend along the entire length of the marina linking the Marina Plaza to the Isthmus Parkland.</p> <p>The pathway network will link to Shute Harbour Road and an enhanced pedestrian connection to the marine transit facility.</p>

Performance Criteria	Development Response
(h) Development which is extensively landscaped particularly on the perimeter of car parks and built form.	<p>The vision of the development is to create a lush tropical resort environment, which blends with the surrounding natural environment.</p> <p>A key feature of the proposal is the use of extensive landscaping with local native species to respect its coastal location.</p> <p>All buildings will be shrouded by perimeter landscaping. The accommodation buildings will incorporate substantial areas for planting within the built form and the carparking facility will feature irrigated planter boxes at each level.</p>
(i) 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.	<p>The design layout and street network proposed for SHMR is legible and will not impact on the efficiency or safety of Shute Harbour Road.</p> <p>The road network will allow for a bus service and taxi drop-off zone that will be well lit and sheltered.</p> <p>The built form is to be designed to effectively integrate with the natural surroundings.</p>
(j) 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.	<p>The vast majority of trees onsite are located north of Shute Harbour road, all of which is to be retained in its natural state.</p> <p>Seagrass and mangroves will be required to be removed from the lease area to allow construction of the marina, however mangroves are expected to revegetate on the western side of the Isthmus.</p> <p>Seagrass loss from the marina is to be mitigated by the replacement of traditional swing moorings with sea grass friendly moorings.</p> <p>Appropriate landscaping will be provided at the gateway to the development, along the street network, boardwalk and accommodation precinct.</p> <p>The development is well buffered from residential areas.</p>
(k) Development in Scenic Management Zone B and C that fulfils the criteria outlined in Objective (6) for the Integrated Neighbourhood designation.	<p>The Site is adjacent to Scenic Management Zone B. The development is of a scale that is well and truly subservient to the dominance of the forested hillside, and has been tailored to nestle in context with the eastern ridgeline and adjacent knoll.</p> <p>The foreshore environment is changed to accommodate the marina. It is considered that a marina is an appropriate use for Shute Harbour – which is reflected in the Shire's strategic intent.</p>
(l) Development in Scenic Management Zone A that fulfils the criteria outlined in Objective (2) (c) and (d) or the Bushland Sensitive Development designation.	Not Applicable
<b>Objective 2: Ensure development does not prejudice existing resort or ongoing attraction</b>	
(a) Development which is compatible in form and character with the existing or desirable character of	The proposal directly responds to the strategic direction of developing a marina for this locale.

Performance Criteria	Development Response
development in the designated node.	<p>The scale of development is in keeping with the character of the area incorporating a coastal environment through design, connections and orientation.</p> <p>The built is respectful towards the natural environment, important viewsheds and existing topography.</p>
Objective 3: Encourage sustainable land management practices that protect water, soil and the natural resources. <sup>3</sup>	
<p>(a) Development and related activities which:</p> <p>Maintains water quality;</p> <p>Considers soil erosion;</p> <p>Manages the existence of acid sulphate soils;</p> <p>Limits adverse affects on coral reefs, sea grasses and marine animals.</p>	<p>The EIS has considered in detail demonstrated how the development will minimise impacts on:</p> <p>water quality;</p> <p>soil erosion;</p> <p>acid sulphate soils management plan;</p> <p>coral reefs, sea grasses and marine animals</p> <p>Further, the use of the Marine Conservation Fund approach will result in a net increase in coral reef and sea grass, due to reduction of chain drag damage</p>

#### 8.2.3.2 Rural Landscape PDLU

It is noted that the majority of the subject site is located within the water, and, whilst designated as a marina is undesignated for zoning. The land component of the current lease between Shute Harbour Road appears to fall within the Rural Landscape PDLU as identified in Strategic Map 2 of the Whitsunday Shire Council Strategic Plan 2000.

This area of land is to be relinquished from the lease and transferred back to public ownership, remaining in it's current state. As the land is to remain unchanged, is not used for rural purposes, is not Good Quality Agricultural Land and is not contiguous with other rural land, the specific objectives of the PDLU have been assessed as not being relevant to the proposal.

#### 8.2.4 Vision

The Vision for the Shire, with which land use and development is intended to be consistent, is *"A place where the diverse and unique atmospheres captured by the Shire's:*



Strategic Vision	Response
World renowned and pristine natural resources and pollution free climate;	<p>The proposed development is seeking to enhance the 'gateway' to the Great Barrier Reef and Whitsunday Islands. This is proposed through:</p> <ul style="list-style-type: none"> <li>• a world class marina that will provide shelter in cyclonic conditions, and provide a safe and environmentally friendly mooring for local and visiting boats and yachts</li> <li>• Effective integration with an improved and upgraded marine transit facility, helping the Shute Harbour precinct to be consistent with the vision;</li> <li>• an environmental education and interpretive centre improving awareness and usage of the marine environment;</li> <li>• replacement of traditional swing moorings with sea grass friendly moorings;</li> <li>• rigorous environmental assessment and best practice environmental design, construction and operation.</li> </ul>
Verdant and hilly coastline forming the backdrop to the Great Barrier Reef World Heritage Area;	<p>The built form of the development has been designed to be sympathetic to the coastline when viewed from the water and along Shute Harbour Road.</p> <p>Development is avoided north of Shute Harbour Road with the area of wooded hillside reverted to public ownership</p> <p>Development height limited to be consistent with the general height of boat masts, and, in the resort hotel, less than the height of the adjoining motel</p> <p>The visual analysis attached at Appendix J demonstrates that the proposed development will have minimal impact on the vista from the Great Barrier Reef to the mainland.</p>
Magnificent views of the beautiful but fragile aqua-marine ocean and Whitsunday Islands;	<p>The development has been designed to provide view corridors from key points along Shute Harbour Road.</p> <p>The provision of the marina esplanade boardwalk provides an extensive area of previously unavailable foreshore access and unique vantage points to view Shute Harbour and the Islands beyond.</p>
Opportunities for a diversity of quality coastal tourism activities which are socially, environmentally and economically sustainable;	<p>The proposal presents a key additional element to the current range of coastal tourism activities, providing a world class mainland tourism and marina based facility, based on environmental principles. The proposal will aid Shute Harbour's ability to fulfil it's pivotal role in the Whitsundays as the primary Gateway to the Islands and the Great Barrier Reef.</p> <p>The proposal provides a range of accommodation choices including hotel rooms and a diversity of Managed Resort Accommodation choices in a unique setting..</p> <p>The development also allows for unrestricted and un-interrupted pedestrian access to the marina foreshore and Isthmus park, as well as a marina plaza hub providing a valuable additional tourism and recreation precinct,</p>

Strategic Vision	Response
	The marina demand study, residential demand study and tourism demand study attached at Appendix H1 of the EIS demonstrate that there is a clear need for the development. The proposal will be of economic benefit to the Whitsunday Shire, and will be developed in an environmentally sensitive way.
Array of accessible and attractive boating and outdoor recreational opportunities;	<p>The proposal provides for a 669 berth marina, helping to fulfil existing and future marina berth demand in the area.</p> <p>The proposal capitalises on Shute Harbour's geographic advantages through the inclusion of a charter boat base and associated transit lounge facilities helping to make charter operations much more accessible and comfortable</p> <p>In addition, the proposal will provides funding to assist in the provision of a public boat ramp to the east of the marina providing significant enhancement of the safety and capacity of the public boating facilities in this strategic location</p>
Sustainable, low key, liveable, compact coastal urban villages and waterfront settlements consolidating the existing communities of Town of Whitsunday, Conway/Wilson, Dingo/Hideaway and contained by extensive rural and natural landscapes;	<p>The development responds to the strategic intent to develop this area for a marina The proposal completes and consolidates the existing marine based tourism development at Shute Harbour, allowing the precinct to function in a more coherent manner, given it's strategic tourism role in the region.</p> <p>The inclusion of necessary ancillary tourism development including the marina plaza will bring a vibrancy to the area as well as providing a local dining and convenience function helping Shute Haven to become a more self contained and sustainable community.</p>
Cultural and heritage values, images and identity, are identified, maintained and enhanced for future communities and tourists to appreciate	Indigenous communities have been consulted during the design process. The development will ensure that the cultural value and identity is maintained and that cultural history and values will be communicated in the interpretative centre.

## 8.2.5 Strategic development principles

The following principles are identified as being applicable to the proposed development:

### 8.2.5.1 Environmental Management and Open Space

*(a) Significant areas of ecological and scenic value are critical and sensitive features should be protected accordingly and taken into account in planning decisions*

The subject site is identified as a significant area due to:

- the presence of seagrass, mangroves and foreshore system;
- the high scenic quality of the area: and
- Conway National Park being adjacent to the site

The proposed development has undergone a detailed environmental impact study that addresses the design, construction and maintenance to ensure that there is minimal disturbance to the natural

landform, ecology and wildlife habitats. The EIS has demonstrated that the coastal habitats will not be degraded. The area north of Shute Harbour Road is to be protected and transferred to public ownership.

Refer to Section 4.5 of the EIS and EIS Appendix O.

*(b) Development... 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 EIS has described in detail the methodologies utilised to protect water quality and ecological values of the Great Barrier Reef Marine Park. Refer to Section 4.5 of the EIS and Appendix O thereto.

*(c) Planning and development of the built environment respects the natural environment and landform*

The proposed development has been designed to have limited impact on the landform by limiting development to south of Shute Harbour Road. The built form will be carefully designed to respect the natural setting of the area, by use of design, materials, natural colour palette and extensive landscaping

*(d) A range of quality open space and recreational opportunities for residents of and visitors to the area should be provided.*

The development provides a significant contribution to the range of open space and recreational opportunities available for residents and visitors, particularly marine based opportunities available from the marina.

The Marina Plaza area will entail a commercial area of appropriate scale providing a social and recreational hub currently absent from the area.

The development will strongly enhance public access to the foreshore through the establishment of a boardwalk along the marina. The boardwalk will run for the entire frontage of the marina between the Marina Plaza and the publicly accessible parkland at the end of the Isthmus. The pedestrian network will also provide linkages to connect the SHMRSHMR area to the Marine Transit facility to the east.

The proponent will also pay a \$2,500 000 contribution to incorporate facilitate the construction of a public access boat ramp to the east of the marina which will rationalise the current unsatisfactory arrangement to provide both additional capacity and separation of commercial and private marine traffic.

#### 8.2.5.2 Shire Image

*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 proposed development area is located along the coastal environs of Shute Harbour, an area that has a magnificent vista out to the waters of the Great Barrier Reef. Development along the coastline must be sympathetic to the ranges of the Conway National Park behind the subject site, and ensure that built form does not overwhelm the natural beauty of the area.

The subject site and the existing marine transit facility to the east represents the gateway to the Whitsunday Islands and Great Barrier Reef, the premier tourist destination in Australia. Accepting more than 800 000 visitations per year, Shute Harbour clearly represents a key threshold experience for these visitors.

The development responds directly to the strategic vision for the site, establishing a marina in accordance with the Strategic Designation. The development vision is to enhance this area as a world-class destination, helping to enhance the Shire Image, which is poorly supported by the aging and relatively ad hoc development and use mix currently in Shute Harbour. The Development will help complete the tourism package available at Shute Harbour, providing a catalyst for the rationalisation and redevelopment of the precinct, whilst providing a more appropriate critical mass development presence in Shute Harbour, relative to the level of it's national and international recognition and status.

The proposal also allows for uninterrupted pedestrian access to the waterfront, facilitates an improved public boat ramp and also the removal of swing moorings that damage the seagrass and ecosystem.

The development enhances the Shire image through:

- Enhancing the gateway to the Whitsunday Islands and Great Barrier Reef through the construction of a world class marina and resort complex, catalytic effect on the enhancement of the marine transit facility and improved public access to the marina foreshore.
- Appropriate scale and height of development along the marina to provide for the demand of tourist accommodation in the region. The development intent and design is reflective of the coastal environment through use of design features, materials and landscaping. The development's environmental impact has been rigorously assessed in the EIS.
- The important vista from the Great Barrier Reef to the mainland, and from Shute Harbour Road out to the water has been maintained. The visual analysis included as Appendix J of the EIS demonstrates that the proposed built form will have minimal impact on the viewshed and important view lines.

The appropriate development of the Shute Harbour Marina Resort and it's leveraged effect on the form and functioning of the Shute Harbour Precinct are seen as being a critical facet to the strengthening of the Shire Image and the enhancement of the competitiveness of the region in the marine tourism market.

#### 8.2.5.3 Provision of Social and Engineering Services

*(a) Orderly and sequenced development allows for the efficient and affordable provision (and ongoing maintenance) of utility services and social services.*

The SHMR is consistent with this principle as it makes efficient use of existing public infrastructure previously provided to Shute Harbour. All essential services are available to the site, without the need for substantial increases in network capacity, relative to the scale of the development. Local capacity and infrastructure upgrades are required for the electricity supply and Shute Harbour Road is to be realigned in accordance with an existing agreement.

Shute Harbour Marina Resorts Pty Ltd will be responsible for the cost generated for water supply, sewerage, road networks (including upgrades), stormwater drainage, and associated utility infrastructure such as telecommunications, electricity, and water. Headworks payments will help

amortise the existing public investment provided for this infrastructure, whilst any connections and upgrades will be borne by the proponent. Details of the infrastructure requirements are contained in S3 of the EIS.

The development is intended to meet most of the primary needs of the occupants on site, providing limited additional draw upon social services in the region. The socio-economic report prepared by AEC, recognises that some demand will be placed on local health and child care services (although the development does provide scope for tourist and employee child care on site) – however the growth of the regional capacity is expected to increase organically over time in general concert with the overall growth in tourist and residential requirements

The Marina Plaza precinct of the development will provide convenience services and local dining for Shute Haven residents.

#### 8.2.5.4 Land Use and Transportation Integration

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

The Concept Masterplan provides the broad layout for the development. The proposal provides access to Shute Harbour Road and will make any upgrades necessary to the road. The development makes specific provision for bus and taxi drop-off zones. The development will help increase public patronage on the existing bus service to Airlie Beach, by providing two destination drivers for the route. The increase in patronage is expected to aid the viability of the bus service to cater for an increase in mode share for both the marina and the transit terminal.

The development incorporates an unrestricted and uninterrupted access to the foreshore via a prioritised pedestrian / cycle boardwalk and pathway. The pedestrian pathway will ultimately link the marina development to the marine transit facility.

#### 8.2.5.5 Character and Identity

*(a) Recognise and support the fact that the community cares about and wants to enjoy their surroundings*

As outlined in the Shire Image response, it is contended that the development and its effect on the overall revitalisation of the Shute Harbour precinct will help to strengthen the character and identity of Shute Harbour, and the region. The development will be a world class facility providing a memorable and enjoyable tourism experience, with the entire precinct intended to present and function in a more cohesive and integrated manner.

The development will help Shute Harbour and Shute Haven function as a more complete entity, more successfully catering for the needs of the tourism market and regional function that it serves, whilst also allowing Shute Haven residents to be somewhat less reliant on the need to travel to Airlie Beach for convenience or local dining options.

*(b) New development should be suitably integrated with existing development in ways that benefit the whole community*



The proposed development has been designed to sit comfortably within its natural environment, without overwhelming the natural beauty of the area, through attention to the built form concepts, heights, materials and development controls

The SHMR is intended to complement and complete the functioning of the Shute Harbour precinct, building upon and enhancing the key role that Shute Harbour plays in the Whitsunday tourism fabric. Successful integration and enhancement of the precinct is a major factor influencing the prosperity and sustainability of the region.

The development is to be designed to integrate with the environmental context of the area and add to the services, facilities and self sufficiency of Shute Haven. The provision of local retail facilities providing basic goods, as well as café and dining facilities is likely to be attractive to a significant proportion of Shute Haven residents, and will reduce the need for residents to travel to Airlie Beach for similar services.

The development is suitably separated from the transit terminal and will facilitate the enhancement of its operation by the contribution towards the public boat ramp, the upgrade of which is considered to be of considerable community benefit.

The marina esplanade and Isthmus parkland provides previously unavailable foreshore access and vantage points, whilst the Resort Hotel and Marina Plaza precinct provides a range of social and recreational opportunities

The proposed development provides substantial construction and permanent operational employment opportunities for the locality and the region.

*(c) ... Shute Harbour Road is to be retained and enhanced as a scenic corridor through the Shire.*

The main scenic route of Shute Harbour Road is unaffected by the development. The marina resort is considered to help provide a stronger sense of destination and arrival at Shute Harbour.

The development has been designed to protect key view lines available from Shute Harbour Road, with specific view corridors included in the Concept Masterplan.

Upgrades to the road will be required adjoining the site, in accordance with the agreement with DMR. The access point from Shute Harbour Road to the marina development will be appropriately landscaped and signed.

The development will increase overall traffic volumes on Shute Harbour Road, although the increases will largely not be coincident with the peak loads associated with the Transit terminal. The development design supports bus transport to the site, with the additional population being likely to help increase the viability and attractiveness of the service, therefore likely to result in an increase the mode share percentage of Transit terminal users.

SHMR will provide for enhanced pedestrian and cycle connections to the waterfront which are presently non-existent.

#### 8.2.5.6 Employment and Economic Development

*(b) It is important for adequate local employment opportunities to be provided which build upon the Shire's economic strengths*

The development directly addresses the above objective as it provides both direct and indirect employment and economic development benefits to the region helping to consolidate and expand the sustainable capacity of Shute Harbour to fulfil its key role as the primary gateway to the Islands and Reef access to which underpins the region's identity and economy

The proposed SHMR will provide approximately 821 FTE jobs (552 direct + 269 flow on) to the region during construction with a value added contribution to the regional economy of approximately \$137.2 Million (\$105.3 Million direct and \$42.3 flow on)

Once completed, the development will provide approximately 271 FTE operational jobs (191 direct and 76 flow on) for the local community and additional value added annual contribution to the regional economy of \$37 Million (\$26.9M directly + \$10.1M flow on) (Source: AEC, 2008)

The proposed retail/commercial uses will be of a size that is suitable for the visitors to the development, and not compete with the core commercial district of Airlie Beach. The retail/commercial is intended to be ancillary to the marina and the tourist accommodation.

Employment and Economic development are addressed in Section 4.13 of the EIS and Appendix T thereto.

#### 8.2.6 Zones and Assessment

Pursuant to Whitsunday Shire Council Planning Scheme Maps 1 & 2 the land component (Lot 273 HR1757 & part of Lot 2 SP117389) is included in the Public Purpose Zone. The water component (part of Lot 2 SP117389 + Permit to Occupy area) is undesignated.

Figure 8-2 shows the Transitional Planning Scheme Zoning

**Figure 8-2: Transitional Planning Scheme Zoning Mapping**

*Refer to Conics Drawing 20906-10*







The intent of the Public Purpose Zone is to provide for land used for public purposes comprising:

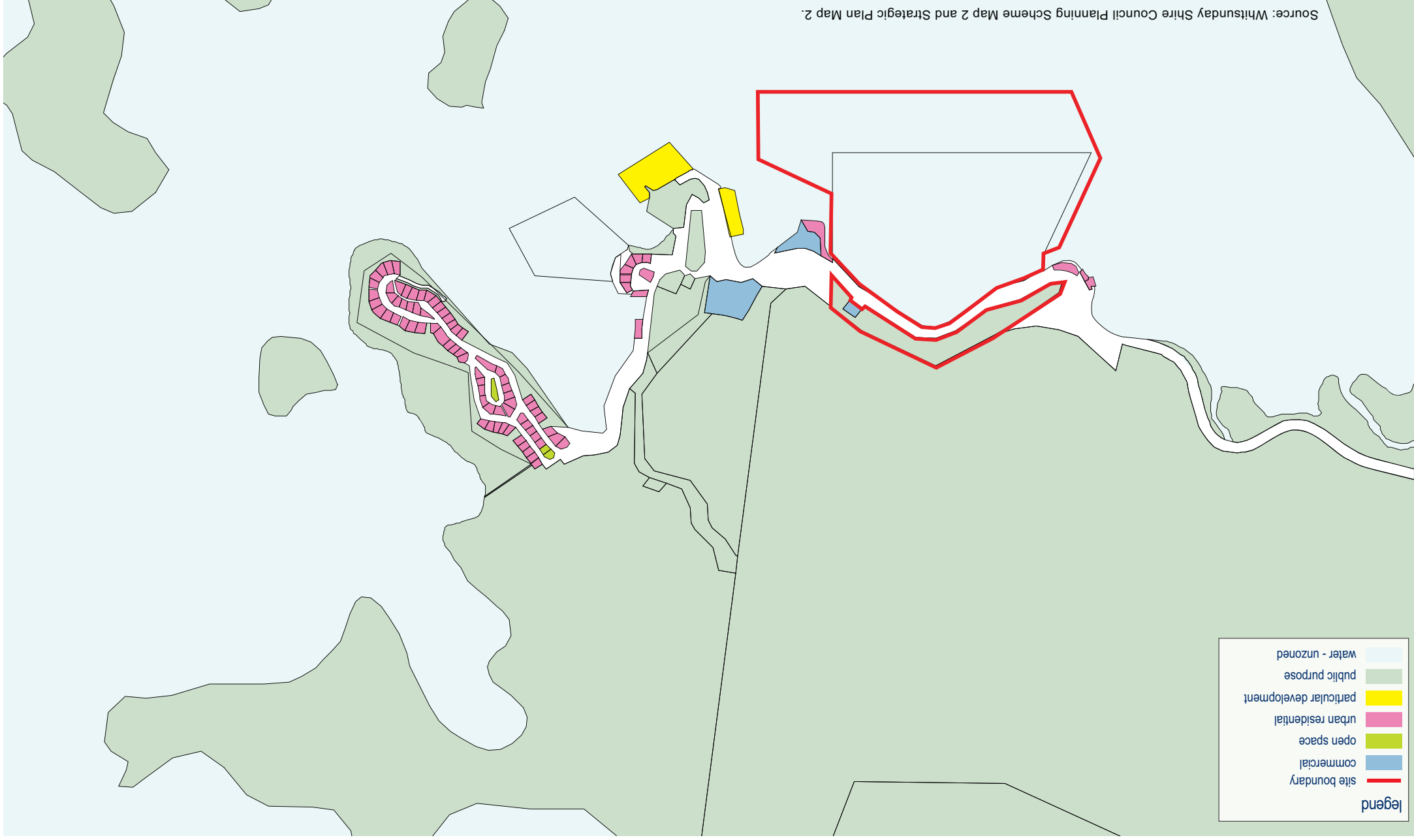
- (a) Crown land used for State and Local Government Purposes;
- (b) National Parks and State Forests;
- (c) Land owned by Council used for community purposes;
- (d) Land under control of statutory authorities used for public or community purposes.

As noted previously, the land north of Shute Harbour Rd, which comprises the land included in the Public Purpose Zone is to be relinquished from the lease and transferred back to public ownership, fully in accordance with the intent of this zone.

# shute harbour marina development

local planning framework - transitional planning scheme (2000): zoning

legend	
	site boundary
	commercial
	open space
	urban residential
	particular development
	public purpose
	water - unzoned



Source: Whitsunday Shire Council Planning Scheme Map 2 and Strategic Plan Map 2.



### 8.2.7 Planning Assessment against Transitional Planning Scheme

Pursuant to Section 6.3 of the Planning Scheme, the proposed development would be assessable against the following General Development Criteria:

- Site Access
- Parking (on site)
- Onsite Movement
- Landscaping
- Electricity Facilities
- Site and Stormwater Drainage
- Filling
- Vegetation protection
- Geotechnical Considerations
- Environmental Noise Management
- Roadworks
- Public Utility Services
- Views Protection
- Building Height
- Environmental Impacts

Pursuant to Section 6.4 of the Planning Scheme, the proposed development would be assessable against the following Specific Development Criteria:

- Subdivision Criteria
- Dwelling Houses
- Dual Occupancies
- Accommodation Units and Multiple Dwellings

Due to the scale of the development and the Strategic Intent for the site it is proposed for the future development to be assessed against the proposed Shute Harbour Marina Resort Code as part of the Preliminary Approval to over-ride the Planning Scheme.

The Code will provide for additional and/or alternative Specific Outcomes to the Codes within the Whitsunday Shire Planning Scheme. The purpose of this Code is to ensure that development in Shute Harbour Marina Resort area is consistent with the Development principles and Precinct intents of this Development Code.

### 8.3 DRAFT WHITSUNDAY SHIRE IPA PLANNING SCHEME

As noted in S9.1 the draft IPA Planning Scheme (for the Whitsunday Shire Council area) was publicly advertised in late 2007, attracting approximately 400 public submissions. The Draft Scheme has been subsequently reviewed by the former Whitsunday Shire Council and the new Whitsunday Regional Council taking the public submissions into consideration. It is understood that the review of the document was quite rigorous with a significant number of amendments being incorporated.

The draft scheme has since been returned to the Dept of Infrastructure and Planning. It is understood that Council is currently liaising with the DIP to agree final amendments. The amended version of the Scheme has not been released.

One of these submissions to the Draft Scheme was made by the proponents with respect to the provisions in relation to the Shute Harbour area which included a number of apparent oversights. Whilst the amended version of the Scheme has not been released, it is understood that the content of the submission was generally accepted as being relevant to the area. The submission covered a number of aspects, however critical to the consideration of the development were the provisions which relate to the Shire Wide Strategies and the provisions directly related to Shute Harbour in the Local Strategies.

In order to make an assessment of the proposal in relation to the Draft IPA Scheme, the provisions from the submission have been appended along with the provisions of the Draft Scheme.

The following sections discuss the proposal in relation to the specific statutory planning provisions relating to the subject site.

**Figure 8-3: Draft IPA Planning Scheme Zoning**

*Refer to Conics Drawing 20906-11*

#### 8.3.1 Strategic Framework

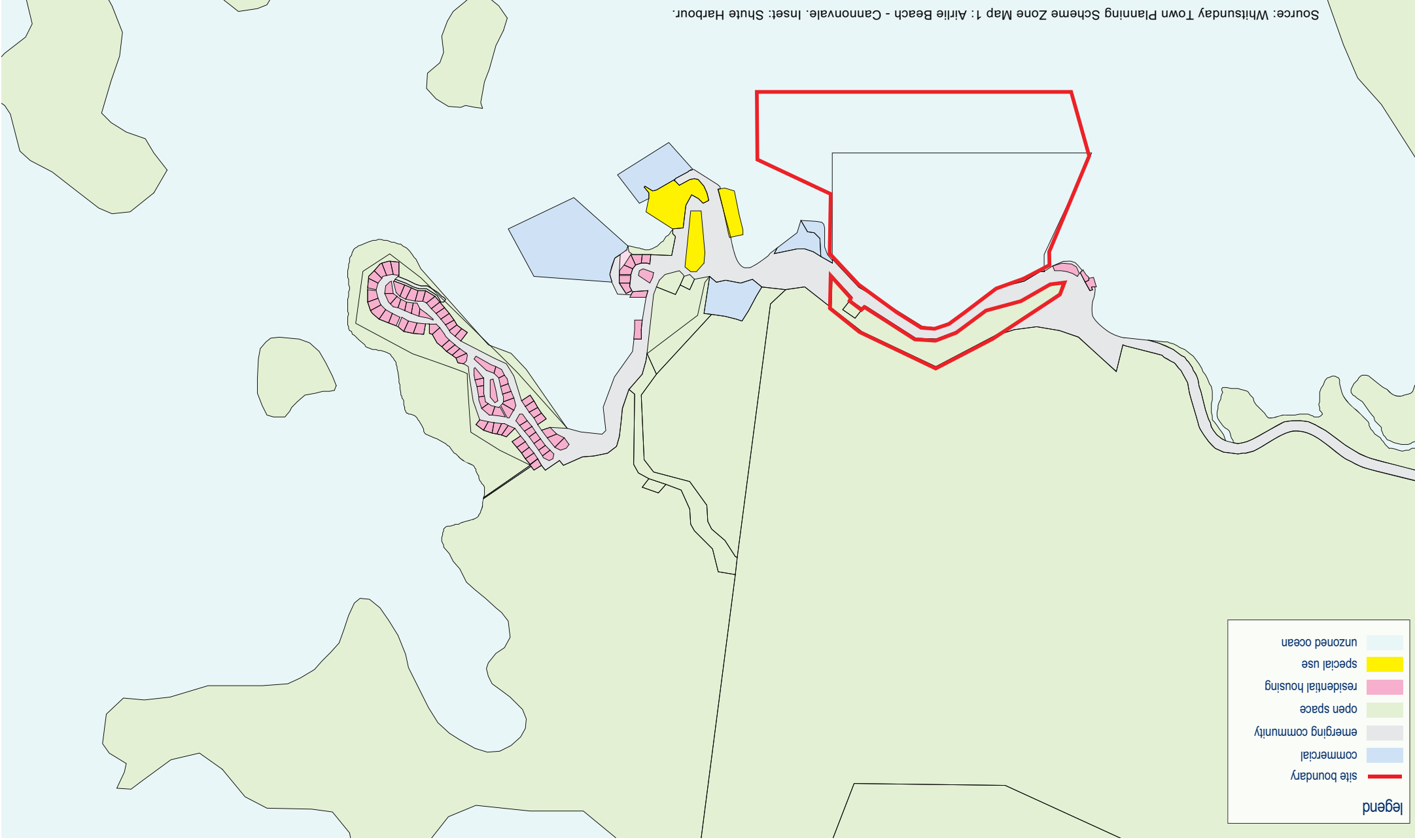
The Strategic Framework guides the development within the Shire and provides a broad strategy for assessment. Table 9-22 below identifies the Shire Wide Strategies that are applicable to the proposal and demonstrates how the proposal responds and complies with the strategies.

Table 8-1: Response to Strategic Framework	
Shire Wide Strategy	Response
Residential, business, industrial and community or recreation uses are: <ul style="list-style-type: none"> <li>Primarily located within the established urban areas of Proserpine, and the Town of Whitsunday (Cannonvale, Cannon Alley, Airlie Beach and Jubilee Pocket); and</li> </ul>	The proposal is a tourism use intrinsically linked to the suitability of it's location and the need for a marina in the geographically superior location of Shute Harbour in terms of cyclone protection and it's critical linkage to the surrounding islands.



# shute harbour marina development

local planning framework (draft planning scheme), 2007.



**Table 8-1: Response to Strategic Framework**

Shire Wide Strategy	Response
<ul style="list-style-type: none"> <li>Only located away from these areas if they cannot be practicably located in the towns due to their nature, scale, effects, or necessary relationship to other activities or particular features, resources or infrastructure.</li> </ul>	
The Great Barrier Reef World Heritage Area and its natural and cultural values are protected from adverse physical and social effects due to mainland development.	<p>It is submitted that through enhancing infrastructure, improving access and implementing environmentally sensitive design the proposed development will complement the natural and cultural values of the Great Barrier Reef World Heritage Area.</p> <p>The Reef Conservation Fund will provide sea grass friendly moorings and the Marine Interpretive Centre will help strengthen environmental awareness amongst marine users.</p>
Limited residential uses and low order community and convenience commercial uses are also located within the minor centres of Hydeaway Bay, Dingo Beach, Conway and Wilson Beach and Shutehaven.	The existing residential area of Shutehaven is unchanged by the development, however these residents will have access to local convenience, café and resort facilities, decreasing the extent of trips residents will need to make to Airlie Beach for basic services and recreation
Proserpine, Cannon Valley and Cannonvale are the main business and community centres in the Shire. Airlie Beach is the major tourist related business and visitor accommodation centre.	<p>The development supports the existing business centres by supporting tourism in the area and is considered to complement the primary tourism role of Airlie Beach by providing another tourism and social offering within the Airlie Beach service area as well as strengthening the pivotal role that Shute Harbour plays in the regional tourism fabric.</p> <p>The Shute Harbour Marina and associated facilities will provide a landmark development which will ensure the future sustainable development of the tourism industry in that part of the shire.</p>
Mainland tourist facilities are concentrated in urban areas including Airlie Beach, Shingley Hill and Abel Point, Boathaven Bay, and Shute Harbour. In more remote locations opportunities for tourist facilities are limited to nature/rural based facilities which are of a small scale and low impact, and which do not incorporate a permanent residential component.	The proposal incorporates an integrated tourist facility which includes a marina, tourist accommodation and associated facilities within the Shute Harbour precinct in direct accordance with the Strategy

**Table 8-1: Response to Strategic Framework**

Shire Wide Strategy	Response
The industrial base of the Shire is generally comprised of primary production and associated processing, and of a range of light, service and general industry uses which support other sectors of the local economy, the needs of the general community, provide local employment and capitalise on the available resources and markets.	The proposal does not include industrial uses, however the development provides significant flow on impetus for other industries in the Shire, particularly marine, construction and service industries
Home based businesses are encouraged as a means of promoting economic diversity and creation of business opportunity where such businesses can be successfully undertaken in a manner that will not undermine the fundamental residential integrity of the area.	The proposal does not include home based businesses.
The efficiency and safety of the Shire's major air, road, rail and sea access facilities (such as the Whitsunday Coast, Hamilton Island and Flametree airports, the marinas, Shute Harbour, Bruce Highway and Shute Harbour Roads) are protected.	The proposal has been designed to provide sufficient buffers to the Shute Harbour Transit terminal commercial operations.  The proponents have offered to financially contribute to the construction of a public boat ramp in a location which resolves the current unsafe conflicts between commercial and recreational boating traffic. Resolution of this conflict may in fact enable an increase in commercial operational capacity.
Shute Harbour Road provides a significant social and cultural link and is a unifying landscape feature through the Town of Whitsunday.	The proposed development appropriately addresses the Shute Harbour Road frontage of the subject site. The provision of a significant development at the southern end of Shute Harbour road can be seen as strengthening its significance as a social and cultural link as it provides a stronger destination 'anchor' to the road.
The critical social, economic and ecological importance of the Shire's natural assets is recognised and these systems, areas, resources and features are protected and enhanced wherever necessary.	The proposed development incorporates environmentally sensitive design to ensure that the importance of the surrounding natural assets is acknowledged and that these features are appropriately protected. The development has been tailored to respect its natural marine and National Park context. The EIS has played close attention to ecological functions and the development has been assessed to provide a net ecological benefit.
New development provides for enhanced and efficient use of pedestrian walkways, bikeways and use of public transport.	Both the site layout and building design for the proposed development have addressed a pedestrian scale in order to ensure the pedestrian experience is enhanced. The provision of a wide boardwalk for the length of the marina between the Marina Plaza and the Breakwater parkland is seen to as a strong

**Table 8-1: Response to Strategic Framework**

Shire Wide Strategy	Response
	enhancement of local pedestrian amenity and opportunity.  The marina plaza entrance road has been designed to accept buses and provides a bus set down area.
New residential development incorporates urban design principles that maximise safety, pedestrian and vehicle connectivity throughout the estates and places of community interest and shared use within a 400 metre walking or 5 minute walking radius of dwellings within the estate.	The proposed development will integrate high quality architectural design and urban design to ensure that the safety of all potential users of the site is protected. The design of the proposal focuses on pedestrian orientation and providing efficient connectivity within the site through the implementation of shared streets and wide pedestrian boardwalks. All future dwellings established as part of this proposal will be located within a 400 metre radius of places of community interest and shared use.

**Additional Shire Wide Strategies included in the submission**

Marine based facilities and supporting commercial uses associated with passenger and freight terminals within the Shire be centrally located within the established precincts of Airlie Beach and Shute Harbour;	The proposal supports and complements the marine facilities and commercial uses at the Transit Terminal, helping to strengthen the appearance and role of the Shute Harbour precinct
The continued development and operations of the marine based uses associated with the Shute Harbour Passenger & Freight Terminal and facilities are accommodated and their operational efficiency and appropriateness are protected and enhanced by ensuring sufficient facilities are able to be provided to service demands for the region.	The proposal supports and complements the marine facilities and commercial uses at the Transit Terminal, helping to strengthen the appearance and role of the Shute Harbour precinct.
The Shute Harbour area to be developed as a world class marine transport area providing efficient functional services and an outstanding tourism experience. The area is to be developed as an integrated, vibrant, sustainable and mixed use development that is sympathetic to the natural qualities of the location and improves the amenity and functionality of the area. A variety of uses is envisaged that may encompass a marina, hotel, tourist residential and supporting commercial activities that complement the existing passenger and freight terminal	The proposal has been conceived as a landmark facility of world class, greatly enhancing the marine tourism experience of local and international visitors. The design is intended to be sympathetic to the natural qualities of the location and incorporate leading sustainable design practices. The location is considered to be the best marina location in the region and the range of uses proposed is considered to be appropriate for the site. The development will help catalyse an improved image and operation for the Shute Harbour precinct.

## Shutehaven Local Strategy

Shute Harbour is the primary modal interchange for access to the Whitsunday Islands and the Great Barrier Reef, with the marine transit facility consisting of associated marine-based activities, car parking and storage facilities necessary to support this role, limited residential and tourist accommodation facilities and limited tourist/recreation-related commercial activities.	Shute Harbour will always remain the primary modal interchange for the Whitsunday Islands due to the compelling locational advantages and existing infrastructure investments. The proposal supports the pivotal role that the Transit Terminal plays in accessing the Whitsunday Islands and the Great Barrier Reef. The proposal is intended to act as a catalyst to help bring the overall facilities in Shute Harbour in line with the increasingly discerning expectations of local and international visitors.
Residential areas of Shutehaven are predominantly comprised of detached houses	The proposal does not affect the form of the Shutehaven residential area. It does however provide additional local facilities, helping to make the Shute Harbour precinct more complete.

## Additional Local Strategies included in the submission

Shute Harbour will develop into integrated, vibrant mixed-use centre that meets the needs of and provides a rewarding experience for tourists and residents; A variety of uses is envisaged that may encompass a marina, hotel, tourist residential and supporting commercial activities that complement the existing passenger and freight terminal.	As described in the Shire Wide Strategy, the proposal is considered to directly compliment this local strategy, providing a range of uses that will provide a rewarding experience for tourists and residents in an environmentally sensitive manner and will support and complement the pivotal role of the transit terminal
Development is sympathetic to the natural landscape and does not adversely affect the sensitive coastal environment;	The development has been carefully designed to transition effectively between the marina, built form, and the natural landscape beyond. The development has been designed to minimise impact on the coastal environment as well as including mitigation strategies where appropriate. The EIS has included a rigorous appraisal of the development's affect on the coastal environment.
The operations and facilities of Shute Harbour Passenger and Freight Terminal are protected from encroachment of incompatible land uses	The proposal does not encroach on the Transit terminal's commercial operation and the boat ramp solution proposed will resolve the currently unsafe conflicts between commercial and recreational marine craft
Development incorporates ecological sustainable principles including tropical design and the efficient use of energy and water.	The development has been designed to adopt leading sustainable design practices, which have in turn been reflected in the Development Code

### 8.3.2 Desired Environmental Outcomes

Table 8-2: Response to DEOs	
DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
<b>NATURAL ENVIRONMENT</b>	
The Shire's unique natural open space, climatic, rural and scenic attributes are maintained and protected as follows:	
areas and resources of ecological significance are protected and conserved;	The proposed development will implement 'best practice' construction principles in order to conserve and protect the areas of ecological significance which surround the subject site. Whilst the proposal incorporates land reclamation in coastal wetlands, it is submitted that appropriate mitigation strategies will be implemented during the construction and operation phases in order to ensure the natural features of the area are protected. The proposal has been assessed to provide a net environmental benefit.
important ecological corridors, linkages and buffers are established and maintained;	The proposal will not impact on existing important ecological corridors, linkages and buffers. Rather, the site layout provides for significant buffers between residential uses and ecologically significant areas and incorporates significant landscaping utilising native species.
prominent natural landscape elements such as escarpments, ridgelines, coastal foreshore and fringing reefs, the islands, national parks and other protected areas, bushland areas, natural wetlands, headlands and ranges which serve as distinctive visual landmarks within the Shire, are protected;	<p>The proposal includes land reclamation beyond the coastal foreshore area which currently forms the southern boundary of the subject site. Initially, the foreshore area will be affected by construction activities however, through appropriate implementation of mitigation strategies, the foreshore area of the western isthmus will be rehabilitated allowing mangroves to colonise.</p> <p>The height of the built form has been limited to be in keeping with the height of the masts of many of the yachts and the taller buildings have been clustered in the context of a neighbouring ridgeline and headland knoll. The scale of the development is dwarfed by the forested steep hillsides of Conway National Park adjoining the development.</p> <p>Land north of Shute Harbour Rd is retained in it's natural state and transferred to public ownership.</p>
the Proserpine, O'Connell and Gregory River systems and other waterways, water bodies, wetland areas, foreshore areas and the marine environment are protected;	Mitigation strategies will be implemented during both the construction and operational phases of the proposed development in order to ensure the marine environment is protected. These strategies will negate the detrimental impacts of the proposed development. The overall strategies result in a net positive environmental impact.
development in areas at risk from coastal hazards, or erosion or inundation by the sea are avoided;	The marina location has been identified as it offers the region's best protection from extreme weather events. The development design has been based on immunity from extreme storm surge conditions.



**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
significant coastal dunes systems are protected;	There are no significant coastal dunes systems located in close proximity to the subject site.
coastal fauna habitat is protected;	The proposed development incorporates an extensive environmental mitigation strategy which addresses the protection of coastal fauna habitat. The land area north of Shute Harbour road is to remain in it's natural state and transferred to public ownership.
the Great Barrier Reef World Heritage Area and its natural and cultural values are protected from adverse physical and social effects due to mainland and island based development.	The proposal will provide an integrated, self sufficient development which will enhance public access to the Great Barrier Reef World Heritage Area. The proposed development incorporates various sustainability principles which improve the protection of the inherent ecological values of the area.
water quality and ecological value of surface and ground water resources, marine plants, estuarine areas and the Great Barrier Reef Marine Park are maintained;	<p>The proposed development incorporates appropriate mitigation strategies which ensure that the environmental quality of the surrounding locality is maintained.</p> <p>The Reef Conservation Fund will provide sea grass friendly moorings and the Marine Interpretive Centre will help strengthen environmental awareness amongst marine users.</p>
land use and the built environment are sensitive and responsive to the environment, and are located, designed and operated having due regard to any potential for adverse effects on the environment;	The development design has incorporated leading sustainable design practices and mitigation of any potential adverse impacts on the environment has been integral to the design philosophy for the proposed development.
the coast is conserved in its natural or non-urban state outside of existing urban areas;	<p>It is submitted that the subject site provides a valuable opportunity for the expansion of marine based tourism activities within the shire.</p> <p>The subject site has prominent access to the offshore islands and is located adjacent to an existing transit terminal facility. The proposed development has been mooted in this location for many years due to it's geographic advantages and simply provides a logical extension and intensification of the existing facilities in the surrounding locality.</p>
existing urban settlements on the coast remain compact within the defined urban boundaries within this scheme and physically separated through the identification and maintenance of non-urban areas;	The proposal is located between an existing house and marine salvage facility to the west and a motel to the east, adjacent to the transit terminal, boat ramp and carparking areas
growth of urban areas will not occur	The development is a tourism development located due to the need for

**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
on or within erosion prone areas, significant coastal wetlands, riparian areas, sites containing important coastal resources of economic, social, cultural and ecological value;	the development and the intrinsic suitability of the site. Environmental issues have been rigorously assessed within the EIS and associated reports, and has been assessed to provide a net environmental benefit to the region.
new urban land uses will seek to maintain public access to the coast to protect the public's expectation of unimpeded access along foreshore areas; and	<p>The proposal incorporates extensive, unimpeded foreshore boardwalks and a breakwater park area which are accessible to the public, greatly increasing public access to the foreshore in this area.</p> <p>It is submitted that the proposal will significantly upgrade the quality of the access to these areas and, in doing so, will improve the public's perception of the region's foreshore areas.</p>
degraded environments are rehabilitated wherever possible.	The proposed development incorporates an extensive mitigation and rehabilitation strategy.
<b>LIVING AND WORKING ENVIRONMENT</b>	
Functional, efficient, attractive and safe local community areas that:	
maintain a settlement pattern for the shire that is contained within or which consolidates existing urban areas and does not promote increased dispersed settlement outside such areas;	The proposal is based on the need and Locational merits for marine tourism. It supports the current settlement pattern for urban uses.
exhibit a character, identity and sense of place reflective of their location within the Shire;	The proposed development will contribute to the ocean front / waterside location of the subject site. The proposal seeks to provide a unique yet clearly identifiable sense of place which reflects the tropical coastal locality.
offer the highest possible standard of amenity and quality of living/working environment;	The proposal achieves a high quality of architectural design which provides the best possible standard of amenity for future users of the site.
are protected as far as possible from natural hazards such as flooding, storm surge, erosion or inundation by the sea, bushfire and landslide;	Storm surge and erosion management plans form an integral part of this application. Please refer to EIS Appendices O, N and U4.
are located and structured to maximise the efficiency of	The proposed development is well connected to urban services

**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
infrastructure provision,	however will upgrade infrastructure services where required.
promote compatibility of land uses and provide for the effective management of land use conflicts;	This proposal intends to provide an integrated development with a variety of compatible uses located accordingly. It is submitted that through appropriate site planning, the proposed layout will ensure that no land use conflicts will occur.
offer a choice of affordable housing types;	The development provides a range of accommodation options. Being a tourism development it is not offering permanent accommodation.
have safe, convenient and affordable access to necessary and appropriate community and physical infrastructure;	Community and physical infrastructure will be provided onsite for future users of the site. This infrastructure will be provided in an efficient, affordable and accessible manner.
are designed to promote the use of non-motorised and public transportation;	The site layout and proposed buildings have been designed to create a pedestrian oriented development which reduces the need for private transportation. In particular, boardwalks along the foreshore and landscaped boulevards promote walkability and remove motorised transport from the majority of the urban environment. The proposed development will include a high quality transit interchange which will service public transport connections to the wider urban region. The development will be conducive to cycling and resort guests will have access to golf buggy type vehicles.
maintain and protect public access to and along the coast, including its foreshore areas;	The proposed development will greatly improve public access to foreshore areas and vantage points.
use and incorporate water sensitive urban design principles to maintain natural water infiltration and flows and protection; and	Water Sensitive Urban Design principles form an integral component of the design philosophy for the proposed development. Please refer to EIS Appendix N for further details regarding natural water infiltration and flows.
maximise opportunities for appropriate human interaction with the natural environment.	It is submitted that the marina component of the proposal will provide high quality access to the Great Barrier Reef Marine Park, increasing efficient opportunities for human interaction with the Shire's valuable natural marine environment, as well as facilitating access to hiking trails within Conway National Park
ECONOMIC SUSTAINABILITY	
A productive local and regional economy that is growing and	

**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
diversifying in a manner consistent with the Shire's character and amenity and the sustainable use of the Shire's resources and infrastructure, including:	
a strong tourism and recreation sector;	The proposed development will increase the opportunities for the tourism and recreation sectors of the Shire's economy, both directly due to the development itself, and indirectly due to the catalytic role the development will play in the revitalisation of the Shute Harbour Precinct.
a retail, commercial, industrial base which meets the needs of the Shire and curbs escape expenditure to competing centres external to the Shire;	The proposed development incorporates retail and commercial uses which have been identified as critical to the facility's ongoing operation. The development helps stimulate employment and investment elsewhere in the Shire and supports marine, construction and service industries
secondary industries that relate to the Shire's primary production activities;	The development supports tourism which is a mainstay of the economy
a wide range of local employment and entrepreneurial opportunities; and	The proposal seeks to build upon the Shire's thriving tourism employment sector through providing high quality facilities and numerous entrepreneurial opportunities. The proposal generates significant employment opportunities which are highlighted in EIS Appendix T, prepared by AEC Group .
location of business opportunities in a manner that minimises land use conflicts with other adjoining or concurrent uses.	The proposed development will provide an integrated community with land uses appropriately located. The proposal does not create land use conflicts with adjoining or concurrent uses
TRANSPORT AND ACCESSIBILITY	
An efficient, safe, convenient and attractive transport network, which:	
is protected from encroachment by incompatible uses;	Transport services within the surrounding locality will be improved as a result of this proposal.
is cost-effective and affordable;	The transport networks that are intended to service the proposed development will be consistent with those provided elsewhere in the Shire.
encourages the use of non-motorised forms of transportation wherever possible;	The layout of the proposed development has been designed to be conducive to pedestrian activities and reducing the need for motorised transport, and incorporates bus turnaround and set down areas.
maximises safety for all users, including pedestrians, cyclists and motorists;	Pedestrian pathways and cyclist facilities have been designed to maximise safety for all potential users.

**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
reduces trips on state controlled road networks by maximising networks internal to neighbourhoods;	The subject site is located on Shute Harbour Road which is identified as a State Controlled Road by the Department of Main Roads. The proposal includes a realignment of Shute Harbour rd to increase safety and creates a single intersection with Shute Harbour Rd. No direct access is proposed.
maximises the viability of public transport systems, and opportunities for the utilisation of public transport as the preferred mode;	The development has provided bus facilities and provides scope to increase public transport mode share on Shute Harbour Rd.
provides for high capacity and secure freight and passenger movements;	The marina component of the proposal will provide high quality marine transport facilities connecting the mainland with offshore islands.
achieves a high quality of urban design and contributes to the quality of the built environment;	The built form of the proposed development is of a bulk, scale and density consistent with the character and context of other similar development within the Shire and contributes strongly to the sense of a unique, waterside identity. The architectural design of the proposal and site layout will promote a tropical character which is clearly identifiable to all potential users of the site.
ensures that movement networks internal to neighbourhoods facilitate a high level of alternative vehicular and pedestrian accessibility and relieve pressure on Shute Harbour Road;	The internal movement network is conducive to walking, cycling and electric vehicle movements. The development is integrated to minimise need for travel along Shute Harbour Rd for resort guests.
ensures that new development provides for enhanced and efficient use of pedestrian walkways, bikeways and use of public transport;	The layout of the proposed development has been designed to be conducive to pedestrian activities and reduces the need for motorised, land based transport.
foreshore and riparian reserves, including road reserves or esplanades will be maintained in public ownership so as to maintain both formal and informal access to and along coastal foreshore and riparian areas;. And	The extensive marina esplanade network will be accessible to the public via a public thoroughfare easement, providing a valuable addition to local foreshore access
maintains and enhances the long term operational efficiency and safety of the Proserpine, Hamilton Island and Whitsunday Airports.	The proposal has no negative impact on these airports

**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
<b>COMMUNITY AND CULTURAL DEVELOPMENT</b>	
Community, recreational and cultural services and facilities are provided and maintained so that:	
areas of public parkland and open space are accessible and useable, and located to minimise reliance on motorised transport;	Publicly accessible parkland will be provided at the end of the Isthmus. This area is highly accessible to pedestrians via the extensive marina esplanade network creating a distinct sense of place for the development. Open space areas in the development will be conveniently located within walking distances .
attractive, comfortable, safe and convenient places are available for people to gather, meet and interact;	<p>The marina plaza area is intended to provide a convenient and attractive meeting and gathering place, enjoying views of the marina and marine and natural outlooks, providing a valuable addition to the social and recreational opportunities for the area.</p> <p>The breakwater park and open space areas along sections of the marina esplanade will ensure an attractive, comfortable and safe setting for people to gather, meet and interact. Associated facilities such as picnic tables, bbq's and pedestrian shelters will be provided in these areas.</p>
the diverse and changing needs of the whole community (including residents and visitors) are catered for;	The diverse and changing needs of the entire Shire community are considered to be addressed through the establishment of the Shute Harbour Marina which will provide a highly accessible, complete and self sufficient tourism hub. It is considered that the diverse needs of the Shire include the need to enhance the prosperity of the tourism sector whilst also ensuring appropriate environmental conservation and rehabilitation. The Shute Harbour Marina will create a vital tourism connection between the mainland and offshore areas whilst also implementing 'best practice' conservation techniques.
opportunities to create or strengthen local community identities are maximised; and	It is submitted that the proposed development will contribute significantly to and strengthen Shute Harbour's identity which plays a critical role in the Shire's coastal identity, particularly for visitors.
places, structures and images integral to the indigenous and non-indigenous cultural and historical heritage of the Shire are respected and conserved.	Extensive negotiations with local indigenous groups has resulted in the documentation of a Cultural Heritage management plan.
<b>URBAN DESIGN AND CHARACTER</b>	
A high quality built environment characterised by development which:	
incorporates urban design principles that maximise safety, pedestrian and vehicle connectivity throughout the	The site layout of the proposed development ensures that all dwellings are within a 400 metre radius of a place of community interest.



**Table 8-2: Response to DEOs**

DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
estates and places of community interest and shared use within a 400 metre or 5 minute walking radius of dwellings within the estate;	
is consistent with the local character and complements the Shire's diverse range of subtropical coastal, mountain and rural settings;	The architectural design to be implemented as part of this proposal is consistent with that commonly expressed elsewhere in the Shire and compliments the site's waterside location.
responds to and protects other landscape elements, views and vistas;	The design of the proposed development has been formulated to respect and respond to the critical landscape values of the foreshore area. The development will seek to return the landscape elements of the adjacent foreshore areas to their natural state once construction has been completed.
is of a bulk, scale and density consistent with the character and context of the area, and of associated development;	The bulk and scale of the development has been linked to the scale of the mast of the yachts and the context of the adjoining landform and is consistent with expectations of the scale of development adjoining a marina. A visual analysis has been undertaken by Yarruh, included as Appendix J of the EIS.
creates attractive, legible, and safe living and working environments for the whole community;	The urban design of the proposed development is consistent with that of high quality landmark developments and promotes a strong sense of place through addressing the site's unique, waterside identity. In conjunction with the design of the proposal, the site layout establishes a clearly identifiable tropical character and will ensure a legible urban environment at a pedestrian scale.
respects the natural environmental characteristics and capacities of the locality in which they are situated;	The proposed development has been designed to be responsive to the natural environment and the characteristics of the area. The design has been subject to considerable rigour and the development has been assessed to provide a net environmental benefit.
reflects the dominant use and related character of the area.	Shute Harbour is well known as a natural safe haven for marine craft, and a marina is a natural extension of the current marine craft popularity. The Whistundays is synonymous for boating and relaxed tropical resort lifestyles
<b>PHYSICAL INFRASTRUCTURE</b>	
All premises are provided with an appropriate standard of physical infrastructure, which:	
can be provided in an orderly and sequenced manner;	An appropriate standard of physical infrastructure can be efficiently provided to the subject site as part of this application, with minimal extension to existing infrastructure.
is environmentally sustainable;	The proposed development incorporates various sustainability principles which address the efficient provision of physical infrastructure

Table 8-2: Response to DEOs	
DESIRED ENVIRONMENTAL OUTCOMES	RESPONSE
	and use of resources.
incorporate resource conservation and re-use principles in their design where ever possible; and	Use of sustainable design practices and efficient fixtures and fittings will encourage resource conservation.
provide for safe and cost effective ongoing operation and maintenance.	The ongoing maintenance of the infrastructure provided by this proposal will be undertaken in a safe and cost effective manner. Infrastructure on site will be maintained by the Body Corporate at no public cost.

### 8.3.3 Assessment Detail

Figure 8-3 above indicates the zoning proposed in the IPA Planning Scheme (public consultation version).

#### 8.3.3.1 Zone and Assessment

As discussed above in S7.1, the site is not currently part of the Whitsunday Regional Council area.

Pursuant to the Draft Whitsunday Shire Council IPA Planning Scheme Map the majority of the subject site is undesignated.

Given that the uses incorporated within this proposal are located on land that is undesignated, the level of assessment for the proposed development under the IPA planning scheme is considered to be Impact Assessable.

#### Integrated Resort Zone Code

As the development area of the site is undesignated, the default provisions of the Scheme would include the land in the adjacent zone, being Open Space in this instance.

Whilst the intent of the Open Space zone is relevant to adjoining land, it is considered that the most appropriate zone for the proposed development is the Integrated Resort Zone Code. Accordingly, the following Overall Outcomes of this zone, relevant to the proposal are discussed below:

*(a) The Shire's major tourist resorts remain attractive, viable and accessible tourist attractions;*

The proposed development will provide an integrated tourist hub which will incorporate high quality, viable and accessible tourist facilities, in it's own right as well as supporting regional tourism by enhancing tourism experiences at Shute Harbour when tourists are en route to other destinations

*(b) The Shire's major tourist resorts are allowed to redevelop to continue their economic benefits to the Shire;*

The proposal will provide a vital tourism interface between the mainland and island areas, and provide an important addition to the regional tourism fabric, thereby contributing significantly to the continual development of the Shire's major tourist resorts and increasing their economic benefits to the Shire.

*(c) Island and mainland tourist resorts protect significant environmental and landscape features;*

The proposal has been designed to ensure the significant environmental and landscape features of the site and surrounding areas are protected. The environmental impacts and proposed mitigation plans for the proposed development have been assessed in detail through the EIS and Net Benefit analysis.

*(d) The islands or mainland natural landscape values are protected;*

The design of the proposed development is responsive to the site's context within the valuable natural landscape of the surrounding locality. Whilst the proposal incorporates land reclamation in foreshore areas, it is considered that the proposed development will provide an integrated facility which takes account of the site's waterside location and the adjoining mountainous areas to the north. Buildings will be designed and oriented to take full advantage of the site's proximity to notable natural landscape features. The proposed development will not result in the net loss of natural landscape values in that part of the Shire.

*(e) Maritime infrastructure is protected from incompatible development in order to maintain safe and efficient use of Whitsunday waterways by boating traffic;*

Through providing a world class marina, the proposed development will significantly upgrade maritime infrastructure within the Whitsunday Shire, thereby enhancing the efficient use of Whitsunday waterways by boating traffic.

*(f) Urban design creates a strong sense of identity and legibility, a high standard of amenity and a safe and convenient living environment;*

The urban design of the proposed development is consistent with that of high quality landmark developments and promotes a strong sense of place through addressing the site's unique, waterside identity. In conjunction with the design of the proposal, the site layout establishes a clearly identifiable tropical character and will ensure a legible urban environment at a pedestrian scale.

*(g) Land is developed in an orderly sequence, and designed to maximise the efficiency of infrastructure provision;*

The development will occur in stages, being developed from east to west. Service infrastructure is readily available to the site and can be extended efficiently.

*(h) Development complements the local landscape and responds to opportunities to create or protect views and vistas;*

Whilst the layout and design of the proposal has maximised the development's access to views and vistas, the design philosophy has been based around integrating the development with the existing site context and the surrounding locality. The main feature of the site and adjoining areas is the unique waterfront and hillside location. These valuable local landscape features have been retained and will be protected for the life of the development. Important view corridors from Shute Harbour Road have been retained and 'framed' by the development form.

- (i) significant environmental and cultural values are protected and enhanced;*

A Cultural Heritage and Management plan has been negotiated and agreed with indigenous groups. In addition to providing methodologies to respond to the discovery of physical artefacts, a performance area is being provided and a cultural centre is to be incorporated into Marina Office building, aiding the understanding and appreciation of indigenous culture and local history

The Cultural Heritage and Management Plan is included as Appendix S2, of the EIS.

- (j) Safe and cost effective telecommunications, power, water, sewerage and transport infrastructure are available to meet resort needs;*

Service infrastructure is readily available to the site, and the proposed development will be serviced in a safe and cost effective manner.

### Open Space Zone

The land north of Shute Harbour Road within the project's current lease area is included within the Open Space Zone of the Draft Whitsunday Shire Planning Scheme.

As discussed previously, this area does not form part of the proposed development footprint, so that the area within the Open Space Zone will be retained in its natural state.

Nonetheless the current area includes land within this zone, and the development will be viewed in the context of the Open Space zone areas forming the backdrop to the development. Accordingly the following Overall Outcomes are discussed to the extent they are relevant to the proposal:

- (a) Ridgelines, vegetated hill slopes, foreshores, the islands and other prominent landscape elements that are in both public and private ownership are maintained in a predominantly natural state;*

The area of open space within the current lease area is to remain in it's natural state.

- (b) Foreshores adjacent to urban areas provide high quality recreation areas, and are protected from further encroachment by incompatible development;*

This application includes the establishment of a marina in the foreshore area fronting Shute Harbour Road. Whilst the proposed development will encroach into the foreshore area, the development is consistent with the strategic intent for the area and addresses a need for marina berths and quality tourism facilities. The marina esplanade provides extensive public access to the water's edge in an area which was previously largely inaccessible.

- (c) Bushland, riparian land, wetlands, important ecological corridors and other areas of ecological significance and the ecological processes associated with them are protected and conserved;*

The area of open space within the current lease area is to remain in it's natural state. The development of the marina has been designed to limit environmental impacts and introduce mitigation strategies. The development has been assessed to provide a net environmental benefit.

- (d) Parkland, recreation and sporting facilities are accessible, safe and useable;*

The Open space zoned area within the current lease and surrounding the development exists for environmental and aesthetic purposes.

The breakwater parkland and marina esplanade combine with the marina and marina plaza to provide a valuable addition to the public recreational opportunities in the area. Additional open space and recreational opportunities will be created within the resort.

*(e) Parkland acts as a place for community activities and local events;*

The breakwater parkland provides a new recreational opportunity in a premium location at the end of the Isthmus. This park area provides opportunities for community activities and local events. A performance space and yarning circle is proposed on the top of the carpark area which is to be used by local indigenous groups – providing an important cultural and recreational opportunity for residents and visitors.

In addition to the marina esplanade, internal open space areas will be provided adjacent to the esplanade providing attractive places for local gatherings

*(f) Places, structures and images integral to the cultural and historical heritage of the Shire are respected and conserved;*

A landmark cultural heritage management plan agreement has been struck with local indigenous groups, resulting in agreement to create the performance space and yarning circle as well as the cultural centre, highlighting indigenous and European heritage to the area

*(g) The tourism and recreation significance, and the environmental and landscape values, of the Whitsunday Islands are recognised and protected;*

The development has no adverse impact on the Whitsunday Islands. The development is considered to enhance the critical tourism interface between the mainland and the Whitsunday Islands. The Reef Conservation fund and marine environmental interpretive centre will help to ensure that the tourism and recreation significance of these areas is recognised and indeed protected.

*(h) Tourism uses in either island or mainland locations are rural or nature based and are of a small scale and low impact;*

It is considered that the proposal provides substantial opportunity to contribute significantly to the development of the Shire's prospering tourism industry. The proposed development will provide an integral link between the mainland and island localities, thereby increasing accessibility to the region's valuable offshore natural assets.

As this location is clearly the region's best location for a marina it is considered essential that the marina take full advantage of the site's strategic location and cater for at least mid term growth in marina demand, reducing and delaying the need to consider other, less suitable marina locations. The associated tourism development is in keeping with the scale of the marina, and subservient to the context of the natural environment.

#### 8.3.3.2 Overlays

The subject site consists of land within a designated road reserve and a small portion of undesignated waterfront land. The majority of habitable land included as part of the proposed development is to be

provided through land reclamation. As a result the subject site is largely unaffected by the Draft Whitsunday Shire Planning Scheme Overlay Maps. It is considered that as the project is following the Environmental Impact Assessment process pursuant to the SDPWO Act 1971 the relevant environmental and social elements addressed in the Draft Whitsunday Shire Planning Scheme Overlay Maps will be dealt with in the Environmental Impact Statement.

The Overlays relevant to the subject site area as follows:

#### Acid Sulphate Soils Overlay

The overall outcome for the Acid Sulphate Soils Overlay Code is to ensure leachate containing contaminants caused by disturbing acid sulphate soils do not have significant adverse effects on the natural or built environment or human health.

As discussed in S8.3.3 the extent of potential ASS was assessed in site specific reporting undertaken by Ullman & Nolan in 2005 (EIS Appendix I3). The reporting found that marine sediments have a potential for acid generation, however marine muds in the project area have an acid neutralising capacity deemed by to be sufficient to eliminate net acid production

Management of potential ASS in earthworks and dredging operations has been discussed by Cardno in S 4.1.1.5 and S4.1.2.5 of the EIS. with the approach conveyed in an Acid Sulfate Soils Management Plan (EIS Appendix i3).

#### Bushfire Hazard Overlay

The land adjacent to the development appears to be designated as 'medium bushfire hazard'.

Shute Harbour Road serves as a significant bushfire buffer between the conservation forest to the north of the site and the proposed development. Further, the development is at the bottom of the hillside adjacent the water, providing natural protection from bushfire for both people and property. As such, it is considered that there is limited bushfire risk.

#### Flood and Storm Tide Risk Areas Overlay

The purpose of the Flood and Storm Tide Risk Area Overlay Code is to ensure the safety of people and property is protected from unacceptable risk from flooding or storm tide hazard. Furthermore, this Overlay Code intends to facilitate development that is compatible with the nature of the flood and storm tide risk and locates community infrastructure to function effectively during and immediately after flood or storm tide events.

As the development incorporates land reclamation in coastal areas the risk of storm tide hazard has been a cornerstone for the engineering design of the proposal, being the basis of the minimum development levels.

#### Landslide Risk Areas Overlay

The intent of the Landslide Risk Areas Overlay Code is to protect the safety of people and property from unreasonable risk from Landslide hazard. In addition, this code seeks to promote development that is compatible with the nature of the flood risk and minimises as far as practicable the adverse impacts from Landslide. Community infrastructure is required to be located and designed to function effectively during and immediately after flood events.



The site itself is outside of the landslide risk area, however the steep hillside adjacent to the site appears to be shown as having at least a medium risk of landslide. The maintenance of the extensive vegetation within Conway National Park provides vegetation stabilisation of the hillside. If a landslide was to occur Shute Harbour road provides a buffer between the hillside and the development, meaning that people and property are unlikely to be affected by landslide.

#### 8.3.3.3 Planning Assessment against Draft IPA Planning Scheme

The EIS has been based on an application for Preliminary Approval to override the Scheme. A Development Code for SHMR has been proposed as part of this application.

The development code has incorporated elements of a range of codes included in the Draft IPA Planning Scheme, with provisions then specifically tailored in order for the land use controls to better respond to the attributes of the site, the surrounds and the development

Accordingly the proposed provisions of the SHMR Development Code forms the basis of future assessment of the project's development applications.

## 9.0 CONCLUSION

The Shute Harbour Marina Resort proposal presents an exceptional opportunity to help both enhance and redefine the critical role that Shute Harbour plays in the Whitsunday region, and the State of Queensland. The development responds to Shute Harbour's key natural attributes: geographic proximity to the reef and the Islands, safe anchorage and outstanding natural beauty to propose a development which capitalises on these attributes in such a manner that also contributes to the critical role that the Transit Terminal plays in the region.

The SHMR would provide a catalytic role in the transformation of the Shute Harbour Precinct to function as a world class marina, a quality tourism accommodation facility, a community hub for Shutehaven residents, facilitate an upgraded and safer boat ramp, and provide development impetus that will link with and coincide with potential upgradings of the Transit Terminal to a standard befitting it's location and the destinations it serves.

The planning report has provided detailed descriptions and assessment of the proposal, the goals and objectives it is to achieve and the manner in which it is intended to be designed and assessed. It is contended that the development has been demonstrated to be a well conceived proposal which responds to the need of the region, the attributes of the site and the sensitivity of the environment.

The development concept and development controls provide both a clear impression of the intent of the development, whilst providing flexibility for design detail to be enhanced and refined at the time of development applications. Leading sustainability practices are proposed both in respect of environmental protection and enhancement, social and economic contribution and efficient performance from the built environment.

The need for the development has been demonstrated in terms of strong demand for marina berths, the importance of appropriate infrastructure supporting the growth of the marine and tourism industries, alignment with policies and programs from all levels of government, strong accommodation demand, and the appropriateness of the tourism package being offered.

Importantly the proposal has clearly satisfied the core test of net benefit being achieved across economic, environmental and social sectors.

The economic benefits of the development to the State are substantial; 1,174 FTE positions to be created during the construction phase and 220 FTE positions during the operational phase, generating direct and indirect economic benefits totalling \$452.5M in the construction phase and \$61.4M annually during operation.

Socially, the development provides a new recreational precinct for the region and a local village hub for Shutehaven residents, extensive foreshore access and vantage points as well as creating cultural and performance facilities for indigenous groups as a result of a landmark agreement, respecting indigenous heritage whilst creating new means to communicate and celebrate indigenous history and culture.

Environmentally, the development has been carefully designed to minimise the impacts on any sensitive areas, whilst creating opportunities for rehabilitation of marine plants, transferring land north of Shute Harbour Rd to public ownership, as well as proposing innovative measures such as the Reef Conservation Fund to replace traditional swing moorings with sea grass friendly ones, as well as supporting the Marine Education Centre. Overall, the development has been assessed as providing net benefits in all areas.

The SHMR has been shown to be in accordance with key State priorities and the report has outlined the manner in which the development has satisfied the array of Federal, State and Local Government legislation, policies and other regulatory measures.

The SHMR is an important development for the region, which has been designed to take careful regard of the strategic importance of the role that Shute Harbour fulfils in the region and the extent to which the environmental sensitivity and importance in which Shute Harbour, the Whitsundays and the Great Barrier Reef is regarded at national and international levels.

It is contended that the proposal has fulfilled the need to balance the aspects of development in this location in a manner that creates a world class development, worthy of the importance of the world class environment in which it is to be developed.

## **APPENDIX A PERMIT TO OCCUPY AND LEASE DOCUMENTATION**



File / Ref number 2008/001983

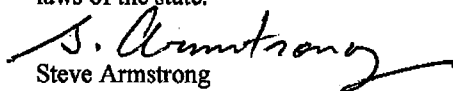
## QUEENSLAND

### PERMIT TO OCCUPY - Land Act 1994

Pursuant to the provisions of Sections 177(1) and 177(6) of the *Land Act 1994*, the person described in Schedule 3 is hereby permitted to occupy the area of land described in Schedule 1, for the period specified in Schedule 2.

#### SUBJECT TO -

- (a) the payment of the rent under the *Land Act 1994*, and
- (b) the conditions specified in Schedule 4; and
- (c) such other reservations and conditions as may be contained in and declared by the laws of the state.

  
Steve Armstrong

Manager, Land Management & Use

The delegate of the Chief Executive of the Department of Natural Resources and Water under Land Act (Chief Executive) delegation (No. 1) 2008

Date: 9 April 2008

#### SCHEDULE 1 - DESCRIPTION OF LAND

Area described as 15.9ha (about) of USL below HWM adjoining the seaward boundaries of Lot 2 on SP117389 shown on drawing 0605 SK01 dated 16 December 2007 from Studio Tekton.

Purpose of Permit: Investigation

#### SCHEDULE 2 - PERIOD OF PERMIT

Permit commencing on 7 April 2008 and expiry on 24 August 2008

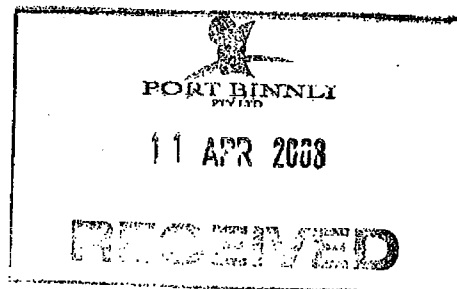
#### SCHEDULE 3 - PERMITTEE

Shute Harbour Marina Developments Pty Ltd ACN 081 285 832

#### SCHEDULE 4 - SPECIFIED CONDITIONS

A92

1. The permittee must use the permit area for investigation purposes only.
2. This permit may be cancelled if not used for the purpose stated above.
3. The permit may be cancelled after giving the permittee reasonable notice in writing, in accordance with the *Land Act 1994*.
4. The rent must be paid in accordance with the *Land Act 1994*.
5. The Parties acknowledge that GST may be payable in respect of a supply made under this permit. Where GST becomes payable in respect of a supply made under this permit, the State may recover the GST from the permittee by increasing the consideration payable by the permittee to the State by an amount equal to that which the State is obliged to remit to the Commonwealth as GST on the supply and that amount may be recovered from the permittee as part of the money payable to the State under this permit. The State will upon request by the permittee, issue to the permittee a valid GST tax invoice in respect of any taxable supply made under this permit. [NOTE: For the purposes of this condition "GST" means the goods and services tax which results from the enactment of *A New Tax System (Goods and Services Tax) Act 1999* and the related Acts which constitute the Commonwealth taxation reform (as amended from time to time)].



6. The permittee must not under any circumstances enter into any arrangements to sublet, dispose of or transfer the permit.
7. The permittee must pay the cost of any required survey or re-survey of the permit area.
8. The permittee must control pest plants and animals, on the permit area, in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002* and the Local Laws and requirements of the Whitsunday Regional Council.
9. The permittee has the responsibility for a duty of care, to take all reasonable and practicable measures to sustainably manage the permit area by conserving the physical, biological, productive and cultural values, either on the permit area or in areas affected by the management of the permit area.
10. The permittee must ensure that the use of the permit area conforms to the Planning Scheme, Local Laws and requirements of Whitsunday Regional Council binding on the permittee.
11. The permittee must give the Minister administering the *Land Act 1994*, information about the permit, when requested.
12. The permittee must not clear any vegetation on the permit area, unless in accordance with the *Integrated Planning Act 1997*.
13. No compensation for improvements or developmental work is payable by the State at the cancellation or surrender of the permit, but the permittee has the right to remove the Permittees moveable improvements within a period of 3 months from the cancellation or surrender of the permit, provided all money due by the permittee to the State on any account whatsoever has been paid, or be required to remove those improvements as specified in any further condition of permit.
14. This permit is subject to the *Land Act 1994* and all other relevant State and Commonwealth Acts.

#### C344

The lessee must not under any circumstances carry out any other activity other than that stated in condition A92 on the leased land.

#### H126

The lessee must, at all times during the whole term of the lease of the lease, allow marine vessel operators free and unrestricted access to, from and across the leased land.

#### I66

The lessee indemnifies and agrees to keep indemnified the Minister administering the *Land Act 1994*, and the State of Queensland, The Whitsunday Regional Council (the "Indemnified parties") against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses ("Claim") arising out of or in any way connected to or resulting from the granting of this lease to the lessee or which is connected to or resulting from the lessees' use and occupation of the leased land (all of which are referred to as "the indemnified acts or omissions") save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified parties, however, any negligent act or omission of one of the Indemnified parties does not negate the indemnity to any of the other Indemnified party/ies.

The lessee hereby releases and discharges the Indemnified parties from any Claim relating to the indemnified acts or omissions which may be made against the Indemnified parties.

#### T32

The lessee must, to the satisfaction of the Department of Transport, keep the sight line of any navigation leads which cross the leased land clear of obstructions. However, with the prior approval of the Department of Transport, the lessee may make alternative arrangements for relocating any of the said leads.

#### T34

The lessee must, to the satisfaction of the Department of Transport, keep the sight line of any navigation leads which cross the leased land clear of obstructions. However, with the prior approval of the Department of Transport, the lessee may make alternative arrangements for relocating any of the said leads.

#### U44

The leased land must only be used in conjunction with Term Lease 0/219495.



CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

DESCRIPTION OF LAND

Tenure Reference: TL 0/219495

LOT 273	CROWN PLAN HR1757	
	County of HERBERT	Parish of CONWAY
	Local Government: WHITSUNDAY	
LOT 2	SURVEY PLAN 117389	
	County of HERBERT	Parish of CONWAY
	Local Government: WHITSUNDAY	

Area: 29.333500 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:  
MARINE WORKS

TERM OF LEASE

Term and day of beginning of lease

Term: 10 years commencing on 25/08/1999

Expiring on 24/08/2009

REGISTERED LESSEE

SHUTE HARBOUR MARINA DEVELOPMENT PTY LTD  
A.C.N. 081 285 832

CONDITIONS

CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

- A61
- (1) The lessee must use the leased land for marine works purposes namely for the construction of a marina and reclamation for residential, commercial and tourism purposes.
  - (2) This lease may be forfeited if not used for the purpose stated above.
  - (3) The annual rent must be paid in accordance with the Land Act 1994.
  - (4) The Parties acknowledge that GST may be payable in respect of a supply made under this lease. Where GST becomes payable in respect of a supply made under this lease, the State (lessor) may recover the GST from the lessee by increasing the consideration payable by the lessee to the State by an amount equal to that which the State is obliged to remit to the Commonwealth as GST on the supply and that amount may be recovered from the lessee as part of the money payable to the State under this lease. The State will upon request by the lessee, issue to the lessee a valid GST tax invoice in respect of any taxable supply made under this lease. (NOTE: For the purposes of this condition "GST" means the goods and services tax which results from the enactment of A New Tax System (Goods and Services Tax) Act 1999 and the related Acts which constitute the Commonwealth taxation reform (as amended from time to time)).
  - (5) The lessee must pay the cost of any required survey or re-survey of the leased land.
  - (6) The lessee must control pest plants and animals, on the leased land, in accordance with the Rural Lands Protection Act 1985 and the Local Laws and requirements of the Whitsunday Shire Council.
  - (7) The lessee has the responsibility for a duty of care, to take all reasonable and practicable measures to sustainably manage the leased land by conserving the physical, biological, productive and cultural values, either on the leased land or in areas affected by the management of the leased land.
  - (8) The lessee indemnifies and agrees to keep indemnified the State of Queensland, Crown Instrumentalities, local governments and other statutory bodies (the Indemnified) against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses (Claim) arising out of or in any way connected to or resulting from the State of Queensland granting this lease to the lessee and which is connected to or resulting from the lessees' use and occupation of the leased land (all referred to as the indemnified acts or omissions) save to the extent that the Claim arises as a result of any negligent act or omission of the State of Queensland. The lessee hereby releases and discharges the

CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

Indemnified from any Claim relating to the indemnified acts or omissions which may be made against the Indemnified.

- (9) The lessee must ensure that the use and development of the leased land conforms to the Planning Scheme, Local Laws and requirements of the Whitsunday Shire Council, binding on the lessee.
  - (10) The lessee must give the Minister administering the Land Act 1994, information about the lease, when requested.
  - (11) The lessee must not destroy any trees on the leased land, unless in accordance with the Land Act 1994.
  - (12) No compensation for improvements or developmental work is payable by the State at the forfeiture, surrender or expiry of the lease, but the lessee has the right to remove moveable improvements within a period of six (6) months from the forfeiture, surrender or expiry of the lease, provided all money due by the lessee to the State on any account whatsoever has been paid, or be required to remove those improvements as specified in any further condition of lease.
  - (13) This lease is subject to the Land Act 1994 and all other relevant State and Commonwealth Acts.
- C342 The lessee must comply with any lawful requirements of the Whitsunday Shire Council; Department of Main Roads; Environmental Protection Agency; Department of Primary Industries; Queensland Transport; Beach Protection Agency and the Great Barrier Reef Marine Park Authority.
- C343 The lessee must within seven (7) years from the commencement of the lease and to the satisfaction of the Minister administering the Land Act 1994, construct a marina and associated facilities on the leased land. The lessee shall prior to the commencement of site works, furnish to the said Minister a copy of its detailed written development plan and supporting reports showing to the satisfaction of the Minister - (i) the lessee's detailed development plans; (ii) the identities and details of the managerial capabilities of all persons and organisations who will carry out the development; and (iii) that the lessee and each sub-developer have available to them sufficient funding to complete the development. In conjunction, the company shall produce its intended mechanisms to ensure that the ongoing maintenance obligations of the marina and associated leased land and infrastructure shall be adequately catered for during the tenancy of the lease..

CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

- C352 The lessee must, before commencing any development whatsoever provided for in the conditions of this lease, enter into a written Deed(s) of Agreement with the Department of Main Roads; Environmental Protection Agency; Department of Primary Industries; Queensland Transport; Great Barrier Reef Marine Park Authority and the Whitsunday Shire Council in respect of their requirements internal and external to the site. A copy of such Deed(s) must be lodged with the the Department of Natural Resources and Mines immediately upon such Deed(s) execution. The lessee must at all times comply with the provisions of such Deed(s) and to any amendment thereto as may from time to time be agreed upon between the parties. Should there be a subsequent transfer of the lease, the Deed(s) must be assigned to the incoming lessee who must assume and comply with all requirements of the said Deed(s).
- D194 The Minister administering the Land Act 1994 will consider seeking Governor in Council approval for a grant in fee simple over the leased land exclusive of the area required for marina and associated purposes within the leased land, upon:
- (1) Performance of and compliance with all of the conditions of the lease to the satisfaction of the said Minister; and
  - (2) Payment to the said Minister, by the lessee of the purchase price based on a figure of \$750,000.00 for a maximum area of 8.5 hectares of dry and/or approved reclaimed land. A pro rata valuation shall apply for a lesser area. If the approved area exceeds 8.5 hectares the purchase price rate for the additional area is subject to review. Notwithstanding, the purchase price of \$750,000.00 applies plus a percentage increase in accordance with the Consumer Price Index (Brisbane All Groups) compounded quarterly for each completed quarter from the date of commencement of the term of the lease to date of any offer to convert is made to the lessee; and
  - (3) Payment of any other relevant fee; and
  - (4) Surrender to the State of the land comprised in the relevant part of the leased land.
- E20 The lessee must undertake an acid sulfate soil survey in accordance with the latest version of the Department of Natural Resources and Mines "Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland" prior to the commencement of any excavation or drainage works. The management of acid sulphate soils shall be accordance with the SPP2/02 - " Planning and Managing Development Involving acid sulphate soils" and the Environmental Protection Agency should be notified immediately upon discovery of acid sulfate soils for discussion on management options.

CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

I57 The lessee indemnifies and agrees to keep the State of Queensland, Crown Instrumentalities, local governments and other statutory bodies indemnified against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses arising out of or in any way connected to or resulting from the State of Queensland granting this lease to the lessee and which is connected to or resulting from the lessees' use and occupation of the leased land including all such actions, suits, proceedings, claims, demands, costs, losses, damages and expenses arising out of or in any way connected to or resulting from a breach of any of the conditions of the lease by the lessee.

I59 The lessee must before commencing any works provide to the Minister administering the Land Act 1994 a Performance Guarantee Bond issued by a trading bank or other institution approved by the said Minister an amount to be determined by a quantity surveyor and approved by the Minister and in a form approved by the said Minister unconditionally guaranteeing to pay the amount of the Bond to the said Minister on demand as surety for the staged works as may occur or be required by condition C343. The amount of the Bond may be reviewed at any time at the discretion of the said Minister, or upon application being made to the Department of Natural Resources and Mines by the lessee.

Assessment of the Bond amount must be undertaken by an approved quantity surveyor engaged by the company and all costs leading to the establishment of the Bond and any review of the Bond must be borne by the lessee.

Notwithstanding the above, the said Minister has the discretion to approve any other form of security offered by the lessee in substitution for the Bond. If the said Minister approves any other form of security offered by the lessee (the substituted security), then the said Minister will determine, in the Minister's absolute discretion, the amount of, the form of, and the terms upon which the substituted security must be provided.

I61 The lessee hereby covenants and agrees with the Minister administering the Land Act 1994, that by virtue of the execution of this lease, no liability is stated or implied or will attach to the said Minister in respect of any loss or damage to the leased land or to any improvements thereon caused by the effects of erosion or inundation by seawater or other result or consequence caused by global climatic change.

CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

- I63 (1) The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, in any othe case, to the satisfaction of the Minister administering the Land Act 1994, naming the Lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the leased land or any improvements thereon and against all claims, demands proceedings, costs, charges and expenses whatsoever in respect thereof. Such policy must:
- (a) be for an amount of not less than ten million dollars \$10,000,000 in respect of all claims arising out of a single event or such higher amounts as the Minister may reasonably require;
  - (b) be effected on a "claims occurring" basis so that any claim made by the Lessee under the policy after the expiration of the period of policy cover but relating to an event occurring during the currency of the policy will be covered by the policy subject to the claim meeting the policy's other terms and conditions;
  - (c) be effected on such other reasonable terms and conditions as may be required by the Minister; and
  - (d) be maintained at all times during the currency of the lease.
- (2) The Lessee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the Lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister kept fully informed of subsequent actions and developments concerning the claim.
- (3) The Lessee must renew such policy, at the Lessee's expense, each year during the currency of this lease and forward a certificate of currency to the Minister within 14 days of the commencement of each respective renewal period.
- (4) Upon receipt of a Notice of Cancellation, the Lessee must immediately effect another public liability policy in accordance with the provisions of this condition.
- (5) Clause (1) of this condition will be satisified if the Lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.
- (6) Clause (1) of this condition will be satisfied if the Lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance fund and is insured and continues to be insured by Comcover.



CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

- M543 The lessee must not keep, store or permit to be kept or stored on the leased land any materials of a dangerous, flammable or explosive nature unless all statutes, local laws and regulations applicable to the keeping and storage of such materials have been complied with in every respect.
- R59 Upon completion of any reclamation and the construction of the retaining walls, revetments and any other sanctioned works required to protect the reclamation from erosion, the lessee must cause a survey to be carried out to determine the levels of the reclaimed land relative to Australian Height Datum at points spaced not greater than 15 metres from the nearest neighbouring point and located at the changes in grade and otherwise at the intersections of a right angled grid. Two (2) copies of the plan of survey must be forwarded to the Environmental Protection Agency upon completion of the survey.
- R60 Upon completion of the reclamation and the construction of any retaining walls, revetments and other approved works, the lessee must cause a survey to be carried out by a Licensed Surveyor to determine accurately the final boundaries of the reclaimed land and the marina basin. Such survey must be carried out after first ascertaining the requirements of the Department of Natural Resources. The original plan of survey must be lodged with the department of Natural Resources.
- R61 The lessee must, before commencing the reclamation and other works referred to above, obtain the approval for the said reclamation and other works from the Environmental Protection Agency.
- T31 The lessee must not in any way interfere with any navigation mark or light erected on the leased land.
- T32 The lessee must, to the satisfaction of the Department of Transport, keep the sight line of any navigation leads which cross the leased land clear of obstructions. However, with the prior approval of the Department of Transport, the lessee may make alternative arrangements for relocating any of the said leads.
- T34 The lessee must supply, install and maintain, at the lessees' expense, any navigation lights, buoys, marks and warning signs which the Regional Harbour Master - Dept of Transport considers necessary.
- T35 All works constructed in, on, over, through or across and below high water mark within the leased land must be maintained.

CURRENT STATE TENURE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4567701

Search Date: 31/07/2008 15:39

Title Reference: 40038875

Date Created: 29/08/2003

CONDITIONS

- T36 The lessee must at all times take the necessary precautions to ensure that all lights on or above the leased land are shielded to prevent glare or reflection which may interfere with safe navigation of surrounding waterways or with reasonable enjoyment of neighbouring properties.
- T37 The lessee must, at the lessees' expense and to the satisfaction and requirements of Whitsunday Shire Council, provide facilities for the disposal and collection ashore of human wastes and other litter and dry or wet refuse or waste materials from vessels. The lessee must when required install an external system to enable the connection to vessels of a line through which sewerage may be pumped to a shore based receival station to enable collection.
- T39 The lessee must, at the lessees' expense, maintain a depth of water within the leased land including the basin and access channels sufficient to allow such waters to be freely navigated at the developed depths at all stages of the tide by the classes of the vessels using the facilities situated therein and should any dredging be required to maintain such depth of water, then the lessee must, at the lessees' expense, be responsible for obtaining the relevant statutory approvals required to permit the carrying out of such dredging and disposal of dredge spoil from the Environmental Protection Agency.

ENCUMBRANCES

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

ORIGINAL LEASE IN EXISTENCE - No

\*\* End of Current State Tenure Search \*\*

Information provided under section 34 Land Title Act(1994)

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Requested By: D APPLICATIONS ESPREON

## **APPENDIX B SHMR DEVELOPMENT CODE**

SHMR Development Code, EIS Submission Version July 2008.