



Wednesday, 27 March 2013

Rory McCourt  
Save Our Foreshore  
P O Box 59  
Airlie Beach QLD 4802

Dear Rory

**RE: Supplementary Environmental Impact Statement Proposed Shute Harbour Marina**

You have sought my opinion with respect to the Supplementary Environmental Impact Statement (SEIS) specifically in relation to the manner it is proposed to deal with town planning and future development approvals.

A principle point of concern is that SEIS's are as the name suggests are '*supplementary*'; that is they contain further information in support of an existing proposal. The proposal put forward however is completely different from that original proposed in all ways. The information put forward is not supplementary but is new in support of a new proposal. This is most evident in the process proposed to approve the development. The original proposal was definitive in terms of built form, height, dwelling unit density, elevation, colours, access, traffic impact, marina size, area and importantly ecosystem destruction and degradation. This to a certain extent enabled a more accurate assessment of the potential impacts. This new proposal is a concept only as outlined in the *Shute Harbour Marina Concept Development Masterplan* contained in Appendix C of the Shute Harbour Marina Development Code (the code). This 'concept development Masterplan' provides no certainty as to what may or may not be approved. The code is 34 pages in length, complex and contains Performance and Acceptable Outcomes for a wide range of matters. The Code provides for buildings up to 18 metres in height however there is no way of knowing how many buildings of this height would eventually be constructed. There is also no way of knowing precisely what the overall impact of the proposal may or may not be as no plan would be approved. Areas of the existing



environment which would be reclaimed and destroyed by the development may be greater or less than that shown in the Concept Masterplan.

There are numerous performance and acceptable outcomes within the code which require discretion such as:

*The height of buildings must be consistent with the desired character of the Precinct and must not adversely affect the amenity of the Precinct.*

Outcomes such as this in my opinion do not make it possible to determine what it is that is sought. This might be acceptable from a town and environmental planning perspective; if the proposal was land based and the impacts were known; however the proposal is located in water seeks to remove ecosystems and areas which have extremely high environmental and social values. From a town planning and approvals perspective it is vital that what is sought to be approved is certain. If the proposal was certain there would be no requirement for a complex development code.

Also of concern is the timeframe proposed within which development may commence. The code seeks to set this at 15 years; ordinarily if a development approval is not acted on within 2 years of being approved the approval lapses. This in effect seats the approval within the timespace and the community at the time of approval. The development could be 're-erected' 15 years following approval – possibly as late as 2030. In this time it could be expected that community attitudes will shift considerably and threats to the Great Barrier Reef will only increase. Environmental resources such as the mangroves, seagrass and benthic ecosystems which are proposed to be destroyed will only be significantly more valuable in 15 years. Although scarce and more valuable if approved Council would have no ability to refuse an application if it met the performance and acceptable outcomes.

Introducing a performance based development code and a long timeframe of 15 years obviously makes the proposal inherently more risky, both to the proponent and the community than if a certain and definitive proposal was sought as no parties can be sure of the eventual outcome and more particularly the actual costs and benefits likely to result. This risk is further exacerbated by the funding model, which relies heavily upon mezzanine financing and sales of freehold reclaimed land to potential investors. This capital and planning risk is not considered acceptable when compared against the potential risk cost which might result from any unexpected social and environmental impacts. Such impacts may include dredging



failure, collapse of revetment walls, lack of containment of sediment or a natural disaster (cyclone) during the construction phase.

I have not provided specific comments on the Cost Benefit Analysis as the majority of my opinion expressed in the previous assessment I provided to you still holds. I note that the same arbitrary value of \$22,000 per hectare has been employed in an attempt to place a value on the environmental impact of the proposal. This value is taken from a study undertaken by Costanza which attempted to place a value on the environmental resources for approximately 18 separate biomes around the world. No consideration or recognition is made in this assessment of the environmental values of the Great Barrier Reef ecosystem nor the social values attached to it. The cost benefit analysis is also based upon a Concept Masterplan contained within the code, which provides for numerous different outcomes and permutations for the final development. There is nothing definitive within the code which would require the developer to construct 395 marina berths and in fact there is nothing in the code which would force a developer to construct any Marina. The cost benefit analysis therefore in my opinion cannot be relied upon to accurately assess the impact of the proposal.

I trust this opinion is sufficient for your needs. If you wish to discuss any of these matters with me in greater detail please contact me

Regards

Evan Boardman  
Grad Dip URP, B ScEnv, B Econ, MPIA