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24 November 2009

Carol Hughes
Manager
Tasmanian Planning Commission
GPO Box 1691
Hobart TAS 7001

By email: enquiry.planning@justice.tas.gov.au

Dear Ms Hughes

Lauderdale Quay – Submission in response to DIAR

Thank you for the opportunity to comment on the Draft Integrated Assessment Report for the Lauderdale Quay Development Proposal. Please find attached the submission on behalf of Save Ralphs Bay Inc.

Kind regards,

Environmental Defenders Office (Tas) Inc

Per:

A handwritten signature in black ink, appearing to read 'Jess Feehely', written over a light grey background.

Jess Feehely
Principal Lawyer

Attach: SRB Submission (13 pages)

Save Ralphs Bay Inc

RESPONSE TO DRAFT INTEGRATED ASSESSMENT REPORT

Draft Recommendations

In general, SRB strongly supports the draft recommendations made by the Panel and endorses the conclusion that the proposed development is inherently unsustainable. However, we make the following comments:

Visual, social and community impacts

The Panel describes visual impact and social, cultural, health and general community impacts as matters which militate against approval, but are not sufficient on their own to justify rejection of the proposal.

The Panel concluded that the proposed development would be an unacceptable intervention in Ralphs Bay and described the visual impact as "significantly detrimental" (p176).

The Panel also concluded that the impacts on amenity and social cohesion would be "significant negative matters", noting that there is a significant potential for social division arising from the proposed development (p135).

We believe that these conclusions provide grounds for rejection of the proposal in their own right.

Other risks and uncertainties

Paragraph 3.7 refers to other risks and uncertainties that the Panel considers, while not considered of themselves to be reasons for refusal, collectively support the adoption of a cautious response. In our view, these uncertainties, particularly when coupled with the concerns raised in the Clarence Council submission of 22 September 2009, collectively provide reasons for rejection of the proposal.

The description of the 'so called Ralphs Bay conundrum' in this section would be more accurate if it read, after the words "and resolution of":

apparently high levels of metal bioavailability in sediments with low-moderate levels of contaminants, supported by high elutriate test results, high pore water concentrations, and elevated levels of metals in seafood.

Spotted Handfish

The Spotted Handfish is a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*. The Panel concludes that the project has the potential to exacerbate the threat to this species and recommends that further surveys be carried out to ascertain the extent of the species and to prevent the proliferation of Northern Pacific seastars (p90).

We believe that this conclusion warrants the making of a recommendation to the Australian Government against approval of the Lauderdale Quay proposal on the basis that the project will potentially be likely to have a significant impact on a listed threatened species.

If no recommendation is made against approval of the controlled action, we believe that recommendations should be made to the Australian Government in relation to permit conditions requiring additional surveys and management measures to prevent the spread of Northern Pacific seastars and promote the recovery of the Spotted Handfish.

General comments

Consistently throughout the DIAR, the witnesses for Walker Corporation are referred to as having “*appeared on behalf of the Proponent as an expert witness*”. In contrast, the witnesses for SRB are regularly referred to simply as having “*appeared on behalf of SRB.*”

SRB's expert witnesses were credible and experienced professionals. There is no basis to distinguish between the roles of these experts and those engaged by the Proponent. We request that the experts appearing on behalf of all parties be referred to as having appeared as an expert witness.

2.1.2 Dredging and sedimentation

General comments

The construction plan that was presented over the first few days of the hearing differed quite significantly from the plan discussed in the DIIS – for example, the proposal to separately dredge and isolate mercury-laden sediments was a marked departure from the proposal outlined in the DIIS to dilute mercury-laden sediments with uncontaminated sediments and use the material in the bund wall and islands. Other changes to the construction plan were made during the course of the hearing, which made it difficult for experts engaged by the Council, SRB and others to assess the new information and give considered responses to questions asked.

Specific comments

Page No.	Comment
12	<p>The SRB representation (464) and the proofs of evidence of Dr Eriksen (SRB 03 and SRB 04) also discussed the limitations of silt curtains, in particular their inability to contain soluble contaminants, and material associated with very fine particulates or colloids.</p> <p>This evidence also noted that there is a lack of published monitoring data on the effectiveness of silt curtains with respect to <u>dissolved</u> contaminants.</p> <p>We request that the DIAR be amended to reflect this evidence.</p>
13	<p>The SRB representation (464) also expressed concern about the proposal to place material with high apparent metal bioavailability (based on the results of elutriate tests and pore water sampling) in a temporary bund without adequate understanding of the long-term behaviour of this material in oxidising conditions. Dr Eriksen and Mr Ray both recommended further testing, particularly with respect to pore waters.</p> <p>The DIAR also neglects to mention the concerns raised by Mr Ray in relation to the potential release of nutrients in disturbed sediments as a result of dredging operations (see p 8-11 of his proof of evidence). It was his evidence that the failure to include the rate of nutrient dissolution from disturbed sediments in the modeling could lead to a significant underestimate of the water quality impacts of dredging activities.</p> <p>We request that the DIAR be amended to reflect this evidence.</p>

Page No.	Comment
16	<p>The second paragraph in the summary of Mr Collins' evidence should be amended to reflect that Mr Collins acknowledged under cross-examination that silt curtains are not effective in controlling soluble heavy metals.</p>
20	<p>It should be noted that Dr Eriksen gave evidence, consistent with that of Dr Gorrie, that the National Ocean Disposal Guidelines for Dredged Material were not appropriate for sediment quality assessment for the proposal. She recommended the use of the ANZECC guidelines, which identify trigger levels and adopt a multiple lines of evidence approach where evidence indicates the need for more detailed testing.</p> <p>We request that the summary of Dr Eriksen's evidence be amended to include reference to her evidence on this issue.</p>
21	<p>On the basis of evidence presented by the EPA (Representation 513), Dr Eriksen and Mr Ray, we submit that insufficient testing has been undertaken to satisfy the Panel as to the risks associated with long-term exposure and oxidation of sediments. We therefore request that the first sentence of the Panel's assessment and findings be amended by adding "<i>, with respect to physical erosion and control of turbidity</i>".</p> <p>The Panel assessment also does not make any findings in relation to the potential release of soluble metals as a result of dredging and bunding activities. We request that the Panel assess and make a finding in relation to this issue.</p> <p>The '<i>so-called Ralphs Bay Conundrum</i>' actually refers to wider heavy metal behaviour in the Derwent estuary, with evidence to suggest that Ralphs Bay behaves anomalously. The conundrum refers to the presence of low-moderate levels of contaminants in sediments, but apparently high levels of metal bioavailability (for example, in flathead tissue). Elutriate test results and other research conducted in the estuary were used to support the conclusion that bioavailability and metal uptake need to be considered when assessing the impacts of a proposal to disturb large quantities of sediment over a long-period.</p> <p>If the development were to proceed, we strongly a requirement for any further sampling and testing to follow the methodology under the ANZECC guidelines to the satisfaction of the EPA. In addition to the sampling variations arising from elutriate testing referred to at the bottom of the page, the sampling and testing regime must also take particular note of the pore water results. We request that the DIAR be amended to reflect this.</p>

2.1.5 Noise, vibration, odour

General comments

We agree with the Panel's conclusion that further assessment should be carried out in respect of noise, dust and odour impacts.

Specific comments

Page No	Comment
29	<p>The summary of Mr Kellaghan's evidence states that his modelling "has taken the worst-case scenario into consideration." However, Mr Kellaghan also acknowledged that recently recorded winds of 174km/hr were outside the range of wind speeds factored into the model.</p> <p>Mr Kellaghan also conceded that odour goals were likely to be exceeded at some residences.</p> <p>Neither Mr Kellaghan nor Mr Bryce had revised their assessments of noise, dust and odour to take into account changes to the construction plan such as isolating the mercury-laden sediments. Mr Bryce stated that he would need more information regarding the revised proposal to assess the impacts of the changes and Mr Kellaghan acknowledged that dust suppression would be more difficult where contaminated sediments could not be wetted.</p> <p>We request that the summaries of the evidence of Mr Kellaghan and Mr Bryce be amended to reflect these issues.</p>

2.1.9 Flushing, sedimentation and dredging of canals post construction

Specific comments

Page No	Comment
43	<p>Dr Treloar noted that the CSIRO figures showed net export of sediment into the River Derwent from Ralphs Bay. We note that the CSIRO modelling results do not preclude ongoing deposition in northern Ralphs Bay. The net export rate does not describe where the material comes from, or how it moves within Ralphs Bay.</p>
44	<p>Mr Ray's conclusions are stated to be largely based on aerial photo studies. We note that his conclusions were also based on a survey he conducted of the existing Lauderdale canal in March 2009. His conclusions were largely supported by Dr Woodward's evidence.</p>

2.2.1 Contamination

Specific comments

Page No	Comment
54	<p>Dr Eriksen gave evidence in relation to concerns regarding exposure of dredged sediments to oxidising conditions. The summary of this evidence, in the final sentence of the first paragraph, would be more accurate if it were amended as follows:</p> <p>"Other contaminants and materials were expected to be directly remobilised during dredging, <i>placement on the bund wall</i>, and from the bund wall through wave action <i>and exposure to oxidising conditions.</i>" (additions in italics)</p>

Page No	Comment
	<p>The summary states that Dr Eriksen acknowledged that Derwent estuary sediments were tightly bound under normal conditions. Her evidence to this effect referred to organic rich sediments elsewhere in the Derwent, rather than the sandy sediments in Ralphs Bay.</p> <p>The first sentence under the heading "Elutriate testing and metal contamination" should be amended as follows:</p> <p style="padding-left: 40px;"><i>"Dr Eriksen gave evidence that the pore water concentrations of heavy metals showed exceptionally high readings, when compared to when disclosed by elutriate testing".</i></p> <p>The final sentences in that paragraph should also be amended to accurately reflect Dr Eriksen's evidence:</p> <p style="padding-left: 40px;"><i>"She concluded that if one only used the ANZECC guidelines screening levels for sediment quality concentration assessment, then Ralphs Bay would have a lesser risk level than other areas. However if one assesses other factors such as bioavailability consistent with a multiple lines of evidence approach, and other relevant studies in the Derwent, as demonstrated by elutriate testing, the risk would increase considerably. Site specific testing would be required to understand this risk."</i></p>
	<p>The final sentence in the following paragraph should be amended as follows:</p> <p style="padding-left: 40px;"><i>"Dr Eriksen believed that long-term more detailed studies are required for elutriate testing to characterise how disturbed sediments behave in the longer-term, particularly upon oxidation, particularly as the bund wall is to remain in place for 2 years."</i></p> <p>The final sentence on page 54 should be amended as follows :</p> <p style="padding-left: 40px;"><i>"Dr Eriksen was not aware of any standard research which applied definitively correlated dilute acid testing with a biological response to determine bioavailability, and"</i></p>
55	<p>We object to the following statement in the summary of Mr Ray's evidence:</p> <p style="padding-left: 40px;"><i>'He confirmed his personal opposition to the development is based on his scientific knowledge, and that he prepared his work with the preformed view that the project should not proceed.'</i></p> <p>Mr Ray has considerable experience in managing large projects where water and sediment quality is a concern. His experience, and his scientific expertise, led him to believe that the project would not be sustainable. This was confirmed by his detailed examination of the evidence presented in the DIIS. We believe that it is unfair to imply that Mr Ray did not make an objective assessment of the evidence. He hypothesised, based on his knowledge and experience, that the proposal in that location would give rise to sediment and water quality issues. However, his analysis of the evidence was objective.</p> <p>The summary of Dr Edmunds' evidence does not mention his critique of the denitrification studies and conclusions drawn in the DIIS regarding nutrient cycling (see pp23, 80-81 of his proof of evidence).</p>

Page No	Comment
	<p>The summary also states that Dr Edmunds was “unable to comment upon the absolute effects of sediment remobilisation upon biota (such as the Spotted Handfish) as there had been inadequate modeling outside the silt curtains”.</p> <p>We submit that this statement does not clearly emphasise that there was inadequate information available in the DIIS to assess the effects of sediment remobilisation – it was Dr Edmunds’ evidence that the absence of information made it impossible for him, or the Panel, to assess the impacts. We request that the second sentence of the summary of his evidence be amended to read:</p> <p><i>“Dr Edmunds claimed that inadequate modelling prevented a rigorous impact assessment of absolute effects of sediment remobilisation upon biota (such as the Spotted Handfish).”</i></p>

2.2.2 Ecology - fauna

General comments

The DIAR does not address the issue of loss of primary productivity as a potentially significant impact of the proposed development. The representation of Professors Andrew McMinn and Gustav Hallegraef (519) made detailed comments and attached their research paper addressing the impact of canal developments on marine primary productivity¹. This paper makes direct conclusions about the likely impact of constructing canals in Ralphs Bay and predicts that up to 92% of primary productivity could be lost as a result of a canal estate development. Though Professors McMinn and Hallegraef did not appear at the hearing, we request that the Panel consider the implications of their representation.

Dr Edmunds also raised concerns about the lack of evidence in the DIIS in relation to the loss of primary productivity from the intertidal and subtidal habitats and the level of productivity expected in canals.

Specific comments

Page No	Comment
74	<p>The summary of Dr Taylor’s evidence in the second last paragraph states that Dr Taylor was convinced that at Lauderdale the Pied Oystercatcher only locate <i>Katelysia</i> by sight, but conceded that he had published no papers to that effect. While this is correct, we believe the summary should reflect that:</p> <ul style="list-style-type: none"> ▪ Dr Taylor’s conclusions were based on years of observation at Lauderdale and other coastal sites; ▪ His note, ‘Prey Location and Prey Processing Methods in Australian Pied Oystercatchers <i>Haematopus longirostris</i>’ (SRB 25), was presented to the Panel and other parties and Dr Taylor was cross-examined on that paper.

¹ Cook, S, Roberts, JL, Hallegraef, GM and McMinn, A (2007). Impact of canal developments on intertidal microalgal productivity: Comparative assessment of Patterson Lakes and Ralphs Bay, South East Australia. *Journal of Coastal Conservation* 11, 171-181.

Page No	Comment
76	<p>In the second last paragraph of the summary of Dr Edmunds' evidence, the DIAR states that "Dr Edmunds considered that the key controller of density of birds was feed availability, acknowledging that feed was regenerated at the beginning of every season".</p> <p>Dr Edmunds did not acknowledge the regeneration but was in fact critical of the way the model ignored production rates and removed food limitation as a factor influencing carrying capacity. We request that the summary be amended to read:</p> <p><i>"Dr Edmunds considered that a key controller of density of birds was feed availability, however the model did not adequately incorporate this factor and arbitrarily 'regenerated' food stocks at the beginning of every season, regardless of any increase in bird densities and predation pressure"</i></p>
89	<p>The Panel reiterates its conclusion that siltation and water quality impacts are unlikely to extend more than 300m from the works area. SRB strongly urges the Panel to re-evaluate the proponent's evidence used to support that conclusion and to reconsider the limitations of the modelling identified by Dr Edmunds (see pp 26, 36 and 72-74 of this proof of evidence).</p>
90	<p>The Panel's assessment notes that support for the existing CSIRO recovery plan is "a positive move". At the hearing, experts for the proponent, SRB and the TCT agreed that the current national recovery plan is inadequate. We request that the Panel clearly recommends that the former draft recovery plan by the CSIRO be adopted.</p>

2.2.3 Environmental offsets

General comments

We support the Panel's conclusion that it cannot be satisfied that proposed offset measures will be effective to any substantial degree.

We also note the recent publication of *General Offset Principles* by DPIPWE. These principles relevantly provide:

- In cases where the proposed offset is not on land currently owned by the proponent, the proposal will need to demonstrate how the proponent intends to ensure that the offset is effectively implemented and maintained.
- Where reservation forms the major part of the offset, the offset site should protect natural values of a magnitude at least as large as that lost, and maintain or improve the condition and/or context of the site.

In this context, we note and emphasise the concerns raised by Ms Wells that there was currently no surety that an intertidal offset area could be found in reality prior to construction.

Specific comments

Page No	Comment
93	The summary of Mr Delaney's evidence provides that Mr Delaney

Page No	Comment
	<p>considered that the environmental impacts that needed to be offset included the loss of primary production potential in the sand flats and loss of denitrification function. The summary also states that Mr Delaney confirmed that, in his opinion, the offsets proposed in the DIIS would mitigate most of the impacts of the development.</p> <p>We think it is important to also note that Mr Delaney acknowledged that the proposed offset measures did not address loss of foraging habitat for fish or benthic organisms from the navigation channel. We request that the DIAR be amended to reflect this.</p>
94	<p>In the first line, the summary states that Dr Edmunds considered that the offset strategy for the Handfish had no tangible incomes. This should refer to tangible <u>outcomes</u>.</p> <p>As discussed above, we endorse the summary of concerns expressed by Penny Wells that an offset area could be found in reality prior to construction.</p> <p>We also note that Colin Shepherd also gave evidence in relation to offset areas (see p 73 of the DIAR). Mr Shepherd considered that the alternative roost site and foraging areas should be in place prior to construction.</p>

2.3 Coastal Processes and Climate Change

At page 105 of the DIAR, the Panel concludes that it is not appropriate to adopt a predicted mean sea-level rise of 1.0m, as advocated by SRB. However, we note the recent release by the Department of Climate Change of its national assessment report, *Climate Change Risks to Australia's Coastline*². The report adopts a predicted sea level rise of 1.1 metres by 2100, as explained at page 28:

AR4 findings triggered considerable debate in the science community. More recent analysis finds that sea-level rise of up to a metre or more this century is plausible. Further, nearly all of the uncertainties in sea-level rise projections operate to increase rather than lower estimates of sea-level rise.

Very new research is updating projections of sea-level rise using statistical approaches informed by the observed relationship between temperature and sea level.

Sea-level rise projections presented to the March 2009 Climate Change Science Congress in Copenhagen ranged from 0.75 to 1.9 metres by 2100 relative to 1990, with 1.1–1.2 metres the mid-range of the projection.

A sea-level rise value of 1.1 metres by 2100 was selected for this assessment based on the plausible range of sea level rise values from post IPCC research. This is a dynamic area of science – sea-level rise projections will change and risk assessments and policies will need to be reviewed and amended over time to reflect new research findings.

The report reflects the need for a precautionary approach to planning for climate change impacts generally, and coastal development specifically. Chapter 5.1.6 of the report addresses the implications for Tasmania, noting the particular susceptibility of the Clarence municipality.

² 2009. Department of Climate Change. *Climate Change Risks to Australia's Coastline: A First Pass National Assessment*. Available at <http://www.climatechange.gov.au/en/publications/coastline/climate-change-risks-to-australias-coasts.aspx> (accessed 23.11.09).

We urge the Commission to consider the findings of the report and adopt a higher mean sea-level rise projection in its assessment of the risks presented by (and to) the proposed development.

2.4 Transport and traffic

General comments

We disagree with the Panel's assessment and conclusion that the various experts agreed that traffic issues could be addressed in a safe and acceptable manner through detailed design. Mr Prodanovic and Mr Williams, and to some extent Mr Olsen, gave evidence that further detailed modeling and analysis would be required to assess any proposed traffic plans. Further modeling is also required to take into account the impact of existing and future traffic from areas to the east of South Arm Road – these impacts were not considered in the Traffic Impact Assessment submitted with the DIIS.

For example, the traffic layout plan submitted during the hearing (Exhibits W25-26) has the following implications:

- new road connections for Ringwood Road – Mannata Road or other network modifications are likely to be required. Public consultation would be required in relation to these modifications;
- dual lane roundabouts are likely to be required earlier than anticipated by DIER. Given the proximity of the proposed intersections and junctions, this will effectively result in a four lane carriageway through Lauderdale;
- the increase in traffic may create serious connectivity issues across South Arm Secondary Road for pedestrians. This may need to be addressed through the introduction of signal-controlled intersections, however the SIDRA analysis of intersection operations conducted by GHD demonstrated difficulties in achieving a satisfactory signal controlled intersection layout.

The recent decision by the Resource Planning and Development Commission to refuse to grant a permit for the proposed shopping centre (A-2008/25; D-2008/97) will have further ramifications for the proposed layout, as the northern roundabout was located to give access to that development.

Clearly, there are a number of traffic issues that need to be finalised. In the absence of detailed layout plans and a rigorous traffic impact assessment, we do not believe that the Panel can conclude that the main traffic effects of the proposal can be managed in a safe and acceptable manner.

Specific comments

Page No	Comment
109 - 110	Mr Olsen and Mr Buxton both refer to the road layout and roundabout configuration with reference to the planned shopping centre. In August 2009, the Resource Planning and Development Commission refused to grant a permit for the proposed shopping centre (A-2008/25; D-2008/97). The DIAR should include a statement to that effect.
109	We think it is important for the summary of Mr Olsen's evidence to reflect his acknowledgement that a figure of 8 vehicles per day per residence (as advocated by Mr Prodanovic) was appropriate and

Page No	Comment
	future traffic modeling should be based on that figure.
111	<p>The summary of the evidence of the DIER witnesses states that Mr Buxton noted that there were no guidelines in Tasmania regarding a maximum distance of 400m from residences to public transport.</p> <p>However, the DIAR does not include any reference to the evidence of Sarah Poortenaar (also with DIER). Ms Poortenaar stated that it was an accepted 'rule of thumb' for greenfield developments in Tasmania to keep the maximum distance between residences and public transport to 400-800m. She also agreed that the further residents are from public transport, the more likely they are to travel by car.</p> <p>We request that the DIAR be amended to include a summary of the evidence presented by Ms Poortenaar.</p> <p>Further, Mr Prodanovic also raised concerns regarding public transport services to the development (see s.6.5 of his proof). We request that the summary of his evidence be amended to reflect this.</p>
111	<p>The summary of Mr Prodanovic's evidence indicates that he stated that if three roundabouts were introduced, a further roundabout at Ringwood Road would not be necessary. It is important to recognise that Mr Prodanovic did <u>not</u> consider that the revised traffic layout would resolve potential traffic problems at the Ringwood Road / South Arm Secondary Road junction. It remains Mr Prodanovic's view that the issue of traffic generally, and particularly at that junction, has not been satisfactorily addressed.</p>

2.5 Economic impacts

Specific comments

Page No	Comment
116	<p>The summary of Mr Page's evidence in relation to the net benefit assessment states that Mr Page could not estimate the timeline for recovery of ecological functions in the canals. Mr Page also acknowledged under cross examination that he had not made any assessment of whether the canals would in fact be functionally equivalent to the sand flats that would be removed for the development.</p> <p>The summary states that Mr Page had not "valued any benefit from the environmental levy." The value of the environmental levy was treated in the NBA as a benefit in the amount of the levy itself. It may be more accurate to say that Mr Page gave evidence that the NBA assumed that the environmental value of the levy was commensurate with the amount of the levy, rather than any environmental outcomes achieved through the application of the levy.</p>
117	<p>The third paragraph of the summary of Mr Ramm's evidence states that Mr Ramm was using a lower sales rates than recommended in the Brothers Newton review (60 lots per annum) and queried the basis for finding that there would be less than 60 lots sold per annum between 20120 and 2020.</p>

	<p>The Brothers Newton report in fact predicted a sales rate of 42 lots per annum. Mr Ramm's evidence at the hearing was that he had been told by the Proponent to use a higher rater of 60 lots per annum and had not made an assessment of whether the figure was realistic.</p> <p>We request that the DIAR be amended to reflect this.</p>
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2.6.3 General impacts

Specific comments

Page No	Comment
133	<p>The Panel assessment notes that the DIIS states that on average some 58 construction workers would be required, peaking at 79 during the construction phase.</p> <p>The assessment fails to note the evidence of Dee Elliot and the questions put to Mr Boardman by Mr McElwaine that at least a portion of this workforce would be expected to come from interstate. We request that the DIAR be amended to include this information.</p>

2.7.2 Strategic Planning

General comments

Orderly development

We do not agree with the Panel's assessment that the objective of achieving orderly development is met because the Project of State Significance process compensates for the ad-hoc element of the proposal and the fact that it is outside anticipated planning parameters (see p.143 of the DIAR). The Minister has not given any direction under s. 20(3) of the *State Policies and Projects Act 1993* as to the suitability of the site or use of the land. We submit that the PoSS process compensates not at all for the ad hoc nature of the proposal.

The Commission, and thus the Panel, is required to conduct an integrated assessment of the proposal as referred. Section 20(5) of the Act requires the integrated assessment to further the objectives of the Resource Management and Planning System. The Commission introduced guidelines for this purpose under s.20(2B), which specifically required the assessment to address, in relation to site suitability, the consistency of the proposal with the relevant objectives of LUPAA (s. 3.4 of the Scope Guidelines). The Panel is therefore required, despite its PoSS status, to examine if the proposal can be characterised as orderly development.

The 'form of development' is cited in the DIAR as a reason why the proposed development cannot be expected to accord with a strategy or local planning framework (see p.145). However, we submit that the issue is one of scale, as well as form. While an unusual form of housing development, the proposed Lauderdale Quay development is nevertheless primarily a large-scale housing development. Furthermore, as Mr Giblin pointed out in evidence, approximately one-third of the future houses would not have water frontage, and would therefore not benefit from the unique feature of the proposal.

We also disagree with the Panel's conclusion (at p.145) that if approved, the project could be incorporated into Council's strategic planning framework "*without major implications*". The large scale of the project and the location of the site beyond the urban growth boundary established by Council are not

consistent with Council's current planning framework, and there could be significant, unanticipated strategic implications if the project proceeds.

In our view, the Panel **must** consider whether the proposal meets the objective of orderly development. Orderly development requires an assessment of future housing needs, consideration of the options to address these needs, and establishing strategies to meet these needs. The proponent has failed to justify the proposal in these respects.

Given its location beyond the urban boundary, lack of services (particularly in light of the refusal of the proposed shopping centre) and its large scale (a need for which has not been established), we do not believe that the Panel can be satisfied that the development can meet the objective of providing for orderly development.

Specific comments

Page No	Comment
140	<p>We request that the summary of the evidence of Rob Giblin be amended as follows:</p> <ul style="list-style-type: none"> ▪ The references on the fifth and sixth lines of the first paragraph of the summary to “high density” be replaced with “medium density”; ▪ The first line of the next paragraph should be amended to read: <i>Mr Giblin considered that 600 lots houses were possible in the project as a result of <u>the development of the large medium density sites and, to a lesser extent, resubdivision which was discretionary under the planning scheme clause 6.1.3C;</u></i> ▪ The first line of the following paragraph should be amended to read: <i>Mr Giblin's evidence was that there would be no case for a subdivision resulting in 500-600 houses on land at Lauderdale because of its remoteness; that would be bad planning.</i>
143	<p>The Panel's assessment in relation to whether the proposal satisfies objective 1(b) of the RMPS states that the Project of State Significance process effectively compensates for the fact that the proposal is outside the parameters of what is anticipated.</p> <p>As discussed above, we submit that the PoSS process does not compensate for the ad hoc nature of the proposal. The Panel is required to examine if the proposal is orderly, and ought be satisfied it is not.</p>
150	<p>We support the reference in the Panel's assessment and findings to 'need (in the sense of necessity)', distinguishing the concept from that of 'demand'. However, the Panel's conclusions on page 150 refer only to the failure to conclusively demonstrate demand for the proposal.</p> <p>We request that the Panel conclusion be amended to include a clear statement that the Panel is not satisfied that a need has been established for the nature or the scale of the proposed development.</p>

2.7.3 Site suitability

General comments

The DIAR does not discuss the suitability of the proposed site in terms of introducing a large residential development at the urban fringe, away from services such as public transport.

The DIAR also does not discuss the evidence given by Mr Giblin (see pp.20-21 of his proof of evidence) in relation to the poor functionality of the proposed berthing facilities, as a result of wind strength and direction. This is a significant aspect of the proposed development and consideration should be given to the suitability of the site for this purpose. We recommend that the DIAR include an assessment of the shortcomings of the Lauderdale Quay site in relation to the berthing of boats.

Specific comments

Page No	Comment
151	<p>The summary of Colleen Coyne's evidence notes Ms Coyne's view that residents would become acclimatised to unfavourable wind and temperatures. Ms Coyne also acknowledged that these climatic conditions would make it likely that there would be a lower uptake of lots than for canal estates in other states, and that there would be less interest from interstate buyers.</p> <p>We request that the DIAR be amended to reflect this information.</p>
165	<p>The reference in the summary of Mr Giblin's evidence to the <i>Eastern Shore Planning Scheme</i> should be to the <i>Clarence Planning Scheme 2007</i>.</p> <p>Mr Giblin gave his opinion that the permitted height of 5m was appropriate for buildings on land adjoining the foreshore or coastal reserves, and a discretionary maximum of 7.5m should apply across the development. We request that the second and third sentences in the fourth paragraph be amended to read:</p> <p><i>He considered the planning scheme permitted height of 5m <u>for houses on lots fronting the foreshore or coastal reserves</u>, which he commented may be varied in the exercise of discretion <u>to a maximum height of 7.5m</u> as appropriate to <u>similar locations within the Lauderdale Quay development</u>. He did not accept a <u>maximum</u> height of 9m metres as appropriate.</i></p>