



"Working Together"

REGIONS · PARTNERSHIPS
COMMUNITIES · ALLIANCES

The Challenges of Coastal Development Approvals

Greg Long & Mike Mason

IPWEAQ
2003 STATE CONFERENCE
MACKAY



SUNDAY 5 — FRIDAY 10 OCTOBER 2003
WINDMILL MOTEL & RECEPTION CENTRE

C/-MACKAY CITY COUNCIL · PO BOX 41 · MACKAY · QLD 4740
TELEPHONE: 07 4968 4598 · FACSIMILE: 07 4968 4562
EMAIL: ipweaqcon@mackay.qld.gov.au

The Challenges of Coastal Development Approvals

Greg Long
Director- Eastpoint Mackay Pty Ltd- Queensland Australia

Mike Mason [-mikem@cbgroup.com.au](mailto:mikem@cbgroup.com.au)
Director-C&B Group-Queensland Australia

Abstract

This paper will primarily outline the processes that this development proposal has completed to date in order to give an good insight into the growing challenges the development industry faces when considering large development proposals adjacent to the coastal fringe.

Consideration is given to the requirements that need to be addressed for all three tiers of government (Local State and Commonwealth) and how the East Point team have dealt with these matters to date. One of the more unique matters that is of particular interest is the processes that we have experienced in trying to establish an Indigenous Land Use Agreement (ILUA) with the traditional land owners. We provide a special focus on how we have addressed this particular challenge and the lessons learnt through the process.

Key Words: East Point, Structure Planning, Comprehensive Resort, Integrated Planning Act (IPA), Referral Coordination, Native Title Processes, Indigenous Land Use Agreement (ILUA), EPBC Act

1.0 Introduction

When approached by Stuart Holley from Mackay City Council to see if we would prepare a paper on the East Point development our initial thoughts were- where do we start?. The project has been through many phases over a number of years. As we speak an impending development approval is being deliberated by Mackay City Council. We have focussed our thoughts on 4 components of the approval process that we consider of interest and worth sharing with the audience.

We have divided the paper into four parts namely:

- ❑ A history, project description, Structure Planning and vision for the development;
- ❑ The development approval process in Queensland;

- ❑ Native Title Processes and Indigenous Land Use Agreement (ILUA); and
- ❑ Commonwealth Government Assessment under the EPBC Act.

2.0 History

To set the scene it is worthwhile summarising the background to the development proposals that have been considered for the site. Prior to the 1990's, the subject land was Port Reserve land and was designated and set aside in the Mackay Port Authority's (MPA's) strategic development plan for the purposes of the Condor Shale Oil Tank Farm.

In the early 1990's, the MPA's land use strategic planning was updated, and the site's designation was changed to an "integrated tourist resort site". At that time, and indeed still today, such a land use

designation implied the integration of a mixture of residential, retail, entertainment, sporting and recreational facilities with the traditional holiday accommodation and leisure facilities.

In December 1994, the then-Department of Lands (now Department of Natural Resources and Mines, DNRM) and the Mackay Port Authority called for expressions of interest from developers for both the development of the new Mackay marina to the immediate south of the Mackay Harbour (labelled “the Marina site”), and the development of an “integrated tourist resort” on the East Point site (labelled “the Resort site”).

In response to the expressions of interest, Eastpoint Mackay Pty Ltd submitted in 1995 a proposal for an integrated tourist resort and residential community development, which (in an amended form which takes account of subsequent detailed planning and environmental assessments) is the proposal for which a development application has been submitted to Mackay City Council in late 2002.

2.1 The Site

The site is situated just south of the Mackay Port precinct adjacent to the northern banks of the Pioneer River and adjacent coastline. The site exhibits the typical coastal plain topography and sandy ecosystem.

Currently the site is exposed to a variety of land uses including sand excavation and stock grazing. Unrestricted access occurs both to the site and frontal dune system. The site is fairly sparse of vegetation with remaining vegetation being confined to the frontal dune system. The attached aerial photo (Appendix A) clearly illustrates the current natural attributes of the site and surrounding locality.

2.2 Site Challenges

Prior to Eastpoint Mackay Pty Ltd (EMPL) being awarded the preferred developer status by State Cabinet, we were advised by the inter-Departmental Steering Committee

which dealt with the expressions of interest, that extensive consultation had taken place beforehand with relevant government agencies, to ensure the final boundaries of the East Point development site appropriately took account of nearby ecologically sensitive areas, which were excluded from the site and substantial set-backs agreed, in setting the site boundaries. These included:

- protection of the adjoining Fish Habitat Area, through buffers which have been agreed with the Department of Primary Industries (DPI);
- conservation, re-generation and management of the of-concern casuarina community on the northern end of the site, through agreement with the Vegetation Management Unit within the Department of Natural Resources and Mines (DNRM);
- protection of the foreshore from intrusion or damage, through agreement to an 85m set-back from highest astronomical tide (HAT) which was agreed with the Beach Protection Authority and the Council;
- recognition of the aboriginal cultural heritage significance of the site and the rights and interests of the native title groups, who have submitted claims over the site, through the negotiation of an Indigenous Land Use Agreement (ILUA);
- recognition of the strong desire for continued public access to the mouth of the Pioneer River, to the south of the site, through an agreement reached with the DNRM in relation to road closures and openings.

2.3 Project Description

The project is an integrated tourist and residential development. The proposal has evolved over time as the project team has negotiated outcomes for the environmental management of the site. Initial concepts included an 18 hole golf course concept and a lake concept. Both of these early concepts had received significant resistance from the Environmental Protection Agency due to environmental concerns, especially water

quality impacts in the adjoining Fish Habitat Area in Bassett Basin, and the Pioneer River.

The concept that finally was adopted has eliminated large structural recreation facilities such as the golf course and lake, and concentrates on the natural assets of the locality. The basis for this concept is not dissimilar to other successful concepts found along the Queensland Coast. The comprehensive tourist resort has various forms. The South-East corner of the state has seen a myriad of comprehensive resort developments establish, of various sizes and land use mix, that rely upon proximity to various natural attributes. Obviously the South-East corner has significant population to support larger and more diverse tourism precincts. At a lesser scale as one travels north, comprehensive resort developments have established especially in the coastal fringe. We provide a brief overview of what a comprehensive resort is, examples that currently exist and how the East Point proposal reflects these characteristics.

COMPREHENSIVE RESORTS

A comprehensive resort does it all. It provides on-site food, lodging, instruction and auxiliary provisions, but the important ingredient is the primary resource itself. This primary resource may be the beach, mountain ski fields, lake recreation etc. The facility and locality is able to provide opportunities to enjoy this recreation resource. Both the support service and the resource are part of the total package.

Scale of such developments may vary and this is especially the case for such development along the Queensland coastline. These facilities vary from large hotel based facilities (eg. Twin Waters, Hyatt Coolum) to say a small cabin development in the hillside precincts of Maleny (Sunshine Coast) or Springbrook (Gold Coast). The comprehensive resort caters for visitor and the resident's needs to engage in the activities a locality presents.

For example Twin Waters and Hyatt Coolum are tourist anchored developments. By that we mean the development has a central tourist hub that is the focus of the

development and supports the recreation and tourism needs of visitors and permanent residents. Both of these facilities have integrated residential product for permanent and semi-permanent residents. The resource that makes these facilities attractive is their proximity to the attractions of the Sunshine Coast, the recreation facilities provided by the development and lifestyle image both facilities present. Both developments have access to a growing population base of significant proportions.

At the other end of the tourism destination scale are the localities that have established by the accumulation of smaller resort/accommodation facilities that have located adjacent to a natural resource or close proximity to tourist infrastructure. Expansion of these centres has generally occurred to meet current and future demands. Examples of this type of model are scattered along the coast with examples being Mooloolaba, Noosa, Keswick Island, Laguna Quays, Hamilton Island and Cairn's Northern Beach precincts. These locations are not self contained comprehensive resorts, but the combination and mix of smaller facilities that provide access to resources and infrastructure that exhibit the critical ingredients for successful tourism designations.

Common to all these examples is that these localities have a natural resource that is attractive, a central core of tourist support facilities and all locations offer permanent, semi-permanent and short-term accommodation choice.

Upon review of these common elements for successful comprehensive resort/tourist destinations it is clear that the East Point Development, as proposed, has these distinct characteristics namely:

- The natural resource is the beach and estuarine environment that is directly adjacent to the site that will be utilised by visitors and residents of the development;
- The proposal is anchored by a Tourist Hub which will provide accommodation, entertainment and

service infrastructure that will support the direct needs of visitors/residents of the development and be supported by the existing infrastructure in the Mackay Region;

- Smaller tourist developments will be accommodated in the balance area to ensure the land use pattern represents an appropriate accommodation mix;
- It is economic reality and a preferred land use outcome that tourist destinations support short-term, semi-permanent and permanent accommodation. The examples discussed above provide this accommodation mix and the East Point Development reflects this successful strategy for tourist based developments.

2.4 East Point Structure Plan

The project's vision is very much influenced by the site's characteristics and what is currently occurring in the Mackay Region. By virtue of the size of the site and the "island" nature of its location, the site offers the opportunity to embrace a comprehensive planning and development approach. This assists in creating an integrated coastal tourist/residential development, with a point of difference, in close proximity to central Mackay, that is achievable under current Commonwealth, State and Local Government statutory and environmental systems.

The concept planning for the site used a simple step-by-step approach. This approach is summarised below:

- Environmental reporting to determine opportunities and constraints;
- Determining developable land envelope;
- Adopting a comprehensive planning approach;
- Understanding the role and location of the tourist hub;

- Development of urban form strategies; and
- Preparing the Structure Plan.

The Structure Plan is a representation of how it is envisaged the development will evolve. That is, the location of the tourist hub, community facilities, residential areas, parks, open space linkages and access network will be located generally in accordance with this plan.

In essence, the Structure Plan (See Appendix B) illustrates the intended development of the site along with the land uses envisaged to occur on the site. It focuses on the natural assets that the locality provides through the use of wide transport corridors focussed on a north south alignment. The proposal maximises access to the beach for all users of the site. These corridors in addition to a open space network will realise a development concept that is focussed on good open space outcomes and access legibility.

Central to the site is the tourist hub. Within the hub it is intended to integrate a range of services including a large hotel, retail services, entertainment outlets, accommodation etc.

In the secondary tourist/residential areas a mix of accommodation types are proposed. It is intended to provide small tourist resorts in each stage of the development that will play a secondary tourism focus to the tourist hub precinct.

3.0 The Approval Process

A recently attended Queensland Environmental Law Association (QELA) seminar reinforced why developers and planners are forging important relationships. A review of existing legislation across Commonwealth and State governments identified 53 pieces of environmental legislation that may regulate development and require some form of approval to be sought. In addition to this are the Local Government Planning Schemes, Local Planning Policies and Council By-laws that

also regulate development with any local government locality. Therefore, for any given development application, a developer and his consultant must evaluate and dismiss/address approximately 100 pieces of legislation and government ordinances.

And there is more!!! Native Title is considered Common Law and does not fall under either Commonwealth or Queensland Law. A copy of the matrix is attached in Appendix C.

Obviously this is why “Integration” has been the buzz word for Governments over the past decade as the level of legislative requirements governing development has increased.

As most people will be aware (and since the development tender was awarded in 1996 for East Point) Queensland’s Planning Legislation has been completely replaced. In the late 1980’s, the state government commenced a review of planning and development legislation. For various political reasons at the time, the reform was limited to some band-aid work resulting in the *Local Government (Planning and Environment) Act 1990* (LGPEA), but broader reform was afoot.

The Queensland system had evolved in an ad-hoc manner with a multitude of “silo” legislation dealing with individual issues – many of which were related to planning and development. For any development project even mildly complex, a range of approvals was required, each with different time frames (or none at all), different processes, and different appeal rights (or none at all). The cost of getting “the tick” had blown out of reasonable proportion, and the quality of the decision was arguable in many cases. Quite rightly, an integrated system was considered a better approach – one that brought all the relevant approvals into a single system and one that dealt with all the relevant issues, so that the built product outcome was one that satisfied all legitimate concerns and issues.

In 1998, after a lengthy and sometimes tortuous gestation, the Queensland Government introduced the Integrated Planning Act (IPA). The Integrated

Development Assessment System (IDAS) was the major component of this reform. It wasn’t perfect, but it promised plenty in the form of integrating the approval process. Five years on with several rounds of amendments and a continual “roll in” of legislation under the IPA umbrella, the jury’s decision is still pending on the effectiveness of the system. However that is a subject matter not to be debated today.

3.1 Local Government

The development application is seeking an higher order development approval (Preliminary Approval) that will over-ride the Planning Scheme. In short, the development application is seeking an approval of land uses that reflect the intent of the Structure Plan. The site planning detail, subdivision layout etc will be assessed at the next raft of development approvals that will be required seeking development permits.

The development approval process for land use activities is generally managed and directed by the local government authority.

The development approval process for this proposal has been managed by Mackay City Council. This application required Referral Coordination (by the Department of Local Government & Planning) due to its proximity to adjacent wetlands. The IDAS Referral Coordination process is illustrated in Appendix D.

3.2 State Government

The approval strategy adopted by the applicant was to settle with the relevant agencies all the major site management issues prior to the lodging of the development application. While these matters will not be dealt with in this paper, it is important to understand why EMPL adopted this approach, namely to most effectively utilise the extended timeframes required to resolve Native Title matters, and to demonstrate to the community that EMPL was more than willing to work with agencies “upfront” to achieve an outcome that was suitable to all parties. It was also to avoid large information

requests that are generally associated with such applications, given the locality and the Referral Coordination process the development application was likely to trigger under IDAS.

Referral Coordination in this instance provided the DLGP an opportunity to be proactive in facilitating the process, to avoid the double handling of matters that had been already negotiated and agreed to prior to the application being made. Unfortunately, this opportunity was missed with the application being exposed to a large information request. It is suggested that this duplication and resource wasting might have been avoided through a more robust role being played by DLGP.

3.3 Native Title Processes

As indicated in the introduction of this paper, we have concentrated on this component of the approval process as it is not one that is generally experienced by property developers. The discussion below is presented for the purpose of highlighting some of the traps and pitfalls associated with developing Crown leasehold land such as EastPoint, where native title rights and interests must be accommodated in accordance with the Native Title Act 1994 (*Cth*). We want to emphasise from the outset that this presentation is by no means intended to be and should not be interpreted as, a criticism of indigenous people. Rather, if any criticism is to be inferred from the time delays in resolving native title issues as discussed in this presentation, such criticism is best levelled at the Act itself, and the processes which flow from it, which border on unworkable and do not benefit the very people it was intended to benefit, namely the indigenous community.

Background

When the East Point site was tendered by the Mackay Port Authority and the State Government in late 1994, it was believed by the tendering authorities, and accepted in good faith by the tenderers, that no native title existed for the site.

Unfortunately, this proved to be a mistaken belief, albeit in everyone's defence, it was very early times in terms of the community's and Governments' understanding of how the Native Title Act was to work in practice. It was not until some time later that case law, and in particular the Wik judgement in the High Court, that a clearer picture emerged in relation to native title rights and interests in land, and how these were to be dealt with in respect of non-freehold lands.

In any event, Eastpoint Mackay Pty Ltd tendered for the development of the site not on one but in fact two occasions (in 1995 and then in 1996 after tenders were re-called), believing that there would be no native title matters to be addressed in obtaining overall approvals for the project.

However following the handing down of the Wik judgement (in late 1996 or thereabouts), EMPL had cause for concern that perhaps native title rights did indeed exist on the East Point site, and we commenced our own investigations. It became apparent to us within a month or two that certain indigenous groups in the Mackay region were of the view that they had connection with the land which had not been extinguished by its previous vesting as Port lands, or by any other event.

By this stage, we had been formally awarded "preferred developer" status by the State Government, and shortly thereafter we commenced negotiations with various indigenous groups who asserted their interest in the land.

Around this time there were some 5 or 6 claims (which included the East Point site) submitted to, and accepted by the National Native Title Tribunal (NNTT), so that we found ourselves consulting with all 5 or 6 parties, each of which had a strong conviction that they had connection (and in some cases exclusive connection) with the land.

In respect of each of two of these groups, namely the Wiri and the Yuibera, we were able to negotiate a Memorandum of Understanding with regard to Section 21 agreements under the NTA, and this gave us great optimism that native title issues could

be resolved in due course, to satisfy the hopes and expectations of both the indigenous and the broader community, and allow the project to proceed without significant delay.

How wrong we were!!

Following amendments in 1998 to the Native Title Act, we were approached by the State Government to be involved in a process which would lead to an Indigenous Land Use Agreement (ILUA) for the site, as the State was arranging a similar agreement with the same native title claimants that we were dealing with, to allow the new Mackay Surf Club premises to be built adjacent to the Harbour Beach.

It seemed that the ILUA was the way to go, so off we marched hand-in-hand with the State's Native Title Services (NTS) unit, which at that time was part of the Department of Premier and Cabinet, to meet with the native title parties to finalise such an agreement. To the credit of both NTS and the native title claimants, this process advanced reasonably quickly (at least in terms of native title processes) such that by June 2000, we had signed an ILUA, and so had the two remaining claimants, being the Wiri and the Yuibera (notably, the two parties with whom we had signed separate MOU's in 1998.

This ILUA would, upon its execution by the State and its registration by the NNTT, allow the extinguishment of native title over the East Point site, in return for which, the State and ourselves would provide compensation by way of employment preferences, skills training, business venture opportunities, a cultural centre, and cash payments for the benefit of indigenous people.

Despite the ILUA being signed by Premier Beattie in December 2000, it was not submitted to the NNTT until early 2002. The delay in the State submitting the ILUA to the NNTT came about, as we understand it, because representations were made in 2001 to NTS by 1 or 2 indigenous people who felt disaffected by not being parties to the ILUA, and this and other (less substantive) matters required on-going and time-consuming

discussions between NTS' legal people and the NNTT's legal officers.

We were given to understand that the excluded parties' concerns were satisfied, and all was well when the ILUA was finally submitted to the NNTT in early 2002.

Again, how wrong we were!!!

We were dumbfounded (and more than a little anxious) when in April 2002, the NNTT advised NTS that the ILUA could not be put up for registration, because the parties to the ILUA were not legitimate, inasmuch as the native title group signatories did not have valid claims which included the East Point site, and moreover because in the Tribunal's opinion, the signatories and the State did not provide adequate evidence of appropriate authorisation from the native title groups' family members to enter into negotiations with regard to, nor to sign, the ILUA. Furthermore, a third party, the Mackay Coastal Group, had submitted a claim during 2001 which included the site and which was accepted by the NNTT, and this party was not a signatory to the ILUA. Compounding the problems was that the Central Queensland Land Council Aboriginal Corporation (CQLCAC) which is the "representative body" for the purposes of the Native Title Act, would not certify the ILUA, despite it having been party to the negotiations which led to the execution of the ILUA.

In a nutshell, we were essentially "back to square one" after almost six years of negotiations, and despite the continuous good-will and support throughout those years of the Wiri and Yuibera claimants, who remain to this day, despite the concerns raised by the NNTT, the only parties who appear likely to be able to sustain a valid argument to the Federal Court as to their connection with the land.

Now, over 12 months down the track since the NNTT rejected the ILUA, the Mackay Coastal Group's claim has been struck out by the Federal Court, the CQLCAC has fallen victim of the Philip Ruddock-led assault on the ATSIC, and we still have not resolved native title for the site.

As a footnote, the State and ourselves are now seeking to have a new ILUA prepared and signed off, this time with better attention being given to the validity of the claimant groups' authorisation processes, and hopefully with sufficient evidence being presented to the NNTT that the CQLCAC has been involved in the process, to satisfy the provisions of the Act concerning the involvement of the representative body.

By the time the new ILUA is registered (expected in mid-2004), we will have been 8 years in the process. That in anyone's language is an unacceptable timeframe in which to have native title resolved.

With the benefit of hindsight, it may have been better if we had engaged, right from the outset, our own credible and respected anthropologist to research the aboriginal heritage for the site, as this may have led to a quicker and more certain outcome for the ILUA process. However, a word of warning – this can be a very costly exercise, and given the multitude of competing and overlapping native title claims in the Central Queensland region, finding an anthropologist who is acceptable to, and whose findings will be accepted by, all aspiring native title claimant groups, is a very difficult matter.

4.0 Commonwealth Government

A disturbing trend in recent years in planning systems is the increasing role and influence of the Commonwealth. The recent Environment Protection and Biodiversity Conservation Act (EPBCA) is a prominent example of this interference. Contrary to all the best principles of integration, this legislation duplicates assessment regimes in the States and Territories.

The Commonwealth will argue that the EPBC Act provides for "bilateral agreements" to avoid this duplication, but we're yet to see any tangible evidence of these agreements. Queensland has a draft agreement prepared but we understand there is little movement on this agreement being ratified in the near future.

The EPBCA introduces a level of uncertainty into the process because of its imprecise and vague definitions – uncertainty when industry is crying out for greater certainty. All this being said, an applicant needs to deal with realities and in this case, the EPBC Act is relevant in this instance

The purpose of the legislation is to protect matters of national environmental significance and Commonwealth Land.

Matters protected by the EPBC Act

There are six matters of national environmental significance (NES) that are triggers for Commonwealth assessment and approval. These are:

- World Heritage properties;
- Wetlands which are listed as Ramsar wetlands of international importance;
- Nationally threatened species and communities which are listed under the EPBC Act;
- Migratory species that are listed under the EPBC Act;
- Nuclear Actions including uranium mining; and
- The Commonwealth marine environment (which is generally Australian waters beyond the 3 nautical mile limit if State waters).

Under the EPBC Act, a person must not take an action that has, will have or is likely to have a significant impact on any of these matters of NES without the approval from the Commonwealth Environment Minister. The onus is on the individual proposing any action that may be considered to impact upon matters of NES. Given the lack of clarity in the legislation most coastal developments are being referred to EA for the Ministers sign-off even if the development is not considered to be a "controlled action." That requires the Ministers approval. The reason for this approach is to remove the risk of EA using its over arching approval powers. If EA decide to call in a development proposal, at best one can expect a lengthy delay for the

approval of the proposal due to having to re-start a new assessment process or at worst, EA have the power to place significant constraints on the development that may affect its overall viability.

The East Point Development proposal is currently being referred to EA and is not considered to include any actions that will impact upon matters of NES.

Conclusion

As everyone can see, the process for gaining approval for developments on the coastal

Appendix A

Aerial Photo of East Point Site

Appendix B

East point Structure Plan

Appendix C

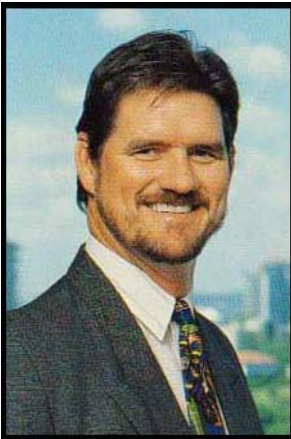
Environmental Legislation Matrix

Appendix D

Referral Coordination Flow Chart

fringe has serious timeframe constraints when dealing with the approval processes and negotiations individuals must enter into with the three tiers of Government. While this paper has isolated some of the more unusual processes not experienced by the average development, it clearly demonstrates that if community expectations continue to demand lifestyle choices that include demand for development along the coastline, the competing values will ensure developers, consultants and legislators will continue to experience significant approval process changes and challenges into the future.

Author Biography



Greg holds dual qualifications in civil engineering and town planning. Prior to becoming directly involved in property development and development management some ten (10) years ago, Greg was a consultant on a number of very large integrated tourist resort and residential community developments along the coastline in Queensland and New South Wales in the 1980's. He was instrumental in preparing the first tender proposal for the East Point development in 1995, and has lived and breathed the project ever since.

Postal Address: Greg Long, Director, Eastpoint Mackay Pty Ltd,

PO Box 2261, Ascot, Qld, 4007

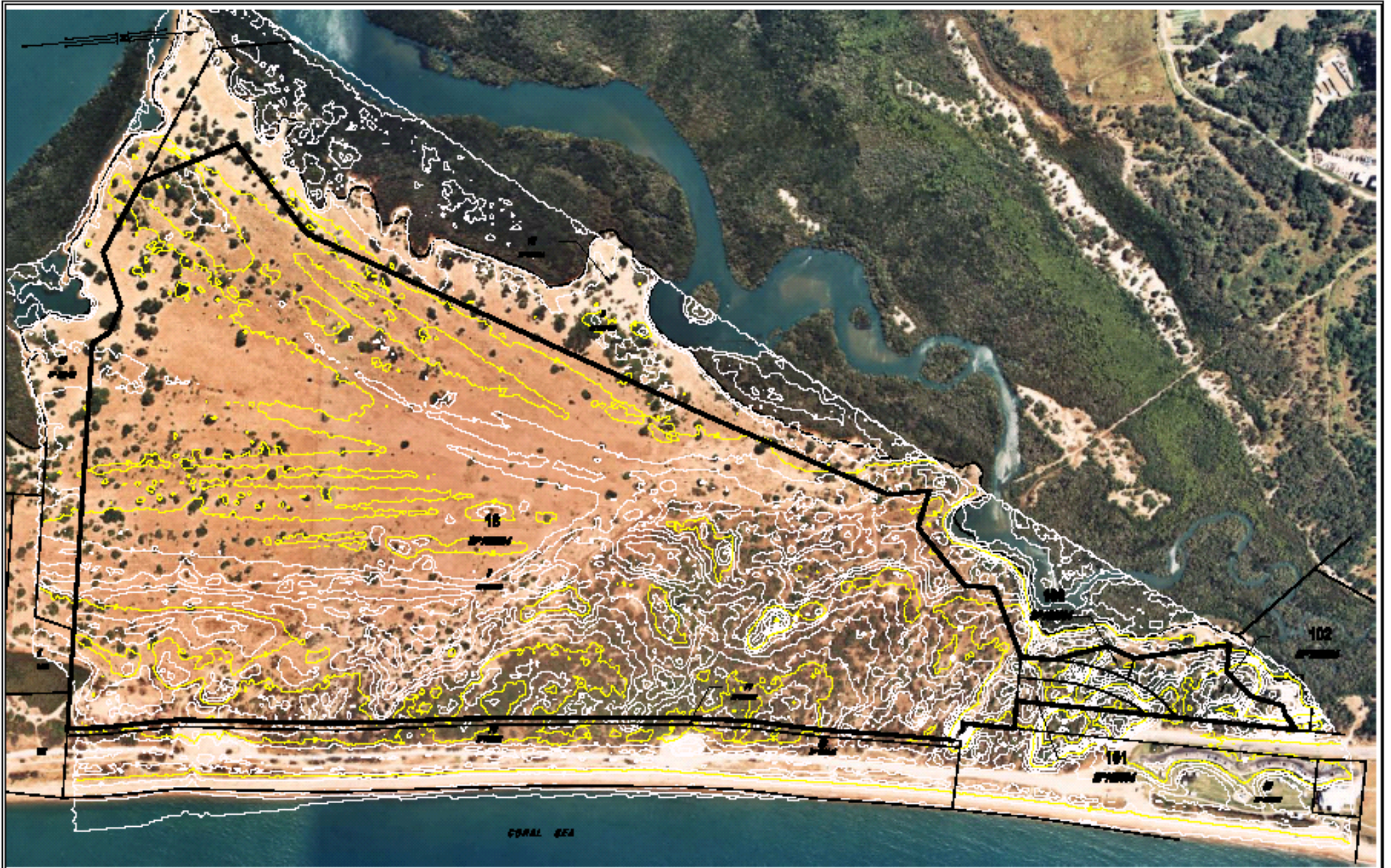
E-mail: long.dev@bigpond.com



Mike is one of Brisbane's leading town planning consultants. After merging his town planning and design practice with C&B Group in 2000, he now manages C&B Group's Brisbane office. His dual qualifications in both urban planning and civil engineering provide the company with a new dimension of experience to assist new and existing clients. He has particular experience in master planning, golf course design, residential development, corridor planning, coordinating development approvals for private sector groups and statutory policy preparation and interpretation

Postal Address: C/- C&B Group, PO Box 611 New Farm 4005

E-mail: mikem@cbgroup.com.au



VERTICAL SCALE IS APPLICABLE ONLY TO THE ORIGINAL 1:5000 SCALE (N)

PROJECT NO: 2014/01/01
 DRAWING NO: 101
 DATE: 10/10/14
 SCALE: AS SHOWN

PROJECT NAME	EASTPOINT MACKAY
CLIENT	Eastpoint Mackay Pty Ltd
DATE	10/10/14
SCALE	AS SHOWN
DRAWN BY	J. BROWN
CHECKED BY	J. BROWN
DATE	10/10/14

**EASTPOINT MACKAY
 PTY LTD**
**EAST POINT
 BASE PLAN**

PROJECT BOUNDARY
 PLANNING
 ENVIRONMENTAL
 SCENARIOS
 REPORT



2014-2015
 EASTPOINT MACKAY
 EASTPOINT MACKAY
 EASTPOINT MACKAY
 EASTPOINT MACKAY

DATE: 10/10/14
 SHEET: 8
 TOTAL SHEETS: 10

70992-01



DEVELOPMENT SCHEDULE	
SITE AREA	67.67Ha
TOURIST HUB	
Hotel Resort	130 - 150 beds
Multi Unit Accommodation	
- Villa	100 - 120
- Apartments	25 - 60
- Retirement Villa	65 - 75
Sub Total	380 - 410
WATER	
Community Facility	- 2000m ² (L+P) - 1000m ² (Site Area)
RESIDENTIAL	
Detached House Lots (914 lot size 453m ²)	580 - 670 Lots
OPEN SPACE	
Internal Open Space	6.77 hectares min
Council Buffer (10m wide)	1.23 hectares approx
Conservation Area	5.0 hectares approx
OTHER	
Cultural Centre	2473m ² (Site Area)

Structure Plan

tourist & residential community

eastpoint

KEY

- Buffer Area (Open Space)
- Pocket Parks
- Open Space Linkages Green Corridor
- Tourist Hub
- Residential
- Community Facility Buildings
- Aboriginal Cultural Centre
- Retail Precinct
- Hotel Precinct
- Pedestrian /Cycle Network
- Trunk Road Network
- Mackay Surf Lifesavers' Club premises external to site
- Flora and Fauna Connectivity from wetlands to foreshore
- Conservation Area (5.0 ha) Refer to separate conservation plan
- Conservation Area Management Agreement proposed for approximately 50 hectares of adjoining buffer areas
- Interface between Mulherin Park & Residential Precincts to be guided by specific design controls to ensure good amenity outcomes
- Possible stinger-free swimming lagoon (subject to Council Approval & future development Applications)
- Mulherin Park Stage 1 & 2 external to site

Dwg No: 70502-02sk-3
Date: May 2003



Major pieces of the Queensland environmental legal system



International Law

For Example:

- *Convention on Biological Diversity* ATS 1993 No. 32 (In force generally 29/12/93)
- *United Nations Convention on the Law of the Sea* ATS 1994 No. 31 (In force generally 16/11/94)
- *Energy Charter Treaty* ILM 34 (1995) p381 (Signed for Australia 17/12/94. Not yet in force)

Commonwealth Law

Commonwealth Constitution (especially s51(xxix) (External Affairs))

<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>	<i>Airports Act 1996 (Cth)</i>	<i>Australian Heritage Commission Act 1975 (Cth)</i>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>	<i>Environment Protection (Sea Dumping) Act 1981 (Cth)</i>	<i>Fisheries Management Act 1991 (Cth)</i>
<i>Great Barrier Reef Marine Park Act 1975 (Cth)</i>	<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989 (Cth)</i>	<i>Historic Shipwrecks Act 1976 (Cth)</i>	<i>National Environment Protection Council Act 1994 (Cth)</i>	<i>Native Title Act 1993 (Cth)</i>	<i>Offshore Minerals Act 1994 (Cth)</i>
<i>Ozone Protection Act 1989 (Cth)</i>	<i>Petroleum (Submerged Lands) Act 1967 (Cth)</i>	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth)</i>	<i>Renewable Energy (Electricity) Act 2000 (Cth)</i>	<i>Sea Installations Act 1987 (Cth)</i>	<i>Torres Strait Fisheries Act 1984 (Cth)</i>

Queensland Law

Constitution Act 1867 (Qld) (especially ss30 and 40 (Waste lands of the Crown))

<i>Beach Protection Act 1968 (Qld)</i>	<i>Canals Act 1958 (Qld)</i>	<i>Coastal Protection and Management Act 1995 (Qld)</i>	<i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 (Qld)</i>	<i>Electricity Act 1994 (Qld)</i>	<i>Environmental Protection Act 1994 (Qld)</i>	<i>Fisheries Act 1994 (Qld)</i>
<i>Forestry Act 1959 (Qld)</i>	<i>Health Act 1937 (Qld)</i>	<i>Integrated Planning Act 1997 (Qld)</i>	<i>Land Act 1994 (Qld)</i>	<i>Local Government Act 1993 (Qld)</i>	<i>Marine Parks Act 1981 (Qld)</i>	<i>Mineral Resources Act 1989 (Qld)</i>
<i>Nature Conservation Act 1992 (Qld)</i>	<i>Offshore Minerals Act 1998 (Qld)</i>	<i>Petroleum Act 1923 (Qld)</i>	<i>Petroleum (Submerged Lands) Act 1982 (Qld)</i>	<i>Queensland Heritage Act 1992 (Qld)</i>	<i>Recreation Areas Management Act 1988 (Qld)</i>	<i>Soil Conservation Act 1986 (Qld)</i>
<i>State Development and Public Works Organisation Act 1971 (Qld)</i>	<i>Transport Infrastructure Act 1994 (Qld)</i>	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>	<i>Vegetation Management Act 1999 (Qld)</i>	<i>Water Act 2000 (Qld)</i>	<i>Wet Tropics World Heritage Protection and Management Act 1993 (Qld)</i>	



C & B GROUP

Lodgment to Decision Flowchart

Material Change of Use (Impact Assessment requiring Referral Coordination)

