



EDO-NQ CASE UPDATE

Mackay Conservation Group Inc (MCG) v East Point Mackay PL & Mackay City Council

Hearing Continues

From Wednesday 4 May to Friday 6 May 2005, the Qld Planning and Environment Court in Brisbane heard a further three days of the Planning and Environment Court Appeal by the MCG against the approval by the Mackay City Council of a major coastal development proposed for a largely undeveloped site of 67.67 hectares at East Point in Mackay.

Progress of the Appeal

The Court has now heard evidence from all the witnesses called by the proponent, East Point Mackay Pty Ltd and by the Mackay City Council and has commenced hearing evidence from the witnesses called by the MCG.

As the hearing of the appeal did not finish, it has been adjourned to the week commencing 8 August 2005, at which time evidence will be heard from remaining witnesses and Counsel for the parties will deliver their closing submissions. Our EDO-NQ Alert in early April 2005 updated members on the details of the case but for your convenience these are set out again below.

What is the Appeal About?

The appeal is being conducted on a number of grounds, as set out in the MCG's notice of appeal, including:

- Conflict with the Mackay Planning Scheme Strategic Plan (the Mackay Town Plan). The MCG's case is that the development conflicts with the tourist designation in the Strategic Plan, because what is being proposed is, in a number of important respects, a residential development;
- The proposed development's incompatibility with the natural values of the site. The MCG's case is that the development, because of what the MCG says is its large scale and predominantly residential nature, is not suitable given the natural values of the site, including the vegetation values, the wildlife values and the natural coastal landscape values. The MCG is particularly concerned about the clearing of a significant remnant regional ecosystem that will occur if the development is approved;
- Risk to the site from impacts of tropical cyclones including storm surge.

For further information contact the EDO-NQ on 07 40314766.