

## OSCAR President

**From:** Brett de Chastel <brett.dechastel@noosa.qld.gov.au>  
**Sent:** Wednesday, 13 March 2019 17:31  
**To:** OSCAR President  
**Cc:** Brett de Chastel  
**Subject:** FW: Legal costs in relation to P & E appeals  
**Attachments:** Noosa CEO - Appeals by developers.pdf

Hi Greg,

I don't often start an email with an apology but I am this time. We are normally a lot quicker answering queries like this but one of my staff who looks after this had been away and it took longer to collate the info than normal.

Anyway, here is the info you were after. Your questions are set out below with our answers in red.

*We understand there are confidentiality aspects in such a request and are not expecting, or indeed requesting, details of individual cases but rather we are asking if you can provide general information in relation to:*

- 1. The number of appeals the Council has been a party to when defending a decision to refuse a development application on the basis on non-compliance with the Planning Scheme in the term of this Council (ie since April 2016).*

There have been 11 appeals in this term of Council that were lodged in response to Council refusing a development application for non-compliance with the Planning Scheme. (Note that the Noosa Civic Appeal was heard in this term of Council but the decision to refuse it was made by the previous Council and the appeal lodged before April 2016 so it is not included. It was a big one obviously). Further, we are happy to share the details of the 11 cases with you and the individual costs for each case. I know you said you didn't need this but we don't treat this info confidentially and am happy to share to show the significant costs of a large case that we recently fought. Some of these cases haven't come to trial yet (Kenlynn is the next one coming to trial). We haven't lost a planning case in this term of Council because of the strength of our planning scheme and the Council's determination to defend it but as you can see, this comes at a significant cost to our Council and community.

	Apil - Jun*				
<b>Appeal</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>Total</b>
100870 - Poultry Farm (Milligan)	15,023	78,984	0	0	94,006
101412 - Quadrant Holdings Pty Ltd	0	30,498	8,636	0	39,134
101413 - Kenlynn Pty Ltd	0	733	191,510	44,170	236,413
101437 - Thomco Planning Appeal	0	10,348	745,726	253,796	1,009,870
101447 - Trowbridge & Strudwick	0	766	79,252	60,854	140,872
101492 - J & G Knowles Appeal	0	0	822	0	822
101604 - J & K Hofmann	0	0	54,207	20,030	74,236
101714 - Harber	0	0	22,893	0	22,893
101768 - Gabarrin	0	0	421	68,300	68,721
101871 - RACV Extension Appeal	0	0	0	542	542
101884 - Hope Central Church	0	0	0	666	666
Total refusal appeal costs	<b>15,023</b>	<b>121,329</b>	<b>1,103,467</b>	<b>448,357</b>	<b>1,688,176</b>
<i>NB - the cost of appeals includes consultancy</i>					

- 2. An estimate of the total cost to Council of defending its decisions on development applications in court (again during this term of Council).*

*\$1,688,176 is the cost for these 11 town planning appeals during this Council's term.*

*\$3,284,763 is the total cost of all town planning appeals during this Council's term (a lot of this would be the Noosa Civic Case against QIC).*

- 3. An indication of the proportion of the Council's total Legal Fees, reported in your financial accounts since April, which can be attributed to such legal action would also be appreciated. "*

*51% of Council's total legal fees is attributed to these 11 appeals*

*84% of Council's total legal fees is attributed to the total cost of planning appeals (a lot of this would be the Noosa Civic Case against QIC).*

I hope this gives you everything you need but as always, let me know if there is anything else you require.

Once again, sorry for the delay.

Cheers  
Brett

**Brett de Chastel**  
Chief Executive Officer  
Noosa Council

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**From:** OSCAR President <[president@oscar.org.au](mailto:president@oscar.org.au)>  
**Sent:** Tuesday, 19 February 2019 3:55 PM  
**To:** Brett de Chastel <[brett.dechastel@noosa.qld.gov.au](mailto:brett.dechastel@noosa.qld.gov.au)>  
**Subject:** Legal costs in relation to P & E appeals

Dear Brett

Please find a letter from OSCAR in relation to this matter.

Yours sincerely ... Greg Smith

President, OSCAR  
(Organisation Sunshine Coast Association of Residents)

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Note: Email is our preferred form of communication.