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16 April 2019

Mr Greg Smith  
President  
OSCAR  
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Email: [president@oscar.org.au](mailto:president@oscar.org.au)

Dear Greg

**RE: COSTS OF COURT ACTIONS – PLANNING AND ENVIRONMENT COURT**

Thank you for your letter dated 19 February 2019.

You have asked about the number of appeals that the Council has been a party to when defending a decision to refuse a development application on the basis of non-compliance with the Sunshine Coast Planning Scheme ("SCPS"), being decisions made during the term of this current Council (which was elected in March 2016).

The appeals started from April 2016 to February 2019 and the costs for those appeals up to March 2019 are set out below.

The figures have been compiled based on your request. This means that costs for appeals that were lodged *before* April 2016 have not been included. It is worth noting that there is a 'lag' in the filing of an appeal and the payment of legal costs, and so the legal costs for April 2016 – 30 June 2016 are quite low, given that the costs captured only relate to new appeals and not appeals generally.

<b>Time / Year</b>	April 2016 - 30 June 2016	01/07/2016 – 30/06/2017	01/07/2017 – 30/06/2018	01/07/2018 – 18 March 2019
Number of new <b>Relevant Appeals</b>	5	15	11	13
<b>Cost of the Relevant Appeals</b> after April 2016	\$71,834.19	\$374,737.92	\$560,035.79	\$373,603.92
<b>Council's Legal Fees</b> for appeals / applications and related	\$186,377	\$1,140,912	\$823,251	\$552,636

**Relevant Appeals** – these are those new appeals filed where (1) the SCC is a respondent to an appeal; (2) the SCC has refused an application on the basis of non-compliance with the SCPS; and (3) this was during current term of the Council. The number mentioned is not the number of proceedings that involve the SCC. The Queensland Courts website enables a search of proceedings in the Supreme or District Courts by the name of a party involved (<http://apps.courts.qld.gov.au/esearching/>).

**Cost of the Relevant Appeals** – These are costs falling within the identified time frame for **Relevant Appeals**.

**Council's Legal Fees** – these amounts are not recorded separately within the SCC's accounts and they include costs for a range of additional appeals and applications, but exclude some legal actions such as prosecutions etc.

I trust this information is of assistance.

Yours sincerely,



**Michael Whittaker**  
**CHIEF EXECUTIVE OFFICER**