

Development Watch Inc

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21 June 2022

TO: OSCAR Inc.
BY EMAIL

Re: **DEVELOPMENT WATCH INC (DW) v SUNSHINE COAST REGIONAL COUNCIL & SH
COOLUM PTY LTD – FURTHER HEARING**

As you would be aware, DW was successful in its appeal to the Court of Appeal in the above matter. The Court found there were three errors of law in the decision of the Planning and Environment Court including, relevantly, a failure by the trial judge to properly consider the substantial number of submissions, some 9,299 including 3,167 from the Mt Coolum, Yaroomba and Coolum Beach area, opposing the proposed development and a failure to consider the amendment made to the Height of Buildings and Structures Overlay Code, an erroneous approach, we note, that was urged on the trial judge by counsel representing Council and Sekisui.

The result of the appeal being allowed is that the matter has been listed for a further hearing, set down for four days commencing on 11 July 2022.

Conduct of the original Planning and Environment Court proceeding took place over 18 months with the final hearing taking 15 days. It took well in excess of 12 months for the appeal to the Court of Appeal to be determined. Both proceedings took an enormous effort to fund. The costs of DW in the two proceedings were upwards of \$500,000.00 with all funds having to be raised by the local residents (and ratepayers).

Council engaged three counsel and at least one solicitor in the Planning and Environment Court (as well as numerous expert witnesses) and two counsel and a solicitor in the Court of Appeal. We assume that Council's costs to date are enormous yet it appears that Council is intent on expending more ratepayers' funds in the further hearing in July 2022.

All these costs (and those the Council has been ordered to pay DW) will ultimately be borne by ratepayers in a time when rates, and the cost of living generally, are rising.

We believe Council should support its ratepayers, especially the many thousands of local residents who opposed the Sekisui development, by taking a neutral role in the upcoming Hearing and allowing SH Coolum Pty Ltd to argue its own case. We are not asking that Council support Development Watch (although we would not object to that course of action), we merely ask that Council adopt a submitting role and allow SH Coolum P/L to run the Hearing in order to reduce the cost to ratepayers.

If Council were to take such an approach it would respect both the Court, its local residents who oppose the development and its ratepayers.

Can OSCAR please make representations to Council, on behalf of its member groups and Sunshine Coast ratepayers.

Yours sincerely,

Lynette Saxton
President, Development Watch Inc.