

Legal Expenses Statement

August 2022

Agnes Water Beach Visitor Carpark

The Appellant's Notice of Appeal filed in Court against Council raised numerous issues and Gladstone Regional Council was required to provide proof on matters related to planning (arguing against the siting of the carpark at 5 Agnes Street), alleged non-compliances with the Planning Scheme, environment including vegetation and fauna, traffic and parking, need (suggesting that adequate parking is available at Council's community facilities at Springs Road), visual amenity, noise and lighting amenity, air quality, flooding, stormwater and acid sulfate soils.

To provide this proof, Council was required to engage the services of court experienced experts in Planning; Flooding, Stormwater and Acid Sulfate Soils; Noise, Air and Lighting Amenity; Terrestrial Ecology; Traffic; and Visual Amenity.

The total costs for these experts to complete detailed investigations and on-site inspections, prepare reports and attend mediation conferences as ordered by the Court totalled \$126,280.

It is important to note that the information provided in these reports will be used in the design phase of the project and the investigation and report costs would have been incurred during the detailed design phase.

A further \$165,746 was incurred for solicitor and barrister's fees for preparation for and attendance at Court as required, arranging expert reports, attending three mediations and preparation for trial.

Extensive negotiations were undertaken to seek to resolve the matter by agreement rather than having to incur the additional costs of an anticipated one-week trial in Brisbane (that was due to commence on 4 April 2022).

The expert reports provided in Noise, Air and Lighting Amenity; Terrestrial Ecology; Traffic; and Visual Amenity were not contradicted by any alternate expert of the Appellant, however all issues remained in dispute other than the Appellant making conditional concessions on 9 March 2022 in respect to only eight (8) of the 48 issues listed in the Consolidated List of Issues. Settlement was reached on 24 March 2022 – a week before the trial date.