

Couple to refloat boat business after battle

 **Jorge Branco** and **Natasha Christian** |  2nd Oct 2013 10:40 AM



Doug and Heather Cuthbert of Toorbul Marine. Photo Darryn Smith / Sunshine Coast Daily

Darryn Smith

A TOORBUL boat repairer and his wife can finally start to rebuild their business after a lengthy legal battle with the Moreton Bay Regional Council.

Last month Doug Cuthbert and Heather Loader ended years of legal limbo, winning an appeal against the council to allow the couple to continue to use the slipway and jetty at lot 1 Bishop Pde, Toorbul.

Ms Loader and her husband had run a boat repair business on two adjoining lots of land, lot 1 and lot 20, since 2002.

The council sought to stop the couple from operating their business, Toorbul Marine, at the lot 1 section of the site in 2007, arguing the environmental authority to do so was issued in error.

The council issued an enforcement notice in 2008 demanding they immediately cease operation of the boat maintaining and repairing facility on lot 1. Since then the couple has fought to regain access and get their business back in operation.

After three years of waiting to be heard, Ms Loader lost her case in the Planning and Environment Court in 2011 but pushed to appeal the matter.

On September 20 this year, three Court of Appeal justices unanimously rejected the Planning and Environment Court orders and set the original enforcement order aside. The court deemed the council liable for costs, which are yet to be determined.

A council spokesman said the council was not in a position to make further comment at this time.

The council has until the middle of October to decide whether to mount a challenge in the High Court of Australia.

Division one councillor Gary Parsons said the council would review the ruling and make a decision from there. Ms Loader said she was still considering whether to seek damages from the council.

"That would be the normal course of events, but we can't say until we talk to our lawyer," she said.

"There's been so much damage done that overnight you can't just revitalise a business."

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