

14 September 2006

Gordon Craven  
63 Nandroya Road  
COOROY QLD 4563

THE GENERAL MANAGER,  
Noosa Shire Council,  
9 Pelican Street,  
Tewantin QLD 4565.

**COPY TO**

Mob : 0417 686 539

Dear Sir/Madam,

**RE: Purchase of 63 Nandroya Road, Cooroy from the Noosa Shire Council**

I refer to previous correspondence to you and your Council in this matter and note your preference to not reply in person but have your lawyer reply instead. Consequently I am unaware of your name.

In particular, I refer to the latest letter from your lawyer to my daughter Penelope dated 5 September 2006. In that letter you again fail to display a common decency in explaining as to how the external wall insulation reaches the required pre-contract represented R-value with in fact no wall insulation installed. Your letter states that part 3.12 of the Building Code of Australia (BCA) 2006 should be read for the explanation. However part 3.12 of the BCA 2006 has not been adopted by Queensland and that Code states that part 3.12 of BCA 2005 should be read instead and your public library has replaced the 2005 Code with the 2006 Code.

As such, it is becoming likely that the wall insulation issue will be included in the Federal Court statement of claim against your Council as a misrepresentation. You will then be required to make your explanation to the Court.

Further, in your lawyer's reply is the bald statements that there is no basis for a legal claim against your Council and that your Council is not obligated to rectify matters. If your lawyer has been provided with the facts in these matters, those statements are incompetent. It appears that you and your lawyer are not aware of the existence of the Commonwealth Trade Practices Act (TPA) or its State equivalent being the Queensland Fair Trading Act. Your Council's venal venture into trade and commerce in the purchase and sale of property for profit is subject to these laws together with the Common Law actions of negligent and fraudulent misrepresentation.

I urge you to seek competent senior counsel opinion in these matters to make yourself aware of the strife your Council is in. You should seek advice on all the matters raised in all previous correspondence from myself and my daughter to your Council in this matter.

You should also seek opinion on the following matters:

**BATHROOMS**

It has now become apparent that the bathroom wet areas do not match the pre-contract representations nor do they comply with the BCA 2006. In essence a bathroom floor drain is meant to be the lowest point in the bathroom floor not the highest. The latter has been achieved as the result of your Council's cowboy building practices and certification. Further, as a consequence water is ponding and running to the edge of bathroom floors which then leaks through the floor (and over electrical wiring) thus demonstrating that the wet areas on timber floors are not water-proofed to the required pre-contact representations or BCA requirements. As a result the pre-contract representations of the ability to build under the house is **further** shown to be false. It is not suitable for storage let alone habitable building.

#### FURTHER BCA INVESTIGATION

The property has various other problems that do not match pre-contract representations, these include faulty electrical lighting. Consequently, the property is to undergo a full building written survey by qualified professionals who are not subservient to your Council, which will be submitted to the Court as evidence of your Council's duplicity.

The costs of these professional services will be claimed in the writ.

#### ACTIVE CONCEALMENT OF SPECIAL CONDITION 2 OF THE CONTRACT

As previously advised orally and in writing to your Adam Britton (Commercial Development Manager), the special condition 2 disclaimer which formed part of the purchase contract was not disclosed and apparently from the factual circumstances, actively concealed from myself and the buyer. From what can be ascertained from the letters from your lawyer, your Council appears to be relying on this special condition 2. Your Council, along with the Noosa Property Shop Pty. Ltd. and Jill Burke is responsible for this disgusting act of deception and unconscionable conduct and as such it is likely that Noosa Property Shop Pty. Ltd. together with Jill Burke (pursuant to s.75B of the TPA) will be joined in my Federal Court action.

#### MY STANDING AND ABILITY TO SUE

Your lawyer seems to be of the opinion that I have no standing or personal cause of action against your Council. As all Council and agent pre-purchase representations were also made to myself these representations induced me to advise my daughter to purchase the property as I would become a lessee for business and residential purposes in reliance of the representations. As such I have suffered similar loss and damage to my daughter and loss to my daughter and (inter alia) I will be claiming compensation from your Council (and others) under the provisions of section 82 of the TPA, not the least of which will be my business and personal losses in still not having a telephone connection to the property and the inability to build underneath the property.

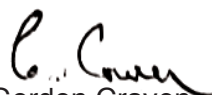
#### YOUR COUNCIL HAS RIPPED MY DAUGHTER OFF

As such, as far as I am concerned and as far as the law permits I will pursue your disgusting and despotic Council to the ends of this earth. In essence, you bunch of country cowboys (more akin to Mexican bandits), have messed with the wrong people. I shall also be claiming aggravated damages because of your conduct in dealing with this matter and exemplary damages pursuant to your Council's contumelious conduct.

#### FINALLY

When I have finished with you, within the statutory period for doing so, my daughter will be engaging senior counsel in commercial law to claim her own compensation and damages against your Council and others.

Yours faithfully,

  
Gordon Craven

C.C.

- The Noosa Shire Mayor and Councillors;
- Noosa Property Shop P/L;
- Jill Burke;
- Any other potential party, person, persons or media that may find this saga interesting;
- To also be published on my Discover-Noosa.com and NoosaPropertyShop.com websites.