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VIA EMAIL (sdiic@parliament.qld.gov.au)
State Development, Infrastructure and Industry Committee
Queensland Parliament
Parliament House
Brisbane QLD 4000

Dear Sir/Madam,

Sustainable Planning and Other Legislation Amendment Bill 2012 (Qld)

I am writing on behalf of the Sunshine Coast Association of Residents (OSCAR) and the 20 community and residents' groups it represents to object in the strongest possible terms to changes proposed in the SPOLA Bill in relation to the awarding of costs in the Planning and Environment Court (P&E).

The existing arrangements have each party bearing their own costs except where the court can rule that an appeal was "frivolous" or "vexatious". Planning decisions often have a direct impact on a whole community who now run the risk of being made personally bankrupt or their community association wound up if, as the Bill proposes, a P&E Court ruling goes against them.

Clearly ordinary Queenslanders will be scared off from taking part in appeals if they run the risk of a crippling P&E cost order which would be in the order of \$100 000 to \$1 million.

The 'own costs' rule reflects the obligation on the Court to advance the purposes of the IPA and the *Sustainable Planning Act 2009* by "*providing opportunities for community involvement in decision making*".

There does not appear to be any valid justification provided for the changes with Court data indicating less than 3% of development application decisions being appealed and 90% of these being resolved without a full hearing.

Community groups are always reluctant to enter the complexities and expense of the Court process and do so as a last resort attempt to protect their environment, amenity or lifestyle. The change to cost orders will effectively slam the door on any community involvement in Court appeals.

Another impact for the community will be their reluctance to instigate P&E court action for breach of conditions of development. In some cases non compliance can have direct impacts on their health and amenity, in particular noise, from the improper operation of say a quarry.

The community will again be scared off from taking action to protect their rights by the possibility of a costs order.

OSCAR requests that the State Development Infrastructure and Industry Committee reject the present position of the Bill and require amendments which would continue to allow community involvement in the Court process.

Yours sincerely

A handwritten signature in black ink, appearing to be 'I. Christesen', written in a cursive style.

Ian Christesen
President
OSCAR