Submission No. 58

S. T. Chandler

[redacted]

10th Oct 2012.

To: State Development and Infrastructure and Industry Committee

Re: Bill "Sustainable Planning and Other Legislation Amendment Bill 2012."

Dear Sir,

I am a resident of some 36 years, and a life-member of the NRRA (Noosa Residents and Ratepayers Association), an organization founded in 1970. We are most concerned with the proposal in Section 6 of the Bill advocating a radical change to the matter of costs in the Planning and Environment Court. The change proposed, that of making an unsuccessful appellant pay the costs of the developer, would inhibit councils, community organization and individuals, fearful of being made bankrupt, and organizations such as ours being wound up.

Over the years, our aim has been to protect the Noosa lifestyle which is based on a good balance between the natural, and built, environments. Councillors, our representatives, have in the past checked development applications to see if they fitted into this framework.

There are two recent development applications that we are aware of, where potential appellants have indicated that they would not be prepared to carry on with their appeal, being fearful of being landed with all costs.

There is a saying "that if it works, don't fix it." We believe this is good advice in view of the history of development cases. By far the great majority of development applications are approved, so they do not need to be contested in the Planning and Environment Court. The argument that vexatious cases warrant the need for change lacks validity – such cases are minute in number; I believe something like .01% of cases contested. We thus advocate that the new proposals regarding the awarding of costs be rejected, and that the long-held proven procedures of handling development applications be retained.

Yours faithfully, Stan Chandler.

S. T. Chandler