

Noosa Integrated Catchment Association Inc.
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Contact: Gillian Studdock

12 October 2012

VIA EMAIL (sdiic@parliament.qld.gov.au)

State Development, Infrastructure and Industry Committee
Queensland Parliament
Parliament House
Brisbane QLD 4000

Dear Sir/Madam,

**Noosa Integrated Catchment Association Inc - Submission
Sustainable Planning and Other Legislation Amendment Bill 2012 (Qld)
Planning and Environment Court Costs**

The Noosa Integrated Catchment Association Inc (**NICA**) is a not-for-profit, non-government, community based organisation focussed on advocating for and facilitating good land and resource use practices in the Noosa River catchment.

NICA is strongly opposed to the changes proposed in the Sustainable Planning and Other Legislation Amendment (SPOLA) Bill in relation to the awarding of costs in the Planning and Environment Court (P&E Court).

An essential part of ensuring best practice land use and sustainability in the catchment is the implementation of best practice Town and Regional Planning processes and the adoption of town plans that include strong sustainability principles. The Noosa Plan is such a plan, and it is predicated on strong community consultation, incorporation of community views and expectations, and subsequent wide community support for the plan.

Therefore, planning decisions will have a direct impact on a whole community in respect to their amenity and lifestyle, and under these amendment proposals individuals could run the risk of being made personally bankrupt or community based organisations like NICA could be wound up if a P&E Court ruling goes against them.

The ability for community based groups, individuals, and indeed our Local Government to be able to defend appeals which might overturn the communities plan has been an accepted part of the Planning and Appeals process for in excess of 20 years, and in our view has generally served the community well.

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NICA understands that only a small proportion of Development Application decisions are appealed, and of those, the huge majority are settled without a full hearing through the Negotiated Settlement process, and we can see no justification for these proposed amendments.

It is our view that the Bill will prevent all but the wealthiest litigants taking legitimate cases before the Queensland Planning and Environment Court, through fear of crippling costs orders; and overturn a 20+ year rule which has served the community well in an area of important public interest, and has kept the community involved in planning decisions which directly affect everyone.

NICA therefore request that the State Development Infrastructure and Industry Committee reject the present position of the Bill in respect of P&E Court costs and require amendments which would continue to allow community involvement in the Planning and Environment Court process.

Yours sincerely

Tony Haslam
NICA Treasurer

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