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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 Dr Munroe, Mr Malone MP and Committee Members

Re: Sustainable Planning and Other Legislation Amendment Bill (SPOLA) 2012

I am writing to you on behalf of the Noosa Residents and Ratepayers Association in relation to the proposed SPOLA Bill, 2012.

We wish to express our concern with regard to a number of aspects of the Bill, namely the proposed changes to costs following an event; and the changes to mandatory supporting information for development applications.

Whilst the NRRRAI generally supports the notion of reducing red tape and reducing duplication in the planning system and cost effective mechanisms to ensure approval conditions are reasonable and relevant, we believe that the proposed changes are only likely to be of benefit to larger developers who have the capacity to absorb cost orders awarded against them.

Over sixty Noosa residents and ratepayers at our recent Forum & AGM were shocked when they realised the potential impact that the proposed amendment would have on their statutory rights as a collective representing the interests of their community. There was unanimous support for the development of this submission to strongly argue against any changes which would inhibit our ability to be engaged in appealing a planning decision-making process or their ability to commence Planning and Environment Court action in the event of a breach of conditions by a developer.

Attendees also wanted a follow-up information session to give interested residents a better understanding of the proposed amendments. This information session, supported by Council Officers, was held at short notice this week and attracted over sixty concerned residents and ratepayers, including representatives from over fourteen different community groups, as reported as front page news in today's Noosa News.

If the amendment is implemented, the risk of financial burden will deny all but the wealthy the capacity to take legitimate cases to court, no matter how well founded their grounds for objecting to a proposed development may be.

According to the Environmental Defenders Organisation, based on previous cases, costs will be likely to range from \$100,000 to over \$1 million. It is unlikely that community based groups or individuals would have the capacity, or be prepared to, pursue their legal rights if they are exposed to bankruptcy. This would, in our opinion, be a major diminution of the fundamental ethics and principles of modern urban and regional planning within a western democratic system.

Had these conditions been in place over the last 50 years, Noosa would not be the unique, much loved place that it is now. But for the champions who stood up to huge development challenges, Noosa National Park, the Noosa river mouth and the Noosa North shore could have been high-rise apartments and urban sprawl. This level of development would have been catastrophic for the nature and spirit of the area.

The Noosa Plan was developed by local planners and Noosa Council and has been defended on many occasions, sometimes by community groups and individuals against Council's approval of incompatible developments, and other times supporting Council's decisions, with the winner being the continued sustainability and character of Noosa.

The Noosa Plan with its carefully considered elements aiming to maintain sustainable development into the future, best reflects the aspirations of Noosa residents in terms of the protection of its' natural and built environment, and the values that tourists who visit the area want to experience.

The sustainable balance of built, social and natural environment that has been achieved has been recognised locally, nationally and internationally. It has been awarded "Man & the Biosphere" status by UNESCO and visitors flock to Noosa and hinterland, from all over the world to experience the delightful, village style place and to enjoy the pristine beaches, waterways, countryside and wildlife in natural surrounds.


Noosa as it is today is, in itself, evidence that having community engagement as part of the planning process, has ensured the best outcomes for this area, its' residents, ratepayers and visitors.

We believe that this bill will disadvantage individuals and community groups who may wish to legitimately appeal planning and development decisions. We therefore do not support the notion that the provisions outlined in the SPOLA Bill 2012 will have a positive effect on attaining correct development assessment outcomes.

In conclusion, we urge that this amendment be reconsidered and that the original "Own Costs" rule is retained.

We support the submission provided by the Environment Defenders Office with the evidence provided.

Yours sincerely



Tim Blackburn, Secretary
Noosa Residents & Ratepayers Association Inc.