



12 October 2012

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

Dear Sir/Madam,

**RE: Sustainable Planning and Other Legislation Amendment Bill 2012 (Qld)**

Capricorn Conservation Council Inc. (CCC) is a non-government environmental organisation which has been operating in Central Queensland since 1973. CCC covers environmental issues in the Fitzroy Basin, coastal and marine areas from Baffle Creek to St Lawrence (Broadsound Coast) and areas of central west Queensland, including the Belyando River system. I am making this submission on behalf of CCC.

CCC's aims to:

- To preserve the biodiversity and integrity of species and ecosystems—land, water, marine, and atmosphere.
- To prevent the exploitation of the region's natural resources when it impacts on ecological sustainability.
- To ensure the CQ community is heard on environmental issues and that individuals receive appropriate assistance and advice.
- To engage the community by developing partnerships and strategic alliances which achieve greater conservation outcomes.

CCC totally opposes the proposed changes to the 'own costs' ruling in the SPOLA Bill (by Amendment to Clause 61 - Amendment s457 (costs) of the *Sustainable Planning Act* in the Bill). The proposed amendments will greatly prohibit the ability of individuals, land owners and holders, community groups and non-profit environmental organisations (such as CCC) from taking legitimate cases to the Queensland Planning and Environment Court (QPEC) for fear of having to pay a costs order.

Planning decisions and approved development projects often have direct impacts upon the health of the community and environment e.g. water, noise, land and air pollution from development activities. QPEC often hears planning and environmental matters that affect the whole community and future generations to come. Under the proposed changes, individuals or community organisations who decide to appeal a decision or instigate court action for the breach of approval conditions of a development, in order to protect health and prevent harm (environment and community), will have an increased risk of bankruptcy and/or their organisation folding up if the court decision/ruling is against them. The Bill will favour the wealthy and deny less financial individuals and community organisations of the ability to take legitimate cases before QPEC due to such risks (or the fear of the risks) associated with having to pay both sides.

CCC therefore recommends and requests that Clause 61 of the Bill be deleted so as to retain the current costs rules unchanged.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C James', written in a cursive style.

Chantelle James

Project Officer

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