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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

14 October 2012

Dear Sir/Madam,

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

I am writing on behalf of the Maleny District Green Hills Fund to express disappointment with the changes proposed in the SPOLA Bill in relation to the awarding of costs in the Planning and Environment Court (P&E Court).

The existing arrangements have each party bearing their own costs except for limited exceptions, such as where the P&E 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 most ordinary Queenslanders will be scared off from taking part in appeals if they run the risk of a crippling P&E Court cost order which would be in the order of \$100,000 to \$1 million.

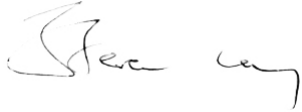
The 'own costs' rule reflects the obligation on the Court to advance the purposes of the *Sustainable Planning Act 2009* (and its predecessors) by "*providing opportunities for community involvement in decision making*".

There does not appear to be any valid justification provided for the changes with court data indicating less than 3% of development applications being appealed and over 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 proposed changes 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 local people's health and amenity, in particular noise, from the improper operation of, for example, a quarry. The community will again be scared off from taking action to protect their rights by the possibility of a costs order.

Maleny and District Green Hills Fund 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.

A handwritten signature in black ink that reads "Steven Lang". The signature is written in a cursive style with a large initial 'S'.

Steven Lang,  
President, Maleny District  
Green Hills Fund