

10 October 2012

State Development, Infrastructure & Industry Committee
Parliament House
Brisbane, QLD 4000



2012 CORPORATE PARTNERS



Dear Chairman



Sustainable Planning and Other Legislation Amendment Act 2012

Thank you for the opportunity to provide feedback on the *Sustainable Planning and Other Legislation Amendment Act 2012 (SPOLA)*.



Over the past six months, the Property Council has worked closely with Assistant Minister for Planning Reform, Ian Walker MP, on the Government's proposed changes to the *Sustainable Planning Act 2009*.



The amendments within the SPOLA provide logical and considered first steps to improving efficiencies and providing certainty in Queensland's planning system.



Subsequently, further action must be taken to ensure continuous improvements in the system, particularly in relation to streamlining and improving state planning instruments, State agencies and infrastructure charging.



In establishing the Department of State Development, Infrastructure and Planning (DSDIP) as the single assessment manager and referral agency, the Property Council urges caution to ensure the Department is adequately staffed to cope with the increased workload.



Since its inception, Development Facilitation Services (DFS, formerly the Major Projects Office) has worked closely with the industry to provide a single point of contact for development proponents to resolve internal Government conflicts.



DFS has done an outstanding job in engaging with the industry, and it is imperative their role is maintained to ensure a streamlined transition to a single assessment and referral agency.



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Further, the proposed amendments to the Planning and Environment (P&E) Court's costs powers may have unintended consequences, of particular concern to the property industry.

While the Property Council is supportive of the P&E Court having a general discretion to award costs, the phrasing 'costs ... follow the event, unless the court orders otherwise' may lead to a developer being liable for costs in the case of an applicant appeal against a local government's refusal or an applicant appeal against local government conditions, where there is a genuine dispute to be heard by the Court.

The Property Council supports the intention of the new costs powers in potentially discouraging unmeritorious submitter appeals, however the Court requires greater flexibility with respect to costs powers and removing the presumption that costs follow the event.

Overall, the SPOLA, as proposed, will help to alleviate much of the 'red tape' burdening the property industry, and the Property Council commends the Government on their open engagement with stakeholders throughout the process.

We look forward to continuing our conversations to further streamline and improve Queensland's planning system.

If you have any further questions about the Property Council or this submission, please do not hesitate to contact me on 07 3225 3000, or kmacdermott@propetyoz.com.au.

Yours sincerely,



Kathy Mac Dermott
Executive Director

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