



Norman Creek Catchment Co-ordinating Committee



ABN 24 859 322 324

To protect and enhance the ecosystem within Brisbane's Norman Creek Catchment

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The Research Director
State Development, Infrastructure and Industry Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir or Madam:

RE: Proposed Amendments Bill to Parliament on changes to the Sustainable Planning and Other Legislation Amendment Bill 2012.

The Norman Creek Catchment Coordinating Committee (N4C) Inc seeks to raise a point of grave concern over one of the above-proposed amendments. This being... ***Provide that the losing party in a proceeding pays the costs of the proceeding in the Planning and Environment Court of Queensland, unless the court orders otherwise.***

The implications being that the loser (of the challenge) will automatically be required to pay the legal fees of **BOTH** parties. The legal costs that may accrue in these cases can be hundreds of thousand and even millions of dollars for large developers. Community groups or individuals acting on behalf of the public domain common good or environmental concerns may not be able to afford, or willing to take on the risk of losing even when they may have a strong case due to the financial risk involved.

The proposed changes may have a potential **suppressing effect** on community engagement around local and broader development issues. It is also making it the communities fault if they cannot afford the potential risk of paying both sides. This subtle and suppressing change to the legislation may see questionable applications go through without genuinely accessible opportunities for communities and individuals to have their say. It is the N4C's understanding that only 10% of development applications are appealed by community groups and individuals and it is these 10% that will be the most serious affected by the proposed changes. Also the current system in place allows frivolous or vexatious challenges to adequately be handled by the court at its discretion.

Therefore the N4C requests that the proposed amendment not include the losing party having to pay the full costs of court proceedings in the interest of public domain and community good.

Yours sincerely

Peter Lello N4C President
Norman Creek Catchment Coordinating Committee (N4C) Inc