

From: [REDACTED]
To: [State Development Infrastructure and Industry Committee](#)
Subject: submission concerning the Sustainable Planning OLA Bill
Date: Friday, 12 October 2012 4:25:03 PM

To Whom It May Concern

I submit that the existing "own costs" rules need to be kept in the proposed bill. If this is changed the bill will effectively slam the Queensland Planning and Environment Court door in the face of the community and discourage government from enforcing essential planning and environmental laws. I am concerned this will prevent citizens and their associations from bringing legitimate cases to the Court through fear of crippling costs ordered against them. It could mean crucial enforcement of planning and environment law [so the law is seen as being respected] does not proceed - this would undermine citizens' belief that the law applies to all.

It will prevent an even playing field for the methods of negotiation and dispute resolution versus trial, and consequently will favour large Councils and developers who can afford the risk of going to trial.

The changes will not reduce appeals by commercial competitors - they have so much to gain to be dissuaded from "delay and obstruct" tactics, and are already at risk of costs orders under the current legislation.

The rare appeals that occur and lack reasonable planning grounds are already subject to the risk of costs orders - so this change would not affect the occurrence of these appeals and adversely affect the ability of members of the community and their associations to go to the Queensland Planning and Environment Court.

Early resolution of appeals is not an issue with 95 % already resolved before trial and there is no green or red tape this change would cut as less than 0.1% of development applications are delayed by third party trials.

In addition, I would like to point out the minimal consultation that has occurred to overturn a 20+ year rule which has served an important public interest - that of community involvement in planning decisions which affect everyone. A change from the existing "own costs" will shut many of those affected by planning and environment proposals out of any testing of those proposals under the law that governs them.

I urge you stay with the existing "own costs" rule.

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