

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)  
Planning Environment Court Costs**

I deeply oppose the proposed changes to award of costs associated with the Planning and Environment Court. These changes would make the Planning and Environment (P&E) Court totally worthless, and potentially redundant due to the risk of the losing parties being liable for the costs of the successful party. Parties with limited funds such as individuals, community groups or small Councils would not take the risk challenging a development application due to the potential cost liability.

- Community groups would not enter the appeal process as co-respondents if there was a likelihood of incurring the appellant's costs.
- Most Councils are risk adverse and would be unlikely to contest an appeal of their development decision by the developer if there is a possibility that the court costs, to be borne by the rate-payers, could be more than doubled.

Any changes to the current "own cost" provision in the P&E Court would give well funded developers a winning advantage in every case. If the community group or small council loses the case against a developer, they will be liable for unlimited costs as the developer has the resources to engage many expert witnesses, top solicitors and barristers. In most cases the community group would not challenge the development decision due to this risk.

The proposed changes makes the development application process through the local authority development application manager totally worthless. It runs the risk of local authorities approving inappropriate development to avoid the cost of a potential appeal and possible court costs. Developers will undermine the requirements to provide adequate information to the local authority, preferring to fight it out in court.

The proposed changes will not reduce appeals by commercial competitors which have too much to gain to be dissuaded from "delay and obstruct" tactics, and are already at risk of costs orders.

This proposed change will totally tip the scales to the reward developers and cut out the local stakeholders from the process. Individuals and community groups will lose access to the P&E court. They will not be able to dispute planning decisions or to seek to protect the environment, which affect the whole community, without fear of crippling costs orders.

I hereby heartily request the Government to maintain the "own costs rule" in the P&E Court.

Yours sincerely



Annie Nolan

