



Friday, 15 October 2012

State Development, Infrastructure and Industry Committee
SDIIC Parliament House
BRISBANE QLD 4000

By Email: sdiic@parliament.qld.gov.au

Dear Sir/Madam

**Re: Submission
Sustainable Planning and Other Legislation Amendment Bill 2012**

We refer to the above Bill that was introduced to Parliament on the 13th of September 2012.

We hereby make our submission in support of this Bill. In particular we would like to voice our support for Clause 61 of the Bill which proposes amendments to s 457 (Costs) of the Sustainable Planning Act. In brief, the proposed amendment would provide that costs of a court proceeding (including an application in a proceeding) be awarded at the discretion of the Court, but follow the event unless the Court orders otherwise.

Our group of companies have been undertaking property development in Queensland for over 40 years. We have been involved with many court cases in the Planning and Environment Court, typically appealing against the refusal of a development application or the imposition of unreasonable conditions of a development approval. We have been forced to spend millions of dollars in court costs and have never lost a case. We have had as many as 5 separate cases running at the same time.

The added imposition of court costs on a development can greatly affect the viability of that project. Below is a comparison of the court costs versus development costs for some of our recent projects:-

PROJECT	APPEAL COST	TOTAL PROJECT COST	APPEAL COST AS % OF TOTAL COST	APPEAL OUTCOME
Sunshine Beach Childcare	\$312,000	\$1.8M	17%	Successful
Beachmere Shopping Centre & Tavern	\$500,000	\$7M	7%	Successful
Lawnton Subdivision	\$405,000 to date	\$15M	2.7% to date	Current
Eatons Hill Shopping Centre	\$1.236M to date	\$30M	4% to date	Current

Many of the development application refusals we have received have not been based on solid town planning arguments, but rather the individual views of government and council officers. The proposed amendment would ensure local councils and state government departments more carefully consider application refusals and conditions of approvals.

We believe the proposed amendment to s 457 of SPA is a positive step that will achieve the following :-

- Further ensure local councils and state government departments carefully consider their reasons for refusal of development applications
- Reduce the number of appeals before the P&E Court
- Reduce council's (and therefore ratepayers) costs associated with P&E appeals
- Reduce the State's (and therefore tax payers) costs associated with P&E appeals
- Improve the ability to undertake viable developments within Queensland

We look forward to this Bill being passed in full.

Yours sincerely,

A handwritten signature in black ink that reads "Paul Comiskey". The signature is written in a cursive, flowing style.

Comiskey Group
Paul Comiskey - Director