



PO Box 243 Beaudesert Qld 4285

22 October 2012

State Development - Infrastructure and Industry Committee

Dear Sir/Madam

Re: Planning and Environment Legislation - Proposed amendments

The Scenic Rim Rate Payers Association Inc. (SRRPA) consists of a cross section of rate payers from throughout the Scenic Rim region. Our key goals are to keep ratepayers informed and in turn represent their concerns with local government.

We bring to your attention our concerns with some of the proposed amendments to the Planning and Environment legislation which, if passed, could shift the balance between community interests and developers to favour the developer, gag council, gag our elected representatives and gag the public voice.

One of the proposed changes will require the losing party in the Planning and Environment Court to be liable for its own costs as well as those of the winning party. Currently each party is liable only for its own costs no matter which side wins or loses.

At present developers seem quite prepared to appeal a Council rejected development application, indeed there is every likelihood they "price-in" the legal and court costs when funding the proposed project because of the potential profits should the Court allow the development to proceed.

It could also be said that some Councils are already reluctant to reject applications because of the costs incurred in defending their decision should the applicant appeal. And at this point in time they are liable only for their own costs. For reasons not made public the Scenic Rim Regional Council is unwilling to cooperate with local groups or individuals in presenting a concerted defence against such appeals.

Further, it is currently possible for community groups and individuals to have their say in these court hearings since their liability for costs is clear. The needed funds to cover costs are usually raised from the community.

In the event that this amendment is passed what council or community group would be financially strong enough to "take on" one of the miners (for example)? An amendment such as this will give "carte blanche" to developers, discourage council from disallowing any development applications, deter our elected representatives from their responsibility of representing their constituents and effectively gag the community.

We bring our concerns to your attention and seek your intervention in having these draconian proposed amendments dropped.

Yours sincerely

Astrid Kennedy

President

Scenic Rim Rate Payers Association Inc.

www.scenicrimratepayersassoc.org.au