

Cr Nicole Johnston

Councillor for Tennyson Ward



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Mr Ted Malone MLA
Member for Mirani
Chairman
State Development, Infrastructure and Industry Committee
SDIIC@parliament.qld.gov.au

Dear Mr Malone

I am writing to make a submission to the State Development, Infrastructure and Industry Committee's inquiry into the *Sustainable Planning and Other Legislation Amendment Bill 2012*.

The decision of the Newman Government to amend the *Sustainable Planning Act* (SPA) to introduce costs penalties for matters appealed to the Planning and Environment Court is short-sighted. In effect, they will restrict access to court review by residents disputing town planning decisions.

Developers should not have an unfettered right to use their superior financial or commercial power to scare residents from appealing town planning decisions that do not comply with town planning laws.

Perversely, this provision may also affect Council ability to defend their own decisions which are contested by developers and result in higher costs to ratepayers. The current system works well now, including court powers to strike out vexatious litigants, and there is no reason for change in my view.

I put this challenge to you – find out how many appeals are initiated by residents as a total percentage of those made by Brisbane City Council. I know it is very low, the best indicator that this is not a problem requiring legislative intervention.

I urge you to remove this provision from the Bill.

Yours sincerely

Nicole Johnston LLB, BA (Hons) MPP
Councillor for Tennyson