

Protecting and advocating for landowner and developer rights and interests

The interests and rights of private landowners and occupiers – versus governments in Queensland are defined by a complex ‘web’ of laws, regulations, and guidelines. For example:

- The *Property Act* describes ‘interests in land’ – such as, who owns the land, and whether these rights are subject to other alleged ‘interests’ or ‘restrictions’ such as covenants, registered agreements, easements, caveats, etc.
- The *Residential Tenancies Act* broadly establishes the rights of landowners versus lawful ‘occupants’ such as tenants and renters.
- The *Planning Act (2016)* and *Planning Regulation (2017)* gives local governments – via planning scheme – the right to constrain the use and development of privately owned land – in the interests of the broader community.
- Then there’s the *Local Government Act* – which gives Councils powers to introduce local laws.

Abuse of power, unethical and/or criminal behaviour - has always been problematic in government. According to both State and local governments – this is all now in the past, however. Most Councils now provide options to reporting alleged unethical, corrupt, and unlawful behaviour¹ by Councillors and Council employees, and the state government has set up various ‘independent’ bodies - however they’re hardly well-known, their functions and powers largely unknown and unclear, and the entire system is almost impossible to navigate².

So, while the most obvious and egregious examples of corruption and misbehaviour are probably always going to be detected, reported, and acted upon – there’s still plenty of examples of Councillors and Council officers behaving in ways that legally and ethically, don’t pass the ‘pub test’:

- Council planning departments not allowing members of the public access to Council town planning officers.
- Unlawful fees and penalties.
- Personal involvement by Councillors/Mayors in administrative decision making.
- Inconsistent (biased?) town planning decision making.
- Abuse of process and excessive use of warrants to enter private property.
- Unlawful and illegally applied local laws.

Then there’s the whole things about Councils failing to adequately inform and assist the public to understand the actions of its officers.

aup town planning is not your ordinary planning consultancy. We understand the law and challenge Councils when they seek to impose constraints on the rights and interests of landowners and developers without valid cause and/or unlawfully and protect them against unethical Council behaviour.

¹ For example, over the past 2 years of the xx allegations of Councillor ‘mis-behaviour’ made to the Sunshine Coast Regional Council’s internal ethics department, none were xxx.

² There are at least 6 ‘bodies’ established by the Queensland state government with powers to review the behaviour, decisions, and actions of local government officers.