



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal Number:	19-031
Appellant:	QUEENSLAND FIRE AND EMERGENCY SERVICE
Respondent (Assessment Manager):	PETER HOFSTETTER
Co-respondent:	CAIRNS REGIONAL COUNCIL
Site Address:	Cairns Performing Arts Centre, 9-11 Florence Street, Cairns and described as Lot 4 on SP C198264 – the subject site

Appeal

The Queensland Fire and Emergency Service (“QFES”) makes an Appeal under s229 and schedule 1 table 1 item 2 of the *Planning Act 2016* (“the PA”) against a decision dated 4 July 2019 for a change application, which decision was contained in a “Development Application Decision Notice No. 15401” dated 4 July 2019 for the Cairns Performing Arts Centre (“CPAC”) owned by the Cairns Regional Council (“CRC”).

Date and time of hearing:	
Place of hearing:	On the papers
Tribunal:	John Eylander– Chair David Job – Member Mark Anderson - Member
Present:	Submissions of the QFES – Appellant Submissions of CERTIS – Assessment Manager Submissions of the CRC - Council representative

Decision:

The Development Tribunal (Tribunal), in accordance with section 252 and 250 of the *Planning Act 2016* (PA), dismisses the appeal for the reason that the tribunal does not have jurisdiction to hear the appeal.

Appeal Rights:

Please be advised that you may elect to lodge an appeal about this matter in the Planning and Environment Court (the Court). Any period for starting proceedings in the Court for the matter that is the subject of these proceedings starts again when the Tribunal gives this decision notice to the Appellant.

The following link outlines the steps required to lodge an appeal with the Court.

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

Jurisdiction Application:

1. On 18 July 2019, the QFES lodged a Form 10 Notice of Appeal pursuant to the *Planning Act 2016* (“the PA”). The grounds for appeal accompanying the Form 10 included an assertion that certain actions by the assessment manager ‘lacked necessary jurisdictional power’, including the following actions:
 - (a) *“The Assessment Manager’s replacement of the original Certificate of Classification (dated 26 November 2018) with a new Certificate of Classification (dated 30 May 2019) with the effect of extending timescales for the completion of long-term fire safety measures agreed during legislated development approval processes.*
 - (b) *The Assessment Manager’s consideration and acceptance of a Change Application submitted by Cairns Regional Council (dated 31 May 2019) with the effect of triggering the issue of a new Decision Notice (dated 4 July 2019) removing the requirement for the completion of the following previously agreed long term safety measures:*
 - i. *Smoke detection in Type A,C and D walls.*
 - ii. *Vertical fire breaks in Type A,C and D wall cavities.”*
2. The Cairns Regional Council filed an application in a proceeding “pursuant to s252(1)(b) of the *Planning Act 2016 Qld* to seek, in effect, a finding that the Development Tribunal has no power to hear and determine the subject appeal”.
3. Section 252 of the PA provides –

252 Deciding no jurisdiction for tribunal proceedings

(1)A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—

(a)on the tribunal’s initiative; or

(b)on the application of a party.

(2)If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.

(3)Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.

(4)The decision notice must state the effect of subsection (3).

(5)If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

4. The definition of a “party” is provided in Schedule 2 of the PA as –

party, in relation to tribunal proceedings or proceedings in the P&E Court, means any or all of the following—

(a)the applicant or appellant;

(b)the respondent;

(c)any co-respondent;

(d)if the Minister is represented—the Minister.

5. During the course of submissions, arguments arose as to the proper application of s78A(1) of the PA (so as to determine ‘responsible entity’ for the change application in this case) and also as to whether jurisdiction might potentially arise under item 1 of table 1 of table 3 of schedule 1 in addition to, or as an alternative to, item 2 of table 1 of schedule 1. Suffice it to say at this stage, that in the Tribunal’s view, the Cairns Regional Council and Mr Hofstetter would each be a proper ‘party’ for the appeal (whether as a Respondent, a Co-respondent or a Co-repondent by election) whichever of these arguments is correct.

6. The Cairns Regional Council is the owner of the subject building and a referral agency for the development application.

7. The grounds relied upon by the CRC in the Application are relevantly–

- i. *On 23 November 2018, Mr Conan Wilson, a private certifier in the employ of Certis Pty Ltd, gave an approval for building work for a class 5, 9b and 10a building (2018 Approval).*
- ii. *...*
- iii. *On 31 May 2019 the Co-Respondent made a Change Application (Change Application) to the Respondent in accordance with section 78(1) of the [PA] to change the 2018 Approval.*
- iv. *On 31 May 2019, the Change Application was posted to the Queensland Fire and Rescue Service (Appellant) by the Co-Respondent via express post in accordance with section 80(3) of the [PA].*
- v. *The records of the Co-Respondent show that the Change Application was delivered to the Appellant on 3 June 2019.*
- vi. *Under section 80(4) of the [PA], the Appellant was required to give to the Respondent and Co-Respondent a notice, within 15 business days after receiving a copy of the Change Application, that it either had no objection to the proposed change, or that it objects to the change, with reasons for the objection.*
- vii. *...*
- viii. *The Appellant did not provide a response notice to the Respondent and Co-Respondent by 24 June 2019.*
- ix. *As a result of the failure of the Appellant to provide notice by 24 June 2019, the Respondent was required, pursuant to section 80(5) of the [PA], to decide the Change Application as if the Appellant had given a response stating the affected entity had no objection to the change.*
- x. *...*
- xi. *Section 229(1) of the [PA] and Schedule 1, Table 1, Item 2 provides that an affected entity only has appeal rights in respect of a change application if the affected entity gave a response notice.*
- xii. *As the Appellant did not give a response notice, it has no right of appeal in respect of the Change Application.*

8. The Application is supported by an affidavit of Bruce Henry Gardiner, General Manager Infrastructure Services, CRC.
9. The Respondent, Peter Hofstetter of Certis Pty Ltd filed submissions largely adopting and supporting the submissions of the Co-Respondent, CRC.
10. The Appellant QFES relevantly submitted –
 - i. The QFES did not have actual receipt or notice of the change application until it came to the attention of a QFES officer on 10 June 2019 and thus the response is within time;
 - ii. Alternatively, Schedule 1, Table 1, Item 2 of the PA requires “*that an appellant in relation to a change application must, relevantly, be an affected entity that gave a response notice in respect of the change application. Schedule 1 of the [PA] does not require the affected entity to have given the response notice within a particular time, or, more specifically, within the period specified in s80(4) of the [PA]. There is nothing in the [PA] that provides that a response notice given outside the specified timeframe is not a response notice.*”
 - iii. And following on from the above submission, Schedule 1 does not require an appellant who is an affected entity to have given a response notice objecting to the change application.
11. The QFES submissions were filed late. The Co-Respondent was provided further time to Reply to these submissions. These Reply submissions addressed service of the change application and the time period to respond. Relevantly, the Co-Respondent replied to the submission that an affected entity has an appeal right with regard to a change application pursuant to Schedule 1 and submitted “*Council’s complaint is not that QFES was ‘deemed’ to have no objection to the change pursuant to s.80(5), such that it cannot now gainsay that position, but rather that it did not give a response notice at all, contrary to the clear and unambiguous requirements of Schedule 1, Table 1, Item 2, Column 1.*”
12. In consideration of jurisdiction, the Tribunal was concerned the proposed change application was not minor change, or was an application for the performance of building work. On 13 January 2020, the Tribunal directed the parties to file written submissions “*on the question whether the PA, schedule 1, table 3, item 1 gives the tribunal jurisdiction to hear this appeal*”.
13. After receiving these submissions, the Tribunal sought further submissions on 11 March 2020 from the parties in relation to the making of the minor change application –
 1. *Was the development approval in this instance a ‘PDA development approval’ under the Economic Development Act 2012?*
 2. *For the change application in this case, who was ‘the referral agency’ referred to in section 78A(1)(a) of the Planning Act 2016 (PA) and on what basis?*
 3. *What is meant by the words ‘... a development condition of a development approval stated in a referral agency’s response for the development application’ in section 78A(1)(a) of the PA? More specifically, if a referral agency in giving its response expressly or impliedly adopts a condition put forward by the assessment manager, can the condition not properly be regarded as ‘stated in’ the referral agency’s response for the purposes of the section?*
 4. *Was the change application in this case properly made for a ‘minor change’, or should it have been made for a change other than a minor change? Please identify*

reasons for the answer given. (At this stage evidence is not sought for any assertions of fact made in the answer.)

5. *If the Change Application in this case should properly have been made for a change other than a minor change, would the decision made in this case on 4 July 2019 to approve the change be regarded in law as a nullity and of no force or effect (given the requirements contained in PA for a Change Application for a change other than a minor change)?*
6. *Was any notice given by Cairns Regional Council under section 80(1) of the PA prior to the Change Application being made (and if so, please identify the relevant document)?*
7. *If no notice under section 80(1) was given as mentioned in question 6, what relevant legal consequence/s followed, if any. For example, did the failure to give such a notice have the legal effect of invalidating the Change Application and/or the subsequent approval thereof. Please identify reasons for the answer given.*
8. *It is noted that the building development approval given on or about 28 November 2018, was given by a Mr Conan Wilson and yet the change application was approved (or purportedly approved) by Mr Peter Hofstetter.*

(a) How is it asserted that Mr Hofstetter was the 'assessment manager' for the change application in terms of section 78A of the PA?

(b) Please provide details of the disengagement (if any) of Mr Wilson as the private building certifier for the development application and the engagement (if any) of Mr Hofstetter (including information and documents showing compliance with sections 141 and 144(2) of the Building Act 1975, as applicable).

The Tribunal acknowledges that some of the questions above may go to matters not within a party's knowledge. For example, the Appellant may not be aware of the details sought in question 8(a). In such cases, please answer to the effect 'The answer is not within the knowledge of the [Appellant].'

14. The co-respondent objected to these questions. The Tribunal agrees, on reflection, that a decision on jurisdiction can be made without receiving these submissions.
15. For the reasons that follow, the Tribunal finds it does not have jurisdiction to hear the appeal whether a minor change or not.

Material Considered:

The material considered in arriving at this decision comprises:

- i. 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Tribunals Registrar on 18 July 2019.
- ii. Decision Notice dated 23/11/2018
- iii. Certificate of Classification dated 26/11/2018
- iv. QFES correspondence dated 26 March 2019
- v. Cairns Regional Council correspondence dated 28/3/2019
- vi. QFES correspondence dated 12 April 2019
- vii. QFES correspondence dated 24/5/2019
- viii. Form 13 – Application for Certificate of Classification for a building or structure built before 30 April 1998/Change of Certificate of Classification dated 20/05/2019

- ix. Certificate of classification dated 30/5/2019
- x. Cairns Regional Council correspondence to QFES dated 31 May 2019
- xi. Cairns Regional Council correspondence to Peter Hofstetter dated 31 May 2019
- xii. Change Application dated 31/5/2019
- xiii. QFES correspondence dated 26/6/2019
- xiv. QFES correspondence dated 28/6/2019
- xv. Decision Notice dated 4/7/2019
- xvi. CRC Solicitors, McCullough Robertson Jurisdictional Point submissions and letter dated 23/8/2019
- xvii. QBCC letter to Certis dated 3/9/2019
- xviii. Application in Pending Proceedings from McCullough Robertson Lawyers for the CRC;
- xix. Affidavit of Bruce Henry Gardiner (CRC) sworn 18/09/19
- xx. Submissions on behalf of Peter Charles Hofstetter from McInnes Wilson Lawyers;
- xxi. Affidavit of Peter Charles Hofstetter sworn 18/09/19;
- xxii. Preliminary Jurisdictional Application Outline of Argument for the Applicant by Paul Enders (QFES Legal Services) dated 1/10/19
- xxiii. Affidavit of Mark Kahler (QFES) sworn 25/09/19;
- xxiv. Affidavit of Steven West (QFES) sworn 27/09/19;
- xxv. Preliminary Jurisdictional Application Co-Respondent's Reply to QFES' Outline of Argument from McCullough Robertson Lawyers dated 9/10/19
- xxvi. Preliminary jurisdictional application outline of argument for the applicant
- xxvii. Supplementary submissions on behalf of the respondent dated 31 January 2020

Background:

- 16. It is necessary to explain the background to the appeal.
- 17. The CPAC is of Building Class 5, 9b, 10 a and Type A pursuant to the National Construction Code ("NCC"). For buildings requiring Type A fire-resisting construction the NCC Deemed to Satisfy addresses two common cases:
 - (a) Pursuant to C1.9, the cladding forms part of the external wall wherein the cladding must be non-combustible in accordance with AS1530.1:1994).
 - (b) The cladding is an attachment to an external wall. The external wall is required to meet the specified fire resistance level ("FRL").
- 18. The manufacturer of the cladding advertises the product as "non-combustible".
- 19. Around mid-2018, the QFES identified the cladding as combustible, advising that QFES would consider all Performance Solution proposals on their merits. The objectives to be satisfied are –
 - (a) Involvement of the combustible cladding in fire does not compromise occupant life safety or prevent the safe evacuation of occupants from the building.

- (b) Involvement of the combustible cladding in fire does not compromise firefighter life safety or firefighting operations with respect to the notification, access, conditions and equipment required by the QFES.
- (c) The combustible cladding does not cause or contribute to vertical fire spread beyond the storey of fire origin.
- (d) The combustible cladding does not contribute to fire spread between buildings on the same site or to adjoining properties.
- (e) The combustible cladding does not produce flaming or falling debris which may result in fire spread to storeys below the storey of fire origin and/or that presents a hazard for egressing building occupants, bystanders, or intervening firefighters.

20. On 23 November 2018, the QFES gave advice to the assessment manager, Mr Conan Wilson “*when considering whether to approve/refuse this application, regarding the degree to which the proposed building work meets the operational requirements of the QFES referral jurisdiction identified in the Planning Regulation 2017*”. This advice contained an eight (8) page attachment titled “Alternative Solution/Reassessment/Building Approval” containing general comments, intended fire strategies and assessment methodologies, conclusions attributed to QFES acceptance, and interim measures and inspections.

21. The Assessment Manager, Conan Wilson (License Number A1213909) was employed by CERTIS Pty Ltd, and made a development application notice decision notice no. 15401 on 23 November 2018 to the client, CRC with the conditions of approval –

“This is an amended approval to reflect the inclusion of the combustible elements in the type A, B, C & D walls...” with “The following conditions are added to the original decision notice conditions:

1. *This approval acknowledges the QFES referral agency advice dated 23/11/18. The conditions advised below from the QFES advice are conditions to this approval. . Note also that the full QFES assessment advice is appended to this decision notice, as well as the “Program Table” listed below.*

- *All systems, procedures or restrictions articulated or referenced within the FER, including additional management-in-use requirements and the requirements of the “Enhanced Emergency Management Manual”, should be in place and maintained during any period of public occupation until the as-specified in the “Program Table” (supplied to QFES) and the FER are implanted for the Type A, C & D external wall assemblies.*
- *QFES is advised once the as-specified detection, suppression and material replacement strategies are implemented for the Type A, C & D external wall assemblies.*
- *The FER is amended to remove references to “subject to acceptance by QFES” and replaced with an appropriate statement acknowledging the RPEQ Fire Engineer’s responsibility for the conclusions contained within the FER.*

2. *The measures below must be completed prior to occupation of the building:*

- a. *Additional Hydrants in the carpark as agreed with QFES.*
- b. *Breaks in foyer ceiling insulation as documented in the attached.*
- c. *Additional smoke detection in foyer ceiling as documented in the attached.*
- d. *Implementation of and Enhanced Emergency manual / operational procedures which includes:*
 - i. *During performances, additional ushers with fire warden training.*
 - ii. *During performances, additional external security for early detection / prevention of situations.*
 - iii. *Additional advanced fire training for staff*

- iv. *Exterior CCTV monitoring or [of] the building 24/7 with City Safe Operations.*
 - v. *Alternative exit paths and early warning of foyer situations with alternative EWIS messaging.*
 - vi. *Refer CPAC's emergency Management Manual Dated 5/11/18 and cover letter dated 16/11/18 for details of the enhanced operational procedures.*
3. *The additional measures below must be completed in a timeframe agreed with the building certifier and QFES. These timeframes will be agreed and listed on the certificate of classification.*
- a. *Smoke detection in Type A, C & D walls.*
 - b. *Sprinklers in Type A, C & D wall cavities.*
 - c. *Vertical fire breaks in Type A, C & D wall cavities.*
 - d. *Rock barriers to remain along the external wall of the studio theatre.*
 - e. *Annual thermal scanning of distribution boards to be undertaken to identify hotspots and faults.*

Note the following documentation has been provided to support this decision notice:

- *Fire engineering analysis incorporating the combustable cladding and polyester ceiling insulation is provided in the following fire engineering and peer review reports:*
 - a. *Fire engineering report by NDY dated 16/11/18 reference rp180803b0015 – Revision 3.*
 - b. *Risk assessment and performance solution by Ignis labs Report No. IGNL-2071-08 (AS) dated 5/10/2018 Issue 01 Revision 02.*
 - c. *Fire engineering peer review by Ignis dated 5/10/2018*
 - d. *Fire engineering peer review by DMA engineers dated 8/10/18.*
 - e. *Fire engineering peer review by Omnii dated 8/10/18*

“underline my emphasis”

22. On 26 November 2018, Conan Wilson issued the Form 11 – Certificate / Interim Certificate of Classification for CPAC, at “Section 6. Restrictions on the use or occupation of the building –

1. *The following interim Additional Operational measures will be maintained until longer term fire safety measures are adopted:*
 - *During performances - additional ushers with fire warden training.*
 - *During performances - additional external security for early detection / prevention of situations.*
 - *Additional advanced fire training for staff*
 - *Exterior CCTV monitoring of the building 24/7 with City Safe Operations.*
 - *Alternative exit paths and early warning of foyer situations with alternative EWIS messaging. Staff to have undertaken advanced training in evacuation scenarios for CPAC.*
 - *Refer CPAC's emergency Management Manual Dated 5/11/18 and cover letter dated 16/11/18 for details of the enhanced operational procedures.*
2. *Long term fire safety measures below are to be completed by the following dates. Formal documentation to be submitted prior to commencing works. Variance to the timescales listed below is only permitted by the certifier in consultation with QFES*
 - *Smoke detection in Type A, C & D walls – 30/6/19*
 - *Sprinklers in Type A, C & D wall cavities – 30/6/19*
 - *Vertical fire breaks in Type A, C & D wall cavities – 31/12/19*
3. *Rock barriers to remain along the external wall of the studio theatre.*

4. Annual thermal scanning of distribution boards to be undertaken to identify hotspots and faults.
5. Maximum building occupancy is provided on the attached.
6. QFES conditions from QFES inspection advice dated 26/11/18. Excerpt of conditions provided below:
 - All systems, procedures or restrictions articulated or referenced within the FER, including additional management-in-use requirements and the requirements of the "Enhanced Emergency Management Manual", should be in place and maintained during any period of public occupation until the as-specified in the "Program Table" (supplied to QFES) and the FER are implanted for the Type A, C & D external wall assemblies.
 - QFES is advised once the as-specified detection, suppression and material replacement strategies are implemented for the Type A, C & D external wall assemblies.
 - The FER is amended to remove references to "subject to acceptance by QFES" and replaced with an appropriate statement acknowledging the RPEQ Fire Engineer's responsibility for the conclusions contained within the FER.
7. The Form 11 further provides at "Section 7. Alternative Solutions" that the following systems and procedures form part of the alternative solution:

"Fire Safety

The building is subject to performance solutions to fire safety. These are documented in the following Fire Engineering Reports:

- *NDY Fire engineering Report Rev 2.6 Dated 1st March 2018.*
- *NDY Fire engineering report dated 16/11/18 reference rp180803b0015 – Revision 3*
- *Risk Assessment and performance solution by Ignis labs Report No.IGNL-2071-08 (AS) dated 5/10/2018 Issue 01 Revision 02.*

The performance solutions are summarised below:

- *Extended distance of travel to an exit of up to 49m in lieu of 40m from the main Theatre area main auditorium at level 0 – Stage and Foyer.*
- *Extended distance to an exit of up to 50m in lieu of 40m from the seat area of the Studio Theatre*
- *Extended distance to a point of choice of exits of up to 26m in lieu of 20m from the Admin Plant area Level 1 – Stalls foyer and Lower plant.*
- *Distance between Alternative exits on level 0 stage and foyer exceed 60m (86m in lieu of) and Level 1 stalls and lower plant of 64m in lieu of 60m.*
- *Travel via a non-fire isolated stair on the upper plant level and balcony to services corridor on stalls foyer level is not continuous to road or open space.*
- *Egress path reduced to 920mm in lieu of 1m in the Stall in the Main Theatre*
- *Clear space around seating reduced to 470mm in lieu of 500mm in the Balcony seating area*
- *Egress path reduced to 750mm in lieu of 1m in the Studio Theatre*
- *Rationalisation of smoke hazard management system to the main theatre.*
- *Smart smoke detection system – different mode of operation during events.*
- *Omission of smoke exhaust to the studio theatre.*
- *Reduced FRLs for musicians' room and chair store under stage. 120/120/120 reduced to 60/60/60.*

- *Omission of sprinklers beneath open stairs in foyer space.*
- *Fire indicator panel not located in main foyer.*
- *Combustible elements in external walls.*

23. Pursuant to section 102 of the *Building Act* 1975 there is an obligation to give a certificate of classification on inspection after particular events, relevantly that the building has been substantially completed and at subsections (1)(b) and (c) –

“(b) if there is any fire safety installation installed in the building – the applicant has given the building certifier –

- (i) a list of all the installations; and*
- (ii) drawings showing their location; and*

(c) any requirement under the building assessment provisions or a condition of the building development approval for a referral agency inspection of the building has been complied with or has ceased to apply.

24. The term “substantially completed” is defined in section 101 of the *Building Act* 1975 and relevantly “[A] building has been substantially completed when ... all fire safety installations are operational and installed as required under the building assessment provisions” together with all the other prescribed matters.

25. Section 103 of the *Building Act* 1975 provides for the Certificate of Classification requirements including that it be in the approved form, that it state the building’s classification and type of building or the use, and relevantly for the CPAC Certificate of Classification –

“103 Certificate requirements

A certificate of classification must –

- (a) ...*
- (b) ...*
- (c) ...*
- (d) ...*
- (e) If the development uses a building solution under the BCA or QDC and the solution –*
 - (i) Restricts the use or occupation of the building – state the restriction; or*
 - (ii) Requires a management procedure relating to systems or procedures – state the management procedure; and*
- (f) If the development uses alternative solutions – state the materials, systems, methods of building, management procedures, specifications and other things required under the alternative solutions.*

26. The Certificate of Classification for CPAC dated 26 November 2018 states those things required by s103(e) and (f) of the *Building Act* 1975. The certificate of classification purports to permit the use of the building so long as the CRC adopts additional operational measures, being –

- *During performances - additional ushers with fire warden training.*
- *During performances - additional external security for early detection / prevention of situations.*
- *Additional advanced fire training for staff*
- *Exterior CCTV monitoring of the building 24/7 with City Safe Operations.*
- *Alternative exit paths and early warning of foyer situations with alternative EWIS messaging. Staff to have undertaken advanced training in evacuation scenarios for CPAC.*

- Refer CPAC's emergency Management Manual Dated 5/11/18 and cover letter dated 16/11/18 for details of the enhanced operational procedures.
- Until the long-term fire safety measures are completed, being –
- Smoke detection in Type A, C & D walls – 30/6/19
 - Sprinklers in Type A, C & D wall cavities – 30/6/19
 - Vertical fire breaks in Type A, C & D wall cavities – 31/12/19

27. The Queensland Government introduced changes to the *Building Regulation 2006* ("the Building Regulation") commencing 1 October 2018, to require owners of particular buildings to undertake an assessment of the material used on the external walls of their building and to identify combustible cladding and whether cladding rectification work is likely to be required to achieve an acceptable level of safety. These changes were introduced by the *Building and Other Legislation (Cladding) Amendment Regulation 2018*, the *Building (Cladding) Amendment Regulation 2018* and the *Building (Cladding) Amendment Regulation 2019*. The Department of Housing and Public Works then produced the "Guideline – For assessing buildings with combustible cladding". The scope of the guideline –

- Is limited to matters relevant to the changes to the *Building Regulation 2006*;
- The content of the guideline cannot be used to inform of the application of the legislation, or the assessment of building development applications submitted on or after 1 October 2018. For these building development applications, the relevant BCA assessment provisions should be applied.

28. The application of the Regulation applies to a building, like the CPAC, being –

- That is a class 2 to 9 building; and
- That is of Type A or Type B construction; and
- For which a building development approval was given, after 1 January 1994 but before 1 October 2018, for building work to build the building or to alter the cladding on the building; and
- That is privately owned (including Councils).

29. The Building Regulation requires owners to register and complete an assessment using the combustible cladding checklist. The combustible cladding checklist comprises 3 parts, and if there is combustible cladding, then the engagement of a Fire Engineer to prepare a risk assessment.

30. On 13 March 2019, the QFES and the Certifier engaged in a telephone discussion about the combustible cladding and the long-term safety measures. The discussion arose from the Certifier letter proposing a reassessment submission. The QFES then commenced a review of the documentation for the CPAC Project.

31. By way of letter on 26 March 2019, the QFES expressed "*general concern with the proposal not to provide all 'long term safety measures' specified within the certificate*". In this letter the QFES "*reiterate that these remain the objectives of QFES as a Referral Agency stakeholder in the assessment and approval of the Project's proposal to use combustible cladding*". The QFES concluded "*QFES express general concern with the proposal not to provide all 'long term safety measures' specified within the Certificate. This general concern is on the basis that the proposal not to provide systems previously considered by the design team as required to satisfy the objectives would represent a reduction in fire safety, potentially leading to life safety risks for the community and QFES fire fighters*".

"Underline is added for emphasis"

32. The CRC CEO, Mr John Andrejic, replied to the QFES by letter dated 28 March 2019, essentially relying on the Building Regulation and the QFES condition to the Certificate of Classification –

“The FER be amended to remove references to ‘subject to acceptance by QFES’ and replaced with an appropriate statement acknowledging the RPEQ Fire Engineer’s responsibility for the conclusions contained within the FER.”

33. The CRC CEO then submitted in relation to the Certificate of Classification conditions –
“This in Council’s view correctly puts the onus on the RPEQ Engineer to assess and make recommendations on appropriate fire safety systems for CPAC. On this basis, and subsequent to the issuing of the Certificate of Classification, Council has engaged a suitably qualified fire engineer to conduct a building safety assessment as per section 16X of the Building and Other Legislation (Cladding) Amendment Regulation 2018 which applies to CPAC as it is a private building of type A construction with a building approval issued after 1 January 2014 and prior to October 2018”.

34. The CRC CEO further submitted the *“conclusion of the RPEQ fire engineer is that the building poses a low fire risk and has sufficient safety and fire systems in place to ensure the safety of building occupants at all times including the extremely unlikely event that the external walls of the building caught on fire”.* The CRC admitted the risk assessment required additional measures being –

1. *The installation of fast-response wall-wetting sprinkler system in the external wall cavity on identified parts of the building by 30 June 2019*
2. *Additional fire detection not be installed in the external wall cavity as the sprinkler system will provide this function of occupant warning and brigade call out. This suggestion was raised by QFES personnel during recent on-site inspections.*
3. *Vertical fire breaks not be installed in the external cladding as there are limited ignition sources, and the material has been demonstrated in fire tests to not cause rapid horizontal spread of fire.*

35. The QFES responded on 12 April 2019 to the assessment manager, declining a reassessment of the long-term safety measures for the CPAC as required by the certificate of classification for the following reasons –

- i. *There is no basis under the Building Act 1975 for your proposal to treat the certificate of classification given in December 2018 for the CPAC, as a certificate for the occupation of the whole of an unfinished building.*
- ii. *In any case, the issuing of a further certificate of classification for the CPAC would not replace the certificate of classification given in November 2018, and the requirements stated in that certificate of classification will continue to apply to the CPAC, unless and until the certificate of classification is replaced under section 113 of the Building Act 1975.*
- iii. *You do not have the express or implied power under the Building Act 1975 to amend or revoke the certificate of classification given in November 2018.*

36. On 20 May 2019, Mr Bruce Gardiner of the CRC made an Application for Change of Classification under Form 13 of the *Building Act 1975* on the basis –

“This is an application for a BCA classification or use change pursuant to section 109(b) of the Building Act 1975 in respect of timescales specified in Condition 2 of the Certificate of Classification”

Condition 2 of the Certificate of Classification dated 26 November 2018 provided for the long term fire safety measures including the installation of smoke detection and sprinklers in the Type A, C and D walls by 30/6/19, and vertical fire breaks in those wall cavities by 31/12/19.

37. On 30 May 2019, a new assessment manager Mr Peter Hofstetter issued a Form 11 Certificate of Classification providing further time for the CRC to comply with Condition 2, to 30/12/19 for the smoke detection and sprinklers, and 31/12/19 for the vertical fire breaks. The license number of the building certifier on this document is that of Mr Conan Wilson (A1213909) and not Mr Hofstetter's.
38. On 31 May 2019, a change application under s78 of the PA was made by the CRC "to remove the requirement under Condition 3 of the Building Works Approval to install smoke detection in Type A, C & D walls and vertical fire breaks in Type A, C & D wall cavities. The change application is supported by the attached Fire Engineering Report by Norman Disney & Young dated 5 February 2019 (FER) and Risk Assessment Report by Ignis dated 23 January 2019 (Risk Assessment)".
39. The application was purported to be made in accordance with s80(3) of the PA, giving the QFES 15 days to give notice. The CRC submitted in the letter that if QFES does not provide a notice within 15 business days, then "Certis must decide the application as if the affected entity had given a response notice stating the affected entity had no objection to the change".
40. QFES responded by email to the assessment manager on 26 June 2019 stating –

"I have managed to locate the submission (attached) that you're referring to and note that this was not accompanied by a request for QFES to reassess and appears incomplete if that is the intent.

QFES has previously provided advice (also attached) regarding Certis intent to amend the CofC issued in November 2018, subsequently Certis proceeded to amend and reissue this in May 2019.

Please note that QFES does object to the proposed change application and will correspond directly with the CRC regarding its reasons"
41. On 28 June 2019, QFES wrote to the CRC and the assessment manager objecting "to the change application under section 80(4) of the Planning Act 2016 seeking the removal of the requirement in condition 3 of the Building Works Approval to install smoke detection services in type A, C and D walls and vertical fire breaks in type A, C and D wall cavities in the Cairns Performing Arts Centre". That is, the Responsible Entity has denied the minor change application.
42. On 4 July 2019, Peter Hofstetter (under Conan Wilson's license number A1213909) made a "Development Application Decision Notice No: 15401 giving approval with conditions –
 1. *This is an amended approval that superseded the Decision Notice issued 23 Nov 2018.*
 2. *This approval reflects the inclusion of the combustible elements in the type A, B, C & D walls as indicated in the drawings approved 23/11/2019.*

The following conditions are added to the original decision notice conditions:

 3. *The measures below must be (and have been) completed prior to occupation of the building:*
 - a. *Additional Hydrants in the carpark as documented in the hydraulic drawing approved 23/11/2018.*
 - b. *Breaks in foyer ceiling insulation as documented in the architectural drawings approved 23/11/2018.*

- c. *Additional smoke detection in foyer ceiling as documented in the Electrical drawings approved 23/11/2018.*
 - d. *Implementation of and Enhanced Emergency manual / operational procedures which includes:*
 - i. *During performances, additional ushers with fire warden training.*
 - ii. *During performances, additional external security for early detection / prevention of situations.*
 - iii. *Additional advanced fire training for staff*
 - iv. *Exterior CCTV monitoring or (sic) the building 24/7 with City Safe Operations.*
 - v. *Alternative exit paths and early warning of foyer situations with alternative EWIS messaging.*
 - vi. *Refer CPAC's Emergency Management Manual Dated 5/11/18 and cover letter dated 16/11/18 for details of the enhanced operational procedures.*
4. *The additional measures below must be completed in a time frame agreed with the building certifier and QFES. These time frames will be agreed and listed on the certificate of classification.*
- ~~a. *Smoke detection in Type A, C & D walls.*~~
 - b. *Sprinklers in Type A, C & D wall cavities.*
 - ~~c. *Vertival fire breaks in Type A, C & D wall cavities.*~~
 - d. *Rock barriers to remain along the external wall of the studio theatre.*
 - e. *Annual thermal scanning of distribution boards to be undertaken to identify hotspots and faults.*

43. On 18 July 2019, the QFES lodged a Notice of Appeal with the Development Tribunal Registry seeking to challenge Mr Hofstetter's Decision Notice dated 4 July 2019.

44. On 3 September 2019, the QBCC wrote to Peter Hofstetter as the building certifier concerning the decision of 4 July 2019 and advising the Certifier "*that the Queensland Building and Construction Commission (Commission) is of the view that your Decision was unlawful and was infected by a clear jurisdictional error*" for the reason the change application on behalf of the CRC "*was made to the wrong legal entity*" and then acted *ultra vires* "*in purporting to decide the change application pursuant to s 81A of the Planning Act 2016*" for the reasons –

- “(a) Section 78 of the Planning Act 2016 provides that a change application must be made to the “responsible entity for the application.” In effect, s81A of the Planning Act 2016 states that after assessing the change application, the responsible entity must then decide the application.*
- (b) Section 78A of the Planning Act 2016 provides that the responsible entity for a change application is:*
 - i. *the “referral agency” (here the QFES) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application (s78A(1)(a)); or*
 - ii. *the “assessment manager” (ie the Certifier) (s78A(1)(b)).*
- (c) the responsible agency for the purposes of s78 was the QFES and not you (as the Certifier) because, in respect of s78A(1)(a):*
 - i. *the change application dated 31 May 2019 made by the Council was for a “minor change to a development condition of a development approval:” and*
 - ii. *the conditions that were the subject of the change application were stated in the QFES's response (as a referral agency) to the development application dated 23 November 2018.*

45. The QBCC's letter required the assessment manager to acknowledge in writing that:
- (a) The Decision was unlawful;
 - (b) That in the circumstances the Decision is not to be relied upon by the Council; and
 - (c) That within 5 days of the date of the Certifier's written acknowledgement to the QBCC that the Certifier will provide to the CRC and to QFES notice of the above reasons and provide a copy to the QBCC.

Jurisdiction:

46. The Development Tribunal is a creature of statute created under Part 2 of Decision 6 of the PA. Pursuant to s229 of the PA the matters that can be appealed to the tribunal are provided for in Schedule 1.
47. The appeal period pursuant to s229(3) of the PA is 20 days after a notice of the decision for the matter is given to the person. The appeal was lodged on 18 July 2029.
48. For this decision on jurisdiction, the tribunal must consider the decision appealed, being decision application decision notice No.15401 dated 4 July 2019 (received by the QFES on 5 July 2019) that removes the Certificate of Classification requirement to install parts of the fire safety system.
49. Section 1 of Schedule 1 provides that Table 1 states the matters that may be appealed to the tribunal. However, subsection (2) provides that Table 1 applies to a Tribunal only if the matter involves, relevantly at (1)(f) and (1)(g) –
- (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or*
 - (g) a matter under this Act, to the extent the matter relates to the [Building Act](#), other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or*

Certificate of Classification

50. The first jurisdiction issue raised in the QFES appeal is part (a) being –
- “The Assessment Manager’s replacement of the original Certificate of Classification (dated 26 November 2018) with a new Certificate of Classification (dated 30 May 2019) with the effect of extending timescales for the completion of long-term fire safety measures agreed during legislated development approval processes”.*
51. The amended Certificate of Classification is dated 30 May 2019. The appeal was filed on 18 July 2019 outside the appeal period. If this decision could be appealed to the tribunal, the appeal was lodged outside of time.
52. Schedule 1 of the PA limits appeals to the Tribunal relating to the Building Act at Table 3. Chapter 5 Part 2 of the Building Act provides for the Certificates of Classification for other buildings. That Part does not provide for an appeal to the Tribunal.

53. In *Stevenson Group Investments Pty Ltd v Nunn & Ors* [2010] QPEC 114, His Honour Judge Durwood considered jurisdiction to determine certain allegations relating to a certificate of classification, and helpfully gave an analysis of the law, and said¹ -

“if the legislature had intended that issues concerning a certificate of classification be determined in the context of the IPA, one would have expected that to be clearly proscribed in IPA. It is not so proscribed.”

54. The PA does not provide an appeal right for a certificate of classification issued under the *Building Act*.

Change Application and Schedule 1 Table 1

55. Neither party addressed whether the Tribunal’s jurisdiction pursuant to Table 1 was enlivened pursuant to Schedule 1, table 1, item 2. The Tribunal sought further submissions from the parties whether jurisdiction was enlivened under Sch 1, table 1, or Sch 1, table 3, item 1. The latter provision allows an appeal against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions. The Registry directed the parties to file further submissions on this issue.

56. Schedule 1, table 1, item 2 provides -

<p>2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity’s decision on the change application; or (b) a deemed refusal of the change application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent(if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p>	<p>The responsible entity</p>	<p>If an affected entity starts the appeal—the applicant</p>	<p>1A concurrence agency for the development application 2If a chosen assessment manager is the respondent—the prescribed assessment manager 3A private certifier for the development application 4Any eligible advice agency for the change application 5Any eligible submitter for the change application</p>

¹ Paragraph 44

57. Schedule 1, section 1(5) provides “Table 3 states the matters that may be appealed only to the tribunal”. Table 3, item 1 provides –

<p>1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2A private certifier for the development application related to the approval

58. Table 1 at Item 2 provides for Change Applications. An appeal may be made against the responsible entity’s decision on the change application. Column 1 provides the appellant can be, if the responsible entity is the assessment manager, an affected entity that gave a response notice.

59. The CRC submits that as s80(4) of the PA provides an affected entity must, within 15 business days after receiving a copy of a change application for a minor change, give the responsible entity and the applicant a notice. Then, pursuant to subsection (5) of section 80, if the affected entity does not do so, the responsible entity must decide the application as if the affected entity had given a response notice stating the affected entity had no objection to the change.

60. A person may make a change application to change a development approval and that change application must be made to the responsible entity (s78 of the PA).

61. Section 78A (1) of the PA provides –

- (1) *The responsible entity for a change application is—*
(a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency’s response for the development application or another change application for the approval—the referral agency;
or
(b) otherwise—the assessment manager.

62. When considering the conditions of approval to the development application decision notice No.15401 dated 4 July 2019, whether a minor change or otherwise, the QFES gave notice of its objection to the change on 12 April 2019.

63. Subsections (a) to (l) of section 1 of Schedule 1 comprise preconditions, only one of which needs to be satisfied, for the application of table 1.

64. Table 1 at item 2 “Change Applications” provides in column 1 that an appellant can be “1. *The applicant*” (CRC) or “2. *If the responsible entity is the assessment manager – an affected entity that gave a pre-request notice or response notice*”.
65. The Appellant QFES is neither of these.
66. In the circumstances, the CRC submits that even if any of the preconditions in section 1(2) of Schedule 1 is satisfied, table 1 has no application because item 2 of table 1 (being the only item in table 1 that has any potential relevance) does not apply.
67. The Tribunal accepts this submission and accordingly finds that the Tribunal does not have jurisdiction to hear the appeal pursuant to table 1 of Schedule 1. (The Tribunal also considers that item 2 of table 1 does not apply for another reason related to the change the subject of the change application being other than a minor change. This is discussed further below under the heading ‘Minor change’.)
68. The Tribunal sought submissions whether the appeal could be classified as a Building Advisory Agency appeal against giving approval for building work to the extent the building work required code assessment against the building assessment provisions. This head of jurisdiction arises under Schedule 1, table 3, item 1.
69. The respondent submitted the “*QFES Appeal must either be categorised as a Building Advisory Agency Appeal or an appeal under Schedule 1, Table 1, Item 2 of the Act (Change Application Appeal) ... It cannot be both*”. Both the Respondent and the Co-Respondent relied on the definition of “development application” meaning “*an application for a development approval*” together with the decision-making process pursuant to ss60 and 63 of the PA. This contrasts with an appeal relating to a change application defined in Schedule 2 of the PA by reference to s78(1) of the PA being to change a development approval. In summary, the Co-Respondent said “*in circumstances where the decision being appealed against did not relate to the decision to ‘give a development approval’, but rather a decision to ‘change a development approval’, Item 1 is not apposite*”. The respondent concluded the decision-maker did not give a development approval for building work, but instead gave a decision about a change application.
70. The Tribunal accepts these submissions also and finds accordingly that the appeal does not fall within item 1 of table 3.

Minor Change

71. The change application dated 31 May 2019 and subsequent Development Application Decision Notice 15401 dated 4 July 2019 removes the requirement under Condition 3 of the Building Works Approval to install smoke detection in Type A,C, & D walls and vertical fire breaks in Type A, C, & D wall cavities.
72. Minor change for a development application is defined as –
- minor change** means a change that—
- (a) for a development application—
- (i) does not result in substantially different development; and
- (ii) if the application, including the change, were made when the change is made—would not cause—
- (A) the inclusion of prohibited development in the application;
- or
- (B) referral to a referral agency if there were no referral agencies for the development application; or
- (C) referral to extra referral agencies; or

- (D) a referral agency, in assessing the application under section 55 (2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or
- (E) public notification if public notification was not required for the development application

73. The definition of “minor change” was considered by Kefford DCJ in *GWB Investments Pty Ltd v Brisbane City Council* [2018] QPEC 33 [46] – [49] –

[46] A “minor change” is defined in Schedule 2 of the Planning Act 2016. The definition relevantly states:

“**minor change** means a change that—

...

(b) for a development approval—

- (i) would not result in substantially different development; and
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application;
or

- (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
- (C) referral to extra referral agencies, other than to the chief executive; or
- (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or
- (E) public notification if public notification was not required for the development application.”

[47] Schedule 1 of the Development Assessment Rules, promulgated by the Minister under s 68 of the Planning Act 2016, provides as follows:

“Schedule 1: Substantially different development

1. An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where – amongst other criteria – a minor change is a change that would not result in ‘substantially different development’.

2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—*
 - (a) *made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) *made to a development application in accordance with part 6;*
 - (c) *made to a development approval after the appeal period.*
3. *In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
4. *A change may be considered to result in a substantially different development if the proposed change:*
 - (a) *involves a new use; or*
 - (b) *results in the application applying to a new parcel of land; or*
 - (c) *dramatically changes the built form in terms of scale, bulk and appearance; or*
 - (d) *changes the ability of the proposed development to operate as intended;⁴ or*
 - (e) *removes a component that is integral to the operation of the development; or*
 - (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
 - (g) *introduces new impacts or increase the severity of known impacts; or*
 - (h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*
 - (i) *impacts on infrastructure provisions.*

[48] *There is no stated legislative requirement to consider these matters. They are also not an exhaustive statement of the circumstances that might be relevant to the determination of whether something is substantially different development. Nevertheless, applying a purposive approach to the reading of the planning legislation, both parties accepted that it was appropriate to have regard to them. I accept that it is appropriate that I do so.*

[49] *Whether the proposed change is a ‘minor change’ is a matter of fact and degree. It should be considered broadly and fairly, with guidance found in Schedule 1 of the Development Assessment Rules.*

74. The development approval did not permit the use of combustible cladding and an alternative solution was approved by QFES as incorporated in the Certificate of Classification. QFES gave notice, prior to the material change application that QFES did not consent to the removal of the alternative solution.
75. The Development Application Decision Notice gives development approval providing for conditions at 3 and 4, for Building Work including to the fire safety system, for “fire safety system work”.
76. Building work that is accepted development for the PA is defined in s21 of the *Building Act*. Alterations to the fire safety system that are accepted development are defined in Schedule 1 sections 7 and 9 of the *Building Regulation 2006*, being -

- 7 *Particular repairs, maintenance or alterations not affecting structural component or fire safety system*
- (1) *This section applies to building work that consists of repairs, maintenance or alterations to an existing building or structure, other than—*
- (a) *alterations to existing fencing for a regulated pool; or*
- (b) *repairs, maintenance or alterations to an existing solar hot water system or photovoltaic solar panel attached to the roof of a building.*
- (2) *The building work is prescribed if it does not—*
- (a) *change the building or structure’s floor area or height; or*
- (b) *affect a structural component or the fire safety system of the building or structure.*
- 9 *Particular repairs, maintenance or alterations only affecting minor component of fire safety system*
- (1) *This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—*
- (a) *do not change the building’s floor area or height; and*
- (b) *only affect a minor component of the building’s fire safety system.*
- (2) *The building work is prescribed if the work—*
- (a) *only affects a minor component of the system; and*
- (b) *does not affect more than 20% of the system’s components of the same type.*
- (3) *For subsection (2)(a), a component is minor only if, were it not present in the fire safety system, the safety of occupants of the building would not be compromised.*
- Examples of a minor component of a fire safety system—*
- *a sprinkler head*
 - *a smoke alarm*
- (4) *In this section—*
building *includes structure.*

77. The change to the fire safety system in the development application decision notice dated 4 July 2019 removes the smoke detection in the Type A, C and D walls together with the vertical fire breaks in these wall cavities. These changes affect a structural

component of the fire safety system. The alterations are not “accepted development” in the Tribunal’s opinion.

78. In the Tribunal’s view, the purported change is assessable development for which a development approval is required.

79. When considering substantially different development under Schedule 1 of the Development Assessment Rules, the “change” required the QFES to “*assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made*”. Furthermore, the alteration of the fire safety system “*changes the ability of the proposed development as intended*” and/or “*removes a component that is integral to the operation of the development*”, that is, the fire safety system.

80. Therefore, in the Tribunal’s view, the purported change is not a minor change.

81. Quite apart from the reason mentioned above (relating to the QFES’s failure to give a timely notice) for holding that item 2 of table 1 does not apply, the Tribunal considers it does not apply because the change application was not for a minor change and the ‘pre-request response notice’ and ‘response notice’ regimes referred to in item 2 of table 1 apply only for a minor change.

82. The Development Tribunal (Tribunal), in accordance with section 252 and 250 of the *Planning Act 2016* (PA), dismisses the appeal for the reason that the tribunal does not have jurisdiction to hear the appeal.

83. As alluded to under the heading ‘Appeal Rights’ at the beginning of this decision notice, section 252(3) of the PA provides –

(3) *Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.*

John Eylander
Development Tribunal Chair
Date: 7 May 2020

Enquiries:

All correspondence should be addressed to:

The Registrar of Development Tribunals
Department of Housing and Public Works
GPO Box 2457
Brisbane QLD 4001

Telephone (07) 1800 804 833

Email: registrar@hpw.qld.gov.au