



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal Number: 43-18

Appellants: Vincent Ronald Schokman and Carol G Schokman

**Respondent
(Assessment Manager):** Brisbane City Council

Site Address: 21 Waldo Street Norman Park 4170 and described as Lot 1 on RP 41482

Appeal

Appeal under section 229 and Schedule 1, Table 1, Item 1 of the *Planning Act 2016* against the decision of the Assessment Manager to refuse a development application for building works to demolish a dwelling house constructed in 1946 or earlier and located within the Traditional building character overlay.

Date and time of hearing: 11:00 am, 18th February 2019.

Place of Hearing The Subject Site – 21 Waldo St Norman Park (Subject Site) described as Lot 1 on RP 41482, and Level 16, 41 George St, Brisbane

Tribunal: Henk Mulder - Chair
Astrid Chan - Member
Neal Charlton - Member

Present: Vincent Schokman - Appellant
Carol Schokman - Appellant
Cherri Gullikson - with the Appellants
Lyn Collins - with the Appellants
Malcolm Elliot - Heritage Consultant for the Appellants
Victor Feros - Town Planner for the Appellants and the Appellants' authorised representative
Milena Mog - Brisbane City Council (Council) representative
Travis Crane (observer) - Council representative

Decision:

The Development Tribunal (Tribunal), in accordance with section 254(2)(a) of the *Planning Act 2016* (PA2016) **confirms** the decision of the Assessment Manager to refuse a development application for building works to demolish a dwelling house constructed in 1946 or earlier and located within the Traditional building character overlay.

Background

1. The Subject Site is an irregularly shaped allotment of 506m² with a frontage of approximately 19.5m to Waldo Street.
2. The Subject Site contains a single story residential dwelling that was constructed prior to 1947 and can be described as Spanish Mission in style. The dwelling has a large setback from Waldo Street and is a smaller dwelling by comparison with its contemporary neighbours. The building itself is not structurally unsound and is not occupied.
3. From the Brisbane City Plan 2014 version 010.00/2018 (**BCP2014**), the Subject Site is:
 - (a) zoned "CR2 Character (Infill Housing)"
 - (b) covered by the "Traditional building character overlay", and
 - (c) within the Bulimba District Neighbourhood Plan but is not in a precinct or sub-precinct.
4. Other overlays apply to the Subject Site. However, they are not considered relevant to this appeal.
5. The hearing was undertaken with a site inspection (**Site Inspection**) commencing at 11am on 18 February 2019. Each person listed above was present although Mr Vincent Schokman chose to not traverse the street or visit the Subject Site. The hearing continued after the Site Inspection at midday at 41 George Street, Brisbane. At the hearing Mr Schockman advised he is a neighbour of the Subject Site and long-standing resident in Waldo Street having built two dwellings in the street adjacent and near the Subject Site, on the same side, being no. 9 and no. 17 Waldo Street.

Description of Waldo Street and identification of pre-1947 dwellings

7. Waldo Street is a cul de sac off Wynnum Road and is made up primarily of residential dwellings that are more contemporary in appearance and appear larger than the Subject Site. Waldo Street is topographically characterised as a steep hill and the properties along it generally take advantage of the panoramic views to the west, over the Brisbane River towards the Brisbane CBD. Adjacent to the first bend when entering Waldo Street is a public viewing place known as MacPhersons Outlook Park. The Subject Site is the fifth dwelling house on its side of Waldo street.
8. There are two houses that can be described as 'timber and tin' Traditional building character houses that are pre-1947 in age which are located near the entrance of Waldo Street. The first pre-1947 traditional 'timber and tin' house is at 5 Waldo Street and is the first house on the same side of Waldo Street as the Subject Site (as shown in Figure 17, page 14 of the Demolition Report prepared by the Appellant's Heritage Consultant (Malcolm Elliot).
9. The second pre-1946 traditional 'timber and tin' house can be seen to the west of the entrance to Waldo Street and is located at 152 Wynnum Road (as shown in Figure 18 of the Demolition Report).
10. These two traditional 'timber and tin' residences are not within view of the Subject Site as they are visually separated by the first bend in Waldo Street (at MacPhersons Outlook Park).
11. Past the Subject Site, on the opposite side of Waldo Street, is a "pre-1946" house located at 28 Waldo Street, but with a pre-1947 address at Wendell Street, to the west (as shown in Figure 28 of the Demolition Report). Only pedestrian access is available from Waldo Street to this house, due to the steep falls from street level. The traditional building character is evident from the roof tiles and roof form. However, due to the topography of the area only the roof tiles are visible from Waldo Street. The roof is the dominant, singular impression of the house. The remainder of the house, without detailed inspection, is generally of an indeterminate building character.
12. As a result of the lack of a stronger identity in the street, the dwelling at no.28 Waldo St is not being considered as contributing any particular significance to the traditional building character of Waldo Street.

13. The contemporary dwellings in Waldo Street are diverse, including a 70's skewed timber cladding dwelling at 24 Waldo Street, and a concrete six storey house rising up the rock wall face at 39 Waldo Street.

The Appeal

14. A development application was lodged by the Appellants with Council on 30 July 2018 to demolish the house on the Subject Site.
15. Council in its decision notice dated 2 October 2018 refused the application (Refusal Letter), citing noncompliance with a number of criteria contained within the following assessment benchmarks: Traditional building character (demolition) overlay code (**TBC(d)OC**); Character residential code; the Bulimba neighbourhood plan code; and Elements of the Strategic framework for Land use strategy; and Specific outcomes of the BCP2014.
16. The Appellants lodged an appeal with the Tribunal on 16 October 2018 primarily based on the following grounds:
 1. the building proposed for demolition on the Subject Site is in a section of the street within the Traditional building character overlay that has no traditional character; and
 2. that the development involves a building that does not contribute to the traditional building character of that part of the street within the Traditional building character overlay.
16. The hearing established that whilst Council had set out a range of reasons for its refusal of the application, the first two reasons stated in its Refusal Letter (extracted below), and based on the TBC(d)OC are critical. Ms Milena Mog (Council's representative) and Mr Malcolm Elliot (the Appellants' Heritage Consultant) expressed a view that the appeal essentially hangs on an assessment against those first two reasons.

The Delegate/Council refused the application for the following reasons:

1. The proposed development fails to comply with the Acceptable outcomes AO5 of the Traditional building character (demolition) overlay code. The existing building represents traditional building character, no evidence has been submitted demonstrating that the dwelling is structurally unsound, and the building contributes to the character of the street;
 2. The proposed development fails to comply with Performance outcome PO5 of the Traditional building character (demolition) overlay code. The building presents traditional character, is structurally sound and contributes to the traditional building character of the streetscape;
17. During the hearing Mr Malcom Elliot and Mr Victor Feros (Appellants' Town Planner and authorised representative), submitted on the Appellants behalf that the development application satisfied the BCP2014 and the TBC(d)OC because of the following reasons:
 1. The dwelling does not contribute to the character of the street now;
 2. Waldo Street is not of a recognisable character other than contemporary;
 3. Waldo Street is visually dominated by dwellings from the 90's with some slightly earlier eras also visible;
 4. The dwelling of the Subject Site is isolated;
 5. Removal of the residence will not reduce the character in the Waldo Street; and
 6. Removal will not result in a loss of character.
 18. Mr Elliot (the Appellants' Heritage Consultant), during the course of the hearing made reference to several cases including *Lonie v Brisbane City Council* [1998] QPELR 209 in regard to ambling along the street as an average person assessing the existence of traditional character in the streetscape.

Jurisdiction of the Tribunal

19. Jurisdiction for the Tribunal to assess this matter was raised by the Tribunal in writing with all parties prior to the hearing.
20. The Appellants' appeal was lodged in respect to a "material change of use of classified buildings and limited class 2 buildings" (see top of page 3 of Form 10 - Application for appeal). The development will not result in a "material change of use" as defined in PA2016 and a material change of use is not an issue to be considered by the Tribunal in making its decision.
21. PA2016 sets out the regulatory framework for the assessment of development applications. Section 1(1) and section 1(2)(a)(i) and (ii) and 1(2)(g) of Schedule 1 of the PA2016 provide as follows:

Given the above, the Tribunal is of the opinion that a refusal of a development application is:

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; 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

- (a) a matter under the PA2016 that relates to the Building Act, being demolition; and
- (b) cannot be decided by the QBCC pursuant to the Building Act.

22. As such the Tribunal has jurisdiction to hear this appeal under section 1(2)(g) of Schedule 1 of the PA2016, and all parties provided written concurrence for the Tribunal to proceed on this basis.

Traditional Building Character (demolition) overlay code

23. The primary code for assessing this demolition application is the TBC(d) OC. Included in 8.2.21.1 Application of the Traditional Building Character (demolition) overlay code (TBC(d)OC) is the following Note:

"Note—Where this code includes performance outcomes or acceptable outcomes that relate to traditional character or traditional building character, guidance is provided in the Traditional building character planning scheme policy."

24. With its Spanish mission characteristics as set out in the associated assessment guide SC6.30 2.3(4) below, the dwelling at the Subject Site has the form, style, detailing and materials exhibiting traditional building character:

SC6.30 Traditional building character planning scheme policy

1.1 Relationship to planning scheme

The planning scheme policy provides guidance or advice about satisfying an assessment benchmark which identifies this planning scheme policy as providing that guidance or advice.

1.2 Purpose

This planning scheme policy provides guidance on the elements that comprise traditional character and traditional building character identified in the Traditional building character (demolition) overlay code and Traditional building character (design) overlay code.

2.2 Traditional building form and roof styles

.....

- (3) Other traditional building character forms exhibit overseas architectural influences on Brisbane's residential design. These forms occurred primarily during the inter-war period and are often influenced by but not limited to art deco, Spanish mission, Californian bungalow and Georgian.

2.3 Traditional elements, detailing and materials

.....

- (4) Whilst 'timber and tin' are the predominant materials of the older suburbs, the presence of other distinctive traditional building character forms, such as Spanish mission, and the variety of materials highlights the overseas influence on residential design in Brisbane and is an integral part of the traditional building character. These styles usually incorporate face brick or rendered walls on the exterior and have a base material of fibro, masonry or concrete with a tile or tin roof.

25. The Purpose of theTBC(d)OC is extracted below (bolding added for emphasis):

"8.2.21.2 Purpose

- (1) The purpose of the Traditional building character (demolition) overlay code is to:
- (a) Implement the policy direction in the Strategic framework, in particular:
 - (i) Theme 2: Brisbane's outstanding lifestyle and Element 2.1 – Brisbane's identity;
 - (ii) Theme 5: Brisbane's CityShape and Element 5.5 – Brisbane's Suburban Living Areas.
 - (b) Provide for the assessment of the suitability of building work for the demolition, removal or repositioning of a building or structure if any part of the building or structure was substantially constructed in 1946 or earlier, in the Traditional building character overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) **Development protects residential buildings constructed in 1946 or earlier that individually or collectively contribute to giving the areas in the Traditional building character overlay their traditional character and traditional building character.**
 - (b) Development protects buildings constructed prior to 1911 by limiting demolition or removal to only where a building is structurally unsound.
 - (c) Non-residential character buildings that provide or have provided in the past, services to the community, are protected where they contribute to the traditional character of the locality and form part of a character streetscape comprising character buildings constructed in 1946 or earlier nearby in the street and within the Traditional building character overlay.
 - (d) **Development protects a residential building or a part of a building constructed in 1946 or earlier where it forms a part of a character streetscape comprising residential dwellings constructed in 1946 or earlier nearby in the street within the Traditional building character overlay.**
 - (e) Development retains a residential building constructed in 1946 or earlier that reflects the traditional building character other than 'timber and tin' architecture.
 - (f) Development ensures that a dwelling house moved onto, or repositioned within a small lot is consistent with the requirements for houses on a small lot.
 - (g) Development permits demolition or removal of post-1946 residential buildings or structurally unsound buildings.
 - (h) Development ensures that, in conjunction with the Traditional building character (design) overlay code, residential buildings constructed in 1946 or earlier in the Traditional building

character overlay are retained and redevelopment complements the traditional building character of buildings constructed in 1946 or earlier."

26. Council emphasised at the hearing that as set out in 8.2.21.2 (2)(a), above, that individual residential dwellings with Traditional building character overlay should be protected whether they are isolated or located as part of an identifiable group of similar (character) dwellings.
27. The Appellants subsequently emphasised at the hearing that as set out in 8.2.21.2 (2)(d), above, the dwelling does not form part of a character streetscape comprising residential dwellings constructed in 1946 or earlier nearby in Waldo Street. This was also presented during the Site Inspection where, in that part of the street visible to the Subject Site, every dwelling was almost uniquely contemporary, with the two 'timber and tin' dwellings of traditional character located at the street's entry around the bend and not visible when standing at the front of the Subject Site.

Decision framework

28. The development application was properly made on 30 July 2018. At that time, the PA2016 and the BCP2014 was in force.
29. The onus rests on the Appellants to establish that the appeal should be upheld (see section 253(2) of the PA2016. The Tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision and was appealed against (see section 253(4) of the PA).

Material Considered

The material considered in arriving at this decision comprises:

30. 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Tribunals Registrar on 16 October 2018.
31. Decision notice issued by Brisbane City Council dated 2 October 2018.
32. Observations from Site Inspection, as mentioned in this decision.
33. Submissions made at the hearing, as mentioned in this decision.
34. *The Planning Act 2016* (PA2016).
35. *The Planning Regulation 2017*
36. Brisbane City Plan 2014 (BCP2014), including but not limited to:(a) Section 8.2.21 of the TBC(d)OC
37. Schedule 6 Planning scheme policies SC 6.30 Traditional building character planning scheme policy (TBCPSP)
38. *Lonie v Brisbane City Council* [1998] QPELR 209
39. *Beauchamp v Brisbane City Council* [2018] QPEC 43

Findings of Fact

The Tribunal makes the following findings of fact:

Subject Site

40. The Subject Site is located at 21 Waldo St, Norman Park, is zoned Character Residential (CR2) Character (Infill Housing) and is located within the Traditional building character overlay of the Brisbane City Plan 2014 (BCP2014).
41. Waldo Street is a cul de sac off the arterial route of Wynnum Road.
42. The Subject Site can be seen to be located at the end of the extent of the street in pre-1947 mapping, as contained in Figure 13, page 11 of the Demolition Report submitted by the Appellants to the Council as part of the development application material.

43. The Subject Site contains a pre-1947 single storey dwelling which is identified to be Spanish mission in style. It is well set back on the lot, and appears as a smaller dwelling in comparison with its contemporary neighbours.
44. The planting and existing landscaping currently prevents the dwelling from being seen readily within the streetscape. Planting and landscaping is not a constraint in establishing what the view from the street to the dwelling is, and is an impermanent and variable condition of the Subject site.
45. The Subject Site is not constrained by particular infrastructure or any easements.
46. All parties to the appeal agreed the dwelling:
 - (a) is not structurally unsound,
 - (b) is built pre-1947 and has not been substantially altered,
 - (c) does comprise of traditional building character;
 - (d) is not a part of a group of traditional dwellings; and,
 - (e) is isolated as it is located 'around a bend' from the two other traditional building character dwellings, described as 'timber and tin', and located at the entrance of Waldo Street.
69. The Subject Site is visually separate from two other pre-1947 traditional building character houses located at the entry to Waldo street by virtue of being around a bend in the street.
70. As a cul-de-sac, all entry and exit movements for vehicles and pedestrians within this street go past the two 'timber and tin' dwellings, establishing these pre-1947 traditional building buildings as significant character buildings in Waldo Street.

Code assessment and assessment benchmarks

71. The BCP2014 is the relevant instrument for assessing the demolition of a pre-1947 dwelling. The version of the BCP2014 relevant at the date the application was properly made (30th July 2018) is v 0.10/2018. The BCP2014 categorises demolition of dwelling houses constructed prior to 1947 and located within the TBC(d)OC overlay, such as that on the Subject Site, under Table 5.10.21 of Part 5 of the BCP2014. Such development is:
 - (a) code assessable; and
 - (b) the assessment benchmarks are set out in section 8.2.21 of the TBC(d)OC, being "the purpose, overall outcomes and outcomes in sections A and B [of the TBC(d)OC]".
73. The applicable neighbourhood plan and other overlays do not change the category of development and assessment.

Traditional building character (demolition) overlay code

74. The Purpose of the TBC(d)OC establishes the relationship to the Strategic framework and confirms the purpose can be met by an individual residential building constructed pre-1947, or a collective contribution by such dwellings (see section 8.2.21.2 of the TBC(d)OC extracted below, emphasis added).

"8.2.21.2 Purpose

- (1) The purpose of the Traditional building character (demolition) overlay code is to:
 - (a) Implement the policy direction in the Strategic framework, in particular:
 - (i) Theme 2: Brisbane's outstanding lifestyle and Element 2.1 – Brisbane's identity;
 - (ii) Theme 5: Brisbane's CityShape and Element 5.5 – Brisbane's Suburban Living Areas.
 - (b) Provide for the assessment of the suitability of building work for the demolition, removal or repositioning of a building or structure if any part of the building or structure was substantially constructed in 1946 or earlier, in the Traditional building character overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:

- (a) Development protects residential buildings constructed in 1946 or earlier that individually or collectively contribute to giving the areas in the Traditional building character overlay their traditional character and traditional building character.
- ...
- (d) Development protects a residential building or a part of a building constructed in 1946 or earlier where it forms a part of a character streetscape comprising residential dwellings constructed in 1946 or earlier nearby in the street within the Traditional building character overlay.”

75. Section A of the TBC(d)OC is not applicable to this appeal and therefore has not been considered by the Tribunal.

Section B—Demolition or removal of a building constructed in 1946 or earlier
(emphasis added)

<p>PO5 Development involves a building which: (a) does not represent traditional building character; or (b) is not capable of structural repair; or (c) does not contribute to the traditional building character of that part of the street within the Traditional building character overlay.</p>	<p>AO5 Development involves a building which: (a) has been substantially altered or does not have the appearance of being constructed in 1946 or earlier; or (b) an engineering report prepared by a Registered Professional Engineer Queensland which certifies that the building is structurally unsound and not reasonably capable of being made structurally sound; or (c) if demolished will not result in the loss of traditional building character; or (d) is in a section of the street within the Traditional building character overlay that has no traditional character.</p> <p>Note— For the purpose of this code, comparative analysis of an existing dwelling constructed in 1946 or earlier against the current timber framing standards is not considered to demonstrate 'structurally unsound'.</p>
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76. The dwelling on the Subject Site has traditional building character because it has the following elements, referred to in SC6.30 Traditional building character planning scheme policy of BCP2014, which contribute to traditional building character:

- (a) Traditional building form and roof styles, and
- (b) Traditional elements, detailing and materials, described as Spanish Mission.

77. *Beauchamp v Brisbane City Council* [2018] QPEC 43 considered AO5 (which is identical to AO5 as considered by the Tribunal) in light of partial demolition and established (*para36*) that:

- (a) for the purposes of AO5 the *"relevant loss is one which is meaningful or significant"*; and
- (b) that *"traditional building form is an element of traditional building character"*.

Reasons for the Decision

78. The Council submissions related to the current terms of PO5(c) and section (a) of the Purpose of the TBC(d)OC also refers to individual dwellings, such as at the Subject Site.
79. The Appellant's submissions were an evaluation of the current visual character of Waldo Street with its contemporary dwellings, distinguishing the Spanish mission character dwelling as being of little impact in the street, and different to the bulk of newer dwellings.
80. There exist three buildings in the street that exhibit Traditional building character. In the tribunal's view, the dwelling of the Subject Site at 21 Waldo St individually contributes to giving this area in the Traditional building character overlay its traditional building character.
81. If the dwelling on the Subject Site were demolished, it would result in the loss of traditional building character in this area of the Traditional building character overlay, as the dwelling is the only Spanish mission style dwelling in the street, exemplifying the characteristics sought from the style in the City Plan.
82. The dwelling of the Subject Site is as distinct in character as any of the diverse dwellings of the street. It can be seen that, were the dwelling to be removed the existing character of the street past MacPhersons Outlook Park would be minimally diminished, as submitted by the appellant.
83. However, with relevance to PO5(c), should the dwelling be removed, that part of the street that exhibits Traditional building character would however be affected by the loss of the Spanish mission style in the street.
84. The Purpose of the TBC(d)OC sets out in (a) (below) that individual, pre-1947 dwellings are to be considered as meriting protection.
 - (a) Development protects residential buildings constructed in 1946 or earlier that individually or collectively contribute to giving the areas in the Traditional building character overlay their traditional character and traditional building character.
84. The Purpose of the TBC(d)OC as set out in (d) (below) establishes protection for a pre-1947 dwelling as a part of a streetscape comprising buildings that can be nearby to each other. Any conclusion from this purpose of the TBC(d)OC does not change the protection afforded by the clause (a), above.
 - (d) Development protects a residential building or a part of a building constructed in 1946 or earlier where it forms a part of a character streetscape comprising residential dwellings constructed in 1946 or earlier nearby in the street within the Traditional building character overlay.
85. The dwelling house on the Subject Site exhibits the character and quality of its era, and is not altered from its traditional Spanish mission character. This traditional building character dwelling in the street and the sole example of Spanish mission style, excluding the dwelling at 28 Waldo St, is considered significant and meaningful in the context of its character contribution to the street and the traditional building character overlay.
86. AO5(d) sets out that demolition of the dwelling at the Subject Site is an acceptable outcome if the dwelling is in a section of the street within the Traditional building character overlay that has no traditional character.
87. The Tribunal considers 'a section of the street' is not a clear-cut or a self explanatory description for assessing the acceptable outcome, above. The dwelling's locational context was described in the Appellant's Demolition report as being a part of the extent of the pre-1947 buildings in the street, continuing to forego the dwelling at 28 Waldo St), and this may be considered a section of the street, for example. A visual delineation is also one of the ways of sectioning a street.
88. The Tribunal considers that in this instance, 'a section of the street':
 - (a) includes 21 Waldo Street;

- (b) starts from the entrance of Waldo Street and extends along Waldo street beyond the Subject Site, up to and including 28 Waldo St; and
 - (c) includes both sides of Waldo Street within the part of Waldo Street stated directly above (as opposed to just the one side of Waldo Street on which the Subject Site is located).
89. The dwelling of the Subject Site is considered by the Tribunal to be in a section of the street within the Traditional building character overlay that has traditional character.
 90. The dwelling has a connection to other styles of traditional building character dwellings constructed pre 1947, and commonly identified as 'timber and tin' dwellings.
 91. The Tribunal considers that "part of the street" in PO5(c) to be the same area as the "section of a street" in AO5(d) as described above and is not addressed separately in this decision.
 92. The example of the average person traversing the street and forming a view of the street (*Lonie v Brisbane City Council* [1998] QPELR 209) in support of determining the character of the street is considered a broad but pertinent view. The issue in regard to the current criteria of TBC(d)OC PO5(c) and after allowing for the impermanence of the existing landscaping, such a person may readily view the individual dwelling of the Subject Site as distinct as all the residences in the street appear, and notable for its older traditional building character, that is, Spanish mission.
 93. In earlier versions of the Brisbane City Plan, the Performance Outcome PO5(c) had made reference to dwellings contributing 'positively' to the visual character of a street, and this has been applied in the past to an assessment of the streetscape. However, under the current outcomes sought in PO5(c) the consideration is whether the dwelling does not contribute to the traditional building character of that part of the street.
 94. The individual dwelling of the Subject Site contributes significantly to the traditional building character of Waldo Street. The loss would result in the loss of significant and meaningful character in the street, contrary to the Purpose of the Code.
 95. The Tribunal upholds the Councils decision in that the Appellant has not demonstrated suitable compliance with the TBC(d)OC and no relevant matters are presented that overcome the non-compliance with the applicable assessment benchmarks.

Henk Mulder
Development Tribunal Chair
Date: 15 May 2019

Appeal Rights

Schedule 1, Table 2 (1) of the *Planning Act 2016* provides that an appeal may be made against a decision of a Tribunal to the Planning and Environment Court, other than a decision under section 252, on the ground of -

- (a) an error or mistake in law on the part of the Tribunal; or
- (b) jurisdictional error.

The appeal must be started within 20 business days after the day notice of the Tribunal decision is given to the party.

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>

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 Facsimile (07) 3237 1248

Email: registrar@hpw.qld.gov.au