



## Development Tribunal – Decision Notice

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### *Planning Act 2016, section 255*

<b>Appeal number:</b>	<b>22-050</b>
<b>Appellant:</b>	Christopher Wilson and Jennifer Wilson
<b>Respondent (Assessment Manager):</b>	John Dunn
<b>Co-respondent (concurrence agency):</b>	Sunshine Coast Regional Council
<b>Site address:</b>	70 Buderim Street, Battery Hill Qld 4551 and described as Lot 60 C92818

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### **Appeal**

Appeal under section 229(1)(a)(i) and Schedule 1, Section 1, Table 1, Item 1 of the *Planning Act 2016* against the refusal by the assessment manager, at the direction of the referral agency, of a development application for a development permit for building work for the construction of a shed on residential premises.

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<b>Date and time of hearing:</b>	Tuesday 6 December 2022 at 10.00am
<b>Place of hearing:</b>	70 Buderim Street, Battery Hill (the subject site)
<b>Tribunal:</b>	Kim Calio – Chair Danielle Sibenaler – Member Catherine Baudet – Member
<b>Present:</b>	Christopher Wilson – Landowner and Appellant Cameron Wilson – Planner – Council representative Tracey Douglas – Planner – Council representative John Dunn – JDBA Certifiers – Respondent/Assessment Manager

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### **Decision:**

The Development Tribunal, in accordance with section 254(2)(a) of the *Planning Act 2016*, confirms the decision of the Assessment Manager to refuse the development application for a development permit for building work for the construction of a shed on land located at 70 Buderim Street, Battery Hill Qld 4551, described as Lot 60 C92818.

### **Background**

1. On or about 21 March 2022, JDBA Certifiers (**JDBA Certifiers**) issued a decision notice for a development application for building work (BA220047) approving

*'Alterations Ground Floor, Extension 2nd Storey Master Suite inc Ensuite WIR Deck & Shed and Swimming Pool and Pool Barrier'* (**Building Approval**) in respect of land located at 70 Buderim Street, Battery Hill, described as Lot 60 C92818 (**Land**).

2. A stop work notice was subsequently issued by Sunshine Coast Regional Council (**Council**) in response to complaints about the construction of the shed, on the basis that the shed allegedly did not comply with the Building Approval which, amongst other things, approved it at 3.250m above natural ground level.
3. A development application for a development permit for building work (**Application**) was submitted to JDBA Certifiers seeking retrospective approval for the shed the subject of this proceeding (**Shed**).
4. At the time the Application was lodged, the Shed had already been substantially constructed and encroached into the side and rear boundary setbacks stipulated by Acceptable Solution A2(a) and Acceptable Solution A2(d) of the Queensland Development Code MP 1.2 (**QDC**).
5. The Application therefore triggered referral to Council as a concurrence agency pursuant to Schedule 9, Part 3, Division 2, Table 3 Item 1(a) of the *Planning Regulation 2017* (**Regulation**).
6. Pursuant Schedule 9, Part 3, Division 2, Table 3 Item 4 of the Regulation, the Application required assessment against QDC MP 1.2 Performance Criteria P2, which states:

*P2 Buildings and structures-*

- a) *provide adequate daylight and ventilation to habitable rooms; and*
- b) *allow adequate light and ventilation to habitable rooms of buildings on adjoining lots.*
- c) *do not adversely impact on the amenity and privacy of residents on adjoining lots.*

7. JDBA Certifiers referred the Application to Council on or about 29 August 2022.
8. On or about 6 September 2022, Council's delegate decided to issue a referral agency response (**RAR**) directing the Assessment Manager to refuse the Application due to non-compliance with Performance Criteria P2(c) of the QDC, citing, amongst other things, the following reasons for refusal of the Application

*Queensland Development Code (MP1.2) Performance Criteria P2(c):*

*P2 (c) – Buildings and structures do not adversely impact on the amenity and privacy of residents on adjoining lots.*

*The proposed shed would adversely impact the amenity of the residents on the adjoining lots to the east and south. The scale and bulk of the proposed shed and reduced setbacks would negatively impact the amenity and enjoyment of adjoining premises. As such, the proposed shed would not comply with Performance Criteria P2(c).*

9. JDBA Certifiers subsequently issued a decision notice dated 30 September 2022, refusing the Application as required by section 62 of the *Planning Act 2016 (Act)*.<sup>1</sup>
10. The owners of the Land, Mr Christopher Wilson and Ms Jennifer Wilson, filed this appeal on or about 4 October 2022 in response to the refusal of the Application at the direction of the concurrence agency.
11. This appeal and Appeal No. 22-049 were dealt with concurrently by the Development Tribunal (**Tribunal**) at the hearing held on 6 December 2022, which was conducted at the Land.

### **Jurisdiction**

12. Section 229(1) of the Act identifies that schedule 1 states the matters that may be appealed to the Tribunal.
13. Table 1 of Schedule 1 of the Act states the matters that may be appealed to the Planning and Environment Court or the Tribunal subject to (in the case of the Tribunal) the pre-conditions stated in section 1(2) of Schedule 1.
14. The Tribunal has jurisdiction to determine this appeal under section 229, Schedule 1, Section 1(2)(g) and Schedule 1, Section 1(1), Table 1, Item 1 of the Act.

### **Decision framework**

15. The onus rests on the Appellants to establish that the Appeal should be upheld.<sup>2</sup>
16. 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 appealed against.<sup>3</sup>
17. The Tribunal may nevertheless (but need not) consider other evidence presented by a party with leave of the Tribunal or any information provided under section 246 of the Act.
18. Leave was given by the Tribunal pursuant to section 253(5)(a) of the Act to the parties to present the other evidence specifically identified in the list of 'material considered' below.
19. The Tribunal is required to decide the Appeal in one of the ways mentioned in section 254(2) of the Act.

### **Material considered**

20. The material considered by the Tribunal pursuant to section 253(4) and section 253(5) of the Act in arriving at this decision comprises:
  - (a) The request submitted by JDBA Certifiers to Council for a Concurrence Agency Response for a proposed shed located at 70 Buderim Street, Battery Hill (Lot 60 C92818) on 29 August 2022. The request was accompanied by plans, being Sheets A01 (REV E), A02 (REV D), A03 (REV D), A04 (REV F), A05 (REV E), A06

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<sup>1</sup> The Development Tribunal (**Tribunal**) notes that the decision notice issued by JDBA Certifiers incorrectly cites the reasons for refusal as the reasons relating to a separate development application for Building Works Assessable Against the Planning Scheme, which is the subject of Appeal No. 22-049. It did not refer to the grounds identified in paragraph 8 above.

<sup>2</sup> Section 253(2) of the Act.

<sup>3</sup> Section 253(4) of the Act

(REV D), A07 (REV F) and A08 (REV D) dated 29 August 2022 (**Application Plans**) and a nine page consultant report prepared by JDBA Certifiers.

- (b) Sunshine Coast Regional Council Assessment Report dated 5 September 2022, which assessed both the Request for Concurrence Agency Response and Development Application for Building Work Assessable Against the Planning Scheme.
- (c) Council's RAR dated 6 September 2022.
- (d) The decision notice dated 30 September 2022 issued by JDBA Certifiers refusing the Application<sup>4</sup> for the Shed.
- (e) Form 10 – Appeal Notice against the Assessment Manager's Decision to refuse the Application for Building Works for a new shed, grounds for appeal and correspondence accompanying the Appeal lodged with the Registrar on or about 4 October 2022.
- (f) Email received by the Registrar from Council on or about 6 December 2022 providing a copy of a street view photograph illustrating the previous shed which was demolished to make way for the Shed.
- (g) Email received by the Registrar from JDBA Certifiers on or about 6 December 2022 enclosing a copy of the letter of consent from the resident located at 68 Buderim Street, Battery Hill dated 19 August 2022.
- (h) Emails received by the Registrar from JDBA Certifiers on or about 7 December 2022 providing:
  - (i) A copy of the Building Approval and approved plans;
  - (ii) A copy of the letter of consent from the adjoining neighbour to the east<sup>5</sup> dated 19 August 2022 in relation to the Shed and a Referral Agency Response Request lodged with Council on or about 29 August 2022;
  - (iii) A copy of a photograph of the concrete slab which remained after the demolition of the original shed and which formed part of the footings for the Shed.
- (i) Email received by the Registrar from JDBA Certifiers on or about 8 December 2022 providing nine photographs of other sheds in the area, including 36 Buderim Street, 73 Buderim Street, 81 Buderim Street, 2 Culla-Culla Street, 53 Careen Street, and 9 Elinya Street.
- (j) Email received by the Registrar from JDBA Certifiers on or about 22 December 2022 providing:
  - (i) A Survey Plan of the southwest corner of the Land prepared by Axis Surveys dated 21 December 2022;
  - (ii) An As-Constructed Height Certificate dated 22 December 2022 prepared by Axis Surveys (**Height Certificate**). The Height Certificate states, in part: *'We hereby certify the following, that, at the date of survey (15/12/2022),... the three roof peaks, that were able to be accessed, (being the NE, SW and NW*

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<sup>4</sup> Building Application BA220652.

<sup>5</sup> 68 Buderim Street, Battery Hill.

corners) of the new structure (garage/store), measured between 4.43m and 4.54m above the QLD Building Act 1975 and associated Building Regulation 2021 definition of the "Natural Ground Surface".<sup>6</sup>

- (iii) A Location Certificate dated 20 December 2022<sup>7</sup> and survey plan dated 20 December 2022 prepared by Axis Surveys which illustrated the side and rear setbacks for the northeast, southeast and southwest corners of the Shed, as duplicated below:

CORNER	SHED	EAVELINE	GUTTERLINE
NE	0.48m	0.43m	0.29m
SE	0.50m	0.44m	0.31
SW	0.63m	0.59m	NA

- (k) *Planning Act 2016.*  
(l) *Planning Regulation 2017.*

21. The Tribunal received an email from the Registrar on or about 18 January 2023, which had been received from JDBA Certifiers on or about the same date. This email enclosed the following:
- (a) A Survey Plan of the southwest corner of the subject site prepared by Axis Surveys dated 21 December 2022, as previously provided by JDBA Certifiers on 22 December 2022.
  - (b) The Height Certificate, as previously provided by JDBA Certifiers on 22 December 2022.
  - (c) A Location Certificate and survey plan which illustrated the side and rear setbacks for the northeast, southeast and southwest corners of the shed, as previously provided by JDBA Certifiers on 22 December 2022.
  - (d) Amended plans for the Shed, being Sheets A01 (REV F), A02 (REV E), A03 (REV E), A04 (REV G), A05 (REV F), A06 (REV F), A07 (REV H) and A08 (REV F) dated 9 and 16 January 2023 (**Amended Plans**).
22. The covering email from JDBA Certifiers dated 18 January 2023 stated: "Attached are the amended plans requested by the Referees."
23. There was no explanation provided by JDBA Certifiers as to why they provided the Amended Plans or what changes had been made to the Application Plans.
24. This resulted in the Tribunal having to undertake a review of the Amended Plans to ascertain what changes had been made.
25. The Tribunal identified, amongst other things, the following modifications:

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<sup>6</sup> It is unclear why a height was not provided for the southeast corner of the Shed, and no explanation was provided. Therefore, the Shed height is not known in this location. It could potentially exceed 4.54m.

<sup>7</sup> The Certificate was accompanied by page 1 of 4 from Form 12 – Aspect Inspection Certificate (Appointed Competent Person) and page 2 of 3 from Form 15 Compliance Certificate for building design or specifications.

- (a) relocation of the boundary line;
  - (b) relocation of the shed so that it is located 600mm from the dwelling house on the Land, rather than 800mm as depicted on the plans included in the Application;
  - (c) the skillion roof of the shed overhanging the boundary line;
  - (d) omission of the shed door;
  - (e) relocation of the shed a further 200m from the side boundary;
  - (f) inclusion of dimensions to the pitching point and height of the shed from natural ground level; and
  - (g) including of the shed ceiling height.
26. The Amended Plans were not requested by the Tribunal. They were not reasonably required for the proceedings.
27. Leave is not given by the Tribunal to JDBA Certifiers to present the Amended Plans.
28. For the purpose of section 253(5)(a), the Amended Plans have not been considered by the Tribunal in making this decision.

### **Findings of fact**

The Tribunal makes the following findings of fact:

#### The Land and immediate streetscapes

29. The Land is approximately 597m<sup>2</sup> in area. It has a frontage of approximately 18.89m to Buderim Street.
30. It is generally rectangular in shape and is adjacent to five residential properties, located on the southern, eastern and western boundaries.
31. The Land generally slopes in an easterly direction from west to east. The height of the Shed above natural ground level at the northeast, northwest and southwest corners varies from 4.43m to 4.54m.
32. Vehicle access to the Land is obtained via a concrete drive from Buderim Street to the Shed located in the rear corner.
33. The Land contains a detached dwelling, the Shed and an inground swimming pool.
34. The dwelling is presently single storey, although the Building Approval authorises modifications to it. The majority of the dwelling is of masonry construction with a metal roof.
35. As at the date of the hearing, the Shed was partially constructed. It was not externally clad but has a complete metal roof.
36. Both the dwelling and the Shed have skillion metal roofs sloping down towards the east. The pitch of the dwelling roof is greater than the pitch of the shed roof.

37. The Buderim Street streetscape in the vicinity of the Land is mostly characterised by single storey dwellings, with some two storey dwellings located further away from the Land.
38. The Land adjoins properties to the rear with frontage to Elinya Street which all contain two storey dwellings.
39. Outdoor recreation areas for the adjoining dwellings with a frontage to Elinya Street are located at the rear of those properties, adjacent to the rear boundary of the Land and in immediate proximity to the shed.

#### Proposal

40. The Application, as referred to Council on 29 August 2022, seeks approval for a 9m x 6m (ie 54m<sup>2</sup>) Shed over 3.6m in height located in the rear south-east corner of the Land.
41. The roof peaks of the Shed have been certified to vary in height from 4.43m to 4.54m above natural ground at the northeast, northwest and southwest corners.
42. The minimum setback of the outmost projection of the Shed has been certified to be 0.29m at the northeast corner, 0.31m at the southeast corner and 0.59m at the southwest corner of the Land.

#### The Hearing

43. During the hearing of the Appeal, the Appellant advised:
  - (a) The Land had been owned since 1981.
  - (b) The house located on the Land had been rented to family.
  - (c) Renovations have been occurring since March 2022 and the owners of the Land moved in around early November 2022.
  - (d) Plans were drawn up for renovations to the house which included a new shed with a height of 3.6m, being at a floor level 200mm lower than the adjacent paved area.
  - (e) The Building Approval was issued by JDBA Certifiers on 21 March 2022.
  - (f) The Shed has been substantially constructed but does not comply with the approved plans referred to in the Building Approval as it is higher than 3.6m.
  - (g) A change was made during construction to accommodate the size of the caravan to be stored in the Shed.
  - (h) Council issued a letter to stop work on the construction of the Shed.
  - (i) The Original Plans were prepared and included in the Application and referral agency request submitted to Council on or about 29 August 2022.

- (j) The adjoining neighbour to the east provided their consent to the Original Plans on 19 August 2022.<sup>8</sup>
44. The Tribunal members noted that the height of the shed approved by JDBA Certifiers on 21 March 2022 was never going to be suitable to accommodate a caravan of the size owned by the Appellant, which was observed by the Tribunal members in the partially constructed Shed during the hearing.
45. During the hearing, John Dunn of JDBA Certifiers advised:
- (a) The natural ground level illustrated on the drawings submitted with the Application had been accepted without any verification during assessment of the Application, as is purportedly the normal practice.
  - (b) The Shed has been constructed at the same ground level as the previous shed located on the Land which was demolished.
  - (c) JDBA Certifiers undertook to provide a copy of the current Building Approval issued and a copy of the neighbour's consent letter to the Registrar, which were not in the possession of the Tribunal at the time of the hearing.
46. During the hearing Council's representatives advised:
- (a) Two complaints were received about the Shed.
  - (b) A stop work notice was issued in respect of the Shed.
  - (c) Their key concern was visual amenity impacts.
47. The Tribunal noted the height of the Shed as depicted on the Original Plans was ambiguous and clarity was required as to the height of natural ground as defined in the QDC.
48. Relevantly, the QDC includes the following definitions:
- Height – of a building or structure at any point for the purpose of determining its setback from a boundary means the vertical distance between the outermost projection and the natural ground.*
- Natural Ground Surface for a lot –*
- (a) *The ground level of the lot on the day the first plan of survey showing the lot was registered: or*
  - (b) *If the natural ground level on the day mentioned in paragraph (a) is not known, the natural ground surface as determined by the building certifier.*
49. At the time of the hearing, the Tribunal was unable to ascertain, with any certainty, the actual height of the Shed above natural ground level due to the lack of detail contained within the Application Plans.

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<sup>8</sup> It is noted by the Tribunal that the plans attached to the neighbour's consent letter are dated 15 August 2022 but appear to be consistent with the plans lodged with Council in terms of the shed height and location.



50. The Appellant undertook to arrange for a survey to be prepared and to provide this additional information to the Registrar.

#### Post hearing

51. Additional information and documentation was received by the Registrar from the parties subsequent to the hearing, as previously described in the 'Material Considered'.

#### **Reasons for the decision**

52. The frontage of the Land exceeds 15m. Therefore Acceptable Solution A2(b) of the QDC does not apply.
53. The Shed is a class 10a non-habitable building pursuant to the National Construction Code. It is not a 'structure' as defined by the *Building Act 1975*. Acceptable Solution A2(c) of the QDC does not apply.
54. This means that the height and location of the Shed must be assessed (in the first instance) with reference to Acceptable Solution A2(a), and if applicable, Acceptable Solution A2(d).
55. The roof peaks of the Shed have been certified to vary in height from 4.43m to 4.54m above natural ground at the northeast, northwest and southwest corners.
56. The Tribunal notes, with the benefit of the Height Certificate, that irrespective of the mean height, the Shed (at least in part) exceeds the height of 4.5m stipulated by A2(d)(i).
57. The side and rear boundary setbacks of 0.29m at the northeast corner, 0.31m at the southeast corner and 0.59m at the southwest corner of the Land, considered in conjunction with the height of the Shed, do not comply with Acceptable Solution A2(a)(i) or (ii) of the QDC which states:

*The side and rear boundary clearance for a part of the building or structure is –*

- (i) Where the height of that part is 4.5m or less – 1.5m; and*
- (ii) Where the height of that part is greater than 4.5m but no more than 7.5m – 2m; and ...*

58. The Shed also fails to comply with Acceptable Solution A2(d) of the QDC which applies to class 10a buildings. It states as follows:

*Subject to A2(c), class 10a buildings or parts may be within the boundary clearances nominated in A2(a) and (b) where –*

- (i) the height of a part within the boundary clearance is not more than 4.5m and has a mean height of not more than 3.5m; and*
- (ii) the total length of all buildings or parts, of any class, within the boundary clearance is not more than 9m along any one boundary; and*
- (iii) the class 10a buildings or parts within the boundary clearance are located no closer than 1.5m to a required window in a habitable room of an adjoining dwelling.*

59. The height of part of the Shed within the boundary clearance is more than 4.5m.
60. Given that the Shed does not comply with Acceptable Solutions A2(a)(i), A2(a)(ii) or A2(d) of the QDC, an assessment against Performance Criteria P2 of the QDC is required pursuant to Schedule 9, Part 3, Division 2, Table 3 Item 4 of the Regulation.
61. Performance Criteria P2 of the QDC states as follows:
- Buildings and structures –*
- (a) *provide adequate daylight and ventilation to habitable rooms; and*
- (b) *allow adequate light and ventilation to habitable rooms of buildings on adjoining lots.*
- (c) *do not adversely impact on the amenity and privacy of residents on adjoining lots.*
62. The Tribunal finds that the Shed complies with P2(a) and P2(b) of the QDC. It provides adequate daylight and ventilation to habitable rooms and allows adequate light and ventilation to habitable rooms of buildings on adjoining lots.
63. However, consideration needs to be given as to whether the Application complies with Performance Criteria P2(c) of the QDC, which requires that the Shed does not adversely impact on the amenity and privacy of residents on adjoining lots.
64. The Tribunal finds that the location and height of the Shed will not impact on the privacy of residents on adjoining lots on the basis that the Application Plans for the Shed considered by the Tribunal do not identify any windows on the walls adjoining the southern and eastern boundaries.
65. There is no prospect of overlooking in circumstances where windows are not proposed, and as such the Tribunal can identify no basis upon which the privacy of adjoining residents would be adversely impacted by the Shed and its location where windows are omitted.
66. That said, the Tribunal observed the partially constructed Shed at the time of the hearing. The wall adjacent to the southern boundary did appear to facilitate the provision of a future window, given its shape and location (and noting that the balance of the southern wall was complete). The eastern wall was incomplete at the time the hearing was conducted, and it is difficult to ascertain if any windows were proposed.
67. In circumstances where windows are proposed in either the southern or eastern walls of the Shed (and were omitted from the Application Plans), the Tribunal finds that the Shed would adversely impact upon the privacy of residents of adjoining lots due to the close proximity of the Shed to the boundaries, the elevated position of the Land, and the location of the recreational open space, balconies and windows of habitable rooms of residents of adjoining properties.
68. The Tribunal has, however, proceeded on the basis of the information contained in the Application Plans - namely, no windows are to be installed in the southern and eastern Shed walls - in the absence of any definitive evidence to the contrary.
69. In addition to the question of whether there are adverse impacts upon the privacy of residents of adjoining properties, Performance Criteria P2 of the QDC also requires the

Tribunal to consider any broader impacts inflicted upon the amenity of residents of adjoining lots.

70. The Shed ranges in height from 4.43m – 4.54m at the three corners surveyed (northeast, northwest and southwest), and is both visually prominent and overbearing.
71. The visually imposing nature of the Shed, and its bulk, height and scale, is exacerbated by the elevated location of the Land, which sits significantly higher than the adjoining properties to the south and the east.
72. The close proximity of the Shed to the southern and eastern boundaries leaves no opportunity for the provision of any form of landscaping to soften the visual impact of the structure. It is difficult to identify any reasonable opportunities that might be available to the neighbouring residents to visually obscure the Shed and reduce the impact upon their amenity, particularly in the short-term.
73. In addition to the provision of open space located at the rear of their properties, the adjoining residents to the rear (south) have balconies which overlook their backyards as well as windows of habitable rooms. It is reasonable to presume that these balconies are used by residents as part of their ongoing occupation and enjoyment of their properties, and which currently enjoy a pleasant outlook.
74. Therefore, an assessment of the amenity impacts upon the residents of adjoining lots is not just restricted to their use and enjoyment of the backyard open space, but also their use and enjoyment of their balcony areas, and the visual outlook from the windows of habitable rooms at the rear of their homes.
75. Due to the height and location of the Shed in such close proximity to the boundaries of adjoining properties, the Tribunal finds that the Shed will adversely impact upon the amenity of adjoining residents, and the use and enjoyment of both their private open space, and recreational open space areas.
76. Although shadow diagrams were not adduced by either party to the proceeding, it would be reasonable to expect that any shadow impacts which would be occasioned upon the adjoining properties by the Shed in its current location which would be less than that resulting from a shed of a lesser height and with greater setbacks to the southern and eastern boundaries.
77. Any additional shadow impacts would also be likely to impact upon the amenity of the neighbouring residents, in addition to the use and enjoyment of their backyards. This alone, however, is not determinative.
78. The Shed is imposing in terms of its height, bulk and scale and visually dominating in its location. It will adversely impact upon the visual amenity of the adjoining residents.
79. The Tribunal finds that the height, bulk and scale of the Shed, in conjunction with its limited setbacks to the southern and eastern boundaries, will adversely impact upon the amenity of residents on adjoining lots. Although a letter of consent was obtained from the adjoining neighbour to the east, this does not detract from the amenity impacts upon the properties located to the rear. The adverse amenity impacts upon the properties to the south alone are sufficient to substantiate the Tribunal's determination.
80. For the reasons identified, the Tribunal has determined that the Application does not comply with Performance Criteria P2(c) of the QDC because the Shed will adversely impact on the amenity residents on adjoining lots. These amenity impacts are not insignificant.

81. The Appellants have not discharged their onus.
82. While it is not relevant to any determination of whether the Application complies with Performance Criteria P2(c) of the QDC, the Tribunal observes that the Shed authorised by the Building Approval could never have accommodated the caravan owned by the Appellants, despite the Tribunal being informed during the hearing that this was the purpose for which the Shed was constructed.
83. The Tribunal confirms the decision of the Assessment Manager to refuse the Application, and the decision of Council in its capacity as a concurrence agency to direct the refusal of the Application.

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**Kim Calio**

**Development Tribunal Chair**

**Date: 17 March 2023**

## **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 Energy and Public Works  
GPO Box 2457  
Brisbane QLD 4001

**Telephone (07) 1800 804 833**

**Email: [registrar@epw.qld.gov.au](mailto:registrar@epw.qld.gov.au)**