



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal Number:	19-016
Appellant:	Yichang Chen and Shan Ling Hung
Respondent (Enforcement authority):	Brisbane City Council
Site Address:	7 McLay Street, Coorparoo, in the State of Queensland and described as Lot 1 on RP119904 – the subject site

Appeal

An appeal under section 229 and Item 6 of Table 1 of Schedule 1 of the *Planning Act 2016* (PA) against the decision of the Brisbane City Council to give an Enforcement Notice under section 248 of the *Building Act 1975* (BA) dated 7 March 2019, requiring the use of the subject site to cease until a certificate of classification (class 3) has been obtained.

Date and time of hearing:	10am, 22 August 2019
Place of hearing:	7 McLay Street, Coorparoo
Tribunal:	Stafford Hopewell – Chair Richard Prout – Member
Present:	Appellant Yichang (Peter) Chen – Appellant Brisbane City Council (Council) Glenn Davidson – Principal Officer Built Environment, Council Charlotte Alchin – Acting Supervisor, Built Environment, Council (Delegate)

Decision:

The Development Tribunal (Tribunal), in accordance with section 254(2)(b) of the *Planning Act 2016* (PA) **changes** the decision to issue the Enforcement Notice dated 7 March 2019 by changing the notice as follows:

1. Replace paragraph 1 (including the sentence starting “Compliance Date”) under the heading, “Requirements” with the following paragraph:

"1 Remove all snib locks and deadbolts etc. which have been attached to the emergency exit doors throughout the building and replace them with complying

door furniture as per section D2.21 (Operation of latch) of the National Construction Code 2019 Volume One, namely:

D2.21 Operation of latch

(a) A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by—

(i) a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor and if serving an area required to be accessible by Part D3—

(A) be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and

(B) have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35 mm and not more than 45 mm; or

(ii) a single hand pushing action on a single device which is located between 900 mm and 1.2 m from the floor;

Compliance Date: 30 business days after the date of decision of the Development Tribunal in Appeal Number 19-016

2. Remove the storage cupboard under the central stairs or upgrade the cupboard to meet the requirements of section D2.8(b) (Enclosure of space under stair and ramps) of the National Construction Code 2019 Volume One, namely:

D2.8 Enclosure of space under stairs and ramps

(b) **Non fire-isolated stairways and ramps** — The space below a required non fire-isolated stairway (including an external stairway) or non fire-isolated ramp must not be enclosed to form a cupboard or other enclosed space unless—

(i) the enclosing walls and ceilings have an FRL of not less than 60/60/60; and

(ii) any access doorway to the enclosed space is fitted with a self-closing – 60/30 fire door.

Compliance Date: 30 business days after the date of decision of the Development Tribunal in Appeal Number 19-016

3. Ensure that occupants of the building cease the practice of removing or deactivating smoke alarms.

Compliance Date: 30 business days after the date of decision of the Development Tribunal in Appeal Number 19-016

4. *Expediently take and complete all steps necessary to obtain a certificate of classification (class 3) for the building and ensure that the building as changed complies with the building assessment provisions.*

Compliance Date: 30 November 2020

5. *Provide to the Council a written update every 90 days on the progress of approvals and works necessary to obtain a certificate of classification (class 3) for the building and ensure that the building as changed complies with the building assessment provisions.*

Compliance Date: From date of decision of the Development Tribunal in Appeal Number 19-16 until compliance with the above requirement.

Background:

1. The Appellants are the owners of the subject site, upon which is constructed a building that is currently used for student accommodation.

The Enforcement Notice

2. The Council's Enforcement Notice with reference CA126051 dated 7 March 2019 (the Enforcement Notice) the subject of this appeal, provides a succinct summary of the facts and circumstances.
3. Based on the facts and circumstances in the Enforcement Notice which were not disputed in the Appeal:
 - (a) the building on the subject site was originally constructed in about 1968 pursuant to an approval for a convalescent home;
 - (b) in 1987, the Council granted an extension to an institutional residence;
 - (c) the previous approvals for the building were for a class 9 building under the Building Code of Australia (BCA);
 - (d) the building is currently being used for student accommodation which constitutes a class 3 building under the BCA;
 - (e) there is no building approval or certificate of classification for a class 3 building on the subject site.
4. Based on these facts and circumstances, the Council formed the belief that the building does not comply with sections 110 and 114 of the BA which respectively require:
 - (a) the owner of a building must ensure a BCA classification or use change is not made to a building unless a building certifier has approved the change and the building as changed complies with the building assessment provisions (section 110); and
 - (b) a person must not occupy or use a building if a certificate of classification has not been given for the building (section 114).
5. The Enforcement Notice required that the use of the premises cease until the appropriate certificate of classification (class 3) approval has been obtained.
6. The compliance date imposed by the Enforcement Notice is 5 April 2019, being less than one month from the date of the Enforcement Notice.

The appeal

7. The Appellant filed a Notice of Appeal (Form 10) with the Tribunal's Registrar on 29 March 2019.
8. The Appellant's Form 10 sets out the Appellant's grounds of appeal. In summary, the Appellant states that based on advice of their town planner and a building certifier, it is not possible to obtain a change of classification by 5 April 2019.

Further information

9. Prior to the hearing of the Appeal, through the Registry, the Tribunal requested further information from the:
 - (a) Council in relation to correspondence between the Appellant and Council, confirmation of the classification of the building at present and copies of the approved drawings for the site; and
 - (b) Appellant in relation to correspondence between the Council or between the Council and the Appellants' representatives.
10. The Council provided a bundle of documents in response by emails dated 20 and 21 August 2019.
11. The Tribunal held its hearing at the subject site on 22 August 2019, which included the inspection of the building.
12. On 23 August 2019, the Tribunal made the following orders that were communicated by the Registry to the parties by email (Orders):
 1. *The Council is to provide written submissions to the Registrar by email on or before 4pm on Friday 6 September 2019, which address the following:*
 - a. *Copy of the Council's records in relation to the inspection and registration of the premises for residential services accommodation pursuant to Part 5.7 of the Queensland Development Code (QDC);*
 - b. *Status of the development application for material change of use for rooming accommodation for the premises and, if a decision is yet to be made, an estimated timeframe for the Council as assessment manager to decide the application.*
 2. *The Appellant is to provide written submissions to the Registrar by email on or before 4pm on Friday 6 September 2019, which address the following:*
 - a. *A schedule for compliance providing an estimated timeframe for:*
 - i. *Obtaining development approval for the material change of use and building work in respect of the premises;*
 - ii. *Carrying out the building works in accordance with the material change of use and building work approvals;*
 - iii. *Obtaining a certificate of classification (class 3 building) pursuant to the Building Act 1975 for the use of the premises for rooming accommodation.*
 - b. *Provide a Form 16 (Inspection Certificate) from a suitably qualified licenced electrical contractor confirming the following:*
 - i. *Smoke alarm system – that the smoke alarm system throughout the building complies with the following:*
 1. *Incorporates interconnected hardwired photoelectric smoke alarms; and*
 2. *All smoke alarms are operational; and*

- ii. *Emergency lighting and exit signage – that the emergency lighting and exit signage throughout the building is fully operational including battery backups.*

3. *The Development Tribunal will then make further orders with respect to this appeal.*

13. On 5 September 2019, the Council provided further information in accordance with paragraph 1 of the Order.
14. On 6 September 2019, the Appellant provided further information in response to paragraph 2 of the Order.
15. On 9 September 2019, the Appellant provided a Form 16 – Inspection Certificate in relation to the smoke alarm system.
16. On 9 October 2019, the Tribunal made the following orders that were communicated by email to the parties by the Registry (Further Orders):

The parties are invited to provide further written submissions to the Registrar by email on or before 4.00pm Thursday 17 October 2019 as to the following proposed schedule for compliance with the Enforcement Notice:

1. *By 30 November 2019, the parties are to finalise the MCU application process;*
2. *By 7 February 2020, the Appellant is to obtain a Development Approval for Building Work for a change of classification to a Class 3 Building;*
3. *30 November 2020, the Appellant is to complete building work and obtain a Form 11 (Certificate of Classification) from a licensed Building Certifier for the change of classification; and*
4. *The Appellant is required to provide the Council with an update at least every 90 days, confirming compliance with the schedule and detailing the amount of work carried out. The Appellant will also allow access to the building to Council staff when reasonably required to confirm works are progressing.*

The parties are also invited to provide written submissions to the Registrar by the same time on the following proposed requirements for the Enforcement Notice:

In order to ensure the safety of the occupancy of the building, the following work is to be carried out by the Appellant within thirty (30) business days after the Tribunal issues its final decision:

5. *The removal of all snib locks and deadbolts etc. which have been attached to the emergency exit doors throughout the building and replace them with complying door furniture as per section D2.21 (Operation of latch) of the National Construction Code 2019 Volume One, namely:*

D2.21 Operation of latch

(a) A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by—

(i) a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor and if serving an area required to be accessible by Part D3—

(A) be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and

(B) have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35 mm and not more than 45 mm; or

(ii) a single hand pushing action on a single device which is located between 900 mm and 1.2 m from the floor;

6. Remove the storage cupboard under the central stairs or upgrade the cupboard to meet the requirements of section D2.8(b) (Enclosure of space under stair and ramps) of the National Construction Code 2019 Volume One, namely:

D2.8 Enclosure of space under stairs and ramps

(b) **Non fire-isolated stairways and ramps** — The space below a required non fire-isolated stairway (including an external stairway) or non fire-isolated ramp must not be enclosed to form a cupboard or other enclosed space unless—

(i) the enclosing walls and ceilings have an FRL of not less than 60/60/60; and

(ii) any access doorway to the enclosed space is fitted with a self-closing –/60/30 fire door.

The Appellant will also be required to ensure that occupants of the building cease the practice of removing or deactivating smoke alarms.

17. The Tribunal subsequently granted an extension for the parties to respond until 5.00pm on 21 October 2019.

18. On 21 October 2019, the Appellant provided the following proposed schedule of actions: [underlined text has been taken from the Tribunal's orders dated 9 October 2019]

1. Do all things required by Brisbane council to finalise the MCU application process, not later than 30 November 2019,
2. Within 3 months from the date of the [sic.] application approval, do 3 things below:
 1. Obtain a Development Approval for Building Work for a change of classification to a Class 3 Building;
 2. Obtain quotations from builders for the cost of the building work.
 3. Obtain finance approval for all building works.
3. Within reasonable time (approximately [sic.] 12 months) from date of completion of above 3 things, the Appellant is to complete building work and obtain a Form 11 (Certificate of Classification) from a licensed Building Certifier for the change of classification; and
4. The Appellant is required to provide the Council with an update at least every 90 days, confirming compliance with the schedule and detailing the amount of work carried out.

The Appellant will also allow access to the building to Council staff when reasonably required to confirm works are progressing.

The parties are also invited to provide written submissions to the Registrar by the same time on the following proposed requirements for the Enforcement Notice:

In order to ensure the safety of the occupancy of the building, the following work is to be carried out by the Appellant within thirty (30) business days after the Tribunal issues its final decision:

1. The removal of all snib locks and deadbolts etc. which have been attached to the emergency exit doors throughout the building and replace them with complying door furniture as per section D2.21 (Operation of latch) of the National Construction Code 2019 Volume One, namely:

D2.21 Operation of latch

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(i) a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor and if serving an area required to be accessible by Part D3—

(A) be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and

(B) have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35 mm and not more than 45 mm; or

(ii) a single hand pushing action on a single device which is located between 900 mm and 1.2 m from the floor;

2. Remove the storage cupboard under the central stairs or upgrade the cupboard to meet the requirements of section D2.8(b) (Enclosure of space under stair and ramps) of the National Construction Code 2019 Volume One, namely:

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(b) **Non fire-isolated stairways and ramps** — The space below a required non fire-isolated stairway (including an external stairway) or non fire-isolated ramp must not be enclosed to form a cupboard or other enclosed space unless—

(i) the enclosing walls and ceilings have an FRL of not less than 60/60/60; and

(ii) any access doorway to the enclosed space is fitted with a self-closing –/60/30 fire door.

The Appellant will also be required to ensure that occupants of the building cease the practice of removing or deactivating smoke alarms.

19. On 21 October 2019, the Council provided the following proposed schedule of action from Ms Alchin from the Council:

1. Do all things necessary to progress the assessment of A005161124 and;

a. If A005161124 is approved, do all things required of the development approval conditions within 3 months of the date of the approval, or;

b. If A005161124 is refused, advise the Tribunal ASAP

2. Within one week of satisfying all conditions, engage a private building certifier, and do all things necessary to progress a Building Application for a change of classification to a Class 3 Building;

3. The Appellant is to complete building work within a reasonable timeframe as determined by the engaged Private Building Certifier, and is to consequently obtain a Form 11 (Certificate of Classification) from a licensed Building Certifier for the change of classification; and

4. The Appellant is required to provide the Council with an update at least every 90 days, confirming compliance with the schedule and detailing the amount of work carried out. The Appellant will also allow access to the building to Council staff when reasonably required to confirm works are progressing.

5. In order to ensure the safety of the occupancy of the building, the following work is to be carried out by the Appellant within thirty (30) business days after the Tribunal issues its final decision:

a. The removal of all snib locks and deadbolts etc. which have been attached to the emergency exit doors throughout the building and replace them with complying door

furniture as per section D2.21 (Operation of latch) of the National Construction Code 2019 Volume One, namely:

D2.21 Operation of latch

(a) A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by—

(i) a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor and if serving an area required to be accessible by Part D3—

(A) be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and

(B) have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35 mm and not more than 45 mm; or

(ii) a single hand pushing action on a single device which is located between 900 mm and 1.2 m from the floor;

b. Remove the storage cupboard under the central stairs or upgrade the cupboard to meet the requirements of section D2.8(b) (Enclosure of space under stair and ramps) of the National Construction Code 2019 Volume One, namely:

D2.8 Enclosure of space under stairs and ramps

(b) **Non fire-isolated stairways and ramps** — The space below a required non fire-isolated stairway (including an external stairway) or non fire-isolated ramp must not be enclosed to form a cupboard or other enclosed space unless—

(i) the enclosing walls and ceilings have an FRL of not less than 60/60/60; and

(ii) any access doorway to the enclosed space is fitted with a self-closing –/60/30 fire door.

c. The Appellant will also be required to ensure that occupants of the building cease the practice of removing or deactivating smoke alarms.

20. On 22 October 2019, Mr Davidson from the Council provided a further response stating it was not opposed to giving a compliance deadline of 30 November 2020 to have all necessary development permits in effect for the development and for the building to be certified as a class 3 building. The Council further stated it was not opposed to the proposed requirements of the enforcement notice as stated in the email of 9 October 2019 from the Registry.

Jurisdiction:

21. Schedule 1 of the PA states the matters that may be appealed to the Tribunal.¹
22. Section 1(1) of Schedule 1 of the PA provides that Table 1 states the matters that may be appealed to a tribunal. However, pursuant to section 1(2) of Schedule 1 of the PA, Table 1 only applies to a tribunal if the matter involves one of a list of matters set out in sub-section (2).
23. Section 1(2)(h) of Schedule 1 of the PA, relevantly refers to a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g). Paragraph (g) refers to a matter under the PA, to the extent the matter relates to the BA, other than a matter under the BA that may or must be decided by the Queensland Building and Construction Commission.

¹ Section 229(1)(a) of the PA.

24. Section 248(5) of the BA, relevantly provides that an enforcement notice given under that section is taken to be an enforcement notice given under section 168 of the PA.
25. Accordingly, an enforcement notice given under section 248 of the BA, would come within section 1(2)(g) of Schedule 1 of the PA and consequently, also section 1(2)(h) of Schedule 1 of the PA.
26. So, Table 1 of Schedule 1 of the PA applies to the Tribunal.
27. Under item 6 of table 1 of Schedule 1 of the PA, an appeal may be made against the decision to give an enforcement notice. The appeal is to be made by the person given the enforcement notice, who in this case was the Appellant and the Respondent to the appeal is the enforcement authority, who in this case is the Council.
28. Accordingly, the Tribunal is satisfied that it has the jurisdiction to hear this appeal.

Decision Framework:

29. The Enforcement Notice the subject of this appeal was issued by the Council on or about 7 March 2019. At that time, the PA was in force, as was the BA.
30. The Appellant filed a Form 10 – Appeal Notice on 29 March 2019.
31. The appeal is a PA appeal, commenced after 3 July 2017 under section 229 of the PA. As such, the appeal is to be heard and determined under the PA.
32. This is an appeal by the Appellant, the recipient of the Enforcement Notice and accordingly, the Council, being the enforcement authority that gave the Enforcement Notice, must establish that the appeal should be dismissed.²
33. The Tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the Council which decided to give the Enforcement Notice the subject of this appeal.³
34. The Tribunal may (but need not) consider other evidence presented by a party with leave of the Tribunal⁴.
35. The PA provides the Tribunal with broad powers to inform itself in the way it considers appropriate when conducting a tribunal proceeding and may seek the views of any person⁵.
36. The Tribunal may consider other information that the Registrar asks a person to give to the Tribunal.⁶
37. The Tribunal is required to decide the appeal in one of the following ways set out in section 254(2) of the PA:
 - (a) *confirming the decision; or*
 - (b) *changing the decision; or*
 - (c) *replacing the decision with another decision; or*

² Section 253(3) of the PA.

³ Section 253(4) of the PA.

⁴ Section 253(5)(a) of the PA.

⁵ Section 249 of the PA.

⁶ Section 253 and section 246 of the PA.

- (d) *setting the decision aside and ordering the person who made the decision to remake the decision by a stated time; or*
- (e) *for a deemed refusal of an application:*
 - (i) *ordering the entity responsible for deciding the application to decide the application by a stated time and, if the entity does not comply with the order, deciding the application; or*
 - (ii) *deciding the application.*

Material Considered:

38. The material considered in arriving at this decision comprises:

- (a) 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Development Tribunals Registrar on 29 March 2019.
- (b) An email dated 19 August 2019 from Jill Molloy, the Acting Registrar, Development Tribunals to the parties, requesting further information from the parties prior to the hearing.
- (c) An email dated 20 August 2019 from Glenn Davidson, Principal Officer Built Environment from the Council to Jill Molloy, the Acting Registrar, Development Tribunals attaching information about historical approvals and correspondence with the Appellant.
- (d) An email dated 21 August 2019 from Glenn Davidson, Principal Officer Built Environment from the Council to Jill Molloy, the Acting Registrar, Development Tribunals attaching further information about historical approvals.
- (e) An email dated 23 August 2019 from Jill Molloy, the Acting Registrar, Development Tribunals to the parties notifying the Order made by the Tribunal.
- (f) An email dated 5 September 2019 from Glenn Davidson, Principal Officer Built Environment from the the Council to Jill Molloy, the Acting Registrar, Development Tribunals, with the Council's response to the information requested by the Order.
- (g) An email dated 6 September 2019 from Peter Chen to Jill Molloy, the Acting Registrar, Development Tribunals, with the Appellant's response to the information requested by the Order.
- (h) An email dated 9 October 2019 from Jill Molloy, the Acting Registrar, Development Tribunals to the parties, requesting further submissions on the proposed schedule for compliance with the Enforcement Notice and proposed requirements for the Enforcement Notice.
- (i) An email dated 21 October 2019 from Charlotte Alchin, Built Environment Officer from the Council to Jill Molloy, the Acting Registrar, Development Tribunals, proposing amendments to the proposed schedule for compliance and requirements for the Enforcement Notice.
- (j) An email dated 21 October 2019 from Peter Chen to Jill Molloy, the Acting Registrar, Development Tribunals, in relation to the proposed schedule for compliance and requirements for the Enforcement Notice.
- (k) An email dated 22 October 2019 from Glenn Davidson, Principal Officer Built Environment from the Council to Jill Molloy, the Acting Registrar, Development

Tribunals, in relation to the proposed schedule for compliance and requirements for the Enforcement Notice.

- (l) An email dated 22 October 2019 from Charlotte Alchin, Built Environment Officer from the Council to Jill Molloy, the Acting Registrar, Development Tribunals, confirming agreement with the submission made by Glenn Davidson in his email of 22 October 2019.
- (m) *Planning Act 2016 (PA)*.
- (n) *Building Act 1975 (BA)*.

Findings of Fact:

- 39. The Tribunal makes the following findings of fact:
 - (a) The building on the subject site was originally approved and certified as a class 9 building;
 - (b) The building on the subject site is currently being used as a class 3 building without a certificate of classification for a class 3 building;
 - (c) The use of building is non-compliant with section 110 of the BA.
- 40. The Tribunal is satisfied that the Council has a lawful basis for giving the Enforcement Notice.
- 41. In relation to the requirements imposed by the Enforcement Notice, the Tribunal is satisfied that action is required to be taken to ensure that the building is certified as a class 3 building and the building complies with the relevant building assessment provisions.
- 42. However, the Tribunal is satisfied that there is no need for the use and occupation of the building to cease whilst action is being taken to obtain a certificate of classification (class 3) for the building (including carrying out works for compliance with the building assessment provisions).
- 43. The Tribunal is satisfied that in order to obtain a certificate of classification (class 3) for the building, the owner is required to firstly obtain a development approval for material change of use of the premises under the Council's City Plan under the PA and must comply with this development approval in respect of further building work and certification of the building.
- 44. The Tribunal notes that the building on the subject site was previously approved as a convalescent home and institutional residence and has also previously been registered by the Council for student accommodation and that the building is generally adapted to use for student accommodation.
- 45. While a change of classification has occurred without necessary approval under the BA, the building is generally considered to be safe and the owners are actively taking steps to 'regularise' the use of the building and comply with relevant requirements.

Reasons for the Decision:

- 46. The Tribunal is satisfied that the use of the building does not comply with sections 110 and 114 of the BA in that the building is being used as a class 3 building without a certificate of classification for a class 3 building.

47. The Appellant does not dispute that the use of the building does not comply with section sections 110 and 114 of the BA but requests that further time be given to achieve compliance.
48. The Tribunal is satisfied that the Appellant is taking active steps to make the building compliant by obtaining a change of classification for the existing use, including seeking a development approval for a material change of use of the premises as a necessary preliminary step to the change of classification.
49. The Tribunal is satisfied, that the building is safe to occupy for the time period required in order to obtain a Form 11 (Certificate of Classification) for a class 3 building.
50. In support of this position, the Tribunal notes the building was originally approved as a Class 9a Health Care building and has had a number of upgrades in order to meet changes in Queensland legislation, include compliance with the Queensland Development Code MP2.1 (Fire safety in budget accommodation buildings).
51. As part of the inspection of the building the following was also noted:
 - (a) The building in general has complying egress in accordance with Section D (Access and Egress) of National Construction Code 2019 (NCC2019);
 - (b) The building in general has complying fire hose reels and fire extinguisher coverage in accordance with Part E (Fire Fighting Equipment) of the NCC 2019; and
 - (c) The building has a complying smoke detection and alarm system in accordance with AS 1670.1; and
 - (d) The building has emergency lighting and exit signage in accordance with Part E4 (Visibility in an emergency, exit signs and warning systems) of the NCC2019.
52. The building is presently being used to provide student accommodation and the Tribunal considers it would impose an unjust and unnecessary hardship on residents and the owner of the building to require the use to cease until such time as the change of classification is approved.
53. The Tribunal also notes that the Council in its submission of 22 October 2019 was supportive of the use continuing whilst action is being taken to obtain approval of the change of classification.
54. Provided that the actions set out in items 1 to 3 of the changed requirements decided by the Tribunal are complied with, the Tribunal is satisfied it is reasonable and appropriate for the existing use of the building to continue while the change of classification is obtained.

Stafford Hopewell

Development Tribunal Chair
Date: 21 November 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

Email: registrar@hpw.qld.gov.au