



Building Newsflash

Local Governments

Building Certifiers

Building Designers

Architects

DECISION NOTICE - APPEALS RIGHTS

Purpose

To provide advice regarding the information that should be included in a Decision Notice, advising applicants of their appeal rights.

Legislation requirements

Under the provisions of the *Integrated Planning Act 1997* (IPA), sub-sections 3.5.15 (2) (j) and (4);

- a decision notice must state the appeal rights of the applicant and any referral agencies, and
- a copy of the relevant appeal provisions must also be given with each decision notice, and with each copy of the decision notice.

Enquiries received by the Department indicate that some building certifiers may not be fully aware of the details required to satisfy this requirement, when issuing development permits for building work.

Recommendation

It is recommended that decision notices for building work include a statement to the effect:

“Appeal rights-

You may appeal against any matter stated in this Decision Notice. The appeal must be started within 20 business days (10 business days for building advice agencies), after the date this notice is given. Extracts of your appeal rights under the IPA are attached. (*Attach a copy of sections 4.1.27 and 4.2.9 for the applicant, and section 4.2.10 for an advice agency.*)

While most building work appeals will be made in the first instance to a Building and Development Tribunal, applicants do have a right of appeal to the Planning and Environment Court. However, if the Court is satisfied the matter should be dealt with by a Building and Development Tribunal, the Court may, under s 4.1.38, remit an appeal to a Tribunal for decision.

Further details regarding the lodgement of an appeal, including prescribed forms, are available from:-

The Registrar
Building and Development Tribunal
Telephone: (07) 3237 0403
PO Box 31
BRISBANE ALBERT STREET QLD 4002

Deputy Registrar
Planning and Environment Court
Telephone: (07) 3247 4414
PO Box 167
BRISBANE ALBERT STREET QLD 4002”

Related Newsflashes

- Legislative responsibilities – A reminder (Issued 16/12/98)

Contact officer

Please contact Mr John Lamb on (07) 323 71712 should you require further information regarding this matter.