

Planning Act 2016. Version 8 – 22 November 2023

<p><b>1. Appellant/Applicant details</b></p> <p>It is important to name the correct Appellant as provided for under the <i>Planning Act 2016</i> as otherwise the appeal may be invalid.</p> <p>The Appellant is normally the party named in the notice of decision being appealed against. In some cases, it may be the property owner, even if not named in the notice of decision. If in doubt, contact the Registrar on 1800 804 833 or seek appropriate advice.</p>	<p>Name (<i>natural person or company</i>)</p> <p>.....</p> <p>Postal address (<i>e.g. PO Box or street address</i>)</p> <p>.....</p> <p>..... State ..... Postcode .....</p> <p>Phone ..... Mobile .....</p> <p>Email address</p> <p>.....</p>
<p><b>2. Property description</b></p> <p>The description must identify all land that is the subject of the appeal or application. Lot and plan details (e.g. SP/RP) can be found on title documents or rates notice. If the plan is not registered by title, provide previous lot and plan details. This section may be left blank if the appeal relates to an application for chief executive approval for an on-site sewage treatment plant or greywater treatment plant.</p>	<p>Street address (<i>include number, street, suburb/locality and postcode</i>)</p> <p>.....</p> <p>..... State ..... Postcode .....</p> <p>Lot and plan details (<i>attach list if necessary</i>)</p> <p>.....</p> <p>Local government area the land is situated in</p> <p>.....</p>
<p><b>3. Appeal/declaration details</b></p> <p>Please attach copy of any relevant notice being appealed (e.g. decision notice, enforcement notice, information notice, pool safety non-conformity notice etc.) as well a copy of the development application, if applicable.</p>	<p>Date of the written notice of decision sought to be appealed ..... DD / MM / YYYY</p> <p>Date written notice of decision received ..... DD / MM / YYYY</p> <p>Description of appeal (for guidance on common appeal types see page 3 and 4)</p> <p>.....</p>
<p><b>4. Grounds for appeal/declaration</b></p> <p>The <i>Planning Act 2016</i>, section 230(1), requires the grounds for appeal to be succinctly stated. However, further pages may be added if necessary.</p>	

**5. Fee and hearing options**

Please contact the Registrar on 1800 804 833 before completing this section if clarification is required. A site inspection is usually desirable, so that the tribunal can properly understand the issues. If you select 'No', the tribunal may nevertheless insist on one and you will then be required to top-up the fee. The Registrar can advise you about the correct fee, if necessary.

Site Inspection required	Class of building (Optional to provide)	Floor area (Optional to provide)	Fee (Refer to notes on p5)
Yes      No		m <sup>2</sup>	\$

**6. Appellant's/Applicant's signature**

This section MUST be signed by the Appellant/Applicant named in section 1. A company may sign by a duly authorised representative. In that case, the Registry may ask for proof of the representative's authority, such as a document duly executed by the company appointing the representative.

Signature of Appellant/Applicant

Date

DD / MM / YYYY

Print name

Signature of Second Appellant/Applicant (if any)

Date

DD / MM / YYYY

Print name

**7. Property owner/s signature**

This section ONLY needs to be completed where the property owner has not already signed in section 6 as Appellant/Applicant.

This ensures the owner is aware an appeal has been lodged about their property and that appeal parties may be required to enter the property for the purposes of a site inspection or appeal hearing.

This section may be left blank where there is no specific property involved (e.g. a chief executive approval matter under plumbing legislation) or the property owner does not support the appeal (e.g. a building advisory agency appeal against a building certifier's decision favourable to the property owner).

Signature of property owner

Date

DD / MM / YYYY

Print name

Signature of property owner

Date

DD / MM / YYYY

Print name

<b>8. Appellant's/Applicant's agent for communications with the Registry</b>  This section ONLY needs to be completed if the Appellant/Applicant wishes to nominate someone to be their agent for communications with the Registry (e.g. the agent may be a town planner or building certifier retained by a property owner who is the Appellant).	Name of agent ( <i>natural person or company</i> )	
	.....	
	Street address for agent ( <i>include number, street, suburb/locality and postcode</i> )	
	.....	
	.....	State .....
	Phone .....	Mobile .....
	Email address .....	
	.....	

#### OFFICE USE ONLY

Action	Date/Amount		Officer signature
Receipt of Form 10 by Registrar Date	DD / MM / YYYY		
Receipt of fee by Registrar Date	DD / MM / YYYY	\$	

#### GUIDANCE TO APPEAL/APPLICATION TYPES (FOR ASSISTANCE IN COMPLETING SECTION 3)

This is an overview only and is not a full description of the matters that may be the subject of an appeal or application for a declaration to a Development Tribunal. For a full description of those matters, including limitations on a Development Tribunal's jurisdiction, see the *Planning Act 2016*, particularly sections 229, 239 – 241 and schedule 1.

##### Appeals about Building matters

- appeal about a development application, including a building development application
- appeal about the extension of a building development approval
- appeal about permissible changes for a building development approval
- appeal about changing or cancelling conditions imposed on a building development approval
- appeal about an enforcement notice given under the *Building Act 1975* or the *Planning Act 2016*
- appeal about an information notice issued under the *Building Act 1975*
- appeal against decisions by Building Certifiers and Referral Agencies about inspection of building work under the *Building Act 1975*
- appeal about failure to decide other applications (not building development applications) made under the *Building Act 1975*

##### Appeals about swimming pool fencing

- appeal against a pool safety nonconformity notice

##### Appeals about plumbing and drainage under the *Plumbing and Drainage Act 2018*

- appeal about an information notice issued under the Act
- appeal about a chief executive approval information notice issued under the Act
- appeal about an enforcement notice given under the Act

##### Appeals about water or sewerage connections under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*

- appeal against a water connection decision for which the land is subject to a development application for a material
- change of use for a classified building or for a material change of use involving a limited class 2 building (section 99BRBE)
- appeal against particular charges for a water connection, including connection charges, property service works charges and trunk infrastructure charges (section 99BRBF)
- appeal against a refusal of a conversion application to convert non-trunk infrastructure into trunk infrastructure (section 99BRBFA)

##### Appeals about a decision under the *Residential Services (Accreditation) Act 2002*

- appeal against a decision about whether premises comply with prescribed building requirements (section 29)

##### Appeals about infrastructure charges

- appeal against an infrastructure charge notice or conversion application

##### Appeals by an advice agency

- appeal by an advice agency

**Appeals about material change of use (MCU) of classified buildings and limited class 2 buildings**

- appeal about a development application for the MCU of a classified building
- appeal about an extension for development approval for the MCU of a classified building
- appeal about a change application of a development approval for the MCU of a classified building
- appeal about conditions imposed on a development approval for the MCU of limited class 2 buildings

**Application for a declaration**

- appeal about whether a development application is properly made
- appeal about whether a proposed change for a development approval for an MCU of premises is a minor change

**GUIDANCE FOR COMPLETING THIS FORM**

For further information about lodging an appeal/declaration refer to Appeal fact sheets.

For assistance in completing this form contact the Registrar on 1800 804 833.

**Lodging this form:** This form as well as supporting documentation and information plus the prescribed fee must be lodged with the Registrar within the relevant appeal period. This may be done by email, post or in person. Appeal periods will vary according to the type of appeal/declaration. Please refer to the Appeal fact sheets for more information on appeal periods. Lodgment may be made by email, by post or by delivery (see address details below). For further information please contact the Registrar, Development Tribunals.

**Fees:** The most commonly applied fees are listed on the last page of this form. A complete list of all the fees for appeal/declarations can be found in schedule 17 of the Planning Regulation 2017 which can be viewed at [www.legislation.qld.gov.au/browse/inforce](http://www.legislation.qld.gov.au/browse/inforce) (under 'Subordinate Legislation'). It is advisable to seek advice from the Registrar before completing section 5 of the form as these vary according to the type of application being lodged.

**Payment:** Payment may be made via the [online credit card payment facility on the Queensland Government website](#), or by cheque or money order. Cheques and money orders should be made payable to the Department of Energy and Public Works.

**Special facilities:** Tribunal hearings are held at various venues, not all of which are accessible by or have facilities for people with mobility disabilities. If you require a venue with access and facilities for a person(s) with a mobility disability, or are aware of a person with mobility disabilities who wishes to attend a hearing, please advise the Registrar in sufficient time for such a venue to be arranged. If special services, such as an interpreter, are required, please notify the Registrar in sufficient time for the services to be provided.

**Privacy:** The information collected on this form will be used by the Department of Energy and Public Works in accordance with your appeal or application to be decided by a Tribunal. Details may be disclosed to parliament or other agencies, for purposes associated with the Tribunal. Your details may also be disclosed to other parties in accordance with a requirement of the *Planning Act 2016* and may be stored in a department database. The information collected will be retained as required by the *Public Records Act 2002* and is subject to the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

Please note that final decisions (which include details such as name, address and property details) will be uploaded for public viewing to the department's website. For further information regarding your privacy, please contact the Registrar on 1800 804 833.

**CHECKLIST (optional)**

To ensure your application is complete, please use this checklist to confirm you have included:

Form 10:

Check correct Appellant/Applicant named in section 1

Insert property details in section 2

Insert relevant dates and description of appeal in section 3

Insert 'grounds for appeal/declaration' in section 4

Select whether site inspection required in section 5

Appellant/Applicant to sign and date in section 6

Decision notice (eg enforcement notice, information notice, pool safety nonconformity notice)

Concurrence Agency Advice

Development application, where applicable

Plans

Payment of the appeal fee

## DEPARTMENT OF ENERGY AND PUBLIC WORKS

### The Registrar

#### Development Tribunals

**post** GPO Box 2457 Brisbane Qld 4001 Australia

**tel** 1800 804 833

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

**website** [www.epw.qld.gov.au](http://www.epw.qld.gov.au)

The *Planning Act 2016* is administered by the Department of State Development, Infrastructure, Local Government and Planning except the provisions relating to the administration of the development tribunal under the Act (Chapter 6, section 282 and Schedule 1) which are administered by the Department of Energy and Public Works.

### DEVELOPMENT TRIBUNAL FEES

Fees apply to applications for appeals or declarations lodged with the Development Tribunals. Fees referred to below are current as at 1 July 2023 and are subject to change at any time without notice. It is advisable to contact the Registrar to confirm the applicable fee for the appeal/declaration being lodged. Only the more common fees are listed in the table below. A full list of the fees for appeals/declarations is contained in schedule 17 of the Planning Regulation 2017 which can be viewed via the webpage at [www.legislation.qld.gov.au/browse/inforce](http://www.legislation.qld.gov.au/browse/inforce) (under 'Subordinate Legislation').

Subject of appeal/declaration	No site inspection by Tribunal	Site inspection by Tribunal
Class 1 or class 10 building	\$447.00	\$743.00
Class 2 to class 9 building (floor area of 500m <sup>2</sup> or less)	\$651.00	\$939.00
Class 2 to class 9 building (floor area greater than 500m <sup>2</sup> )	\$939.00	\$1,396.00
Appeals under the SEQ Water Act: section 99BRBE section 99BRBF or BRBFA	\$447.00 \$783.00	\$743.00 \$1,080.00
Infrastructure charges notice or conversion application	\$783.00	\$1,080.00
Declaration	\$304.00	N/A