



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal number:	26-029
Appellant:	Sandra Joy Harrington
Respondent/ Assessment manager:	Brett McCullagh
Co-respondent/ Concurrence agency	Noosa Shire Council
Site address:	48 Allambi Terrace, Noosa Heads Qld 4567 and described as Lot 174 on RP94023 – the subject site

Appeal

This is an appeal under section 229, section 1 and schedule 1, item 1 of table 1 of the *Planning Act 2016 (PA)* against the assessment manager's decision, at the direction of Noosa Shire Council's (**Respondent**) as Concurrence Agency, to refuse a development application for building work class 1a and 10a (assessable against the Planning Scheme) for dwelling additions, carport and storage room made by the Appellant, given by a Referral Agency Response dated 7 April 2026 and reflected in building certifier Brett McCullagh Decision Notice dated 24 May 2026 (**development application**).

Date and time of hearing:	10:03am, 24 July 2026
Place of hearing:	The subject site
Tribunal:	Linda Tait—Chair Elizabeth Anderson—Member
Present:	Appellant Sandra Joy Harrington—Appellant Tom Harrington—Appellant's son and RPEQ Marcus Brennan—Agent for Appellant and Town Planner Co-respondent—Concurrence agency, Noosa Shire Council Brad Geaney—Coordinator Building Services Sophie McLaren
Absent:	Respondent Brett McCullagh—North Shore Building Approvals - Building Certifier

Decision:

The Development Tribunal (**Tribunal**), in accordance with section 254(2)(c) of the PA, **replaces** the decision of the Respondent to refuse the development application with a decision to approve the development application including the amended plans provided by the Appellant to the registrar on 7 August 2026 with the following condition:

- (A) Soft landscaping is to be provided along the northern and eastern boundaries at a rate of 1 small tree or shrub per 2m with reference to the species nominated in Planning Scheme Policy – Landscaping. Planting is to be undertaken and maintained either in ground or suitable planters with irrigation system. Species are to avoid declared plants and environmental weeds.

Background

1. The subject site was included in the Low Density Residential Zone of the Noosa Plan 2020 (**LDR Zone**).
2. The subject site is located on the corner of Toulambi Street and Allambi Terrace. The subject site has an area of 598.35m² and adjoins land to the north (50 Allambi Terrace) and to the east (38 Toulambi Street).
3. The subject site contains an existing dwelling house, garage, pool, deck areas, flyover roof above the deck, including solid wall towards the northern boundary, and carport via driveway from Toulambi Street. The property contains established vegetation and has solid fences to all boundaries except for the carport/driveway opening and adjacent pedestrian entryway.
4. The development the subject of this appeal is described in the Appellant's Appendix A – Grounds for Appeal as:
 - (a) A carport in the south-eastern corner of the Land adjacent to the Toulambi Street frontage;
 - (b) A storage room in the north-eastern corner of the Land; and
 - (c) A deck and covered terrace area on the northern side of the dwelling.
5. The Appellant's material includes Marcus Brennan's email of 5 November 2025 Lodgement of Concurrence Agency Referral – 48 Allambi Terrace, Noosa Heads. Including Request for Referral Agency Response Form, Cover Lot – Assessment and Appendix A – Proposal Plans.
6. Noosa Council Application Tracking online identifies that Concurrence Agency Referral RAB25/0136 for Alterations & Additions to Dwelling (Retrospective) within Road & Side Boundaries was received on 19 December 2025 and properly referred on 13 February 2026.
7. With reference to the above dates, the application was lodged following the commencement of Noosa Plan Amendment No 2 – Major Amendment which commenced on 26 September 2025, but before the commencement of Amendment No 3 – Minor Amendment, which commenced on 20 March 2026.
8. Noosa Council Application Tracking online identifies that Information Request Part was "Not required" on 13 February 2026.

9. The Co-respondent's Referral Agency Response dated 7 April 2026 directed refusal of RAB25/0136 for Alterations & Additions to Dwelling (Retrospective within Boundary Setbacks).
10. Respondent issued a Decision Notice reference 26-119 dated 24 May 2026 refusing the Building Work – Development Permit application with reference to RAB 25/0136 of Noosa Council.
11. The Site Plan attached to the Noosa Council Referral Agency Response shows the proposed Terrace setback 1m from the northern side boundary and 9.1m from the Allambi Street frontage. It also shows the proposed Storage (room) as 1m from the northern side boundary and 1.075m from the eastern side boundary. The plan shows the proposed Carport as 0.51m to the eastern side boundary and a dimension of 2.235m to OMP with the Toulambi Street frontage (although the alignment of this notation is not consistent with the proposed carport front as drawn).
12. Form 10 Notice of Appeal was receipted by the Registrar on 11 June 2026, describing the appeal as "Appeal about Building Development Application" and including Appendix A – Grounds for Appeal.
13. By email on 7 July 2026 from the Registrar, notice was given of the establishment of the Development Tribunal.
14. The hearing of the appeal was conducted at the subject site by the Tribunal on 24 July 2026.

Jurisdiction

15. Schedule 1 of the PA states the matters that may be appealed to the Tribunal.¹
16. 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).
17. Section 1(2)(g) of schedule 1 of the PA, relevantly refers to a matter under the PA, to the extent the matter relates to the *Building Act 1975*, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission.
18. So, table 1 of schedule 1 of the PA applies to the Tribunal.
19. Under item 1 of table 1 of schedule 1 of the PA, an appeal may be made against the refusal of a development application. The appeal is to be made by the applicant, who in this case was the Appellant and the Co-respondent to the appeal is the concurrence agency, who in this case is the Co-respondent.
20. In circumstances where the Decision Notice of the Respondent was dated 24 May 2026 and was received on 25 May 2026², this appeal was to be filed within 20 business days after the day the notice is given.³ This was satisfied.
21. Accordingly, the Tribunal is satisfied that it has the jurisdiction to hear this appeal.

¹ Section 229(1)(a) of the PA.

² Dates for both the Decision and Form 10 – Notice of Appeal/Application for Declaration of this appeal.

³ Section 229 of the PA.

Decision framework

22. The Concurrency Agency Response was issued by the Co-respondent on 7 April 2026.
23. The Decision Notice was issued by the Respondent on or about 24 May 2026. At that time, the PA was in force.
24. The Appellant filed a Form 10 – Notice of Appeal/Application for Declaration on or about 11 June 2026.
25. 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.
26. This is an appeal by the Appellant, the recipient of the Decision Notice and accordingly, the Appellant must establish that the appeal should be upheld.⁴
27. The Tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the Co-respondent which decided to give the Decision Notice the subject of this appeal.⁵
28. The Tribunal may (but need not) consider other evidence presented by a party with leave of the Tribunal⁶.
29. The PA provides the Tribunal with broad powers to inform itself in the way it considers appropriate when conducting a tribunal proceeding and the Tribunal may seek the views of any person⁷.
30. The Tribunal may consider other information that the Registrar asks a person to give to the Tribunal.⁸
31. 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*
 - (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

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

⁴ Section 253(2) of the PA.

⁵ Section 253(4) of the PA.

⁶ Section 253(5)(a) of the PA.

⁷ Section 249 of the PA.

⁸ Section 253 and section 246 of the PA.

- (a) 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Development Tribunals Registrar on or about 11 June 2026.
- (b) Statements provided by the Appellant and Co-respondent at the hearing.
- (c) Site measurements taken on site during the hearing by Tribunal Member Elizabeth Anderson, particularly the width between the carport posts, being 5.2m.
- (d) An email dated 4 August 2026 from Brad Geaney for the Co-respondent to the Registrar, Development Tribunals with attached electronic copies of extracts from the various building permits relevant to the carport area and a statement that "there is no record for an enclosed garage on this property".
- (e) An email dated 7 August 2026 from Marcus Brennan for the Appellant with marked up plans with a statement that the plans "accurately represent the structures as built".
- (f) Noosa Planning Online – Application Search (for application lodgement date)
- (g) *Noosa Plan 2020 (Noosa Scheme)*.
- (h) *Planning Act 2016 (PA)*.
- (i) *Development Assessment Rules (Version 1.3) 11 September 2020 (DAR)*, being the version in force at the time of the application.
- (j) *Planning Regulation 2017 (PR)*.
- (k) *Building Act 1975*.
- (l) *Building Regulation 2006*.
- (m) *Queensland Development Code (QDC)*.

Findings of fact

The Tribunal makes the following findings of fact:

Issues in dispute in appeal

- 33. The issues in dispute in the appeal centred on the issue of amenity and whether the proposed building works, particularly the setbacks, preserved the amenity of adjacent land and dwelling house.
- 34. The Decision Notice identified the Noosa Scheme Low Density Residential Zone Code as being relevant to the Co-respondent's consideration of the development application.
- 35. Noosa Scheme Part 1, Table 1.6.1 identifies that the Low Density Residential Zone Code are alternative provisions to the QDC with regard to setback, site cover, and QDC performance criteria 4 and 8 for a dwelling house or class 10 building or structure located on the same lot as a dwelling house.
- 36. Noosa Scheme Part 5, Table 5.7.1 identifies that Carrying out building work not associated with a material change of use if involving a dwelling house or a class 10 structure is Accepted Development Subject to Requirements in relation to the Low Density Residential Zone Code and Low Density Housing Code.

37. Noosa Scheme 5.3.3(4)(b) identifies that where development does not comply with and is not capable of complying with the assessment benchmarks for Accepted Development Subject to Requirements, assessment is limited to the subject matter of the required acceptable outcome.
38. This appeal relates to the non-compliance with Low Density Residential Zone Code Acceptable Outcome AO9.1, AO9.3, AO9.4 – side setbacks, thereby requiring the limited assessment of the non-compliance with Low Density Residential Zone Code Performance Outcome PO9.

Low Density Residential Zone Code Performance Outcome

Setback

PO9 Buildings and structures are designed and sited to:

- a. provide a high level of amenity to users of the subject site and adjoining premises, including provision of visual and acoustic privacy and access to sunlight;*
- b. not unreasonably obstruct views or cause overlooking of private open space or habitable areas of adjoining premises;*
- c. provide adequate distance from adjoining land uses;*
- d. preserve existing vegetation that will help buffer development;*
- e. allow for soft landscaping to be provided between buildings and the site boundaries to provide for trees and shrubs; and*
- f. contribute to open streetscapes by avoiding buildings and structures within the front 6 metres of the property.*
- g. protect the natural character and avoid adverse impacts on ecologically important areas such as national parks, waterways and wetlands.*

39. The Co-respondent's Concurrence Agency Response reasons for refusal made specific reference (only) to PO9 a, c, d, e, and f. Therefore, these matters are the focus of the Tribunal with regard to the building works associated with the appeal subject matter, the terrace, the storage room and the new carport.

Evidence provided at the hearing

40. The Appellant and the Co-respondent made reference to their reasons for appeal and reasons for refusal respectively.
41. The Appellant acknowledged that the works, which are the subject matter of this appeal, being the terrace roof and wall structure, the storage room and the carport to Toulambi Street, were built prior to seeking approval.
42. The Appellant noted that the fence was a new replacement of a former fence of a similar height. This was not disputed by the Co-respondent.
43. The Appellant made reference to side boundary setbacks reductions permitted under the Queensland Development Code where the total length of all buildings is less than 9m, but also acknowledged that it does not apply in this circumstance as the building exceeds 9m.

44. The Appellant and Co-respondent agreed that Allambi Terrace is the primary frontage, with reference to the existence of a former approved carport with a reduced setback to the secondary frontage of Toulambi Street.
45. The Appellant agreed with the Co-respondent, that the plans were not entirely accurate with regard to approximation of setbacks, and the absence of the terrace wall structure and the carport gable.
46. The Co-respondent stated that the natural ground level was not clearly identified on the plans and that the carport height may be greater in height above natural ground level than shown on the plans, thus requiring a greater setback.
47. The Co-respondent stated that the plans show building work that was not approved and not the subject of this current application or appeal, being the garage.
48. The Appellant stated that the works were in keeping with the appearance of the existing house and general streetscape presentation, particularly that the form of the carport still maintains the appearance of openness.
49. The Tribunal, Appellant, and Respondent viewed the buildings in situ, including the finished appearance and colour of the building, its context in relation to the solid front and side fences and landscaping, including established trees.
50. Site measurements were taken on site during the hearing by Tribunal Member Elizabeth Anderson, particularly the width between the carport posts, measured at 5.2m. This was noted as less than required for a double carport. Accordingly, the carport as constructed is a single carport by dimensions.

Post hearing evidence

51. During the course of the hearing, plan inaccuracies were raised, as was the existence of a previously approved carport towards the Toulambi Street frontage. On behalf of the Tribunal, the Registrar invited the Appellant to provide marked up plans that accurately represent the structures as built. The Co-respondent was invited to respond to the accuracy of the amended plans. The Co-respondent was requested to provide any available information showing the specifications of the previous (replaced) carport, including its location.
52. On 4 August 2026, Brad Geaney for the Co-respondent, responded with attached electronic copies of extracts from the various building permits relevant to the carport area and a statement that “there is no record for an enclosed garage on this property”.
53. On 7 August 2026, Marcus Brennan for the Appellant, responded with marked up plans with a statement that the plans “accurately represent the structures as built”.
54. The amended plans show that the 0.51m setback of the carport is measured to the rendered block wall rather than to a surveyed boundary. The retaining wall on the eastern boundary is notated as existing (with reference to questions of lawful ground level). The amended plans show a 1.8m high wall as part of the Terrace structure (setback less than 1.0m from the northern boundary by virtue of the thickness of the wall.) This wall is also shown on the northern elevation. The eastern elevation of the carport was amended to include the gable detail. The south elevation of the carport shows the deletion of a central post that was not constructed.
55. No further representations were received from either party.

Reasons for the decision

Maintenance of amenity

What is amenity?

56. “Amenity” is a concept that is long steeped in planning and planning law and has transcended a number of different planning regimes in Queensland.
57. There is no neat legal definition of amenity, despite there being a large body of case law that has considered the term.
58. The most succinct way the Tribunal can describe amenity is taken from the recent case of *Barro Group Pty Ltd v Sunshine Coast Regional Council* [2021] QPEC 18 at paragraphs [141] – [142], where His Honour Judge Williamson QC DCJ relevantly provided the following:

... the concept of amenity is a broad one and not examined solely by reference to empirical standards. The assessment of impacts on amenity, as a consequence, involves an examination of intangible considerations (such as character and sense of place), where questions of degree, judgment and impression intrude.

Whilst the examination of the potential impacts of development on amenity involves matters of degree, impression and judgment, the exercise is not carried out by reference to some amorphous notion that takes its meaning from those who seek to maintain the status quo. Rather, such an assessment is informed by a range of considerations, including an objective reading of the adopted planning controls to ascertain what, if any, reasonable expectation there should be about the type and intensity of development intended for any given locality.

59. So, with reference to PO9, to consider whether the proposed building works would preserve the amenity of adjacent land and dwelling houses, the Tribunal needs to consider not just tangible things like the scale, height and materials and the views the neighbours would have of the structure, but also the expectations the community might have about the type of development in the locality.
60. With respect to expectations, the Noosa Scheme sets the expectations for the community in respect of development that might or might not occur.
61. The law however allows for an applicant to offer alternative outcomes where acceptable outcomes cannot be met. As long as these alternative outcomes, or performance outcomes, can be demonstrated to meet the applicable criteria, an applicant is also entitled to have an expectation that an application will be approved.

Assessment

62. The development application was triggered because the terrace structure, the storage room and the carport do not comply with the setbacks prescribed in Low Density Residential Zone Code Acceptable Outcomes AO9.1, AO9.3 and AO9.4.
63. The development application is Code Assessable, limited to assessment in relation to Low Density Residential Zone Code Performance Outcome PO9 as it relates to the setback non-compliance.
64. The Co-respondent’s Concurrence Agency Response reasons for refusal made specific reference (only) to PO9 a, c, d, e, and f. Therefore, these matters are the focus of the Tribunal with regard to the building works associated with the appeal subject matter, the terrace, the storage room and the new carport (extracted below):

65. The reasons for the refusal were identified as being [numbering added by the Tribunal for ease of reference]:

- (a) *The application is refused as the proposed development does not comply with and cannot be conditioned to comply with the following performance criteria:*

Noosa Plan 2020 – Low Density Residential Zone Code

PO9 Buildings and structures are designed and sited to:

a. provide a high level of amenity to users of the subject site and adjoining premises, including provision of visual and acoustic privacy and access to sunlight;

c. provide adequate distance from adjoining land uses;

d. preserve existing vegetation that will help buffer development;

e. allow for soft landscaping to be provided between buildings and the site boundaries to provide for trees and shrubs; and

f. contribute to open streetscapes by avoiding buildings and structures within the front 6 metres of the property.

- (b) *Due to the elevated ground levels of the subject property, compared to that of the adjoining properties, it has been considered that the location, form and use of the building work will likely have an adverse impact on the amenity of the users of the adjoining premises. In particular, it being noted the excessive length and height of building work in close proximity to the south-eastern side boundary as well as the location of recreation/entertaining areas in close proximity to the north-eastern side boundary.*
- (c) *The unapproved building work fails to provide for adequate distance from adjoining land uses. There does not appear to be any obvious characteristics of either the property or the building work that supports any variation to the prescribed setbacks. In fact, it is suggested that greater setbacks than prescribed would be more appropriate when properly considering the relevant performance criteria.*
- (d) *The impact on amenity to the users of the adjoining properties could have been lessened if existing vegetation was retained. Instead, existing vegetation was removed and unapproved building work was located without adequate space being made available for new landscaping, which could have assisted in screening the unapproved building work from the impacted neighbouring users.*
- (e) *No attempt has been made to maximise road boundary setbacks to avoid building work within the front 6 metres of the property. It being noted that existing neighbouring buildings to the Toulambi Street frontage are predominantly located with a road boundary setback of 6 metres or more.*
- (f) *It is further noted that the plans submitted for assessment appear to contain numerous inaccuracies which could also affect the ability of the building work in being retrospectively approved. For example, the accuracy of the south-eastern side boundary setback could have major ramifications on the*

final construction of the building. If this dimension is not accurate, this entire side of the property could require fire rated construction to be installed to protect the building, which will further have a dramatic impact on the adjoining properties.

- (g) Certain existing structures have not been shown on the plans, for example a pergola type structure located over a low-level deck, that is located within the prescribed setbacks to the Allambi Terrace road boundary and north-eastern side boundary. These structures were not included for consideration and would not be supported in their current location or form.*
 - (h) It would appear that various retaining walls and fences have been constructed, which were not identified as part of this assessment. These works do not appear to comply with the alternative siting provisions. It may also be possible that these works do not comply with the building assessment provisions in general, potentially requiring extensive rectification work.*
 - (i) The plans identify various areas of the building as existing, with other areas being identified as proposed. It is suggested that these references are not accurate and do not accurately identify the extent of building work that has been carried out without an approval and accordingly may require extensive rectification work.*
 - (j) The fact this building work has been carried out without a building permit is not grounds for failing to meet the performance outcomes of the alternative siting provisions as contained in the Noosa Plan.*
66. PO9(a) has two focusses, the outcomes for the users on the subject site, and the outcomes for the users on the adjoining premises. Having the hearing onsite in relation to a constructed building afforded the opportunity to assess the proposed building works from the user and neighbour perspective. The three proposed building works are the terrace, the storage room and replacement carport. The terrace comprises a roof that slopes down towards the boundary and includes a solid wall. Similarly, the storage room slopes down to the northern boundary. The carport is moderately wider than the former carport and includes a gable to the eastern boundary. The three structures share a similar palette to the main building. The orientation, design and materials ensure that all three structures result in a cohesive design that results in a high level of amenity to residents on the subject site and adjoining premises, including visual appearance, acoustic privacy and access to sunlight. In this way, the proposed building works comply with PO9(a).
67. With reference to PO9(b), the Co-respondent did not raise this assessment benchmark as a reason for refusal. Therefore, it is not in dispute that the proposed building works will not unreasonably obstruct views or cause overlooking of private open space or habitable areas of adjoining premises. From the site visit afforded by the hearing, the Tribunal concurs with this conclusion. As a consequence of the design of the proposed building works and their relationship to the adjoining premises, the proposed building works comply with PO9(b).
68. With reference to PO9(c), the proposed building works comprise a dwelling house, which is the same use as the adjoining premises. The land is within the Low Density Residential Zone which anticipates dwelling house uses. As addressed in relation to PO9(a), the proposed building works do not result in privacy or amenity concerns. Accordingly, the proposed building works comply with PO9(c).

69. Performance Outcome PO9(d) does not require the preservation of all vegetation. It requires the preservation of vegetation that will help buffer development. Buffer planting is referenced in the Low Density Residential Zone Code in PO9(d) and AO18.1. In the latter, the buffer relates to areas of activity. The proposed development slopes roof form down towards neighbouring properties, provides a wall as a physical barrier to the northern boundary of the Terrace and provides a gable as a physical barrier to the eastern side of the carport. The proposed building works continues to maintain established vegetation elsewhere on site. In this way, the proposed building works complies with PO9(d).
70. The Co-respondent's reasons for refusal state that the proposal involved vegetation clearing and does not include sufficient space for screen planting. PO9(d) addresses preservation of vegetation. By contrast PO9(e) requires the provision for trees and shrubs between buildings and site boundaries. The performance outcome does not quantify the number of trees and shrubs to be provided to comply. Planning Scheme Policy – Landscaping refers to buffers in terms of visual buffers only. As the proposed terrace and storage room roofs slope down towards the boundary and do not involve a use or activity that would interfere with neighbouring residential uses, planted buffers are not required for visual buffering. The side gable of the carport poses a visual impact towards the eastern boundary. However, in the context of 2-storey development in the locality, the side gable is not inconsistent with the scale of built form visible to neighbouring properties. The building works otherwise retains established trees on site. Conditioning the planting of shrubs and small trees in planters could be used to comply with PO9(e). PO9(e) therefore is not grounds on its own for refusal of the building works.
71. PO9(f) relates to the development of buildings within the front 6 metres of the property. The carport is the aspect of development relevant to this assessment benchmark. However, the Co-respondent has provided evidence that the proposed carport replaces a formerly approved carport, which was also within the 6 metre setback. As an open structure, the carport does not impact the open streetscape appearance of the development.
72. With reference to PO9(g), the Co-respondent did not raise this assessment benchmark as a reason for refusal. The land is not mapped as containing an ecologically important area.
73. Further to the above, the Co-respondent's reasons for refusal make reference to matters not contained in the assessment benchmarks, including building works that do not form part of the assessment, plan inaccuracies and that building works have been undertaken without approval. Building works that do not form part of the assessment do not form part of the subject matter of this appeal. Plan inaccuracies were raised as a part of the Co-respondent decision and evidence during the hearing. As this appeal relates to a retrospective building works application, the Tribunal has considered the material lodged with the Building Works application as well as the amended set of plans provided following the hearing.

Can the impacts of the proposed development be conditioned?

74. The Decision Notice stated that *"The application is refused as the proposed development does not comply with and cannot be conditioned to comply with the following performance criteria:"*.
75. The development complies with all aspects of Performance Outcome PO9 except PO9(e). The quantity of landscaping is not specified in the assessment benchmark.

Conditions requiring planters capable of growing small trees and shrubs along the northern and eastern boundaries would result in compliance with PO9(e).

Conclusion

76. While the proposed development does not comply with the setbacks prescribed in Low Density Residential Zone Code Acceptable Outcome AO9.1, AO9.3, AO9.4 of the Noosa Scheme, the Tribunal finds that, subject to the imposition of relevant conditions, the proposed building works would comply with PO9.
77. The Tribunal therefore replaces the decision of the Respondent to refuse the development application with the Tribunal's decision to approve the development application with the following condition:
 - (A) Soft landscaping is to be provided along the northern and eastern boundaries at a rate of 1 small tree or shrub per 2m with reference to the species nominated in Planning Scheme Policy – Landscaping. Planting is to be undertaken and maintained either in ground or suitable planters with irrigation system. Species are to avoid declared plants and environmental weeds.

Linda Tait

Development Tribunal Chair
Date: 27 August 2026

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