



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal number: 25-042

Appellant: Sherryn Louise Frame

Enforcement authority: Fraser Coast Regional Council (**Council**)

Site address: 55 Corser Street Point Vernon Qld 4655, described as Lot 1 on RP120572 (**Premises**)

Appeal

Appeal under section 229 and schedule 1, section 1(2)(h)(i) of the *Planning Act 2016* (**Planning Act**) against the decision of Council to give the Appellant an enforcement notice under section 168 of the Planning Act dated 22 October 2025 (**Enforcement Notice**) alleging contravention of section 163 of the Planning Act by carrying out assessable development unless all necessary development permits are in effect for the development being building work for the construction of the street front boundary fence on the Premises.

Date and time of hearing: 18 December 2025 at 1:00 pm

Place of hearing: Online (Microsoft Teams)

Tribunal: Stafford Hopewell—Chair
Marian Graham—Member
Suzanne Brown—Member

Present: Sherryn Frame and Milan Prekop—Appellant
Tom Brown and Damion Beety—Council

Decision:

The Development Tribunal (**Tribunal**), in accordance with section 254(2)(b) of the Planning Act, decides as follows:

- (a) the appeal is dismissed;
- (b) the decision to give the Enforcement Notice is changed to extend the timeframe for compliance to by 4.00pm on the day that is 40 business days from the date of this decision.

Background

2. This is an appeal about Council's decision to give an enforcement notice concerning the construction of a fence on the south-western corner street frontage of the Premises on the basis that the fence is submitted by Council to be building work that is assessable development under the *Building Act 1975* (**Building Act**) that has been carried out without all necessary development permits being in effect for the development.
3. The Premises is a corner lot with frontage to North Street to the west and Corser Street to the south. The road intersection is configured as a roundabout with North Street being a divided carriageway separated by a wide median strip running in a generally north-south direction and Corser Street being a single carriageway with one lane of traffic in each direction running generally east-west. North Street is renamed as Murphy Street to the south of the roundabout.
4. A single-storey detached house is constructed on the Premises and the surrounding area is generally characterised by detached housing although a corner store is located on south-eastern side of the intersection.
5. The Premises is generally rectangular shaped but has a truncated configuration with a corner splay to the road intersection on the south-western corner of the Premises. The area of the Premises is about 739m².
6. Historically, a timber fence was constructed on the street frontage which was about 1m in height along the corner splay and gradually increased in height to about 1.8m on the western and southern street frontages.¹
7. Sometime in 2023 / 2024, the pre-existing fence was replaced with a new colorbond steel fence of about 1.8m to 2m height.²
8. The new fence was constructed by a fencing contractor engaged by the Appellant and was not subject to any development application or development approval.
9. In 2025, Council received a notification from a member of the public raising concerns about the new fence and its impact on road safety through perceived impact on sight lines for traffic using the eastern part of the intersection of Corser and North Streets.
10. Following investigation, Council officers formed the opinion that the new fence constituted assessable building work under the Building Act as the new fence does not comply with Acceptable Solution A7 of the Queensland Development Code Mandatory Part 1.2 – Design and Siting Standards for Single Detached Housing – On Lots 450m² and Over (**QDC MP1.2**) which regulates the size and location of structures, including fences, on corner sites to provide for adequate sight lines.
11. Specifically, under the QDC MP1.2, the acceptable solution for a fence is a maximum height of 1m within a truncation made by 3 equal cords of a 6m radius curve at the corner of the 2 road frontages. A fence that complies with the acceptable solution is accepted development and does not require a development approval.
12. However, a fence that exceeds 1m in height within the truncation area does not comply with the acceptable solution of the QDC MP1.2 and is assessable development which requires a development approval.

¹ These heights are estimates only based on photographic evidence.

² The new fence is variously described as either 1.8m or 2m in height. Nothing turns on this difference in height.

13. It is common ground between the parties that the fence as constructed does not comply with the QDC MP1.2 because it exceeds 1m in height within the truncation area and no development approval has been obtained for the fence.
14. Council engaged with the Appellant during its investigation and subsequently gave the Appellant a show cause notice before ultimately giving the Appellant the Enforcement Notice.
15. As will be later discussed in this decision, there has been relatively extensive communication between Council and the Appellant about the fence and the circumstances surrounding its construction.
16. In summary, the Appellant's grounds for appeal against the Enforcement Notice are:
 - (a) Council verbally advised that no development approval was required for the fence and the fence was constructed with Council approval;
 - (b) the fence is not a safety hazard and is not the cause of the traffic incident relied upon by Council to justify the need to modify the fence;
 - (c) the costs of modifying the fence to comply with the QDC MP1.2 does not justify the need to modify the fence;
 - (d) a 2m high fence is necessary for the security and privacy of the Premises and to secure the Appellant's dog.

Jurisdiction

17. Under section 229 of the Planning Act, the matters prescribed in accordance with schedule 1 of the Planning Act may be appealed to a tribunal.
18. Table 1, item 6 and section 1(2)(h)(i) of schedule 1 of the Planning Act provide that a decision to give an enforcement notice about a matter that relates to the Building Act (section 1(2)(g) of schedule 1) may be appealed to a tribunal.
19. As the appeal is about Council's decision to give the Appellant the Enforcement Notice which alleges the contravention of section 163 of the Planning Act by carrying out development that is assessable building work under the Building Act, the Tribunal is satisfied it has jurisdiction to decide the appeal.
20. Neither party took any issue to the Tribunal's jurisdiction.

Decision framework

21. This is an appeal against the decision of Council to give an enforcement notice and in accordance with section 253(3) of the Planning Act, Council as the enforcement authority has the onus to establish that the appeal should be dismissed.
22. Pursuant to section 253(4) of the Planning Act, the Tribunal is required to hear and decide the appeal by way of reconsideration of the evidence that was before Council when the decision was made to give the Enforcement Notice.
23. The Tribunal may however consider other evidence presented by a party with leave or as provided under section 246 of the Planning Act.
24. The Tribunal must decide the appeal in accordance with section 254(2) of the Planning Act by:
 - (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.

Statutory framework

- 25. Under section 163 of the Planning Act, a person must not carry out assessable development unless all necessary development permits are in effect for the development.
- 26. Development is defined under the Planning Act to include carrying out building work, which includes building, repairing, or altering a building or other structure.³ The construction of a fence is building work.
- 27. There are three categories of development under the Planning Act being:
 - (a) prohibited development, which is development for which a development application may not be made;
 - (b) assessable development, which is development for which a development approval is required;
 - (c) accepted development, which is development for which a development approval is not required.⁴
- 28. A development approval includes a development permit which is the part of a decision notice that authorises the carrying out of the assessable development to the extent stated in the decision notice.⁵
- 29. Development is categorised by a 'categorising instrument' which includes a regulation.⁶
- 30. Under the Building Act and *Planning Regulation 2017 (Planning Regulation)*, building work under the Building Act is assessable development unless the building work is accepted development under schedule 7 of the Planning Regulation.
- 31. Building work is accepted development if it is declared by section 21 of the Building Act to be accepted development. However, the building work is only accepted development if the building work complies with relevant provisions for the building work.
- 32. Under the *Building Regulation 2021 (Building Regulation)*, building work for a fence is accepted development if the fence is no higher than 2m above the fence's natural ground surface and is not enclosing a regulated pool.⁷
- 33. However, building work mentioned in schedule 1 of the Building Regulation must also comply with the relevant provisions within the meaning of section 21(5) of the Building Act.⁸
- 34. For building work under the Building Act, the Queensland Development Code is part of the 'building assessment provisions'⁹ which are 'assessment benchmarks' for the Planning Act for the assessment of building work.¹⁰

³ Schedule 1 of the Planning Act.

⁴ Section 44 of the Planning Act.

⁵ Section 49 of the Planning Act.

⁶ Section 43 of the Planning Act.

⁷ See section 4 and schedule 1, item 1(1) of the Building Regulation.

⁸ Section 4(2) of the Building Regulation.

⁹ Section 30(g) of the Building Act.

¹⁰ Section 31 of the Building Act.

35. The QDC MP1.2 specifies design and siting standards for single detached houses on lots 450m² and over, which applies to the Premises.
36. The QDC MP1.2 includes Performance Criteria P7 which is:
The size and location of structures on corner sites provides for adequate sight lines.
37. For Performance Criteria P7, the Acceptable Outcome A7 is:
Fences, screens and retaining walls and other structures are not more than 1m high within a truncation made by 3 equal chords of a 6m radius curve at the corner of the 2 road frontages (Figure 6).
38. Put simply, to be accepted development, the new fence needed to comply with both the Building Regulation and the QDC MP1.2. In this case, this means that whilst the new fence was required to be no more than 2m high to comply with the Building Regulation (which it does), it is also required be no more than 1m high within the truncation area specified by Acceptable Solution A7 of the QDC MP1.2 to be accepted development (which it is not).

Material considered

39. The material considered by the Tribunal was:
- (a) Form 10 Notice of Appeal, grounds for appeal, and correspondence lodged with the Tribunal's registrar;
 - (b) Show Cause Notice dated 11 September 2025;
 - (c) Enforcement Notice dated 22 October 2025;
 - (d) Planning Act;
 - (e) Planning Regulation;
 - (f) Building Act;
 - (g) Building Regulation;
 - (h) Queensland Development Code;
 - (i) Council electronic file provided to the Registry on 5 December 2025.
40. The Appellant and Council each made submissions via the Registry before the hearing. The Tribunal grants leave and accepts these submissions.
41. Prior to the conclusion of the hearing, the parties were asked whether they wished to have the opportunity to make any further written submissions to the Tribunal and both parties stated that they did not want to make any further submissions and wished for the Tribunal to decide the appeal on the material provided.
42. The Appellant however subsequently provided a written submission to the Registry by email on 18 December 2025 addressing sight lines. As this submission is supplementary to the issues raised at the hearing and sought to further articulate the Appellant's position, the Tribunal grants leave and accepts this supplementary submission. As this did not raise any new issues, the Tribunal did not consider it necessary to give the Council the opportunity to respond and considers all parties have been afforded procedural fairness.

Findings of fact

43. The Tribunal is satisfied that the fence as constructed on the Premises does not comply with the QDC MP1.2 Acceptable Solution A7 because the fence is more than 1m high

within the truncation area required on the Premises in accordance with Figure 6 of the QDC MP1.2.

44. Because the fence does not comply with the acceptable solution prescribed by the QDC MP1.2, the Tribunal finds that the building work for the fence is categorised as assessable development under the Building Act and required a development approval under the Planning Act.
45. It is agreed by the parties that no development approval has been obtained for the fence. Accordingly, the Tribunal finds assessable development has been carried out without all necessary development permits being in effect and a development offence has been committed under the section 163 of the Planning Act.
46. The Tribunal is therefore satisfied that Council has discharged its onus and established that the Appellant has committed a development offence under the Planning Act and that the Enforcement Notice should be given.

Reasons for the decision

47. The following sets out the Tribunal's reasons for the decision addressing the grounds of appeal by the Appellant.

Did the Appellant have approval from Council to build the fence?

48. A key issue raised by the Appellant at the hearing and in their written submissions is that the Appellant submits that Council was contacted before the fence was constructed and advised that no approval was required for the fence. The Appellant submits that this amounts to verbal approval from Council for the construction of the fence.
49. The Appellant submits that the contact with Council comprised enquiries by:
 - (a) the fencing contractor engaged by the Appellant who telephoned Council to check whether approval was required for the fence; and
 - (b) by a neighbour who also contacted Council as to whether approval was required to replace the existing fence on the Premises.
50. According to the Appellant, both the fencing contractor and neighbour were advised by Council that no approval was required to construct the fence.
51. Council however states it has no record of any communications with any persons in relation to the construction of the fence of the Premises.
52. Council also further submits that given the building standards for fences on corner lots are longstanding and reasonably well known (at least to building professionals), it is improbable that Council officers would have wrongly advised as to the siting and height requirements for the fence on the Premises (assuming that the Council officer(s) responding to any such enquiry was properly informed of the circumstances (i.e. that the fence was to be constructed on a corner lot) and appropriately experienced or knowledgeable about the subject matter).
53. Further, Council submits that its records show that the fencing contractor engaged by the Appellant to construct the fence had been previously advised in 2021 about height limits for fences on corner lots and accordingly had knowledge of the 1m height limit applying to fences within a truncation area under the QDC MP1.2.
54. Whilst the Tribunal does not question the truthfulness of the belief expressed by the Appellant that approval was not required to construct the fence and the submission by the Appellant that had they been aware of the relevant standards, they would have complied

at the time, the evidence before the Tribunal falls well short of establishing that Council formally advised that approval was not required for the fence as constructed.

55. The enquiries asserted to have been made on behalf of the Appellant were verbal enquiries made by the contractor who constructed the fence and a neighbour who was stated to have relevant industry experience.
56. The evidence for the Appellant does not establish the scope or nature of the enquiries made to Council nor the detail of the response from Council (including the officer or officers who responded).
57. Given the asserted enquiries were verbal and there is no written record of either the information provided to Council about the proposed fence nor the response from Council about requirements for the proposed fence, it is unknown what was communicated.
58. Further, in response to the issues raised by the Appellant, Council submits that it has reviewed its records and cannot identify any advice provided by Council about the need for approval of the fence before its construction.
59. Again, there is no reason for the Tribunal to doubt Council's assertions that it has no record of any advice being provided about requirements for the fence prior to the construction of the fence.
60. In the absence of any detail about the nature of the enquires made and responses provided, there is simply insufficient evidence for the Tribunal to find that Council advised that approval of the fence was not required.
61. Whilst it is not unreasonable for the Appellant to rely on enquiries made on the Appellant's behalf (especially by the contractor who constructed the fence for the Appellant), the evidence does not establish that Council verbally 'approved' the fence or mis-advised as to requirements for the fence.
62. More importantly, even if Council had informed the Appellant prior to construction that the fence did not require development approval, this cannot prevail over the law and does not make the building work for the fence accepted development nor does this constitute a development approval for the fence.
63. At most, if Council had in fact wrongly advised the Appellant about the need for development approval for the fence as constructed, the Appellant may have some civil claim against Council, but this does not change the categorisation of the building work under the Building Act and validity of the Enforcement Notice under the Planning Act.
64. For completeness, it is also important to highlight that the Tribunal's jurisdiction under the Planning Act is confined to the decision to give the Enforcement Notice and any dispute about the conduct of Council prior to the construction of the fence is not a matter that the Tribunal can deal with.
65. Returning to the fact that the fence as constructed does not comply with Acceptable Solution A7 of the QDC MP1.2, it is assessable development, and a development approval was required to be obtained prior to the construction of the fence.
66. A development approval is a decision notice given in response to a development application made to the assessment manager.
67. In this case, a private building certifier should have been engaged for the approval of the fence and referral should have been made to Council for the assessment of the non-compliance with Acceptable Solution A7 of the QDC MP1.2.

68. The asserted action by the fencing contractor to make a verbal enquiry to Council does not constitute a development application and any advice given by Council in relation to an enquiry (whether verbal or written) does not amount to a development approval under the Planning Act.
69. Whilst it is understandable that the Appellant feels aggrieved because they believe they have been wrongly advised by Council and the non-compliance with the QDC MP1.2 would not have arisen if they had been advised of the relevant standards before the construction of the fence, this does not change the situation that fence had not been constructed in accordance with the QDC MP1.2.
70. Further, it is not conceded by Council that it provided any such advice or has in any way caused or contributed to the non-compliance with the QDC MP1.2, and it is the responsibility of the person carrying out development to comply with relevant requirements.
71. While it is unfortunate that the Appellant appears to have proceeded on the honest but mistaken belief that approval was not required, this does not remove the need for development approval for the fence as constructed.
72. Further, whether this mistake was the fault of the Appellant, a third party such as the fencing contractor, or Council, is irrelevant to the Appeal and is not a matter that affects the need for development approval for the fence.
73. As already noted, issues about the conduct of the parties prior to the construction of the fence are outside of the Tribunal's jurisdiction and are not matters that are relevant to the determination of the appeal.
74. Tribunal is required to determine the appeal in accordance with the law and jurisdiction granted to the Tribunal under the Planning Act.
75. On the facts before the Tribunal, the fence as constructed does not comply with the QDC MP1.2 and is assessable development. Accordingly, a development approval was required to lawfully construct the fence. In the absence of a development approval for the fence, the construction of the fence is contrary to section 163 of the Planning Act.

Is the fence a safety hazard that needs to be modified?

76. To remedy the contravention of section 163 of the Planning Act, the Enforcement Notice directs the Appellant to either:
 - (a) undertake works to the fence to comply with Acceptable Solution A7 of the QDC MP1.2; or
 - (b) seek development approval for the fence as constructed.
77. Whilst Council has given the Appellant two options to rectify the contravention, Council has separately indicated to the Appellant that Council's preliminary view is that Council is unlikely to approve the fence as constructed due to Council's concerns about the impact of the as constructed fence on sight lines and road safety.
78. At the hearing, issues were raised about the significance and impact of the noncompliance in the siting and height of the fence, particularly in relation to the impact on sight lines and road safety, noting that Council's investigation of the fence was triggered by a public complaint about road safety.

79. The purpose of the QDC MP1.2 in this regard is about providing adequate sight lines. Whilst not expressly stated in the QDC MP1.2, a primary reason for this is road safety which is an important public interest.
80. Generally, the QDC MP1.2 operates by prescribing acceptable solutions, which, if complied with, are deemed to satisfy the QDC MP1.2 and no development approval is required under the QDC MP1.2. If an acceptable solution is not complied with, a development application is required to be made which is assessed against the relevant performance criteria to determine whether approval should be given.
81. Under the statutory framework, compliance with an acceptable solution is not mandatory and a 'relaxation' or 'variation' of the relevant acceptable solution may be given but only through an assessment of a development application having regard to the relevant performance outcome of the QDC MP1.2.
82. In this case, the fence as constructed is non-compliant with Acceptable Solution A7 of the QDC MP1.2 and there has been no assessment of the impact of the fence as constructed against Performance Criteria P7 of the QDC MP1.2 in terms of whether adequate sight lines are provided.
83. As part of the Council investigation and decision to give the Enforcement Notice, Council has had regard to the impact of the fence on sight lines and expressed the opinion that sight lines are inadequate and the non-compliance with the acceptable solution is significant. This has been assessed by Council's traffic engineering section having regard to Ausroads 2023.
84. In contrast, the Appellant has raised several issues to submit that the impact of the noncompliance is either trivial or will not in any event result in compliance with relevant standards because of other conditions or factors. These include:
 - (a) The extent to which the fence extends into the truncation zone, which is stated to be minimal, in the order of 30cm to 50cm;
 - (b) Relocating the fence will cause only a minimal improvement in sight lines which will still be less than the relevant standards;
 - (c) The traffic incident referred to by Council as a reason for giving the Enforcement Notice was not affected by the sight lines at the Premises and involved a different part of the intersection;
 - (d) There is a power pole located on the footpath of North Street to the north of the intersection which would impede sight lines from Corser Street even if the fence was relocated or reduced in height;
 - (e) The primary factor affecting road safety at the intersection is vehicles travelling at excessive speed and road treatment should be undertaken to slow traffic to make the intersection safer.
85. The jurisdiction of the Tribunal in this matter is the determination whether the Council's decision to give the Enforcement Notice should be affirmed or changed in accordance with section 254 of the Planning Act.
86. The Appeal is not about whether the fence as constructed should be approved or refused and the Tribunal has no jurisdiction to make any decision about whether the fence should be approved or refused.

87. The Tribunal also has no power or role to direct Council as to road management (for example, whether traffic calming measures should be applied by Council to the intersection to slow traffic).
88. Having regard to the evidence before the Tribunal, the Tribunal considers that the Appellant has raised issues which question the significance of the non-compliance in relation to providing adequate sight lines at the Premises and whether compliance with Acceptable Solution A7 of the QDC MP1.2 would comply with relevant road safety standards.
89. For example, it is unclear to the Tribunal whether modification of the fence to comply with Acceptable Solution A7 will result in compliance with Ausroads, particularly having regard to the location of the power pole on North Street.
90. However, the Tribunal is satisfied that Council has considered the impact of the fence as constructed on sight lines and demonstrated that the non-compliance with Acceptable Solution A7 is more than trivial.
91. Further, Council's opinion is based on expert / technical engineering advice from its officers whereas the Appellant has not provided any expert / technical assessment or advice in support of its contentions.
92. On the evidence, the Tribunal is reasonably satisfied that the non-compliance with Acceptable Solution A7 is not trivial or immaterial and is not satisfied that the fence as constructed provides for adequate sight lines as required by Performance Criteria P7 of the QDC MP1.2.
93. As noted above, this Appeal is not the proper forum for an assessment of the merits of the fence as constructed and whether it should be approved or refused having regard to Performance Criteria P7 of the QDC MP1.2 and the Tribunal is not expressing any view as to whether the fence as constructed should be approved or refused if development approval is sought.
94. Rather, the Tribunal is satisfied that the Council has shown that the non-compliance with the QDC MP1.2 is not trivial or minor and if it is intended to seek approval for the fence as constructed, compliance with Performance Criteria P7 will need to be properly assessed with appropriate supporting material.

The costs of modifying the fence to comply with the QDC does not justify the need to modify the fence

95. Given the Appellant's submissions that the non-compliance with Acceptable Solution A7 of the QDC MP1.2 is trivial or immaterial, the Appellant further submits that the costs to modify the fence to comply are therefore unnecessary and unwarranted.
96. For the Appellant, the cost of taking any action to modify the fence is exacerbated by its belief that Council is responsible for not identifying the requirements of the fence before its construction.
97. No information was provided to the Tribunal as to the cost of the construction of the fence or cost to modify the fence to comply with the acceptable solution under the QDC MP1.2.
98. While the Tribunal accepts any cost to modify the fence to comply with the Enforcement Notice will impose a financial burden on the Appellant, this is not a reasonable ground to set aside the Enforcement Notice.

99. The QDC MP1.2 prescribes building standards to protect the public interest and is part of the regime for regulating building work in Queensland. Compliance with the QDC MP1.2 is not 'optional' and is an inherent requirement for building work, including fences.
100. Whilst it is unfortunate that in this case there appears to be have been a failure to identify the relevant requirements for the height and location of the fence before it was constructed, that does not remove the need to the ensure that the fence complies with the QDC MP1.2.
101. In circumstances where the Tribunal is satisfied that the non-compliance with the QDC MP1.2 is not trivial or immaterial, the Tribunal finds that the decision to give the Enforcement Notice is not unreasonable because of the potential costs of compliance.
102. Further, the Tribunal notes that the Enforcement Notice gives the Appellant the option to either modify the fence to comply with the QDC MP1.2 or seek a development approval for the fence as constructed, so the Appellant has the choice to decide what action to take to comply with the Enforcement Notice, including what is most cost-effective for the Appellant.
103. The Tribunal therefore considers that the potential cost of compliance does not warrant the Enforcement Notice being set aside.

A 2m high fence is necessary for the security and privacy of the Premises and to secure the Appellant's dog

104. The Appellant submitted that a 2m high fence is necessary for the security and privacy of the Premises and to secure the Appellant's dog.
105. Whilst the height of the fence on the location where it is constructed exceeds the acceptable solution of 1m within the truncation area required under the QDC MP1.2, the QDC MP1.2 does not prevent a 2m high fence being constructed provided it is located outside of the truncation area.
106. The Appellant is therefore able to have a 2m high fence provided it is constructed outside of the truncation area (or if the Appellant can satisfy Council that it should be approved as constructed).
107. The Appellant's desire to have a 2m high fence is therefore able to be achieved subject to siting the fence outside of the truncation area under Acceptable Solution A7 of the QDC MP1.2 or obtaining approval for the fence as constructed (if compliance with Performance Criteria P7 of the QDC MP1.2 can be demonstrated).
108. The Appellant's preference for a 2m high fence is therefore not a reason for setting aside the Enforcement Notice.

Summary

109. Having considered all the material, the Tribunal is satisfied that Council has discharged its onus to show that the appeal should be dismissed and the Enforcement Notice should be given.
110. Whilst the Appellant has raised several issues as to the significance of the non-compliance with the QDC MP1,2, on the evidence before the Tribunal, the Tribunal is not satisfied that the Enforcement Notice is unnecessary or unwarranted.
111. If the Appellant wishes to seek approval for the fence as constructed, the development application process will provide the proper forum for assessing the merits of the development and compliance with Performance Criteria P7 of the QDC MP1.2.

112. Alternatively, the Appellant has the option of modifying the fence to comply with the QDC MP1.2 by either relocating the fence outside the truncation area (to maintain the 2m height) or reducing the height of the fence to no more than 1m within the truncation area.
113. To give sufficient time for the Appellant to consider their options and undertake the necessary action, the Tribunal changes the Enforcement Notice to extend the timeframe for compliance to by 4.00pm on the day that is 40 business days from the date of this decision.

Stafford Hopewell
Development Tribunal Chair

Date: 4 February 2026

Appeal rights

Schedule 1, table 2, item 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 1800 804 833

Email: registrar@hpw.qld.gov.au