



Building and plumbing newsflash

Expansion of the building and development tribunals

Purpose

To advise on the expansion of the jurisdiction of the building and development tribunals to hear appeals on infrastructure charges levied under a Priority Infrastructure Plan (PIP).

Background

The Queensland Housing Affordability Strategy released in July 2007 included a recommendation that the jurisdiction of the tribunals be expanded to handle appeals related to infrastructure charging under PIPs. The *Urban Land Development and Authority Act 2007* (ULDA) enacted the necessary changes to the *Integrated Planning Act 1997* (IPA).

Tribunals provide a cost-effective, informal and quick remedy on appeals for matters including:

- siting requirements for houses, garages, carports, sheds etc
- swimming pool fencing requirements
- enforcement notices about building matters i.e. demolition, repair etc
- decisions on those parts of a development application assessed against the *Building Act 1975*
- decisions by local governments relating to applications for approval or plumbing, drainage and on-site sewerage facilities and enforcement notices in relation to this work.

Tribunals are not bound by the rules of evidence, regularly make site visits and establish hearings at locations accessible to applicants. Furthermore, legal representation is not permitted at a tribunal hearing, encouraging a focus on the facts rather than technical legal issues.

The tribunals' referees have extensive experience in their field, e.g. planners, building certifiers, architects, plumbers, engineers etc, and are well equipped to deal with this new appeal right.

Expanded jurisdiction for tribunals

From 18 July 2008, tribunals may hear appeals on errors in the calculation of charges levied in an infrastructure charges notice or regulated state infrastructure charges notice under a PIP.

At present, only Gold Coast City Council has adopted a PIP. However, the Department of Infrastructure and Planning is currently reviewing 12 PIPs.

Parties may elect to have the Planning and Environment Court (P&E Court) hear PIPs disputes in lieu of the tribunal.

In addition to changes to the tribunals' jurisdiction, P&E Court appeal rights for PIPs will also be changed. The validity of PIPs may now only be challenged on the basis that a charge in an infrastructure charges notice or regulated state infrastructure charges notice is so unreasonable that no reasonable local government could have imposed the charge. The changes in appeal rights are complemented by the new role of the Queensland Competition Authority to review infrastructure charges schedules and regulated state infrastructure charges schedules before they are approved.

The fee payable for lodging an appeal against an error in the calculation of a charge in an infrastructure charges notice or regulated state infrastructure charges notice (PIPs) in the tribunals is \$500.



Legislation

Integrated Planning Act 1997

Integrated Planning Regulation 1998

Integrated Planning Amendment Regulation (No.4) 2008

Proclamation SL 2008—Urban Land Development Authority Act 2007

Contact for further information

Building Codes Queensland

tel +61 7 3239 6369

buildingcodes@dlgpsr.qld.gov.au