Appeal Rights – Permissible Change

SUSTAINABLE PLANNING ACT 2009, IDAS DEVELOPMENT APPLICATION

Part 1 – Appeals to the Planning and Environment Court

S 466 Appeals about decisions relating to permissible changes.

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

(a) if the responsible entity for making the change is the assessment manager for the application—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

Part 2 – Appeals to the Building & Development Dispute Resolution Committee

S 521 Appeal about decisions relating to permissible changes.

(1) This section applies to a development approval if the approval is only for a material change of use of premises that involves the use of a prescribed building.

(2) The following persons may appeal to a building and development committee against a decision on a request to make a permissible change to the development approval, other than a deemed refusal of the request—

(a) if the responsible entity for making the change is the assessment manager for the development application to which the approval relates—

(i) the person who made the request; or

(ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

(b) if the responsible entity for making the change is a concurrence agency for the development application—the person who made the request.

(3) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.