



APPEAL
Integrated Planning Act 1997

File No. 3 – 03 - 056

BUILDING AND DEVELOPMENT TRIBUNAL - DECISION

Assessment Manager: Gold Coast City Council

Site Address: 42 Parr Street, Labrador

Nature of Appeal

An appeal under Section 105 of the *Standard Building Regulation 1993* (SBR) against the decision of Express Plan Approval Services not to issue a certificate of classification, for a duplex dwelling erected on land described as Lot 42 on RP 84299 and situated at 42 Parr Street, Labrador.

Date and Place of Hearing: 2.00 pm on Thursday 9 October, 2003 at the office of the Department of Local Government and Planning, Level 25 Mineral House, 41 George Street, Brisbane.

Tribunal: E K George

Present: S Boughen – Acting Tribunal Registrar
E K George – Tribunal Referee
Applicant
J Voukelatos - Builder

Decision

On the basis that a local government resolution in accordance with the *Standard Building Regulation 1993* is not appealable to a Tribunal as the Tribunal does not have jurisdiction to decide the appeal, I dismiss this appeal.

Material Considered

- 1.0 Copy of the Decision Notice Number A1GC 0304899 from Express Plan Approval Services Application plus approved drawings for the attached dwellings at 42 Parr Street, Labrador. (WD01(A), WD02(a), WD03(a), WD04(a), WD05(a), WD06(a) and WD07(a).
- 2.0 Copy of Information Response Form ‘Search Number 1608’ from Gold Coast City Council, which formed part of the documentation approved by the Private Building Certifier.

3.0 Decision dated 2 October 2003 from Express Plan Approval Services refusing to issue a Certificate of Classification.

Findings of Fact

- 1.0 The resolution of the Gold Coast City Council, dated 25 May 1995, does not comply with subsection 53.(1) of the *Standard Building Regulation 1993* as it does not declare land liable to flooding as required by subsection 53.(1)(a) and does not nominate habitable rooms as required by subsection 53.(2) (b) but instead nominates the floor clearance for residential, commercial and industrial buildings.
- 2.0 There is no right under the *Building Act 1975*, the SBR, the *Local Government Act 1993* or the *Integrated Planning Act 1997* to appeal the making of a local government resolution made in accordance with the SBR.

Errol K George
Building and Development
Tribunal Referee
Date: 17 October 2003