



Building and Development Tribunals—Decision

Integrated Planning Act 1997

Appeal Number:	3—08—066
Applicant:	Compass Consulting Group Pty Ltd
Assessment Manager:	Gold Coast City Council
Concurrence Agency: (if applicable)	N/A
Site Address:	239 Golden Four Drive, Bilinga and described as Lot 34 on B7081—the subject site

Appeal

Appeal under section 4.2.12A of the *Integrated Planning Act 1997* (IPA) against the decision of the Gold Coast City Council to impose a condition on a compliance permit under section 85 (10) of the *Plumbing and Drainage Act 2002* (PDA).

The condition (number 17) requires all water services in multi unit residential buildings to be controlled and contained within each unit and control valves to be in a position readily accessible from floor or ground level.

Date of hearing:	11:15 am —Tuesday 7 October 2008
Place of hearing:	Offices of the Department of Infrastructure and Planning, Brisbane
Tribunal:	Jim Graham — Chair Janet Conrad — Member
Present:	Philip Greer — Representative, Gold Coast City Council Brian Wright — Representative, Gold Coast City Council Colin Wheat — Compass Consulting Group Pty Ltd

Decision:

The Tribunal, in accordance with 4.2.34 (2) (b) of the IPA, **changes** the decision appealed against by removing Condition 17 from the compliance permit, dated 27 August 2008.

Background

Prior to the requirement for the installation of water meters on residential buildings which commenced 1 January 2008 local authorities required the installation of control valves within each unit for the purpose of controlling the water supply within the unit. This allowed the unit occupier to carry out maintenance work without interfering with the water supply to other units. This requirement was made as a condition of the compliance permit (see the PDA, part 4, division 1, section 78).

From the 1 January 2008 the legislative change required the installation of sub-meters to new developments, the ownership of these meters rests with the water utility operator. To facilitate the maintenance of these meters the local authorities require the installation of control devices to allow removal / replacement of the meters.

Material Considered

1. Hydraulic Drawings for the proposed Plumbing and Drainage installation of the development.
2. 'Form 10 – Notice of Appeal' lodged with the registrar on 15 September 2008.
3. Compliance Permit from Council dated 27 August 2008 to approve the Plumbing and Drainage Application for the site.
4. Verbal submissions from the applicant at the hearing.
5. Verbal submissions from Council's representative at the hearing.
6. The PDA.
7. *Standard Plumbing and Drainage Regulation 2003* (SPDR).
8. The IPA.
9. Water and Other Legislation Amendment Bill (Explanatory Notes).
10. Queensland Plumbing and Wastewater Code – published on 27 November 2007 (QPW Code).
11. Australian / New Zealand Standard 3500.1:2003 – Plumbing and Drainage, Part 1: Water services (AS/NZS 3500.1:2003).
12. Gold Coast Water, Sub-metering Policy, 1 January 2008.

Findings of Fact

The Tribunal makes the following findings of fact:

- The application for compliance assessment was received by Council and approved on the 27 August 2008, with conditions pursuant to section 78 of the PDA.
- A compliance permit was subsequently issued under section 85 (7) of the PDA, entitles the applicant to appeal to the Building and Development Tribunals against this decision pursuant to section 4.2.7 of the IPA.
- Sub-metering of all new multi-unit residential and non residential premises commenced statewide on 1 January 2008. Plumbing applications lodged for new premises drawing water from a water service provider are now required to include individual submeters for separate lots. 3 to 4 metres a control valve and complying valve is required to be installed for maintenance of the meter and the flow of water to the lot. On completion of the project the ownership of the meter and valves will transfer to the water service provider.
- The distance from the water meter to the lot is approximately 3 to 4 metres, there are no plumbing fixtures located between the water meter control valve and the boundary of the lot.

Reasons for the Decision

Condition 17 of the compliance permit issued by the Council provides that:

“All water services in multi unit residential buildings are to be controlled and contained within each unit. Control valves are to be in a position readily accessible from floor or ground level”.

The applicant has appealed to the tribunal that only one control valve is required to be installed to control the flow of water to the plumbing fixtures within the unit.

The installation of a control valve within the unit approximately 3 to 4 metres away would result in a control valve being installed to control a control valve.

The Tribunal found against the imposition of condition 17 on the grounds that clause 5.4 of AS/NZS 3500.1 is not reasonable and relevant (PDA, Part 4 Division 3 section 85 [7]).

The Tribunal is tasked with making decisions in line with legislation and at the same time take into consideration fairness, equity and reasonableness in their decisions. The Tribunal considers that the single control measure adopted by the applicant is appropriate in the circumstances of this case.

Jim Graham
Building and Development Tribunal Chair
Date: 29 October 2008

Appeal Rights

Section 4.1.37. of the *Integrated Planning Act 1997* provides that a party to a proceeding decided by a Tribunal may appeal to the Planning and Environment Court against the Tribunal's decision, but only on the ground:

- (a) of error or mistake in law on the part of the Tribunal or
- (b) that the Tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

The appeal must be started within 20 business days after the day notice of the Tribunal's decision is given to the party.

Enquiries

All correspondence should be addressed to:

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