



APPEAL
Integrated Planning Act 1997

BUILDING AND DEVELOPMENT TRIBUNAL - DECISION

Assessment Manager: Gold Coast City Council

Site Address: *withheld*—‘the subject site’

Applicant: *withheld*

Nature of Appeal

Appeal under section 4.2.12A of the *Integrated Planning Act 1997* and section 85 (10) *Plumbing & Drainage Act 2002* against the decision of Gold Coast City Council to impose conditions on a ‘Compliance Permit’, specifically:

Item 1: Council’s refusal to allow the use of Air Admittance Valves (AAV).

Item 2: Disputes with Council in relation to its ongoing requirements to:-

- (a) assess fire hydrants and hose reels as well as sprinkler systems; and
- (b) to include full design calculations and pipe sizing, which is contrary to the Act.

Date and Place of Hearing: 10:00 am Tuesday 29 April 2008 at the offices of the Department of Infrastructure and Planning

Tribunal: Mr Paul Funnell – Chairperson

Present: Mr Greg Unwin – Gold Coast City Council Representative
Mr Brian Wright – Gold Coast City Council Representative
Applicant’s Representatives
Mr Keith Thomas – Thomas Independent Certification Representative

Decision

The Tribunal, in accordance with section 4.2.34 makes the following decision –

Item 1: The Tribunal decides to **change the decision** of Gold Coast City Council to refuse the use of Air admittance valves (AAV) and directs that Council:-

- a) amend the approved plans to permit the use of AAV’s; and
- b) re-issue the compliance permit with the amended approved plans.

Item 2: The Tribunal **dismisses** this aspect of the appeal on the grounds that the Tribunal does not have the jurisdiction to make orders on general matters of council policy, practices or procedures.

Background

Item 1:

Applicant's submission to the tribunal

The grounds of appeal submitted by *withheld* are summarised as follows:-

- AS/NZS 3500.2 clause 10.8.6. That along with other matters states 'that the venting requirements for a Holding Tank shall comply with the venting requirements of waste fixtures'.
- That AS3500.2 clause 6.9.1 Air Admittance Valves:- That along with other matters states: that they may be used in sanitary plumbing for trap vents, group vents and stack vents.

Gold Coast City Council submission to the Tribunal

- AS3500 clause 6.9.1 Air Admittance Valves: That along with other matters including the above states:- they shall not be used for the upstream venting of a main drain.

Material Considered

1. AS/NZS 3500.2:2003 (Sanitary plumbing and drainage) - clause 10.8.6 Venting & clause 6.9.1 Air Admittance Valves
2. The *Integrated Planning Act 1997*
3. The *Plumbing & Drainage Act 2002*

Findings of Fact

- That the Holding Tank was for waste water only and did not receive sewerage.
- An upstream vent was fitted to the system, and the Air Admittance Valves does not act as a header vent.
- The Air Admittance Valves served the purpose of allowing air into the holding tank.

Reasons for the Decision

- Council agreed with *withheld* that the Air Admittance Valves would in fact be suitable for the purpose it was specified.
- The valve was not acting as a header vent.
- The valve adequately served the purpose of allowing air to enter the Holding Tank and not allow it to escape.

Paul Funnell

Building and Development Tribunal Chairperson

Date: 24 June 2008

Appeal Rights

Section 4.1.37. of the IPA 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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