



Building and Development Dispute Resolution Committees—Decision

Sustainable Planning Act 2009

Appeal Number: 19-2011
Applicant: James & Allison Essery
Assessment Manager: Lockyer Valley Regional Council (Council)
Concurrence Agency:
Site Address: 94 Jones Road, Withcott

Appeal

Appeal under section 526 of the *Sustainable Planning Act 2009* (SPA) against a Non-Compliance/Information Notice, dated 7 March 2011, issued by Lockyer Valley Regional Council under the *Plumbing and Drainage Act 2002* (PDA) regarding the construction of a sanitary house drain, requiring the applicant to:-

Rectify the installation in relation to the incorrect manner of joining PVC pipe to an ABS fitting.

“Please be advised that the following defects will need to be rectified or an application for assessment of an alternative solution is to be lodged and approved by council before a compliance certificate can be issued-

The sanitary drainage shall comply with AS/NZ 3500.2 9.14 Methods of Jointing of Pipes.

9.14.1 General

The joints between discharge pipes, vent pipes fixtures and appliances shall be made as appropriate for the materials being joined, and each joint shall be rendered airtight.

Joints between dissimilar materials shall be made using one of the joint types given in table 9.2.

Jointing materials shall comply with clause 2.6.

Alternatively an application for an alternative solution may be lodged to Council for assessment in accordance with the Standard Plumbing and Drainage Regulation 2003 Part 2 Section 4 A- Compliance with Lockyer Valley Regional Plumbing Code of Australia”

Date of hearing: 9:00am – Tuesday, 23 March 2011
Place of hearing: Level 5 – 63 George Street, Brisbane
Committee: Mr Jim Graham – Chair
Present: Mr David Kay – Council
Mr Lyle Kajewski - Council
Mr Chris Ferguson – Plastec
Mr Wil Casey - Plastec

Decision:

The Committee, in accordance with section 564 of SPA, **sets aside** the decision of the Lockyer Valley Regional Council to issue an information notice of non-compliance to Craig Willmann and requests that the use of Type N solvent cement be accepted as an approved joint between ABS to PVC-U materials and orders Council to re-assess the inspection within two (2) business days.

Background

The material ABS (Acrylonitrile Butadiene Styrene) has been used in the plumbing industry for approximately the past 15 years as a plumbing fixture paste for outlets, traps and fittings.

The issue of an approved manner of joining ABS to PVC-U (Polyvinyl Chloride – Unplasticised) came to the fore with the amendment to AS/NZ 3500 Part 2 which was to be adopted on the 10 December 2010. The amendment only allowed for joining of these products to be carried out by either *“rubber ring or a band clamped sleeve”*.

The jointing of PVC-U to ABS materials using Type N solvent cement in non pressure applications has been practiced throughout the plumbing industry in Australia and New Zealand since the product ABS first became available and has become an accepted industry practice.

The National Plumbing Regulators Forum (NPRF) is a co-operative arrangement between States and Territory Governments and has no executive powers. It was formed to develop a consistent approach to the technical regulation of the installation of plumbing and drainage systems while maintaining a consistent approach throughout Australia. The purpose of the Advisory Note issued by NPRF is to provide advice to the plumbing industry on a national basis regarding the current practice of joining (PVC-U) plumbing and drainage products to either (ABS) or (ASA) and similarly ABS/ASA to PVC-U sanitary plumbing and drainage products by solvent welding. As this has become common practice using Type N solvent cement in non-pressure applications and although not currently referenced in AS/NZS 3500:2003 it is recognised by regulators as acceptable industry practice.

Material Considered

The material considered in arriving at this decision comprises:-

1. Form 10 – Notice of Appeal, drawings, extracts, photographs and correspondence accompanying the appeal lodged with the Registrar.
2. National Plumbing Regulators Forum (NPRF) Advisory Note (Issued 21 March 2011)
3. Manufacturer reports regarding ABS Plumbing Fittings
4. Verbal submissions from the Council representatives at the hearing.
5. Verbal submissions from Plastec at the hearing.
6. AS/NZ 3500.2.2003
7. *Plumbing and Drainage Act*
8. SPA.

Findings of Fact

The Committee makes the following findings of fact:-

- ABS Plumbing Fittings have been manufactured and installed in Australia

- Type N solvent cement has been used as the jointing medium for the past 15 years.
- There have not been any recorded failures of these installations to date.
- The Members of the National Plumbing Regulators Forum have issued an NPRF Advisory Note (Issued 21st March 2011) on the use of solvent cement jointing of PVC-U to ABS/ASA and ABA/ASA to PVC-U in non-pressure applications.
- Australian Standards has set up a working committee to resolve the issue of the inconsistencies within a number of published Standards.

Reasons for the Decision

- Australian Standard *AS/NZS 3879:2006 Solvent cements and priming fluids for PVC and ABS pipes and fittings* states non pressure solvent cement may be used for jointing other applications where high bond strength is not required e.g. both PVC-U and ABS.
- Evidence that tens of thousands of ABS products have already been installed in this way and continue to be installed in plumbing systems daily.
- Regulators throughout Australia have received no reported failures as a result of jointing PVC-U to ABS/ASA or ABS/ASA to PVC-U in non-pressure plumbing installations and completed in accordance with the requirements of AS/NZS 3879.
- Independent testing by a National Association of Testing Authorities (NATA) certified laboratory has confirmed the jointing of PVC-U to ABS with Type N solvent cement achieves the same integrity of jointing to those made between like materials (PVC-U to PVC-U and ABS to ABS).
- Both materials can be joined to each other in non pressure applications using the same Type N solvent cement.
- ATS 5200.055 is a specification for drainage fittings installed in reactive soils. It provides for the jointing of PVC-U to ABS/ASA or ABS/ASA to PVC-U in these soils provided the joint is not inferior to that of a PVC to PVC joint. The following is an extract from ATS 5200.055.

Clause 8.1.1.2 ABS/PVC or ASA/PVC Joints.- Where the fitting body is either ABS or ASA and intended to be solvent-welded to PVC pipes complying with AS/NZS 1260, the joint strength and shear strength shall not be inferior to that of a PVC to PVC joint.

Jim Graham
Building and Development Committee Chair
Date: 1 April 2011

Appeal Rights

Section 479 of the *Sustainable Planning Act 2009* provides that a party to a proceeding decided by a Committee may appeal to the Planning and Environment Court against the Committee's decision, but only on the ground:

- (a) of error or mistake in law on the part of the Committee or
- (b) that the Committee 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 Committee's decision is given to the party.

Enquiries

All correspondence should be addressed to:

The Registrar of Building and Development Dispute Resolution Committees
Building Codes Queensland
Department of Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002
Telephone (07) 3237 0403 Facsimile (07) 3237 1248