



**APPEAL**  
*Integrated Planning Act 1997*

**File No. 3-08-009**

## **BUILDING AND DEVELOPMENT TRIBUNAL - DECISION**

**Assessment Manager:** Redland Shire Council  
**Site Address:** *withheld*—"the subject site"  
**Applicant:** *withheld*

### **Nature of Appeal**

Appeal under section 4.2.12A of the *Integrated Planning Act 1997* against the decision of Redland Shire Council to issue an information notice for sanitary plumbing work namely not to permit the use of clear priming fluid and clear solvent cement for bonding unplasticised PVC pipe and fittings when applied to above ground (elevated) pipework sanitary plumbing installation.

**Date and Place of Hearing:** 11:30 am Wednesday 12 March 2008  
Department of Infrastructure and Planning  
Level 3, 63 George Street, Brisbane.

**Tribunal:** Mr Bradley Hodgkinson - Chairperson

**Present:** Applicant  
Ms Leesa Perkins – Director / Administrator FDS Plumbing & Gas  
Mr Wade Brereton – Redland Shire Council Representative  
Ms Emma Street – Redland Shire Council Representative  
Mr Peter Brereton – Redland Shire Council Representative

### **Decision**

The decision of Redland Shire Council to issue an information notice under section 20 (4) (b) of the *Standard Plumbing and Drainage Regulation 2003* is **confirmed** and the appeal is dismissed.

The applicant is required to comply with the section AS/NZS 3500.2:2003, section 2, clause 2.6.5.1 when using solvent cement and priming fluid for jointing unplasticized polyvinyl chloride (pvc-u) pipework and fittings in a non-pressure sanitary plumbing and drainage installation. Solvent cement and priming fluid for jointing pvc-u and pvc-m pipes and fittings shall comply with AS/NZS 3879 and solvent cement shall be Type N-blue colour and priming fluid shall be red colour.

## **Background**

Sanitary plumbing work that includes above ground (elevated) pipework has been installed in a domestic dwelling at “the subject site”. The jointing method used on the sanitary plumbing installation for bonding pvc-u pipework and pvc-u fittings was clear PVC priming fluid and clear solvent cement.

Redland Shire Council issued a written notice under section 20 (4) (b) of the *Standard Plumbing and Drainage Regulation 2003* that states the following:

“A drainage inspection was carried out on December 21, 2007 at the above address and failed due to the following:

1. Clear cleaning fluid and glue was used to glue PVC pipe and fittings for elevated pipework.”

The applicant has appealed the decision of Redland Shire Council to issue a written notice of failed inspection for the following reasons (letter referenced):

1. Clear primers and clear glue ensures a much cleaner and neater end result;
2. At the time, there was a lot of building materials such as windows and door frames, cornice and gyprock that we did not want to damage or accidentally spill colour primer onto;
3. The material safety data sheet for clear and red priming fluid indicate no difference, with exception of identification.

The applicant has provided a statutory declaration stating that he was “unaware of change in legislation in regards to red primer and blue solvents”.

The construction of the dwelling at the subject property is nearing completion. All above ground (elevated) pipework that connects upper floor plumbing fixtures to sanitary drainage has been concealed and covered with flat sheeting in wall, bulkhead and ceiling areas.

## **Material Considered**

1. ‘Form 10 – Notice of Appeal’ lodged with the Registrar on 25 February 2008;
2. Letter from the applicant and supporting documentation;
3. Letter from Brase Construction Pty Ltd;
4. Information Notice issued by Redland Shire Council, dated 8 February 2008;
5. Redland Shire Council Briefing Note;
6. Verbal submission from the applicant at the hearing;
7. Verbal submission from the council representatives at the hearing;
8. The *Plumbing and Drainage Act 2002*;
9. *Standard Plumbing and Drainage Regulation 2003*;
10. The *Integrated Planning Act 1997*;
11. AS/NZS 3879:2006 Solvent cements and priming fluids for PVC (PVC-U and PVC-M) and ABS pipes and fittings;
12. AS/NZS 3500.2:2003 Plumbing and Drainage Part 2;
13. Material Safety Data Sheet – Bostik Plumb-Weld PVC Priming Fluid; and

#### 14. Material Safety Data Sheet – Bostik Solvent Cement Type N Fast.

##### **Findings of Fact**

- AS/NZS 3500.2:2003 Sanitary Plumbing and Drainage, Section 2 Clause 2.6.5.1 states:  
“*Solvent cement and priming fluid for jointing PVC-U and PVC-M pipe and fittings shall comply with AS/NZS 3879 and solvent cement shall be Type N – blue colour, and priming fluid shall be red colour.*  
*Solvent cement shall not be used without priming fluid*”.
- AS/NZS 3879:2006 Solvent Cements and Priming Fluids for PVC (PVC-U and PVC-M) and ABS pipes and fittings, Section 1, Clause 6.3 states:  
“*The colour of the priming fluid shall be different from the colour of the pipe to which it is applied and the solvent cement*”.
- Material Safety Sheet: Bostik Plumb-Weld PVC Priming Fluid
- Material Safety Data Sheet: Bostik Solvent Cement Type N Fast

##### **Reasons for the Decision**

The applicant did not perform regulated work in accordance with the applied provisions of the *Standard Plumbing and Drainage Regulation 2003* namely:

- AS/NZS 3500.2:2003 Sanitary Plumbing and Drainage, Section 2, Clause 2.6.5.1 Solvent cement and priming fluid and referenced document AS/NZS 2879:2006 Solvent cement and priming fluids for PVC (PVC-U and PVC-M) and ABS pipes and fittings, Section 6, Clause 6.3 Colour.

Whilst material data safety sheets are one of the same (identical) for:

- a) clear priming fluid and red priming fluid
- b) clear solvent cement and blue solvent cement

this does not negate the application for compliance with the applied provisions for performed regulated work. Sanitary plumbing and drainage standard AS3500.2:2003 and referenced document standard AS/NZS 2879:2006 is specific relative to the colour of priming fluid and solvent cement.

This decision is also based on the fact that an alternative solution cannot be achieved to satisfy compliance with the relevant performance requirements of the Plumbing Code Australia (PCA). The colour of priming fluid and solvent cement is specific under the deemed to satisfy provisions of the PCA, which is neither consistent nor equivalent with the plumbing work, the subject of this appeal.

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**Bradley Hodgkinson**  
**Building and Development Tribunal Chairperson**  
**Date: 31 March 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:

The Registrar of Building and Development Tribunals  
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