

Guide for Plumbers

Building Act 2016

Version 1.0 22 December 2016

Introduction

The *Building Act 2016* provides the legislative framework for all building, plumbing and demolition work in Tasmania. The Act will replace the current *Building Act 2000* and commences on 1 January 2017. The plumbing and building regulations have been combined into the document, the *Building Regulations 2016*.

Other changes include new determinations issued by the Director of Building Control specifying:

- categories of plumbing work
- accreditation and maintenance of plumbing installations

The following plumbing guidelines have also been issued:

- determining the category of plumbing work
- inspection of plumbing work
- onsite wastewater management systems

The Building Act 2016 does not change the 'technical plumbing standards' in the National Construction Code (NCC) and referenced Australian Standards.

A new philosophy

The new *Building Act 2016* introduces a risk based approach for building and plumbing work, which recognises builders' and plumbers' capability to undertake low risk work without the regulatory oversight from a permit authority or building surveyor. This enables the regulatory resources to focus on the higher risk work.

Reduction in regulation

Only a small percentage of plumbing work will now require a plumbing permit and special plumbing permits will be replaced by permits and maintenance schedules. Most plumbing work that formerly required a permit will now only require a certificate of likely compliance – plumbing work (CLC) issued directly from the permit authority.

High risk work that previously required both a plumbing permit and special plumbing permit will only require a plumbing permit.

Low risk work such as alterations in bathrooms will not require a plumbing permit and may be completed by an appropriately qualified licensed plumber.

Consultation with the building and plumbing industry

The Director of Building Control may adopt or make determinations and guidelines which are more flexible, easier to change and can keep pace with technology or changes in building and plumbing practices. Before making either a Determination or Guideline which has an impact on building or plumbing work the Director must consult with the building and plumbing industry and other relevant stakeholders that are directly affected.

New terminology

The *Building Act 2016* introduces following new terminology:

New term	What is it?
Building Administration Fee	Is the new term for the building permit levy, however the fee will apply to both notifiable and permit work
Category of plumbing work	Plumbing work is now divided in categories based on risk
Certificate of likely compliance – plumbing (CLC)	Issued by the permit authority for notifiable or plumbing permit work
Low risk plumbing work	This incorporates work that can be done by an owner or competent person (Category 1), work that must be done by a plumber (Category 2A) and work that a plumber must notify the permit authority after the work is completed (Category 2B). Approvals are not required for this category of work.
Notice of work	Notification to the permit authority of the plumber that intends to undertake specified plumbing work
Notifiable plumbing work	Work that requires a plumbing design to be submitted and approved by the plumbing permit authority
Plumbing permit work	High risk plumbing work that requires a permit and CLC
Standard of work certificate - plumbing	Issued by the plumber stating that the work has been completed in accordance with the <i>Building Act 2016</i> and the permit or CLC

Building permit levy

The building permit levy has been removed from the *Building Act 2016* and replaced with a Building Administration Fee which now applies to building and plumbing work over \$20000 rather than the former levy amount of \$12000.

Plumbing work

A plumber now has greater flexibility to perform low risk work without needing to wait for a permit to be issued or for the work to be inspected.

The *Building Act 2000* specified plumbing work that required a plumbing or special plumbing permit or was exempt. However, the new *Building Act 2016* divides plumbing work into low, medium and high risk categories based on the level of risk to public health and safety.

There are different approval processes for each category. The following table lists the plumbing categories, the person permitted to do plumbing work and what form of approval is required.

Risk Category	Limitations on who can do the work	Authorisation required
Low risk – Category 1	Owner or competent person	Nil
Low risk – Category 2A	Plumber	Nil
Low risk – Category 2B	Plumber	Must notify permit authority when work is completed
Medium risk – Category 3 notifiable work	Plumber	Certificate of likely compliance from the permit authority
High risk – Category 4 permit work	Plumber	Plumbing permit

A plumber now has greater flexibility to perform low risk work without needing to wait for a permit to be issued or for the work to be inspected.

From time to time the Director may update the Determination so make sure you're looking at the current version.

How do I determine the category of plumbing work?

The categories of plumbing work are specified in the *Director of Building Control's Determination – categories of plumbing work*, to assist with interpretation a guidance table has been prepared which lists the type of work or project to be performed and the appropriate category. Both documents are available on www.justice.tas.gov.au

An extract from the documents are shown below:

Categories of plumbing work – listed by the specific type of work

Type of Plumbing Work		Category 1	Category 2A	Category 2B	Category 3	Category 4
		Low Risk Plumbing Work (plumber, owner or non licensed qualified contractor)	Low Risk Plumbing Work that can only be undertaken by a licensed plumber - no permit or notification to Council is required. The plumber must ensure the work complies with applicable standards.	Low Risk Plumbing Work Notifiable by a Plumber to the Permit Authority after the work is completed.	Plumbing work that the plumber must notify the permit authority and obtain a CLC before commencing work	Work that requires a Plumbing Permit before work can commence
Water Services						
Cold Water						
Tapware	Maintenance, repairs or replacement (like for like) of existing tapware (Not for new fittings types such as vegetable spray mixer, shower spray on hose (backflow risks arise))	☑				
	Replacing or repairing a shower head or shower hose (like for like)	☑				
	Replacing a domestic water filter cartridge (like for like)	☑				
	Investigation, maintenance, repair and replacements of tapware and equipment		☑			
Water tanks	Replacement like for like of a potable water tank (using existing pumps, connections & pipework)	☑				
	Maintenance and repair of drinking water or fire fighting tanks. Not including connection of or modifications to a system with a mains backup.		☑			
	Installation of new water tanks (potable & firefighting) not connected to main water back-up and connected to a stormwater disposal system.		☑			
	Installation of water storage tanks (connected to mains water back-up)					☑

Categories of plumbing work – listed by the specific type of project

Plumbing work	Category
Change tap washers	Low risk - category 1
Bathroom or kitchen renovations such as modifying plumbing to enable a shower, hot water cylinder, kitchen sink or hand basin to be replaced	Low risk - category 2A
Installing new stormwater pipes for a dwelling	Low risk – category 2B notify after completing the work
Water and sanitary plumbing for a new dwelling	Notifiable work – category 3
Installation of an on-site wastewater management system	Permit work – category 4
A new backflow prevention device or thermostatic mixing valve	Permit work – category 4

Low risk plumbing work

Some maintenance plumbing work may be undertaken by an owner or resident of the property as the work is not likely to create a health or safety risk. Other low risk work must be completed by competent person but not necessarily a plumber. An example is a contractor who pumps out septic tanks or grease traps.

Low risk work which does has some health and safety risks may only be completed by a licensed plumber. In specified situations the permit authority must be notified by the plumber after the work has been completed to enable periodic compliance inspection and/or to verify that required maintenance has been completed such as annual service reports for backflow prevention devices.

Notifiable plumbing work

Notifiable plumbing work does not require a permit, but must be designed by a qualified designer and carried out by a licensed plumber.

The Plumbing Permit Authority must be notified when this work is being carried out, so this is referred to as “notifiable plumbing work”.

The permit authority will still be involved in assessing the design and issuing a certificate of likely compliance - notifiable plumbing work (CLC) for the work, arranging inspections, and issuing a certificate of completion for the work.

Plumbing permit work

Permit plumbing work must be designed by a qualified designer, and must be performed by a licensed plumber, who has the qualifications required for the particular type of work being carried out. There will be a greater emphasis on the quality of plumbing design.

The permit authority must inspect plumbing permit work at each mandatory notification stage for the installation of an on-site wastewater management system or a greywater reuse, recycling or diversion system.

Otherwise the permit authority should consult the *Director’s Guidelines for the Inspection of Plumbing Work* to determine inspection requirements.

Design of plumbing work

Plumbing work must be designed by a licensed designer and more emphasis will be placed on the quality of plumbing design so that it meets minimum standards and clearly details what work is to be performed.

Before performing notifiable or plumbing permit work the design will need to accurately detail the work you intend to perform, otherwise the design will need to be modified and authorised by the permit authority.

Plumbing work in hazardous areas

If the land is within a hazardous area there may be special requirements due to land stability, flooding or bushfire. *The Building Regulations 2016* specify when plumbing work of a lower risk category will require a plumbing permit. To access information about hazardous areas go to www.iplan.tas.gov.au and search 'my planning enquiry' and then enter the property address. If the property is within a hazard area an overlay is identified.

iPlan – building

iPlan is a website (www.iplan.tas.gov.au) which enables enquiries to be made about planning scheme requirements for individual properties, such as zoning, relevant planning overlays and codes. A similar web portal is being developed for building and plumbing requirements and to allow applications to be lodged and for information to be sent to the permit authority. Examples will include submission of plumbing permit applications and the associated documents, submitting standard of work certificates and 'as constructed' drawings.

Before starting work

Ensure that you have (where relevant to the category of plumbing work you are undertaking):

- Checked whether the work will be undertaken in a hazardous area, as additional requirements may apply. Most hazardous areas are defined in the planning scheme overlap maps, which are available on iplan at www.iplan.tas.gov.au. Use the property search in the 'my planning enquiry' tool.
- Obtained a copy of the appropriate plumbing approval (permit or CLC) with the stamped plans from the plumbing permit authority including any conditions of approval;
- Ensured appropriate protection work is in place if the plumbing work may impact on buildings, fences or the stability of the land on either neighbouring properties or the land where the works are being performed;
- Checked that the property boundaries are clearly identified if you are performing external plumbing near a boundary;
- If installing an on-site wastewater management system it is important that you check that the:
 - Design of the proposed system will fit where approved. Sometimes modifications to the building or works on-site occur which will impact on the location of the wastewater treatment unit or wastewater land application area; and
 - Site and soil conditions where you are installing the wastewater treatment unit and wastewater land application area are consistent with conditions specified in the design.

Note: soil conditions may vary considerably over the site so careful planning may avoid costs associated with machinery waiting on-site because rock was encountered when trying to excavate to install a septic tank, or the soil where you intend to locate the absorption trenches is clay rather than sand.

- A notice of work has been lodged and authorisation to start work from the permit authority issued; and

- You have considered the appropriate amount of notice that is required to be given to the permit authority when plumbing work needs to be inspected.
- If there is more than one responsible plumber engaged for a project each plumber needs to be nominated on the notice of work, specifying what work the plumber has completed.

Inspection of plumbing work

Inspection requirements for plumbing work are now related to the risk category of the work to be performed rather than an arbitrary percentage of how many inspections must be completed. Low risk is not inspected other than Category 2B which will periodically be inspected.

The Director of Building Control has produced *Guidelines on the Inspection of Plumbing Work* which will provide greater consistency in the way inspections are undertaken and enable permit authorities to determine inspection requirements based on; risk category of the work, the compliance history, experience and continuing professional development of the plumber.

Plumbers who are very compliant, experienced and are committed to CPD are rewarded by a reduced inspection frequency which will result in time savings and fees associated with inspections. The opposite apply for plumbers with a poor 'track record'.

Mandatory notification stages specified on the plumbing permit or certificate of likely compliance – plumbing work dictate when the plumber must contact the permit authority to arrange an inspection or receive authorisation to proceed.

You will need to ensure that you have any equipment on site that the permit authority will require for the inspection and testing of the plumbing work, such as a test bucket.

Completing plumbing work

When plumbing work (other than low risk work) has been completed the plumber must provide 'as constructed' plans of any drainage work or arrange for the permit authority or a contractor to prepare on their behalf.

A standard of work certificate must also be given to the permit authority and owner. This is *not* self-certification and a permit authority will still inspect a significant proportion of plumbing permit and notifiable work. If there is more than one responsible plumber, each responsible plumber must provide a certificate. The *Building Act 2016* no longer allows 'self-certification' of plumbing work, i.e. the former Form 33 *Certificate of Plumbing Compliance* no longer exists.

When the plumbing work is being undertaken and being inspected you must have a copy of the permit and/ or CLC on-site.

Particularly for high risk work such as installation of on-site wastewater management systems it is recommended that you keep records (including photographs) of the work during construction and before backfilling so that you have evidence of correct installation which will provide a level of protection in the event of accusations of faulty workmanship. A copy of photos may be provided with your standard of work certificate.

Responsibility for plumbing work

The plumber is the responsible person for any work that they do and must have the relevant licence to undertake that work. All plumbing work is required to be done in accordance with the NCC and *Building Act 2016*.

If you start work on a job which another plumber has been working on, or if you leave a job where you have been nominated as the responsible plumber, a new notice of work must be lodged with the permit authority.

Directions, notice and orders for plumbing work you have undertaken will be issued to the plumber completing the work.

A plumber undertaking plumbing work must ensure that the work does not cause:

- A risk to public health;
- A danger to the public;
- An environmental nuisance (by way of noise, air or water pollution);
- A nuisance to neighbours; or
- Damage to infrastructure.

Defective and non-compliant work

A plumber is required to report (to the owner and permit authority) defective work that is observed when undertaking new work.

If defective plumbing work is identified in the first 12 months after completion of the work, the plumber is responsible for rectifying the work at his or her own expense.

When non-complaint work is identified at an inspection, the permit authority may issue an inspection direction requiring the work to be altered, repaired or modified to comply. The permit authority will typically issue you with a verbal instruction and then send you a direction in writing. If you don't comply with the direction a plumbing notice will be issued asking you to 'show cause' why a plumbing order shouldn't be issued.

In a situation where a plumbing notice has been issued for non-compliant and work and you believe that there are valid reasons why a plumbing order should not be issued, you should provide a response in writing to the permit authority within 14 days of receiving the notice or 2 days if the notice relates to work done without valid authorisation. Valid reasons for may include;

- In your opinion the work does comply with the National Construction Code and you can provide evidence of compliance;
- The work complied when you installed it but the owner has modified the work and they are therefore now the responsible person for the non-compliant work; or
- The work has been installed in accordance with the certificate of likely compliance – notifiable plumbing work.

Permit Authorities

Permit authorities (including plumbing) are now required to have an occupational licence and meet minimum skills and knowledge requirements. This will improve accountability, professional standards and consistency. The Director of Building Control will have greater oversight of permit authorities than previously.

What action can I take if a plumbing permit or CLC is refused?

An owner or plumber may appeal to the Resource Management and Planning Appeal Tribunal within a specified period if a plumbing permit or CLC is refused or if a condition on the permit or CLC is disputed. A less formal approach may also be taken and the permit authority may be contacted for an explanation or to determine if the application can be modified to comply.

Occupational Licensing Act 2005

Builders, engineers, designers and any other accredited 'building practitioners' under the *Building Act 2000* will be transferred to the *Occupational licencing Act 2005* to join plumbers and electricians when the *Building Act 2016* comes into force. This will provide for more consistent and equitable professional standards for all practitioners involved with building and plumbing work.

Building and planning approvals

Some building projects may have different requirements for building, plumbing and planning. For example constructing a new house may be notifiable building work but will require a plumbing permit if an on-site wastewater management system because this is high risk work.

Low risk building work may be completed by a builder without requiring any approval from the permit authority but the plumbing work such as stormwater drainage works for a shed or garage may require notification to the permit authority after completion.

The *Building Act 2016* prohibits conditions being included on a planning permit that relate to plumbing or building work. For example a condition which specifies the way in which the plumbing for a solar hot water heater must be installed.

New processes and overview of the building and plumbing approvals

The new risk based framework provides more scope for low risk plumbing and building work to be completed without the need to obtain approvals. The plumber or builder is still required to ensure that the work is completed in accordance with the *Building Act 2016* and National Construction Code.

A step-by-step explanation of the plumbing approval processes is detailed in Appendix I.

The *Building Act 2000* and associated *Plumbing and Building Regulations 2014* previously required a large amount of approved forms to be used. The processes under the new Act will reduce the amount of forms, combine processes and facilitate the use of technology which will all reduce time delays and improve communication.

The process of combining steps will prevent duplication of information, for example the lodgement of a plumbing permit, notifiable plumbing work and notice of work will be integrated and the applicant will not need to fill out the same information multiple times.

Director of Building Control – Plumbing Guidelines and Determinations

The following guidelines and determinations which relate to plumbing have been made by the Director of Building Control:

- Determination – Categories of plumbing work
- Determination – Accreditation and maintenance of plumbing installations
- Determination - Director's specified list
- Determination - Certificates of specialists or other persons
- Guidelines – Inspection of plumbing work
- Guidelines – On-site wastewater management systems

Guidance documents

- Guidelines for determining categories of plumbing work
- Guidelines for Plumbers
- Guide to the Building Act 2016

Plumbing regulatory framework

The *Building Act 2016* is the primary legislation for building and plumbing work in Tasmania. The Act has specific provisions which provide the power to:

- Make regulations on building and plumbing matters;
- Adopt the National Construction Code (NCC), which includes Volume 3 which is the Plumbing Code of Australia;
- Allow the Director of Building Control to make determinations on building and plumbing matters which are legally binding; and

- Adopt or make guidelines which may be advisory or mandatory.

The relevant plumbing Australian Standards are referenced in Volume 3 of the NCC. Australian Standards that are not adopted by the NCC or Director of Building Control are not mandatory, only advisory.

What plumbers can perform what type of plumbing work?

Licensed plumbers have varying levels of training and may only perform plumbing work which their licence permits. The type of plumbing work which a plumber is permitted to do is listed on the back of the licence.

The *Occupational Licencing (Plumbing Work Licence) Determination 2016* details the various classes of plumbers and the work that each respective class can perform.

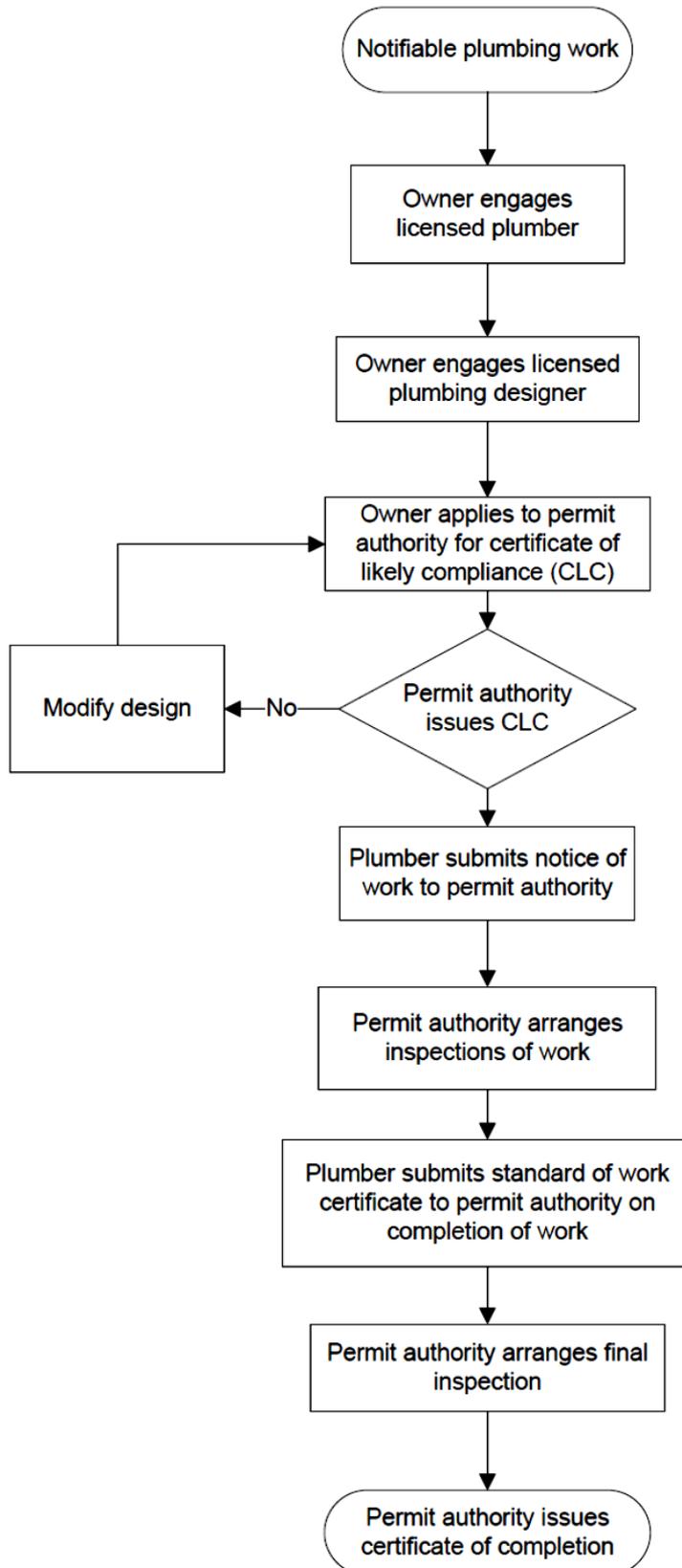
Where can plumbing information be found?

- Information about plumbing and building
<http://www.justice.tas.gov.au/building/regulation/review>
- Obtaining Australian Standards www.standards.org.au
- Access the *Building Act 2016* or Regulations or any other Tasmanian legislation:
www.thelaw.tas.gov.au or follow the links on
<http://www.justice.tas.gov.au/building/regulation/review>
- A free digital copy of the National Construction Code including Volume 3 (the Plumbing Code of Australia) is available on the ABCB website www.abcb.gov.au. You will need to register to access the documents.
- Technical instructions and reference guides can be accessed from the manufacturer or supplier if not included with the product.

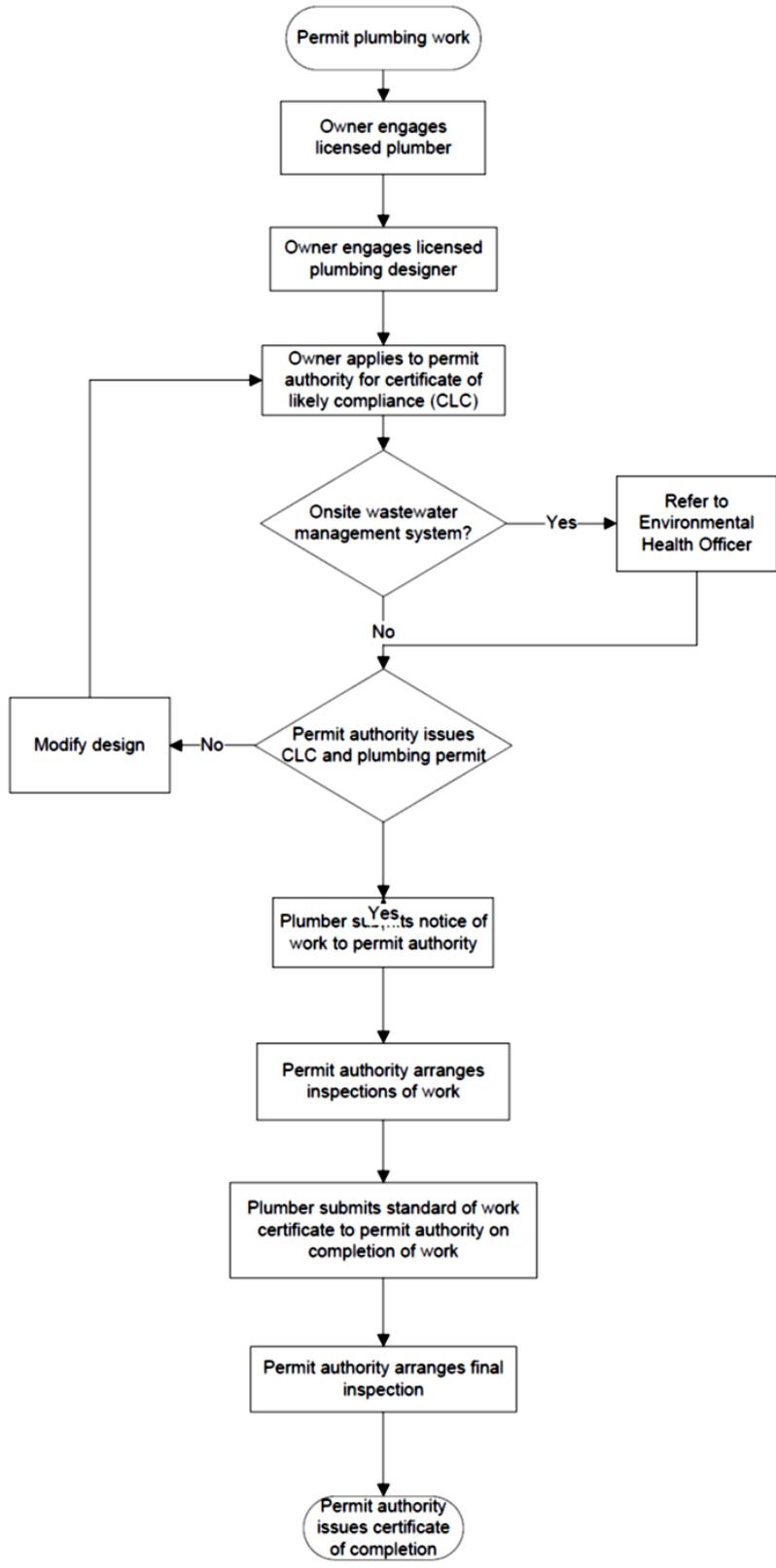
Note: Reading documents and research to improve your plumbing knowledge will count towards CPD points.

Appendix I- Plumbing Flowcharts

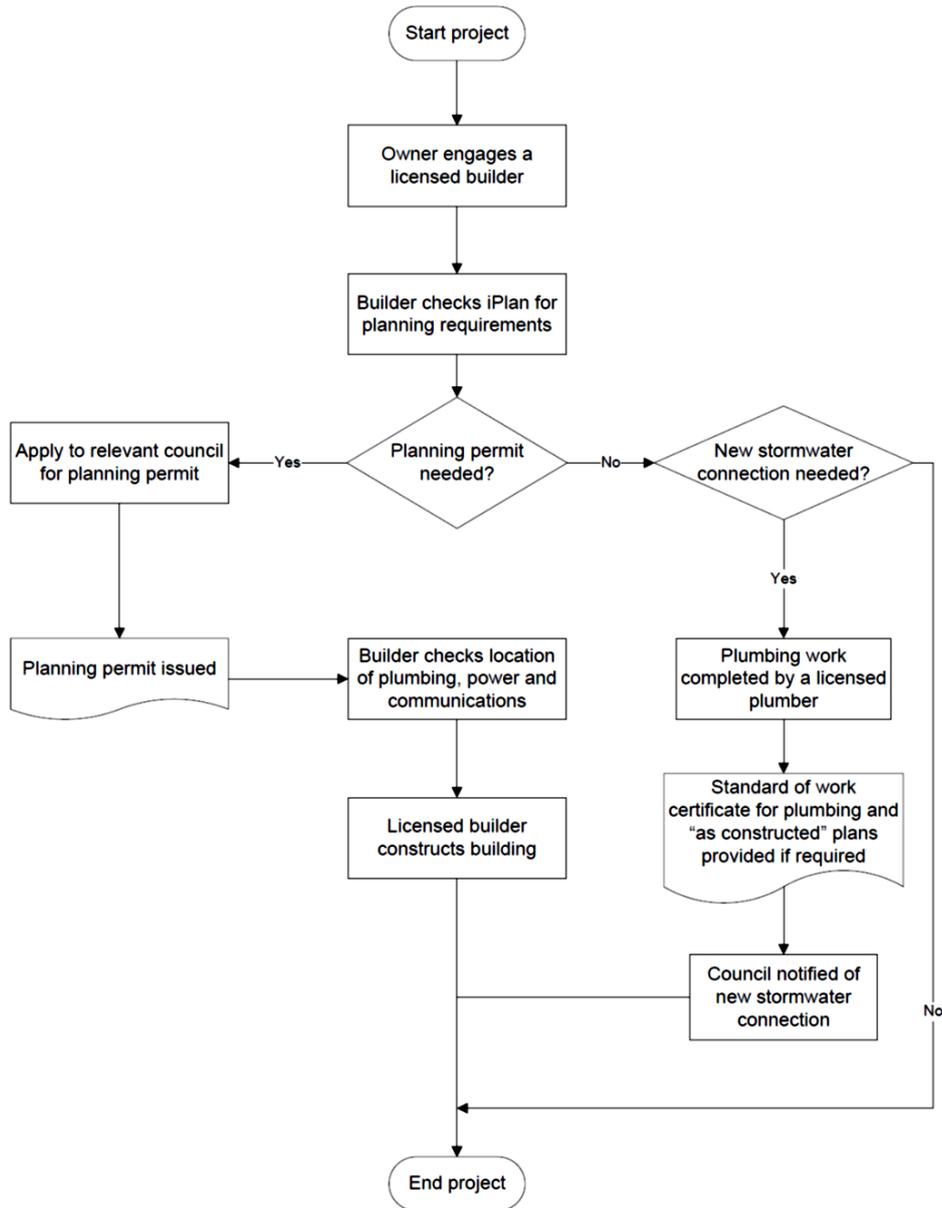
Flowchart of notifiable plumbing work process



Flowchart of permit plumbing work process

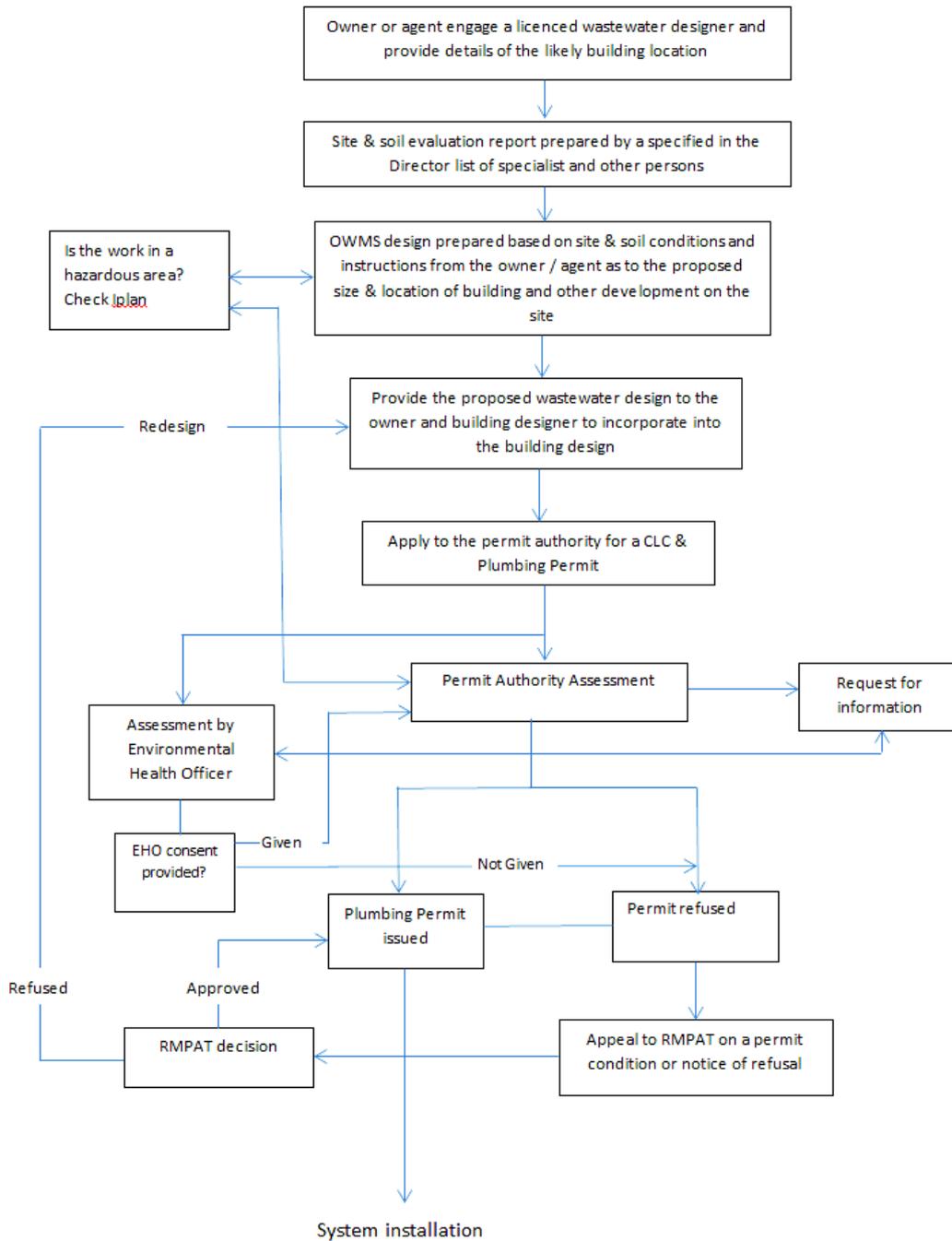


Low Risk Building Work - Outbuildings

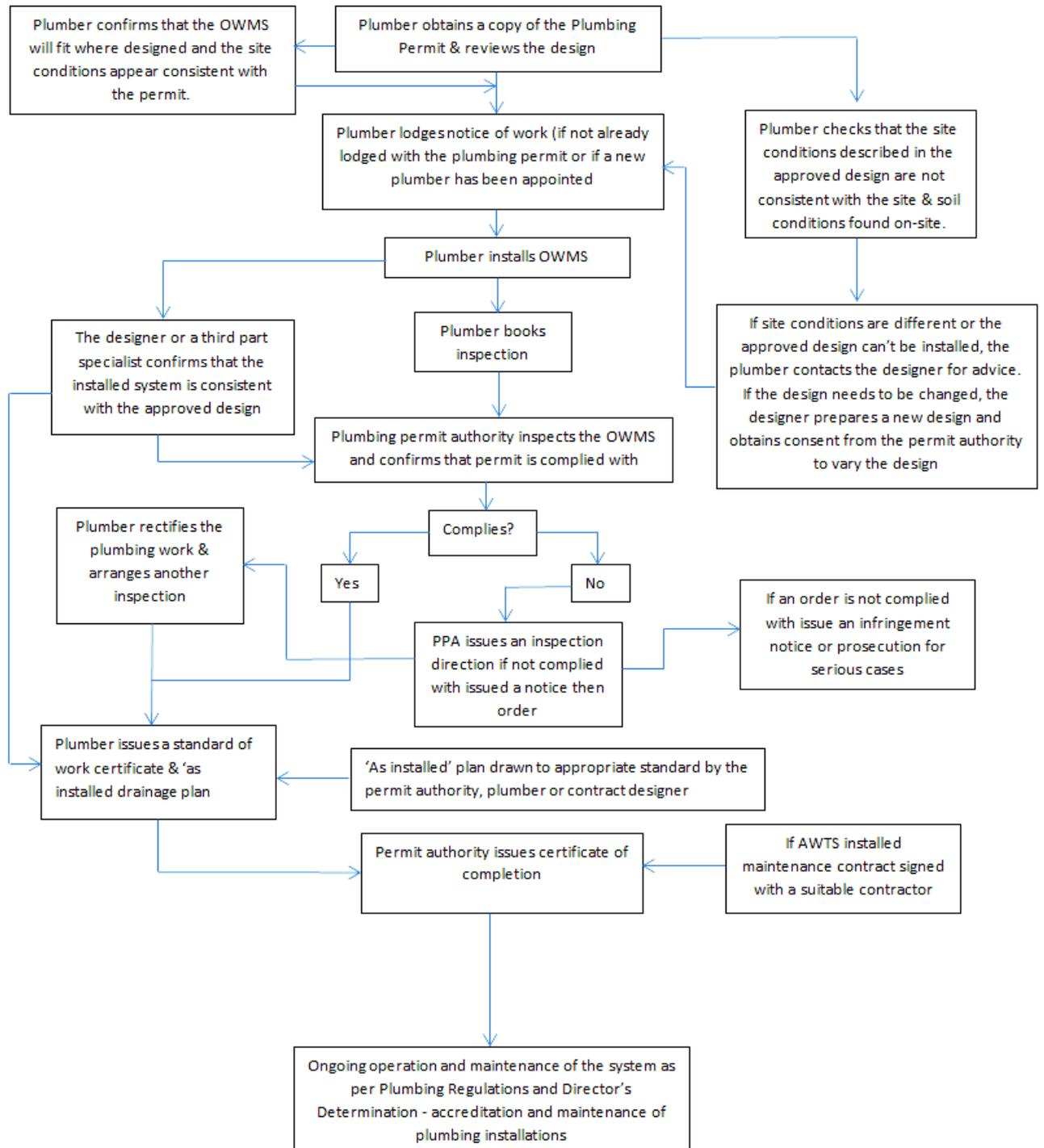


Process for installing an On-site Wastewater Management System

Application & Design



Process for Installing an OWMS



Appendix 2

Test your Knowledge

Also obtain a copy of the Director of Building Control's categories of plumbing work and answer the following questions to test your knowledge of the *Building Act 2016*:

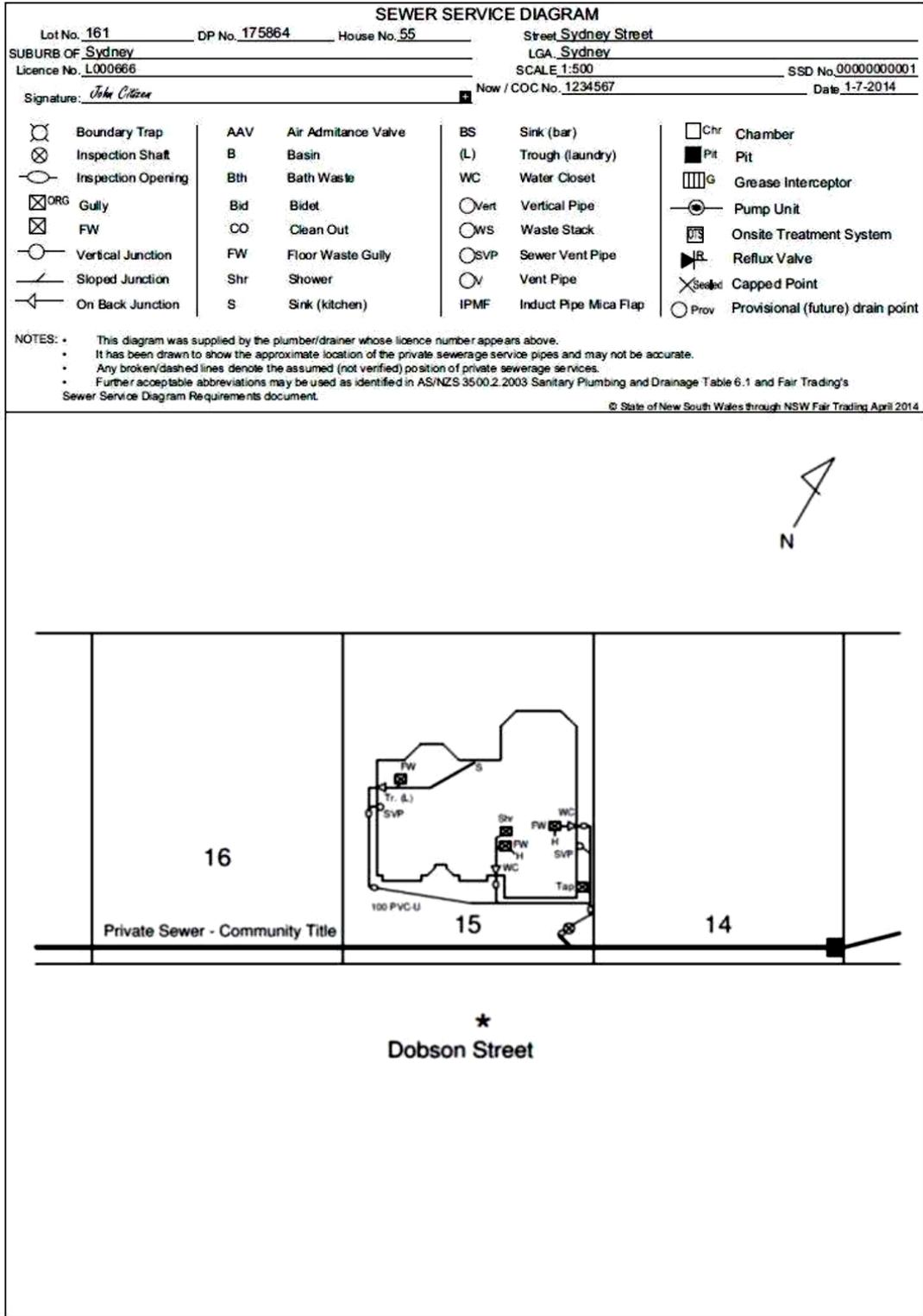
1. Removing an existing tiled shower and vanity unit and replace with a new free standing vanity and a moulded shower which requires a minor alteration to the drain outlet location and hot and cold water. Is this:
 - a. Work that requires a plumbing permit
 - b. Notifiable work; or
 - c. Low risk work that must be done by a plumber.
2. An existing 3 bedroom house is adding an ensuite which includes a new shower, toilet, spa bath and basin. Is this?
 - a. Work that requires a plumbing permit
 - b. Notifiable work; or
 - c. Low risk work that must be done by a plumber
3. You receive a call that sewage is overflowing out of an ORG from a block of units and is running across the lawn and onto the neighbour's property and is accumulating near the back door. When you arrive and try to clear the blockage the pipe is broken and full of tree roots. What do you do?
 - a. Fix the problem immediately as this emergency work and advise the permit authority when work is completed ; or
 - b. Obtain authorisation from the permit authority before commencing work because work the work is notifiable work?
4. You are repairing a broken under floor drain from a bathroom at a rental property and notice that the pipe work coming from the ensuite is connected into 90mm stormwater pipe. The tenant says the toilet flushes OK and the shower drains well, what action should you take?
 - a. Fix the drain and ignore the stormwater pipe as you didn't do the work and aren't responsible;
 - b. Call the owner and permit authority and report defective work; or
 - c. Ring the real estate agent and tell them because you've seen defective work you have to fix it immediately.
5. Do you need to apply for a plumbing permit to install a new stormwater downpipe and drain to the existing drain on a dwelling that is not in a hazardous area?
 - a. No, this is notifiable work;
 - b. No, this is low risk work which must be done by a plumber and you only need to notify after the work is completed; or
 - c. Yes, it is new work so it needs a permit
6. You do work on a property to install a new hot water cylinder and the plumbing surveyor inspects the work and notices that the pipe work coming from the house doesn't comply with AS3500.4. Who is responsible for fixing the defective pipe work?
 - a. The plumber because the plumber is responsible for plumbing work; or
 - b. The owner because a plumber is only responsible for the work that they actually do.
7. What is a 'standard of work certificate – plumbing'?
 - a. A certificate issued by a plumber completing the work stating that plumbing works have been completed in accordance with the *Building Act 2016* and the relevant permit or CLC;
 - b. A certificate issued by the permit authority certifying that the works have been inspected and comply with the permit and the *Building Act 2016*; or
 - c. Certification from the owner that the plumber who has completed the works is appropriately qualified to undertake the work.

8. When undertaking plumbing work near a property boundary do you have an obligation to ensure that the work doesn't impact on the neighbouring property?
 - a. Yes, appropriate protection works are required;
 - b. No, the owner is responsible and he has spoken to the neighbour and they aren't concerned; or
 - c. Protection works aren't plumbing work and the builder is responsible.
9. Before starting notifiable plumbing work you must ensure that:
 - a. An application for a permit or lodged a CLC;
 - b. An authorisation to start work from the permit authority is be obtained; or
 - c. The builder has a copy the permit as he is responsible for the project.
10. A new house is being constructed and you are appointed as the plumber to install a septic tank system, when excavating the absorption trenches you hit a large rock shelf. Concerned that the absorption trenches won't work you call the designer who agrees and says that an aerated wastewater treatment system should be installed instead. He sends you an amended plan and you install the new system. Have you done the right thing?
 - a. Yes, you identified that the septic tank system won't work and installed a system that is suitable for the site; or
 - b. Yes, as a plumber you must ensure a design is consistent with the site and soil conditions that the system has been designed to; or
 - c. No, you need consent from the permit authority to vary a plumbing permit.
11. Can the responsible plumber be changed part way through plumbing permit work?
 - a. No, the responsible plumber authorised by the permit authority to start work must complete the job;
 - b. Yes, providing the plumber notifies the permit authority of the change of plumber; or
 - c. No, only if the former plumber has completed defective work and it needs to be fixed

Answers

1 (c), 2 (b), 3 (a), 4(b), 5(b), 6(b), 7(a), 8(a), 9(b), 10(c), 11(b)

Example of an 'as constructed' drainage plan



Source: Sewer Service Diagram (SSD) Requirements - NSW Fair Trading