

# Guide to the *Building Act 2016*

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# Introduction

The *Building Act 2016 (the Act)* provides the legislative framework for all building, plumbing and demolition work in Tasmania from 1 January 2017. It replaces the *Building Act 2000* which has been in force since 2004.

The *Building Regulations 2016* replace both the *Building Regulations 2014* and the *Plumbing Regulations 2014*.

The Act provides for the Director of Building Control (the Director) to issue Determinations which are mandatory interpretive documents which assist by providing technical detail when applying the framework provided by the Act.

The Director is also empowered by the Act to issue Guidelines to assist in interpreting the framework.

This guide explains the operation of the *Building Act 2016* and its regulations and what you need to know to perform your role under the new legislation.

The Department of Justice Consumer, Building and Occupational Services (CBOS) Division is responsible for the production of this Guide. The Director of Building Control is a statutory appointment held by the General Manager, CBOS.

## Who is the audience for this guide?

This guide is intended for the people whose work is directly affected by the *Building Act 2016*, including:

- Council staff, including:
  - Permit Authorities
  - Plumbing Surveyors/Inspectors
  - Compliance Officers
  - General Managers
- Key Industry players, including
  - Building Surveyors
  - Building Designers
  - Architects
  - Builders
  - Plumbing Certifiers
- Staff of Consumer, Building and Occupational Services
- Owner Builders

## What are the key features?

The Tasmanian building framework is now based on:

- The National Construction Code is the minimum standard for building and plumbing work in Tasmania.
- A risk-based approach to approvals and oversight.
- Defined approval pathways for building, plumbing and demolition work.
- Multiple approval pathways based on the assessment of risk of the work being undertaken - risk categories are:
  - low risk work (split into owner work and licensed practitioner work);
  - notifiable work (medium risk); and
  - permit work (high risk).
- Emphasis on rectification of defective work and responsibility for higher standards by responsible builders and plumbers.
- A permit authority or building surveyor may serve Notices and Orders where illegal works have been performed, or a building is no longer fit for occupation.
- A requirement to create a schedule for maintenance of essential building services. The essential building services must then be maintained in accordance with the approved schedule.
- Building Surveyor control over temporary occupancy, with approvals available for up to 3 years and across multiple sites when appropriate.

*(Note: The Act does not including licensing provisions; from 1 January 2017 building practitioners are licensed through the Occupational Licensing Act 2005.)*

## Important documents

There are a number of important documents you'll need to be familiar with in order to perform your role.

Here are some of the main ones:

What is it?	What does it do?	Who administers it?	Where to find it?
<i>Building Act 2016</i>	Provides the framework for the new legislation. Contains details of what you can and can't do.	Passed by Parliament.  Any changes must be tabled and debated in Parliament.	<a href="http://www.thelaw.tas.gov.au">www.thelaw.tas.gov.au</a>
<i>Building Regulations 2016</i>	Provide some of the detail about concepts in the legislation including time periods, prescribed criteria such as documents that must be supplied, and processes that must be followed.	Made by, and can be changed by, the Governor in Council on recommendation of the Minister, tabled in Parliament and can be disallowed by the Parliament.	<a href="http://www.thelaw.tas.gov.au">www.thelaw.tas.gov.au</a>
Director's Determination	There are a number of Director's Determinations which provide a much greater level of detail on particular topics – for example, what is in each risk category for building and plumbing.  The Act requires that the detail and processes defined in Determinations must be followed	Created by, and can be changed by, the Director of Building Control, in consultation with reference groups.	<a href="http://www.justice.tas.gov.au">www.justice.tas.gov.au</a>
Director's Guidelines	There are a number of Director's Guidelines which provide additional explanation of some aspects of the building framework. This Guide is an example of a Director's Guideline.	Created by, and can be changed by, the Director of Building Control.	<a href="http://www.justice.tas.gov.au">www.justice.tas.gov.au</a>

What is it?	What does it do?	Who administers it?	Where to find it?
Director's Specified Lists	<p>These may be lists of documents to be supplied with design documentation, or an application for a certificate of likely compliance.</p> <p>A specified list may list all the essential safety and health features to be included in a maintenance schedule.</p>	<p>Can be changed by the Director of Building Control, in consultation with reference groups and the Minister.</p> <p>Does not need to be tabled in Parliament.</p>	<a href="http://www.justice.tas.gov.au">www.justice.tas.gov.au</a>
Forms	The forms approved by the Director of Building Control set out the information to be collected at each stage of the building, plumbing or demolition process.	Can be changed by the Director of Building Control and will be published on the CBOS website.	<a href="http://www.justice.tas.gov.au">www.justice.tas.gov.au</a>

Links to these documents are all available on the CBOS webpages on the Department of Justice website at:

<http://www.justice.tas.gov.au/building/regulation>

## Using this guide

Throughout this guide you'll see references to the *Building Act 2016* ("the Act"), like this:

See <i>Building Act 2016</i>	Section 24	Who is a permit authority
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You should refer to the referenced section of the Act for more detail on each topic.



## Who does what?

There are a number of legislated roles in the *Building Act 2016*. The functions and responsibilities of each of these roles will be discussed in this Guide.

At the end of each topic is a summary of the responsibilities for each role with regard to that topic. These are colour-coded to help you find the sections that apply to your role.

Permit Authority
General Manager
Council
Building Surveyor
Builder
Owner
Plumbing Surveyor
Plumber
Director of Building Control (CBOS)

## Who is a permit authority?

The **permit authority** is the person who deals with permits associated with buildings and building work, plumbing and demolition. The permit authority may be one or more people, appointed by a General Manager of a council in Tasmania.

The permit authority grants approval to build for projects that have been identified by the Director of Building Control as high risk.

Under the Building provisions of the Act, building surveyors also have an important role in approving some types of work, and carrying out inspections on all building and demolition projects. Building surveyors may be employed by the council but are more often private operators.

A council may choose to have one permit authority who deals with both building and plumbing, or a permit authority for building and one for plumbing.

Under the plumbing provisions of the Act, the council's plumbing surveyor is responsible for inspections of plumbing work.

A council must have a permit authority; this is generally an employee of the council but does not have to be. A council's permit authority may also be an employee of another council (shared resources) or a suitably qualified third party.

See <i>Building Act 2016</i>	Section 24	Who is a permit authority
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## The role of a permit authority

As a permit authority, you need to be able to assess applications that are received by the Council for permits for building, plumbing and/or demolition work, to ensure they comply with Tasmanian legislation.

You will need to be familiar with the *Building Act 2016*, and either have knowledge of relevant planning schemes or have access to people with planning knowledge.

You'll need to check that applications are complete, and seek further information if necessary.

Once you've assessed the application you'll be responsible for either issuing a permit, or advising the applicant that their application has been unsuccessful.

Only high risk building and demolition work requires a permit. Notifiable (medium) risk work can be approved by a building surveyor, but the owner is required to notify the permit authority when such work is about to take place and when it has been completed.

You are responsible for keeping records of all applications, notifications and associated correspondence.

You will also be responsible for making the public aware of building and plumbing requirements, and ensuring compliance with the Building Act.

You may also issue notices and orders to enforce various provisions of the Act such as dealing with work that has been completed without a permit, addressing the problems of a dilapidated building or dealing with a fire hazard.

## What qualifications does a permit authority need?

To carry out this role effectively, you should aim to complete the Certificate IV in Government (Statutory Compliance) or an equivalent; a nationally recognised qualification that covers competencies required by those responsible for ensuring statutory compliance with the requirements of legislation, regulations, and government and organisational policy.

This course will give you an understanding of your role as a regulator on behalf of the government.

The Administrator of Occupational Licensing intends to make this a mandatory qualification in order for you to be licensed as a permit authority under the *Occupational Licensing Act 2005*.

If you are a permit authority for plumbing, you will need to either be a licensed plumber, have significant knowledge of plumbing work, or have access to advice from a licensed plumber.

A permit authority must hold a license under the *Occupational Licensing Act 2005*, however persons who were a permit authority under the *Building Act 2000* are taken to hold the license for 2 years from 1 January 2017, but must then obtain the license.

## Functions of a permit authority

The functions for which a permit authority is responsible include:

- Assessing building, plumbing and demolition permit applications and issuing or refusing permits
- Obtaining information relating to a fire upgrading report
- Issuing or refusing a permit of substantial compliance for building work performed without a permit
- Imposing conditions on a permit of substantial compliance
- Issuing plumbing notices and serving plumbing orders
- Collecting the building administration fee, retaining a specified percentage, and forwarding the remainder to the Director of Building Control
- Recovering reasonable costs and expenses from a person served with a notice or order

These are functions the permit authority may undertake:

- Cancelling occupancy permits
- Cancelling temporary occupancy permits
- Issuing building notices
- Performing the duties of a building surveyor if the building surveyor resigns, dies or becomes incapable
- Inspecting a building or temporary structure believed to be a fire hazard
- Issuing a fire upgrading notice
- Serving a building order
- Revoking a dilapidated building notice issued by the General Manager
- Revoking a plumbing notice
- Adding, varying or revoking conditions on a permit of substantial compliance

The permit authority also has the following general functions:

- To make the public aware of the building and plumbing requirements under the Building Act 2016
- To ensure compliance with this Act
- To keep records of notifiable building, plumbing and demolition work
- To keep records of occupancy permits
- To keep records of building orders issued by the permit authority or by a building surveyor

See <i>Building Act 2016</i>	Section 25	Functions of permit authorities
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## Powers of a permit authority

In the course of your work you may:

- At all reasonable times, enter any building, temporary structure or premises where permit work is being carried out
- At all reasonable times, enter any building or temporary structure if you need to perform a function or exercise a power under the *Building Act 2016*
- Take photos, films and video recordings in any premises lawfully entered under this Act
- Require production of documents or records relating to work under this Act
- Search for, inspect, or require explanation in respect of these records
- Take notes, copies and extracts of any record, document or statement so obtained.

See <i>Building Act 2016</i>	Section 26	Powers of permit authority
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## What if my council doesn't have a permit authority?

The *Building Act 2016* allows for the following scenarios:

- A permit authority employed by the council
- A permit authority employed by another council
- In some circumstances the General Manager may perform the duties of the permit authority
- In some circumstances the Minister may appoint the Director of Building Control to perform some or all duties of a permit authority.

### **Q Can someone else do my permit authority job while I'm on leave?**

**A** The Council's General Manager is required to appoint an appropriately qualified person to be the permit authority. If there is not another staff member with the right qualifications, the General Manager may appoint someone from another council.

The Director of Building Control may also appoint a person as the permit authority, and in rare circumstances, the Minister may appoint the Director of Building Control as the permit authority.

## Role of the General Manager

Your council's general manager must appoint a suitably qualified person as a permit authority for the municipal area of the council. This can be a person employed by your council, or by another council.

The general manager is also responsible for

- Ensuring remediation of contaminated or unhealthy land before any building work takes place
- Ensuring land is capable of being appropriately drained before any building work takes place
- Ensuring building work to be performed over or near existing drains is only done with appropriate consent from the general manager
- Preparing dilapidated buildings reports and issuing dilapidated building notices
- Making emergency orders where a threat to life may arise regarding the condition or use of a building, temporary structure or plumbing installation
- Applying for court orders in relation to a contravention of the Act or a notice, order or determination under the Act
- Requesting police assistance in implementing an emergency order

The general manager of a council may, at all reasonable times, enter any premises or land where there is a building, temporary structure, building work, plumbing work or demolition work, if necessary to perform a function or exercise a power under this Act.

The general manager may delegate any of the general manager's powers and functions - other than the power of delegation - to another person (such as the permit authority).

See <i>Building Act 2016</i>	Various provisions (e.g. s41 – Councils or s245 – emergency orders)	Powers and functions allocated to general manager
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## Role of the Council

The council has these main responsibilities with regard to building, plumbing and demolition work:

- Ensuring owners of property are informed of their duties under this Act
- Making itself aware of building work, plumbing work or demolition work being performed in the municipal area
- Ensuring proceedings are instituted against any person failing to comply with this Act
- Enforcing orders issued by a building surveyor
- Retaining records that a permit authority is required to keep

The council must retain the records that a permit authority is required to keep for at least 10 years. If the record is still relevant to the premises at the end of that period the council must continue to retain the record.

So for example, if the house on the premises to which the records relate has been demolished, there would be no need to retain records about building approvals relating to that house.

But if the building at the premises is still in use, a full history of work, particularly as-constructed plans, will be important to retain.

See <i>Building Act 2016</i>	Section 41	Councils
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## Role of a Building Surveyor

A building surveyor is a licensed building services provider who is engaged by the owner of premises to perform a statutory role on behalf of the government.

The building surveyor is responsible for making sure any building or demolition work has been performed in accordance with the standards and processes set out in the Act and its regulations.

You will need to make sure you are very familiar with the categories of work that the Director of Building Control has determined require building permits, or regulatory oversight by a building surveyor.

See <i>Building Act 2016</i>	Section 28	Who is a building surveyor
<i>Director's Determination</i>		Categories of Building and Demolition Work

## Functions of a building surveyor

Under the *Building Act 2016*, a building surveyor can perform the following functions:

- Grant, issue or amend a certificate of likely compliance for proposed building or demolition work
- Grant, issue or amend an occupancy permit
- Grant, issue or amend a temporary occupancy permit
- Grant, issue or amend a certificate of substantial compliance
- Provide copies of permits and/or certificates to the permit authority
- Review documentation submitted as part of an application for a certificate of likely compliance or certificate of substantial compliance
- Liaise with statutory reporting authorities, councils, permit authorities and function control authorities as required
- Inspect building and demolition work and buildings and temporary structures where work is to be, or is being, performed
- Ensure owners notify council of notifiable work or apply for the relevant permit prior to commencement of work
- Give start-work authorisations to responsible persons to enable work to commence
- Ensuring work is completed and council are notified or a completion certificate is issued.
- Any other function required by the Director of Building Control

See <i>Building Act 2016</i>	Section 30	Functions of a building surveyor
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## Powers of building surveyors

- (1) A building surveyor may, at all reasonable times, enter any premises or land –
- (a) where there is a building, temporary structure or building work in respect of which he or she has been engaged under this Act as a building surveyor; or
  - (b) for the purpose of performing a function or exercising a power under this Act.
- (2) A building surveyor has the following powers when acting as a building surveyor:
- (a) to issue notices or orders about work started without a permit or start-work authorisation, if required;
  - (b) to issue notices or orders about non-compliance with the requirements of this Act;
  - (c) to issue directions, in certain circumstances, to rectify non-compliant work;
  - (d) to take photographs, films and video recordings in any premises lawfully entered under this Act;
  - (e) to require the production of documents or records relating to a building, temporary structure, premises or building work;
  - (f) to require the production of documents or records required to be kept under this Act as if he or she were the owner of the premises in respect of which he or she has been engaged as the building surveyor;
  - (g) to search for, inspect, or require explanation in respect of, any record required to be kept, or produced, under this Act;
  - (h) to take notes, copies and extracts of or from any record, document or statement produced or required under this section.

See <i>Building Act 2016</i>	Section 31	Powers of building surveyors
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## The role of the builder

Under the *Building Act 2016* there is the ability for a licensed builder to perform low risk work without a building permit, or regulatory oversight by a building surveyor.

For notifiable (medium risk) work, a building surveyor can provide a certificate of likely compliance and start work authorisation.

Permit (high risk) work must not commence unless a permit has been issued by a permit authority.

You will need to make sure you are very familiar with the categories of work that the Director of Building Control has determined require building permits, or regulatory oversight by a building surveyor.

These are listed in the Director's Determination of Categories of Building and Demolition Work.

There are significant penalties for performing building work without the appropriate approval.

You are required to comply with the *Building Act 2016* in all respects.

On completion of work, you should provide the owner and the building surveyor, where appropriate, a Standard of Work notice which confirms that you have complied with the Act and carried out the work according to the design and to the required standard.

If you are contracting for residential building work of more than \$20 000 in value, you must ensure you have a written contract with the owner, as set out in the *Residential Building Work Contracts and Dispute Resolution Act 2016*.

A builder who performs or supervises building work must ensure that the work is –

- (a) performed in accordance with this Act and the National Construction Code; and
- (b) complies with this Act, the National Construction Code and any relevant plans and specifications.

<i>Director's Determination</i>		Categories of Building and Demolition Work
<i>Building Act 2016</i>	Section 47	Minimum Standard of Work

## Functions of a building surveyor

A builder is to ensure that he or she acts only within the area of his or her expertise and experience.

A builder who performs building work is to ensure that –

- a relevant permit, authorisation or notification is issued in respect of the work before it is commenced; and
- the work is performed in accordance with the relevant permit or authorisation and this Act; and
- the quality of the materials used in the work is in accordance with the relevant permit or authorisation and this Act; and
- the work is performed on land owned by the owner; and
- the work is performed in a manner that does not cause –

- a public health risk; or
- a danger to the public; or
- a nuisance to an adjoining owner; or
- damage to infrastructure; and
- any directions under this Act in respect of the building work are complied with; and
- sufficient information is supplied to the owner for the owner to maintain the building in accordance with this Act.

A builder intending to perform building work under this Act must hold the relevant building services provider licence under the *Occupational Licensing Act 2005*.

See <i>Building Act 2016</i>	Section 45	Builders
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## The role of a plumber

Under the *Building Act 2016* there is flexibility for a licensed plumber to perform low risk work without a plumbing permit, or regulatory oversight by a permit authority.

With some low risk plumbing work you'll need to notify the permit authority (plumbing) either before you start the work or after the work is completed (depending on the type of work).

When you are performing medium risk work, you must always notify the Plumbing Permit Authority before you start and when the work is completed, this is referred to as "notifiable work".

Some work requires a plumbing design and a certificate of likely compliance from the Plumbing Permit Authority before you start work.

You will need to be familiar with the categories of plumbing work to determine which work is low risk, notifiable work or work that requires a plumbing permit. The categories are listed in the Director's Determination - Categories of Plumbing Work.

When completing notifiable or plumbing permit work you must provide a standard of work certificate to the owner. You must also contact the permit authority for an inspection and provide an 'as-constructed' drainage plan. It is your responsibility to provide a plan drawn to an acceptable standard.

You must perform plumbing work in accordance with the *Building Act 2016*, the National Construction Code (Volume 3 - Plumbing Code of Australia, including adopted Australian Standards), the plumbing permit or other appropriate authorisation such as a certificate of likely compliance.

The plumber is the responsible person for the plumbing work; the owner is only responsible if a plumber is not involved in the works. This means that even if you perform work that contravenes the Act at the direction of the owner you are still responsible.

You must ensure that:

- the quality of the materials used in plumbing work is compliant with the Act (watch out for cheap imports that do not comply with Australian Standards)
- the work is done on land owned by the owner
- the work does not create a risk to public health, a danger to the public, an environmental nuisance, nuisance to a neighbour or damage infrastructure
- sufficient information is supplied to the owner to enable them to maintain the plumbing work or installation

When completing notifiable or permit work you must ensure that a copy of the permit or authorisation is on-site.

You are required to inform the owner, occupier and Permit Authority if you become aware of any defective work while performing plumbing work.

<i>Director's Determination</i>		Categories of Plumbing Work
<i>Building Act 2016</i>	Section 48	Licensed Plumbers
<i>Building Act 2016</i>	Section 47	Minimum Standards of Plumbing Work

## Role of the owner

As the owner of a property or building, you have the following responsibilities under the *Building Act 2016* when building and plumbing work is performed:

- ensure work is performed by appropriately qualified and licensed contractors and/or practitioners
- provide correct information to the contractor or practitioner in relation to the proposed work
- ensure the premises where the work is to be performed is clearly identified
- ensure adjoining properties are protected
- do not allow the building to be occupied until an occupancy permit is issued (when required)
- supply sufficient information to another owner for them to maintain the premises
- notify the permit authority or building surveyor (where appropriate) if the responsible person for the building, plumbing or demolition work changes
- ensure the work is completed before the permit expires

<i>Building Act 2016</i>	Section 50	Owners
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## Owner Builder

In addition to the duties of an owner, an owner builder must ensure that he or she holds a permit, if such a permit is required to perform the proposed building work, that authorises the performance of the work intended to be performed by the owner builder.

<i>Building Act 2016</i>	Section 46	Owner Builders
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## Role of Director of Building Control

The Director of Building Control is a State Service employee or officer appointed by the Minister.

The Director is responsible for overseeing the administration of the *Building Act 2016* and liaising with all practitioners, authorities and industry bodies involved in matters relating to this Act.

The Director advises the Minister on matters relating to this Act.

## Functions of Director of Building Control

The Director of Building Control has the following functions:

- (a) to advise the Minister in relation to building, plumbing, demolition and related matters;
- (b) to liaise with permit authorities or councils;
- (c) to liaise with the building, plumbing and demolition industries and other interested groups or bodies;
- (d) to liaise with, and represent the State on matters relating to building, plumbing and demolition;
- (e) to facilitate training in respect of matters under this Act;
- (f) to publish reports and disseminate information on matters relating to building work, plumbing work or demolition work;
- (g) to audit the performance of the following in respect of building work, plumbing work or demolition work:
  - (i) owners;
  - (ii) owner builders;
  - (iii) builders;
  - (iv) building services providers;
  - (v) plumbers;
  - (vi) designers;
  - (vii) building surveyors;
  - (viii) permit authorities;
  - (ix) general managers;
  - (x) councils;

See <i>Building Act 2016</i>	Section 16	Functions of Director of Building Control
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## Powers of Director of Building Control

The Director of Building Control has the power to do all things necessary for performing his or her functions, including:

- Entering any building or temporary structure where building, plumbing or demolition work is being, or has been, performed;
- Taking photographs or video in any lawfully entered premises;
- Requiring records to be kept
- Requiring records or documents to be produced
- Remove and make copies of records

See <i>Building Act 2016</i>	Section 17	General powers of Director of Building Control
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## Authorising products

The Director of Building Control may authorise or accredit building and plumbing products. Many such products are accredited nationally and in most cases the Director will adopt national accreditation as sufficient for accreditation in Tasmania, provided the product has been tested under conditions appropriate to Tasmania, for example in an appropriate climate zone.

NOTE: A permit authority may also authorise materials or products that do not comply with the National Construction Code, to be used as part of plumbing work under certain circumstances (see *Building Regulations 2016*, section 36)

See <i>Building Act 2016</i>	Section 18	Director of Building Control may authorise or accredit products
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## Making guidelines

The Director of Building Control may make guidelines, or adopt existing guidelines, to assist practitioners in complying with this Act.

The Director will consult with stakeholders such as industry bodies before making guidelines.

Guidelines may include:

- Technical guidance on how to comply with this Act and the National Construction Code;
- Performance criteria;
- Standards and tolerances
- Roles and functions of persons or classes of persons
- Guidance on procedures relating to inspections

See <i>Building Act 2016</i>	Section 19	Director of Building Control may make or adopt guidelines
<i>Building Regulations 2016</i>	Section 7	Director of Building Control may make guidelines

## Making determinations

The Director of Building Control may make determinations, following consultation with stakeholders.

Determinations, once published, must be complied with.

Determinations will include:

- types of building work, plumbing work or demolition work that are classified as low-risk work, notifiable work or permit work;
- when and where partial compliance with the National Construction Code may be consented to under Division 1 of Part 5.

<i>See Building Act 2016</i>	Section 20	Director of Building Control may make determinations
<i>Building Regulations 2016</i>	Section 8	Director of Building Control may make determinations

## Auditing for compliance

The Director of Building Control may carry out audits of the work of practitioners or bodies covered by this Act, (for example, building practitioners, building surveyors, permit authorities) to ensure that this Act is being complied with.

As part of an audit, the Director may provide written notice requesting records or documentation to be provided. It is an offence not to comply with such a request.

<i>See Building Act 2016</i>	Section 22	Compliance audit by Director of Building Control
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# Record keeping

## What records must a permit authority keep?

Record keeping is a very important part of your role. You are responsible for keeping records of all building and plumbing applications for properties in your municipality.

Ideally, you should be able to look at the file for a particular property and see the complete history of all work done, or applied for, together with “as constructed” plans for building and plumbing work which reflect all significant work carried out at the property.

This information should be available to appropriately authorised people to help them make informed decisions about future work on the property.

The **records that the permit authority must keep** are listed in Schedule I of the *Building Act 2016*.

They include a register for each of the following either issued by or received by the permit authority. This register should be kept electronically:

### Permits, notifications, occupancy permits, certificates, orders

- All building permits issued
- All plumbing permits issued
- Authorisations for notifiable work received
- Authorisations for notifiable work issued
- Certificates of final inspection received
- Occupancy permits received
- Temporary occupancy permits received
- Certificates of completion issued
- Building orders received, or issued by the permit authority, building surveyor or general manager
- Plumbing orders issued
- Emergency orders received
- Permits of substantial compliance issued

### Building, plumbing and demolition permits

You must also keep records in relation to each of the following:

- Applications for building permits (granted and refused)
- Applications for plumbing permits (granted and refused)
- Applications for demolition permits (granted and refused)
- Any extensions, variations or cancellations of building, demolition or plumbing permits



## Building Administration Fee

You must keep, for at least 10 years, the following records:

- Records that show the amount of any building administration fee payable under this Act
- Records that show the estimated cost of the building work in relation to which the building administration fee is payable
- Records that show the date on which the building administration fee was paid to the permit authority.

## Who can access the permit authority records?

Information in these records, or copies of these records if requested, should only be made available to authorised people, including:

- The Director of Building Control
- An employee of your council, but only if they need the information for their job
- The owner of the premises referred to in the information
- The owner's building surveyor or builder (or other licensed practitioner engaged by the owner)
- Any other person the Director of Building Control authorises

The council may, in some circumstances, charge a fee for making a copy of this information available to an authorised person.

<i>See Building Act 2016</i>	Section 27	Records of permit authority
<i>See Building Act 2016</i>	Schedule 1	Records a permit authority needs to keep

## What records must a building surveyor keep?

You must keep all records specified in the Act and Regulations. The Director of Building Control may make Determinations requiring you to keep other records.

As a minimum, you are required to:

- keep a register, at your principal place of business, of –
  - each certificate or permit granted, or amended, by you acting as a building surveyor under this Act; and
  - each determination made by you acting as a building surveyor in accordance with this Act.

The Director of Building Control may request to see this register at any time.

There is a penalty for failing to keep this register.

## What records must a council keep?

The council is responsible for ensuring that the records of the permit authority are kept for a minimum of 10 years.

Records should only be disposed of if they no longer have any relevance, for example if the property to which they relate no longer exists.

## Building work – a risk based approach

There are three categories of building work, based on the level of risk to public health and safety.

There are different approval processes for each category.

The Director of Building Control has issued a Determination showing the types of building work that fall into each category.

All building work in each of these categories must be carried out by a licensed builder.

You will need to be familiar with what is in each category of work.

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

There is also work that may be performed by an owner or other competent person. This mainly covers minor repairs and maintenance of existing residential buildings and outbuildings. This work does not need a permit or need to be carried out by a licensed builder.

A "competent person" is someone who has sufficient training and experience or knowledge and other qualities that allow them to perform that work to comply with the NCC or a particular Standard. The level of competence required will depend on the complexity of the building work. That person may specialise in a particular type of work, but is not necessarily the holder of a builder's licence.

For example, you may employ someone to pump out a septic tank who is not a licensed plumber but is a competent person and appropriately qualified with regard to that task.

<i>Director's Determination</i>		Categories of Building and Demolition Work
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## Permit building work

High risk building work requires a permit, issued by the permit authority. This is the same process that operated under the *Building Act 2000*.

Work in this category is referred to as "**Permit building work**".

Permit building work includes:

- Most commercial buildings
- Residential buildings that require a planning permit
- Larger, non-standard residential buildings
- Buildings in hazardous areas, including prone to flooding, steep blocks, unstable soil types
- Any Owner Builder projects, regardless of the type or category of work

<i>See Building Act 2016</i>	PART 11	PERMIT BUILDING WORK
<i>Directors Determination</i>		Categories of Building and Demolition Work

## Notifiable building work

Work that is considered to be medium risk won't come to the permit authority for approval, but the permit authority will be notified that it is happening, so the council will still know what's going on in its own backyard.

The building surveyor will assess the work to make sure it's going to be compliant with Tasmanian legislation and the National Construction Code, and then authorise the work to proceed. The building surveyor will send the Certificate of Likely Compliance, along with the proposed design, to the Permit Authority for filing. There will be a filing fee payable at this point.

This medium risk work is referred to as “**Notifiable building work**”.

Notifiable building work includes:

- Larger sheds, garages, carports
- Decks, boundary walls, fences, tanks, swimming pool
- Class 1a building which is standardised and fits within the Planning Directive 4.1 (for example, a standard three bedroom house from one of the major building companies)
- Class 1a kit home (single storey only) in appropriate soil classification

See <i>Building Act 2016</i>	PART 8	NOTIFIABLE BUILDING WORK
<i>Directors Determination</i>		Categories of Building and Demolition Work

## Low risk building work

There will also be work which is considered to be low risk which can be done without a permit – either a council-issued one or a building surveyor issued certificate of likely compliance.

Like work in the other two categories, this work must be undertaken by a licensed builder.

Low risk building work includes:

- Small sheds, garages, carports
- Interior alterations to existing residential buildings that don't affect structural integrity
- Disability access ramps
- Solar panels (within certain limits)
- Non-roofed low decks
- Temporary structures

Even though low risk work does not require any authorisation it must still comply with the *Building Act 2016*, so builders must ensure they don't erect a building over an easement or on-site wastewater management system.

See <i>Building Act 2016</i>	PART 7	LOW-RISK BUILDING WORK
<i>Directors Determination</i>		Categories of Building and Demolition Work

## Permit building work

Building work that requires building approval needs to go through a formal assessment process carried out by the Permit Authority.

Permit building work usually includes more complex building projects where there is a significant risk factor, but simple building projects may require a permit if they are built in hazardous areas, or by an owner builder rather than a commercial builder.

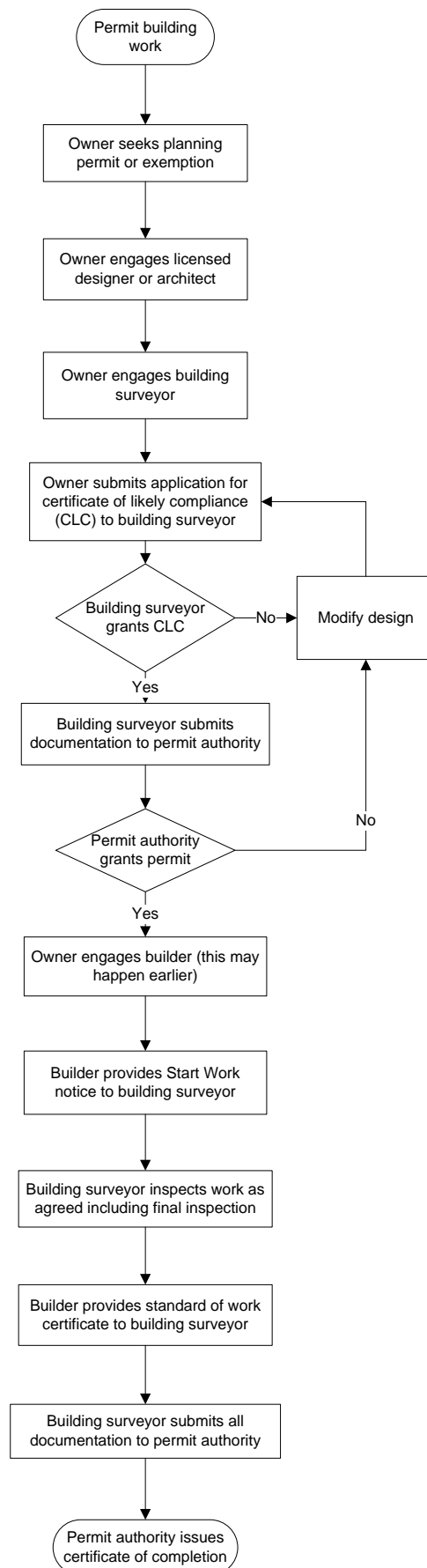
Here is the process that an owner will go through when getting approval to build:

1. Owner seeks a planning permit or exemption from planning
2. Owner engages a designer or architect
3. Owner engages a building surveyor
4. Owner or their agent submits an application for certificate of likely compliance to the building surveyor.
5. Building surveyor assesses the design and either:
  - a. issues a certificate of likely compliance (within 21 days); or
  - b. rejects the application, with appropriate reasons

If a building surveyor has assessed proposed building work as requiring a permit, the following process applies:

6. Building surveyor provides a copy of the certificate of likely compliance, the proposed design, and any other relevant documentation along with an application for a building permit, to the permit authority.
7. The owner may engage a builder and include the builder's name on the application for a building permit, or they may obtain the permit without specifying a builder.
8. If the permit authority grants a Building Permit, the owner may then arrange a contract with a builder.
9. When the builder is ready to start, he or she issues a Start Work Notice to the building surveyor.
10. The building surveyor arranges the stages at which inspection will take place and issues a Start Work Authorisation to the builder
11. The building surveyor inspects the work at the agreed stages and provides permission for work to continue at each stage
12. The builder completes the work and provides a Standard of Work certificate to the building surveyor and the owner.
13. The building surveyor completes a final inspection and forwards a certificate of final inspection and the builder's Standard of Work certificate to the permit authority, along with other relevant documentation such as as-constructed plans, as part of an application for a Certificate of Completion
14. The permit authority adds the documents to the relevant file and if satisfied, issues the Certificate of Completion.

## Flowchart of building permit work process



## **When the permit authority receives a building permit application**

When an application for a building permit is received by a permit authority, you need to ensure that it is reviewed within the legislated timeframe, unless you have negotiated a longer time period with the applicant.

“Within 7 days of receiving the application or a period agreed between the Applicant and the Permit Authority.”

There is no “stop the clock” provision in this legislation. The time period is triggered from the time that an application which includes the required documentation is received.

Here are the steps you should follow:

### **1. Check what is being proposed.**

### **2. Are you the right permit authority?**

The proposed work must either be in your municipality or in the municipality of another council for which you are performing the permit authority role.

### **3. Does it need a building permit?**

Building work only needs a permit if it is classified as “permit work”. This will be work that is high risk.

The Director’s Determination lists the type of work that falls into each category.

If this work doesn’t need a permit, you should return the application to the building surveyor.

### **4. Is there a valid certificate of likely compliance (permit building work) from the building surveyor?**

The building surveyor must issue this certificate before an application for a building permit is submitted, and it must be included with the application, and be in an approved form.

The certificate of likely compliance expires 12 months after it has been issued, so check the date to make sure it’s still valid.

### **5. Are the building administration fee and other appropriate fees – or evidence of payment – included?**

For Permit Building Work, there are three fees that should be paid at the time of application:

- Building Administration Fee (BAF)
- Permit Authority Lodgement Fee
- Tasmanian Building and Construction Industry Training Board (TBCITB) levy

The Building Administration Fee is calculated as a percentage of the cost of the proposed work, where the value of the work is over \$20,000. The Permit Authority will collect this Fee at the time of application and is entitled to retain a specified percentage to cover handling.

The remainder of the Fee will be paid to the Director of Building Control and the Building Administration Fund, which is used by the Director of Building Control to administer the *Building Act*.

There is also a lodgement fee payable to the Council when an application for a building permit is lodged. This covers the filing, assessment, compliance and enforcement costs of the Council in relation to the project.

A Tasmanian Building and Construction Industry Training Board (TBCITB) levy is payable if the value of the proposed work is over \$20,000.

## 6. Is all the documentation required by the Director of Building Control included?

You'll find a list of the documentation required in the Director's Determination.

If required documentation is missing, contact the applicant to have it provided.

You should retain the documentation required for record keeping under Section 22 of the *Building Regulations 2016*.

## 7. Are any performance solutions proposed?

If there are any performance (alternative) solutions proposed, there should be a letter from the owner indicating that they are aware of this. The application should also include evidence that the performance solution complies with the NCC.

The onus is on the designer to provide this evidence, rather than the permit authority to seek it.

See <i>Building Act 2016</i>	Section 139	Application for building permit
	Section 140	Additional application requirements for alternative performance solutions
<i>Building Regulations 2016</i>	Section 18 (1)	Mandatory notification stages
<i>Building Regulations 2016</i>	Section 22	Record requirements for permit work
<i>Building Regulations 2016</i>	Section 27	Required report from Chief officer for certificates of likely compliance (permit building work)
<i>Building Regulations 2016</i>	Section 28	Required report from environmental health officer for certificates of likely compliance (permit building work)
<i>Building Regulations 2016</i>	Section 29	Start work notifications for permit building work

## Determining a building permit application

Here are the things to consider when assessing a building permit application:

1. Do you have all the information you need to make a decision?
2. Do you need any additional information regarding a performance solution?
3. Has the information been provided within the period specified?
4. Have you taken into account:
  - (a) the suitability of the premises where proposed permit building work is to be performed;
  - (b) whether the premises are in, or is, a hazardous area including the stability of the site;
  - (c) whether, in the opinion of the permit authority, all appropriate protection work has been – or will be – performed in respect of the work;
  - (d) the means of access to the premises, during and after the work, and the provision of water and sanitation to those premises;
  - (e) any relevant requirements of this Act or of a permit, consent or authority in force under any other Act in respect of the premises where the work is to be performed;



(f) any other matter that the Director of Building Control determines to be relevant to an application under this Subdivision;

(g) any other matter that the permit authority considers relevant.

5. Have all the relevant fees, charges or levies been paid?

See <i>Building Act 2016</i>	Section 141	Determining application for building permit
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## Refusing a building permit application

If you refuse an application for a building permit, you must inform the applicant and give the reasons for the refusal. This information was not required under the *Building Act 2000*.

You must also inform the applicant of their right to appeal your decision.

You **may** refuse the application if you consider this to be reasonable in the circumstances.

You **must** refuse the application if:

- The proposed building work will not comply with the Act
- All appropriate protection work has not been, or will not be, performed
- The proposed building work will not be performed by a licensed builder where this is a requirement
- The responsible person for the work is not the licensed builder intending to perform the work, or, if there is no licensed builder specified, the owner of the premises where the work will be done.

See <i>Building Act 2016</i>	Section 142	Refusal of application for building permit
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## Granting a building permit

If you are satisfied that the proposed work will comply with this Act, and all fees have been paid, you may grant the application.

You can grant an application for a building permit with conditions attached, if you believe it is appropriate.

You can also grant a staged permit for work that is proposed to occur in more than one stage. A staged building permit should include the time period for the permit and for each of the stages.

The building permit should be in an approved form and include any specified conditions and time periods.

Once you have determined that a building permit should be granted, you need to:

1. Determine whether any conditions should be included
2. Determine whether a staged permit is required
3. Issue a building permit to each of the following people:
  - a. The applicant
  - b. The owner of the premises where the work will be done
  - c. The building surveyor
  - d. Each licensed builder named on the permit, or their business entity
  - e. Any other prescribed person

<i>See Building Act 2016</i>	Section 143	Granting of application for building permit
	Section 144	Form of building permit
	Section 145	Conditions on building permit

## Duration of building permit

Once you've issued a building permit, it will be valid for the period specified on the permit.

If no period has been specified and no work has commenced, the permit will expire after 12 months.

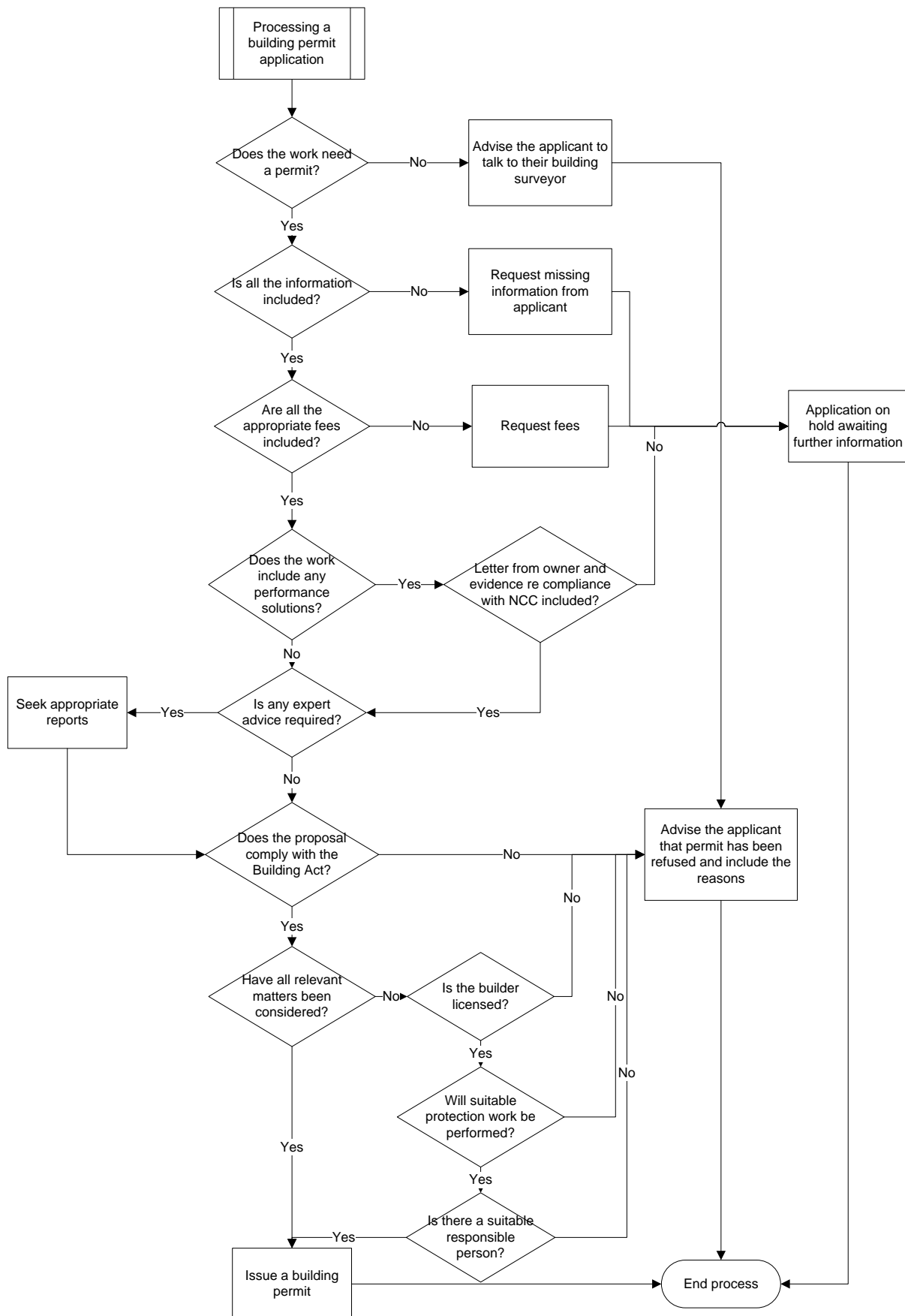
However the applicant may apply for an extension of this period.

You should put in place processes for sending reminder letters to applicants advising them that their building permit will be expiring in the next month, and providing information about how to apply for an extension.

Once a certificate of completion (permit building work) has been issued, the permit is taken to have expired.

<i>See Building Act 2016</i>	Section 146	Duration of building permit
	Section 147	Extension of duration of building permit

## Flowchart of the process for determining a building permit



## Carrying out permit building work

Once a building permit has been granted, the building surveyor will take a lead role in ensuring work proceeds according to the specifications that the permit authority has agreed to.

When a builder has been engaged, the building surveyor will agree a number of inspection points during the project. This will include mandatory inspections (for example footings, framing, final) but may include other inspections relevant to the project.

Once agreed, these inspections must be carried out by the building surveyor in person. It is not acceptable to view photographs of the work.

Further information about inspections is available in the Director's Guidelines for Building Surveyors, and the Building Surveyor's key performance indicators.

When the builder is ready to start work, he or she will submit a Start Work Notice to the building surveyor, then the building surveyor may issue a Start Work Authorisation notice. It is an offence for the builder to begin work before this authorisation has been received.

If any changes to the proposed plan are required once work begins, the building surveyor will assess the proposed changes and determine whether a new building permit is required.

Any such changes must be made in writing.

The responsible person for permit building work must notify the building surveyor within 2 days before the completion of each mandatory notification stage and not proceed until work has been inspected and assessed as compliant.

## Inspection of permit building work

The building surveyor, once notified, must inspect the work within one day.

If the building surveyor deems that work is not of a satisfactory standard, or does not reflect the building permit, the building surveyor may give the responsible person a direction to make the work compliant. If this is a verbal direction, it must be confirmed in writing within 2 business days.

The responsible person for the work must provide assistance to a building surveyor or permit authority to undertake inspections, by ensuring the equipment, materials, power and labour required are available.

A building surveyor may also issue a notice to the responsible person asking them to give reasons why a building order should not be issued.

If the responsible person does not show cause or does not respond, the building surveyor may issue an order directing them to rectify the defective or non-compliant work.

<i>Building Regulations 2016</i>	Section 20	Inspection Directions
<i>Building Regulations 2016</i>	Section 84	Assistance for inspections

## Completing permit building work

When all the work specified on a building permit has been completed, the responsible person for the work must, within 5 days, provide the building surveyor with a standard of work certificate.

The owner or their agent may then apply to the permit authority for a **certificate of completion (permit building work)** (the occupancy permit issued by the Building Surveyor should accompany the application).

You will need to check the following:

- Is the application in an approved form?
- Is it accompanied by the prescribed fee or evidence of payment?
- Does it include a copy of:
  - certificate of final inspection (building) from the building surveyor?
  - standard of work certificate (permit building work) from the builder?
- Have all the conditions on the building permit been met?
- If permit plumbing work was involved, does it include a copy of:
  - certificate of completion (permit plumbing work)?
  - standard of work certificate (permit plumbing work) from the plumber?
  - certificate of water and sewerage compliance (building), if required?
- If notifiable plumbing work was involved, does it include a copy of:
  - standard of work certificate (notifiable plumbing work) from the plumber?
  - certificate of water and sewerage compliance (building), if required?

If all these certificates are available, you may issue a certificate of completion.

<i>See Building Act 2016</i>	Section 151	Standard of work certificate (permit building work)
<i>See Building Act 2016</i>	Section 152	Certificate of final inspection (permit building work)
<i>See Building Act 2016</i>	Section 153	Certificate of completion (permit building work)

# Summary of permit building work roles

## Owner – permit building work

- Applies for planning permit or exemption
- Engages licensed architect or designer
- Engages building surveyor
- Applies to building surveyor for certificate of likely compliance
- Applies to permit authority, through building surveyor, for building permit
- Engages licensed builder

## Building surveyor – permit building work

- Issues certificate of likely compliance
- Lodges application for building permit with permit authority
- Issues start work authorisation to builder
- Inspects work
- Issues final inspection certificate
- Lodges application for certificate of completion with permit authority

## Permit authority – permit building work

- Collects fees
- Files documentation
- Assesses application for building permit
- Issues building permit or rejects application
- Issues certificate of completion

## Builder – permit building work

- Submits Start Work Notice to building surveyor
- Notifies building surveyor at inspection points
- Requests final inspection by building surveyor
- Provides Standard of Work certificate to building surveyor and owner

## Documents

Documentation or form	Provided by	Provided to
Building design documents	Designer or Architect	Owner
Application for Certificate of Likely Compliance	Owner	Building Surveyor
Certificate of Likely Compliance	Building Surveyor	Owner
Application for Building Permit	Building Surveyor	Permit Authority
Building Permit	Permit Authority	Owner
Start Work notice	Builder	Building Surveyor
Start Work Authorisation	Building Surveyor	Builder
Certificate of Final Inspection	Building Surveyor	Owner
Standard of Work Certificate	Builder	Owner
Application for Certificate of Completion	Owner	Permit Authority
Certificate of Completion	Permit Authority	Owner

## Notifiable building work

Notifiable building work does not require a building permit, but still requires regulatory oversight by a building surveyor.

Notifiable building work usually includes standard building projects where there is a medium risk, and the work is not being carried out in a hazardous area, or by an owner builder.

Here is the process that an owner will go through when getting approval to build:

1. Owner seeks a planning permit or exemption from planning
2. Owner engages a designer
3. Owner engages a building surveyor
4. The owner engages a builder
5. Builder provides a notice of work to the building surveyor
6. Building surveyor assesses the notice of work and either:
  - a. issues a certificate of likely compliance; or
  - b. rejects the application and provides reasons.

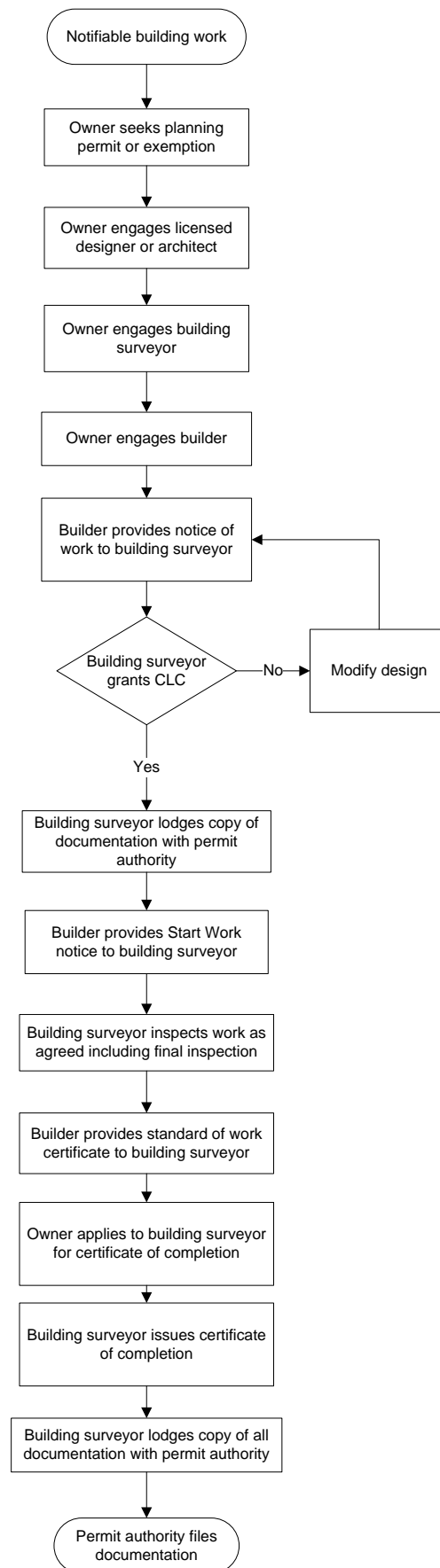
If a building surveyor has assessed proposed building work as not requiring a building permit, but being notifiable, the following process applies:

7. Building surveyor provides a copy of certificate of likely compliance, the proposed design, and a formal notification for the proposed work, to the permit authority, along with evidence (such as receipts) that any fees owing have been paid. This includes the Building Administration Fee and the Tasmanian Building and Construction Industry Training Board levy.
8. The permit authority files the documentation.
9. When the builder is ready to start, he or she issues a start work notice to the building surveyor.
10. The building surveyor arranges the stages at which inspection will take place and issues a start work authorisation to the builder.
11. The building surveyor inspects the work at the agreed stages and provides permission for work to continue at each stage.
12. The builder completes the work, provides a Standard of Work certificate to the owner and the building surveyor, and requests a final inspection.
13. The building surveyor completes a final inspection and issues a certificate of final inspection.
14. The owner can now apply to the building surveyor for a certificate of completion (notifiable building work).
15. The building surveyor issues the certificate of completion and forwards a copy of it and the builder's Standard of Work certificate to the permit authority, along with other relevant documentation such as as-constructed plans, certificate of completion for plumbing work.
16. The permit authority adds the documents to the relevant file.



<i>See Building Act 2016</i>	Section 93-95	Requirements for notifiable building work
<i>Building Regulations 2016</i>	Section 17	Certificates of likely compliance for notifiable work may be amended
<i>Building Regulations 2016</i>	Section 25	Certificates of likely compliance (notifiable building work)

## Flowchart of notifiable building work process



## Assessing the design – a checklist for Building Surveyors

- ☐ Have all the prescribed matters listed in Section 25 of the *Building Regulations 2016* been considered?
- ☐ Has a planning permit been granted, or is there evidence that the work is exempt from planning permission?
- ☐ Is a plumbing permit required?
- ☐ Does the work impact on any existing plumbing infrastructure? (for example an Onsite Wastewater Treatment System)
- ☐ Is the work in a hazardous area?
- ☐ Is the design likely to comply with the NCC and Schedule 1?

### Before work starts:

Once a design for the proposed work is available and a builder and building surveyor have been engaged, the builder must submit a notice of work to the building surveyor detailing the proposed work and including all prescribed information.

The building surveyor should then consider the following matters:

- Can the work be performed as notifiable building work or is a building permit required?
- Has appropriate protection work been done, or is planned to be done?
- Has all required information been supplied?
- Are any other permits, consents or orders required?
- Have all relevant fees been paid

If the building surveyor is satisfied that the work is likely to comply with the Building Act 2016, he or she can now issue a certificate of likely compliance (notifiable building work).

If the building surveyor refuses to issue a certificate of likely compliance (notifiable building work), he or she must notify the builder in writing and provide reasons for the refusal.

When the building surveyor has issued a certificate of likely compliance (notifiable building work) they must submit the following information to the permit authority within 7 business days:

- Certificate of likely compliance (notifiable building work)
- Proposed plans
- Lodgement fee or evidence of payment

It is the permit authority's responsibility to file the documents.

See <i>Building Act 2016</i>	Section 95	Building surveyor to be engaged in respect of notifiable building work
	Section 96	Notification before performing notifiable building work
	Section 97	Notice of work
	Section 98	Certificate of likely compliance (notifiable building work)

<i>Building Regulations</i>	Section 26	Notices of work for notifiable building work
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## When the permit authority receives a notification for proposed work

Notifiable building work is managed primarily by the building surveyor engaged by the owner.

Your role as a permit authority is to manage the records associated with the work to ensure that your council has a full and complete record of work being carried out in your municipality.

When notifiable work is being carried out, you should receive two notifications:

1. Before work starts
2. When work has been completed

You are not required to assess any documentation lodged with the council, though you should flag any clear contraventions of the Act with an appropriate authority.

For example:

- Work lodged as notifiable that should require a building permit
- Work lodged as notifiable that is in contravention of the planning scheme
- Work that requires a planning permit but none has been granted
- An application for a building permit that is in contravention of the planning scheme
- If a plumbing permit or plumbing Certificate of Likely Compliance is required and if Council has received an application or notice of the proposed plumbing work

In cases like these, you should notify the Director of Building Control that the building surveyor is not fulfilling his or her duties in accordance with the legislation.

## Performing notifiable building work

Once a certificate of likely compliance (notifiable building work) has been issued by the building surveyor, the builder should provide the building surveyor with a notice of work, indicating the following information, as required under Section 26 of the *Building Regulations 2016*:

- (a) the address of the premises where the notifiable building work is proposed to be performed;
- (b) the name, licence number and contact details of each person to be performing the notifiable building work;
- (c) if the performance of the proposed notifiable building work is the subject of a contract, the contract price of the work;
- (d) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation for the proposed notifiable building work;
- (e) details of the design of the notifiable building work and associated plans;
- (f) all relevant documents relied upon by the designer of the work;
- (g) any certificates issued under the Act in respect of the proposed notifiable building work or in respect of an item or system to be used in the proposed notifiable building work;
- (h) the proposed date on which the notifiable building work is to be commenced;
- (i) the protection work performed, or to be performed, in respect of the notifiable building work;

- (j) details of any payment made, or to be made, in respect of the proposed notifiable building work under the Building and Construction Industry Training Fund Act 1990;
- (k) if applicable, evidence that the requirements of other relevant Acts have been complied with in respect of the work.

The building surveyor will then provide authorisation for the builder to start work and issue a unique authorisation number for the work.

**Question:** What is this unique number and where do I get it?

**Answer:** Maybe make one up and include your initials and the year? Eg NG/16/1?

The work must be performed in accordance with the most recent notice of work and the certificate of likely compliance.

While the work is being performed, a copy of each document submitted in respect of a certificate of likely compliance must be kept on the premises where the work is being performed.

If the responsible person changes, the work must stop until the building surveyor has been notified.

The start work authorisation is valid for two years.

If the work is not completed in that time, the responsible person must seek approval to continue from the building surveyor. If the building surveyor agrees to this, he or she must provide written approval specifying one further period in which the work must be completed. A copy of this approval must be forwarded to the permit authority.

<i>See Building Act 2016</i>	Section 99	Performing notifiable building work
<i>Building Regulations 2016</i>	Section 23	Record requirements for notifiable work

## Inspection of notifiable building work

It is the responsibility of the building surveyor to inspect the work as it progresses. There will likely be a number of mandatory inspection stages which will be specified in guidelines provided by the Director of Building Control, but the building surveyor may choose to inspect at other stages, based on the complexity of the project.

When the building surveyor issues a certificate of likely compliance, it should include the agreed inspection points at which the builder is to notify the building surveyor. Work should not continue until the inspection has taken place.

The responsible person for the work must provide assistance to a building surveyor or permit authority to undertake inspections, by ensuring the equipment, materials, power and labour required are available.

If the building surveyor believes inspected work is defective, or does not comply with the certificate of likely compliance, he or she may issue an oral or written direction requiring rectification.

An oral direction must be confirmed in writing within 2 business days.

<i>See Building Act 2016</i>	Section 100	Inspection of notifiable building work
	Section 101	Directions relating to non-compliant notifiable

## When work is complete

When the builder has finished the work, they must notify the building surveyor who will then carry out a final inspection.

The builder must also:

- provide a standard of work certificate (notifiable building work) within 5 business days to the building surveyor and the owner confirming that the work has been completed in accordance with the Act and the design, and
- provide to the building surveyor any as-constructed plans for the work that have not yet been supplied.

A person can then apply to the building surveyor for a certificate of completion (notifiable building work).

The building surveyor may issue the certificate of completion if he or she is satisfied that:

- The work has been performed in accordance with the Act
- The Building Administration Fee has been paid
- A certificate of completion has been issued for any notifiable plumbing work

When the building surveyor has issued a certificate of completion they are required to submit the following information to the permit authority within 7 days:

- Certificate of completion (notifiable building work)
- As constructed plans, if these differ from the proposed plans
- Standard of work certificate (notifiable building work)
- Building administration fee or evidence of payment if greater than fee paid at lodgement

The permit authority will need to keep all this information on file.

The council can charge a lodgement fee for managing these records.

The building surveyor can also issue an occupancy permit for the building if appropriate. (see *Occupancy permits on page 112*)

See <i>Building Act 2016</i>	Section 102-104	Completion of notifiable building work
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# Summary of notifiable building work roles

## Owner – notifiable building work

- Applies for planning permit or exemption
- Engages licensed architect or designer
- Engages building surveyor
- Engages licensed builder
- Applies to building surveyor for certificate of likely compliance
- Applies to building surveyor for certificate of completion

## Building surveyor – notifiable building work

- Issues certificate of likely compliance
- Notifies permit authority of proposed work
- Issues start work authorisation
- Inspects work
- Issues final inspection certificate
- Issues an occupancy permit (if appropriate)
- Notifies permit authority work has been completed and lodges required documentation

## Permit authority – notifiable building work

- Collects fees
- Files documentation

## Builder – notifiable building work

- Provides notice of work to building surveyor
- Submits Start Work Notice to building surveyor
- Notifies building surveyor at inspection points
- Requests final inspection by building surveyor
- Provides Standard of Work certificate to owner and building surveyor
- Provides other required documentation including “as-constructed” plans

## Documents

Documentation or form	Provided by	Provided to
Building design documents	Designer or Architect	Owner
Application for Certificate of Likely Compliance	Owner	Building Surveyor
Certificate of Likely Compliance	Building Surveyor	Owner
Start Work notice	Builder	Building Surveyor
Start Work Authorisation	Building Surveyor	Builder
Certificate of Final Inspection	Building Surveyor	Owner
Occupancy Permit	Building Surveyor	Owner
Standard of Work Certificate	Builder	Owner
Application for Certificate of Completion	Owner	Permit Authority
Certificate of Completion	Permit Authority	Owner



## Low risk building work

Low risk work can be undertaken by a licensed builder without the need for a permit or the engagement of a building surveyor.

The work must still comply with this Act and Australian standards.

It is the owner's responsibility to ensure that any building work does not contravene the local planning scheme, and that the builder is licensed.

The permit authority does not need to be notified at any stage of the work.

If the value of the work exceeds \$20,000, there may be a payment due to the Building Administration Fund and the Industry Training Board levy.

See <i>Building Act 2016</i>	Section 91-92	Low-risk work
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# Summary of low risk building work roles

## Owner – low risk building work

- Confirms no regulatory oversight required
- Applies for planning permit or exemption from planning
- Engages a licensed builder
- If the value of the work is greater than \$20,000, arranges to pay the Building Administration Fee.

## Builder – low risk building work

- Ensures that the work is completed in accordance with the *Building Act 2016*
- Performs the work
- Provides Standard of Work Certificate to owner
- Notify the permit authority, as required.

## Documents

Documentation or form	Provided by	Provided to
Standard of Work Certificate	Builder	Owner

## Low risk building work involving plumbing

Even though most low risk building work won't need any sort of permit, you should take into account any plumbing requirements of the work you're undertaking.

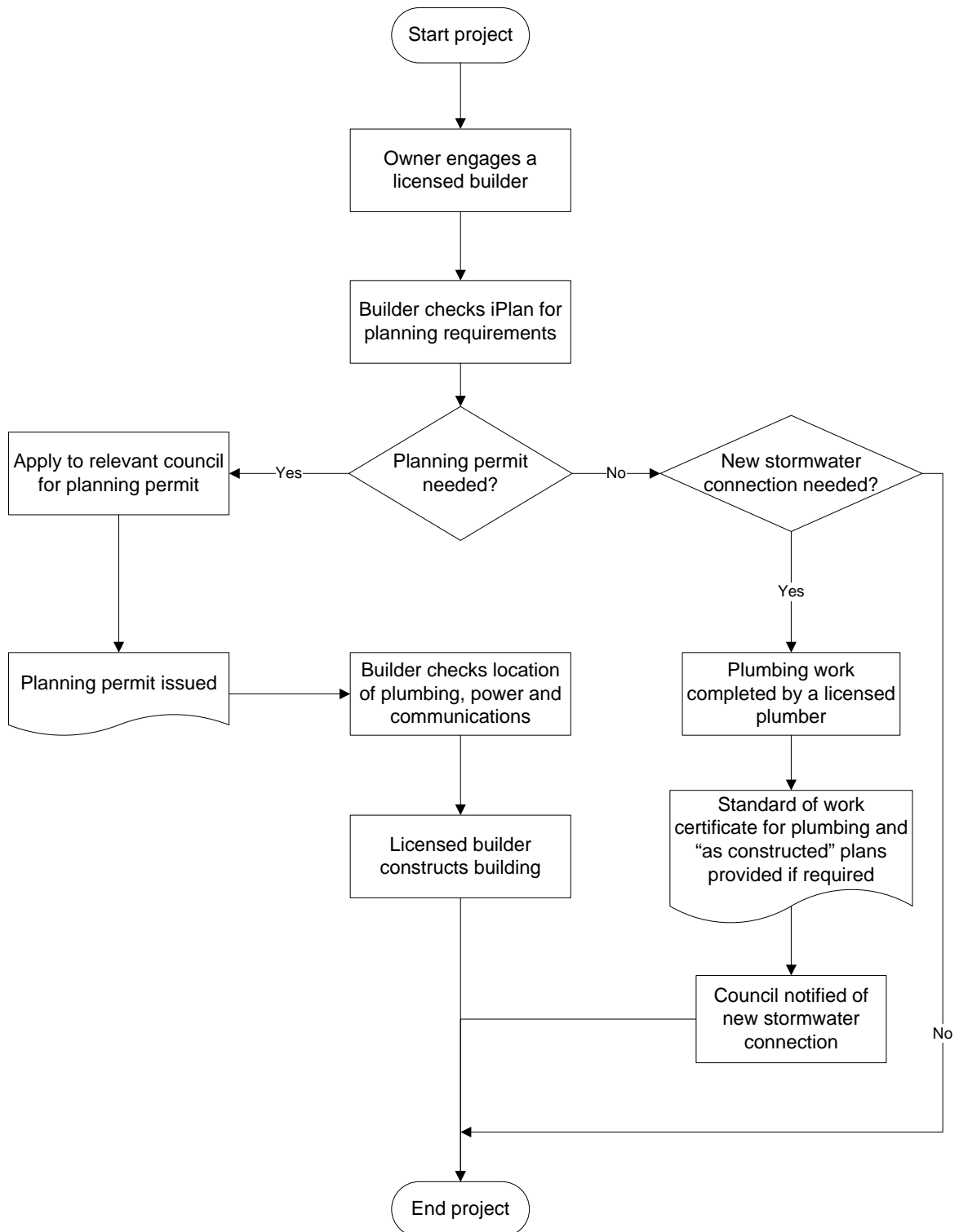
For example, if you're building or erecting a shed or carport, there may be significant run off which can create a nuisance for neighbours.

It's also your responsibility as a licensed builder to ensure you're not in breach of the *Building Act* by building over sewers, drains or onsite wastewater management systems.

When undertaking plumbing work you must ensure that the work does not interfere with the essential building services of the building – see Part 7 of the Building Regulations.

Here's the process you should follow:

## Low Risk Building Work - Outbuildings



## Owner builders

The rules have changed slightly for Owner Builders under the *Building Act 2016*.

To be an owner builder, an applicant must satisfy the following criteria:

- 

An owner builder needs to reapply for owner builder status for each separate project they do.

A project may be building a house, or extending an existing dwelling.

A person who wants to be an owner builder should apply to Licensing

An owner builder must also apply for a building permit for each project they undertake.

This is regardless of the risk category which would be applied to the work if it was undertaken by a licensed builder.

All work undertaken by an owner builder is automatically permit building work.

<i>See Building Act 2016</i>		
<i>See Occupational Licensing Act 2005</i>		
<i>Building Regulations 2016</i>	Section 11	Change of parties involved in certain building work

## Plumbing work

There are three categories of plumbing work, based on the level of risk to public health and safety.

There are different approval processes for each category.

The Director of Building Control has issued a Determination showing the types of plumbing work that fall into each category.

All plumbing work in each of these categories must be carried out by a licensed plumber.

There is also work that may be performed by an owner. This covers mainly minor repairs and maintenance. This work does not need a permit or to be carried out by a licensed plumber.

You should make yourself familiar with what is in each category of work.

From time to time the Director may update the Determination so make sure you're looking at the current version which will be available on the Building Standard's website at <http://www.justice.tas.gov.au/building/regulation>.

The person performing plumbing work is responsible for ensuring that the work does not interfere with any easements of network utility operator's stormwater drainage systems, unless written consent has been obtained. Penalties apply for failure to comply with these provisions in the *Building Regulations 2016* (Sections 42 and 43).

See TasWater – when do you need a Certificate? on page 73.

## Permit plumbing work

High risk plumbing work requires a permit issued by the permit authority under a similar process to the one required by the *Building Act 2000*.

Work in this category is referred to as '**Permit Plumbing Work**'.

This category includes all work that would have previously required a Special Plumbing Permit and has a much more rigorous inspection regime than other categories of plumbing.

The permit process for this type of work has been separated into two stages:

1. Permission to install/carry out the plumbing work
2. Requirements for maintaining the installation.

Under a Special Plumbing Permit, the maintenance requirements were included as part of the Permit, but these requirements continue as an obligation for the owner – and future owners – once the permit work has been completed so are now separated from the permit process.

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.

If you are installing an on-site wastewater management system or a greywater reuse, recycling or diversion system, the Permit Authority must inspect the work at each mandatory notification stage.

For other high risk plumbing work, the permit authority *may* inspect the work. This decision will be based on a number of factors, including the practitioner's level of experience and track record of compliance.

Permit plumbing work includes:

- All performance solutions
- Above ground sanitary systems (multi-story, commercial and residential)

- Below ground drainage
- Testable backflow prevention devices
- On-site Wastewater Management Systems
- Connections to trade waste installations
- Wet wells or pump out toilets
- Work in high risk locations
- Roof plumbing that is not notifiable or low risk work
- Fire Services that are not notifiable or low risk such as new hose reels, hydrants, or water supply services

## Notifiable plumbing work

Medium risk 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”**.

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

Notifiable plumbing work includes:

- Sanitary plumbing for new houses
- New hot and cold water reticulation
- Large scale commercial irrigation

## Low risk plumbing work

Some work relating to plumbing is considered to be so low risk that it can safely be undertaken by an owner or other competent person.

This might include:

- Changing taps and washers
- Replacing a shower head or water filter cartridge with the same type of unit
- Replacement of a water tank with a similar model using existing pumps and pipe work

Most low risk plumbing work though should be carried out by a licensed plumber but it doesn't need a plumbing permit.

For example:

- Installing a water tank
- Bathroom or kitchen renovations
- Unblocking drains
- Repairs to plumbing installations

In some cases it's important for the Council to know that the work has been carried out. So even though no permit is required, there is a category of low risk plumbing work that will require the plumber to notify to the Council on completion.

For example

- Installing a hot water cylinder in a new location
- Repairs to sewerage pipes
- New stormwater for residential buildings

<i>Director's Determination</i>		Categories of Plumbing Work
<i>Building Regulations 2016</i>	Section 18 (2)	Mandatory notification stages

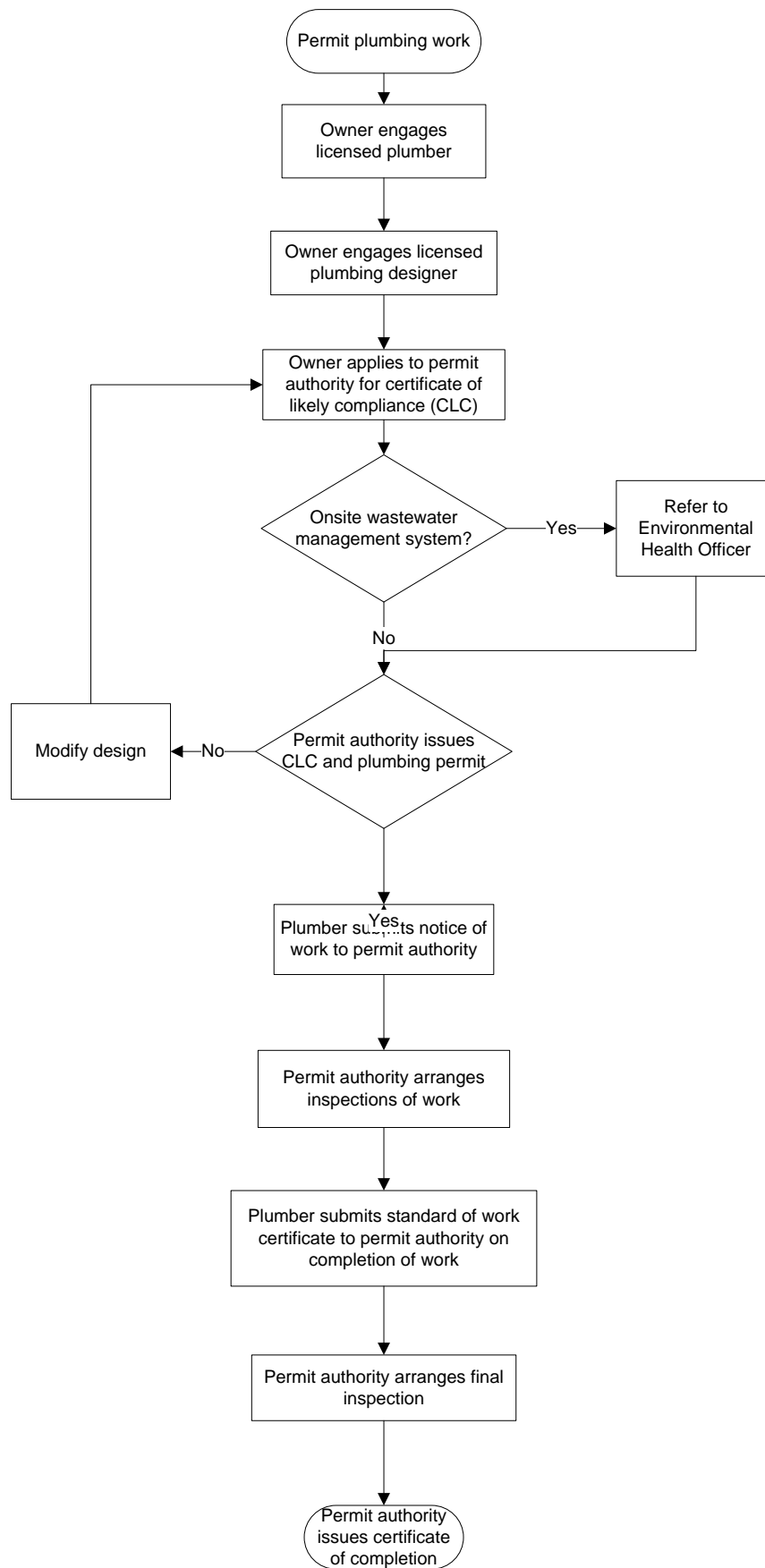


## Permit plumbing work

For high risk plumbing work, the following process applies:

1. Owner engages a licensed plumber.
2. Owner engages a qualified plumbing designer.
3. Plumber or owner applies to the permit authority (plumbing) for a Certificate of Likely Compliance and submits the proposed design. If the project also involves other plumbing work which is notifiable this work will be assessed with the plumbing permit work.
4. If the application is for an on-site wastewater management system, the application is referred to the Environmental Health Officer or other reporting authority as appropriate.
5. Permit authority (plumbing) issues a Certificate of Likely Compliance (permit plumbing work) within 21 days, and a plumbing permit which lists the mandatory notification stages.
6. Plumber notifies the permit authority before commencing work (notice of work).
7. The permit authority may notify the responsible person that work is not to commence if the permit authority is not satisfied that all the necessary steps have been taken, but this must be done within 5 business days before the work commences (see *Building Regulations 2016* Section 35)
8. Permit authority refers to 'plumbing inspection guidelines' to determine inspection requirements for the plumbing work.
9. Plumber performs the work and notifies the permit authority within 2 days before completion of each mandatory notification stage of the work.
10. Permit authority may arrange inspection of the work, but if it is to be inspected (refer to inspection guidelines), it must be inspected within one day of completion of work.
11. The permit authority may issue directions to the plumber if work is not compliant. Verbal directions must be confirmed in writing within 2 business days.
12. Plumber submits to the permit authority, within 5 business days of completion of work, a Standard of Work certificate and an 'as constructed' drawing if the work differs from the planned design.
13. Plumbing surveyor inspects the work.
14. Permit authority (plumbing) issues a Certificate of Completion.

## Flowchart of permit plumbing work process



## Application for certificate of likely compliance (permit plumbing work)

Before starting work the owner – or the plumber engaged by the owner – must apply to the permit authority (plumbing) for a Certificate of Likely Compliance. This is confirmation that the proposed work is likely to comply with legislation and standards.

When the permit authority (plumbing) receives an application for a certificate of likely compliance, you should consider the following:

- Does the work require a permit?
- Has all the necessary information (specified in schedule 2 of the Director's Specified list) been received within the specified time period?

You can assess the Certificate of Likely Compliance application and application for a permit at the same time.

## Determining the application for a certificate of likely compliance (permit plumbing work)

Once the permit authority (plumbing) has received a valid and complete application for a certificate of likely compliance, you should consider these matters in order to determine the application:

- Do you need a report from any of the reporting authorities?
- Have any such reports been received in the prescribed period?
- Is there anything in the report that you intend to implement?
- If you do intend to grant the application, but not implement all of the report, you must notify the reporting authority
- Are the plumber and plumbing designer appropriately qualified to design the proposed plumbing works?
- Are there any potential impacts on TasWater and Council infrastructure? (see TasWater – when do you need a Certificate? on page 73)
- Is the work being carried out in a high hazard area and is defined as 'significant works' under the *Building Regulations 2016*?
- What mandatory notification stages are required for the proposed works?
- Have ongoing operation and maintenance requirements been provided, if appropriate?
- Does the maintenance of any plumbing installations need to be included in the schedule of maintenance? (section 206)
- Are there any other relevant requirements of the Act or of a permit, consent or authority currently in force regarding the premises where the work is to be performed?

See <i>Building Act 2016</i>	Section 156	Application for certificate of likely compliance (permit plumbing work)
See <i>Building Act 2016</i>	Section 158	Determining application for certificate of likely compliance (permit plumbing work)

## Refusing the application for a certificate of likely compliance (permit plumbing work)

You must refuse the application if the permit plumbing work is not likely to comply with the Act or Regulations.

You must notify the applicant in writing, including the reasons for the refusal.

You must also inform the applicant of their right to appeal your decision.

See <i>Building Act 2016</i>	Section 159	Refusing application for certificate of likely compliance (permit plumbing work)
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## Granting the application for a certificate of likely compliance (permit plumbing work)

If you are satisfied that the plumbing work is likely to comply with the Act and the National Construction Code you should grant the application, within the prescribed period.

You may grant the application subject to any conditions you think appropriate.

You issue a certificate of likely compliance (permit plumbing work) to:

- the applicant
- the owner of the premises where the work is to be performed (if not the applicant)

See <i>Building Act 2016</i>	Section 160	Granting application for certificate of likely compliance (permit plumbing work)
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## Duration of certificate of likely compliance (permit plumbing work)

The certificate of likely compliance is valid for 12 months.

An application for a plumbing permit must be accompanied by a valid certificate of likely compliance (permit plumbing work).

See <i>Building Act 2016</i>	Section 161	Duration of certificate of likely compliance (permit plumbing work)
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## Changing the certificate of likely compliance (permit plumbing work)

The permit authority who issued the certificate of likely compliance (permit plumbing work) can take the following actions:

- renew the certificate if it has expired (this may attract a new application fee)
- vary the certificate (either before a plumbing permit is issued, as part of the application for a plumbing permit, or as part of the plumbing permit)
- revoke the certificate (if the permit authority believes the certificate has been obtained by fraud, misrepresentation or omission of fact).

See <i>Building Act 2016</i>	Section 162-163	Variation or revocation of certificate of likely compliance (permit plumbing work)
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## Applying for a Plumbing Permit

Once a Certificate of Likely Compliance has been granted, an owner or authorised person on behalf of the owner may apply for a plumbing permit.

The following information must be supplied with the application:

- The previously granted Certificate of Likely Compliance
- A plumbing design prepared in accordance with Schedule 1 of the Director's Specified List and accompanied by other specified documents
- If the application is for an alternative performance solution a letter from the owner must be provided stating that the owner of the building and owner of plumbing infrastructure is aware that the work involves an alternative performance solution
- Any fee payable in respect of the application

See <i>Building Act 2016</i>	Section 165-166	Application for a plumbing permit Additional application requirements for alternative performance solutions
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## Determining a Plumbing Permit application

A Permit Authority may make enquires and contact other people for information in relation to the application and ask the applicant for further information in relation the proposed plumbing work.

If the work involves a performance solution the Permit Authority may request information relating to the design and suitability of the proposed performance solution. Further assessments and the details of the qualifications of the person who has undertaken the assessment may also be requested.

The following matters may also require consideration:

- Has a Certificate of Likely Compliance been provided?
- Does the application comply with the *Building Act 2016* and *Building Regulations 2016*?
- If this is an application for an Onsite Wastewater Management System, has the Environmental Health Officer (EHO) consented to the permit being issued?
- Have any conditions from TasWater been considered?
- If the work is in a hazard area and is regarded as 'significant works' under the *Building Regulations 2016*, have expert reports been considered?
- Are there any **relevant** planning permit conditions? An example may be a planning condition that requires stormwater treatment before discharge, which is not included on the plumbing design.
- Is the information supplied in the plumbing application consistent with the plans provided with the building application or notifiable work? In some situation variation to building design may occur after the plumbing work has been designed

See <i>Building Act 2016</i>	Section 167	Determining an application for a plumbing permit
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## Refusing a plumbing permit

A Permit Authority may refuse a permit in reasonable circumstances such as:

- if the application is for an on-site wastewater management system and the Environmental Health Office hasn't consented to the issue of the permit
- The plumbing design does not comply with the *Building Act 2016*
- There is not sufficient or suitable protection works provided
- The responsible person for the work (plumber) is not appropriately qualified to perform the work

If an application is refused the Permit Authority must provide reasons in writing and make the applicant aware of their appeal rights.

See <i>Building Act 2016</i>	Section 168	Refusal of application for a plumbing permit
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## Granting a Plumbing Permit

A plumbing permit may be granted if the proposed plumbing work complies with the *Building Act 2016*. The permit may include relevant permit conditions.

The Permit Authority must send a copy of the plumbing permit to all of the following:

- Applicant
- Owner of the premises where the work is to be performed
- The plumber or plumbers named in the permit
- Any other prescribed person

A plumbing permit may allow the work to be divided into stages.

## Conditions on a plumbing permit

Permit conditions may:

- include conditions from a document submitted with the application
- include any reasonable and relevant condition
- include any condition the Permit Authority considers appropriate which relates to plumbing work
- include conditions relating to defined levels in flood hazardous areas

The Permit Authority must not impose conditions on a permit which:

- modify the plans or specifications unless the designer consents to the modification;
- impose a high standard than the NCC; or
- are inconsistent with the plumbing CLC

A Permit Authority may revoke, add or vary a condition if:

- it relates to a specific aspect of plumbing work which has not yet been completed
- it relates generally to plumbing work being undertaken, before it is completed

However the condition does not take effect until owner and plumber have been notified.

Section 9 of the Building Act prohibits plumbing technical requirements relating to design or construction to be included in an Act or by-law without the approval of the minister.

A planning permit condition which includes plumbing technical design requirements is not valid unless approved by the minister

<i>See Building Act 2016</i>	Section 169	Granting of application for plumbing permit
<i>See Building Act 2016</i>	Section 171	Form of plumbing permit
<i>See Building Act 2016</i>	Section 171	Conditions on a plumbing permit
<i>Building Regulations 2016</i>	Section 40	Defined levels in flood hazardous areas

## Duration of plumbing permit

A permit expires when one of the following occurs:

- The period specified in the permit expires
- 12 months after being issued if work has not commenced
- 2 years after being issued if not extended
- When a certificate of completion has been issued.

There may also be requirements which relate to the ongoing use, management and maintenance of a plumbing installation. These previously formed part of a “Special Plumbing Permit” as conditions on that permit.

These are now handled separately from the permit as ongoing obligations for the owner of the installation.

The Permit Authority may extend a permit if requested.

<i>See Building Act 2016</i>	Section 172	Duration of a plumbing permit
	Section 173	Extension of duration of plumbing permit

## Carrying out permit plumbing work

Once a plumbing permit has been granted, the responsible person must submit a start-work notification to the permit authority before starting work.

The permit authority may notify the responsible person in writing that work is not to commence if they are not satisfied that all the necessary requirements of the Act have been met.

Permit plumbing work must be completed in accordance with the permit, however the Permit Authority may consent to the permit being varied before the work has commenced.

A plumber is responsible for the plumbing work that they have installed and for ensuring the work has been installed in accordance with the Act, permit or Certificate of Likely Compliance.

Particular attention is required when completing high risk plumbing work such as an on-site wastewater management system, as soil conditions may be variable and circumstances associated with the building project may change. It is particularly important that the plumber verifies that the on-site wastewater management system will fit where designed and that the site and soil conditions which the design is based on are consistent with the site and soil conditions where the system will be installed.

The plumber should carefully check that the drainage design for sewerage and stormwater specified in the permit or Certificate of Likely Compliance can be installed.

<i>See Building Act 2016</i>	Section 174	Permit plumbing work must be performed in accordance with the plumbing permit
<i>Building Regulations 2016</i>	Section 35	Start-work notifications for permit plumbing work

## Inspection of permit plumbing work

The plumber must ensure that he or she contacts the Permit Authority at every mandatory notification stage specified on a plumbing permit or Certificate of Likely Compliance and must not proceed with the work until the inspection has been carried out or the Permit Authority authorises that work may continue.

There are some types of high risk plumbing work that *must* be inspected by the Permit Authority, such as on-site wastewater management systems and greywater systems.

Permit Authorities must inspect a high proportion of other high risk plumbing work and will be audited on the number and type of inspections as part of the Permit Authority's performance criteria.

The Director has issued Guidelines for Inspecting Plumbing Work that will help you assess which jobs have the highest level of risk, for example those being carried out by inexperienced practitioners, or practitioners with a history of non-compliance, or those jobs that are complex or being carried out in hazardous areas.

If the Permit Authority identifies work that has been completed that does not comply with the permit or the *Building Act 2016*, they may issue an inspection direction to rectify the non-compliant work. If this is a verbal direction, it must be confirmed within 2 days.

The responsible person for the work must provide assistance to a building surveyor or permit authority to undertake inspections, by ensuring the equipment, materials, power and labour required are available.



See <i>Building Act 2016</i>	Section 175	Inspection of plumbing permit work
<i>Building Regulations 2016</i>	Section 20	Inspection Directions
<i>Building Regulations 2016</i>	Section 84	Assistance for inspections
See Director's Guidelines for Plumbing Inspections		

## Completing permit plumbing work

When the permit plumbing work has been completed in accordance with the permit and design, the plumber must provide the owner and Permit Authority with a standard of work certificate (plumbing permit work) and an 'as constructed' drainage plan if the differs from the original plan.

The plumber or owner/agent can then apply to the permit authority for a Certificate of Completion.

If the permit authority is satisfied that the work has been completed in accordance with the Act, they may issue a Certificate of Completion.

See <i>Building Act 2016</i>	Section 177	Standard of work certificate (permit plumbing work)
	Section 178	Certificate of completion (permit plumbing work)

## Operation and maintenance of plumbing installations

Particular plumbing installations require on-going maintenance by plumbers or other competent persons. The Director's Determination for Accreditation and Maintenance of Plumbing Installations details the required and recommended maintenance of plumbing installations such as:

- On-site wastewater management systems
- Backflow prevention devices
- Thermostatic mixing valves

The *Building Regulations 2016* require the owner to maintain particular plumbing essential building services a permit authority may place additional maintenance requirements. Restrictions apply to who may undertake particular maintenance work. If an owner fails to complete required maintenance a permit authority may complete the work at the owner's expense.

Some building projects such as a house which has mostly notifiable plumbing work may in addition require a plumbing permit for an on-site wastewater management system. In these situations it is not necessary to lodge multiple application forms as was previously the case.

<i>Building Regulations 2016</i>	Section 38	Operation of on-site wastewater management systems
<i>Building Regulations 2016</i>	Section 39	Operation of plumbing installations

# Summary of permit plumbing work roles

## Owner – permit plumbing work

- Engages a licensed plumber
- Engages an accredited plumbing designer to produce plumbing plan
- Applies to the Permit Authority for a certificate of likely compliance (permit plumbing work)
- Applies for plumbing permit through plumber
- Operates and maintains an on-site wastewater management system in accordance with the manufacturer's instructions

## Plumbing surveyor – permit plumbing work

- Inspects plumbing work

## Permit authority (plumbing) – permit plumbing work

- Collects fees
- Issues certificate of likely compliance
- Issues plumbing permit
- Issues start work authorisation
- Files documentation
- Arranges inspection of work at mandatory inspection stages
- Issues inspection directions, orders and notices as required
- Issues final inspection certificate
- Issues certificate of completion
- Maintain register of on-site backflow prevention devices and testable backflow prevention devices authorised under a plumbing permit.

## **Plumber – permit plumbing work**

- Notifies Permit Authority at mandatory inspection points
- Requests final inspection by Permit Authority
- Provides Standard of Work certificate to owner and Permit Authority
- Provides an 'as constructed drainage plan' to the owner and Permit Authority
- For an on-site wastewater management system (OWMS), ensures that the site and soil conditions described in the plumbing permit are consistent with the conditions where the OWMS is being installed, if not consults the designer for advice.
- Must not perform plumbing work over or within a service easement unless written consent to do so has been obtained.
- Must not perform plumbing work which affects a network utility operator's stormwater drainage system unless written consent to do so has been obtained.

## Notifiable plumbing work

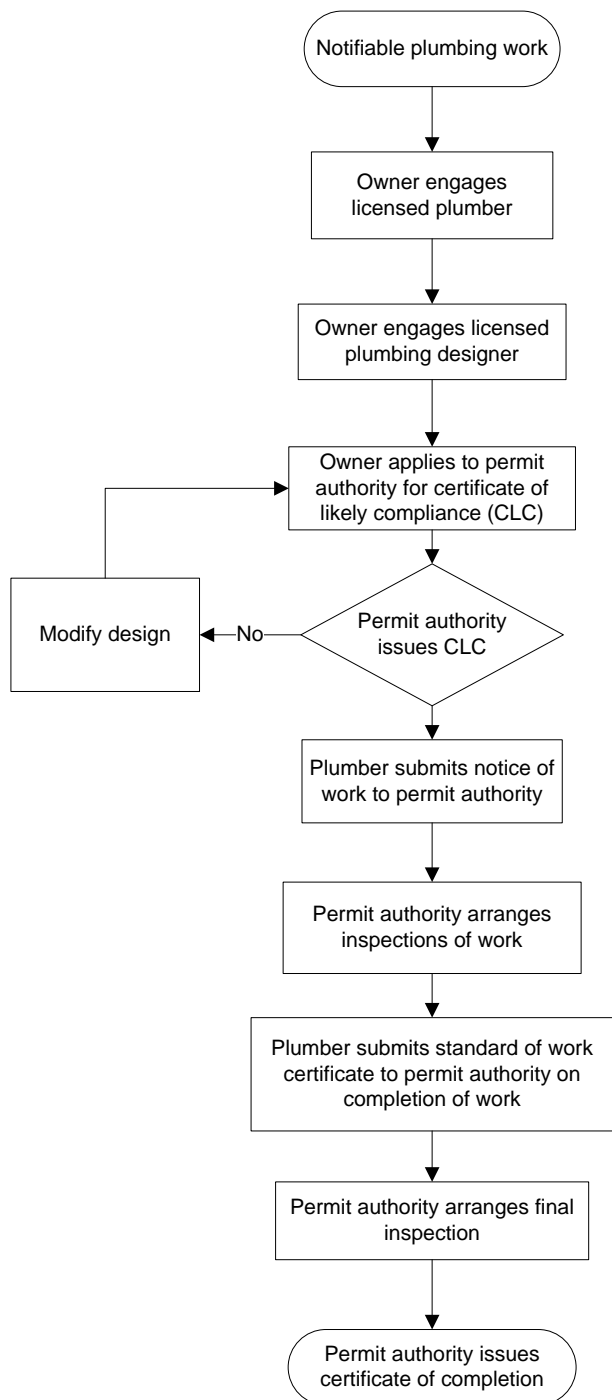
Notifiable plumbing work is medium risk work that does not require a plumbing permit, but still requires regulatory oversight by a plumbing surveyor.

Notifiable plumbing work must be designed by a licensed designer and carried out by a licensed plumber.

For notifiable plumbing work, the following process applies:

1. Owner engages a licensed plumber.
2. Owner engages a qualified plumbing designer.
3. Plumber or owner submits the proposed design to the permit authority (plumbing).
4. Permit authority (plumbing) issues a certificate of likely compliance (with consideration for the prescribed matters listed in Section 33 of the *building Regulations 2016*).
5. The permit authority lists the mandatory notification stages.
6. Plumber submits a Notice of Work to the permit authority before commencing work.
7. Permit authority refers to 'plumbing inspection guidelines' to determine inspection requirements for the plumbing work.
8. Plumber performs the work.
9. Plumber submits a Standard of Work certificate and 'as constructed' drawings if required.
10. Plumbing surveyor inspects the work.
11. Permit authority (plumbing) issues a Certificate of Completion.

## Flowchart of notifiable plumbing work process



## Before starting notifiable plumbing work

Before starting any work, the plumber must submit a **notice of work** to the permit authority detailing the proposed plumbing work, along with any specified documentation.

The notice of work must contain:

- (a) the address of the premises where the notifiable plumbing work is proposed to be performed;
- (b) the name, licence number and contact details of each person to be performing the notifiable plumbing work;
- (c) if the performance of the proposed notifiable plumbing work is the subject of a contract, the contract price of the work;
- (d) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation for the proposed notifiable plumbing work;
- (e) details of the design of the notifiable plumbing work and associated plans;
- (f) all relevant documents relied upon by the designer of the work;
- (g) any certificates issued under the Act in respect of the proposed notifiable plumbing work or in respect of an item or system to be used in the proposed notifiable plumbing work;
- (h) the proposed date on which the notifiable plumbing work is to be commenced;
- (i) the protection work performed, or to be performed, in respect of the notifiable plumbing work;
- (j) details of any payment made, or to be made, under the Building and Construction Industry Training Fund Act 1990 in respect of the proposed notifiable plumbing work;
- (k) details of any certificate issued in respect of the proposed notifiable plumbing work under section 56TC of the Water and Sewerage Industry Act 2008;
- (l) if applicable, evidence that the requirements of other relevant Acts have been complied with in respect of the work.

The permit authority will then consider:

- whether the work is correctly classified as “notifiable”
- whether appropriate protection work has been – or is about to be – performed
- whether sufficient documentation is provided, including the proposed design
- whether the work is in a hazard area
- whether the work impacts on an existing Onsite Wastewater Management System.

If the plumbing design complies with the *Building Act 2016* the permit authority will issue a Certificate of Likely Compliance (Notifiable Plumbing) and give authorisation to start work. This authorisation will include a unique authorisation number for the work.

The Certificate of Likely Compliance will specify the stages of the work at which plumber must contact the permit authority for an inspection or authorisation to proceed.

If the permit authority refuses the application for a Certificate of Likely Compliance, they must notify the applicant writing, including the reasons for the refusal.

The permit authority must also inform the applicant of their right to appeal the decision.

See <i>Building Act 2016</i>	Section 106	Requirements for notifiable plumbing work
<i>Building Act 2016</i>	Section 107	Notification before performing notifiable plumbing work
<i>Building Act 2016</i>	Section 108	Notice of work
<i>Building Act 2016</i>	Section 109	Certificate of likely compliance (notifiable plumbing work)
<i>Building Regulations 2016</i>	Section 33	Certificates of likely compliance (notifiable plumbing work)
<i>Building Regulations 2016</i>	Section 34	Notices of work for notifiable plumbing work

## Performing notifiable plumbing work

The plumber must ensure that the work is completed in accordance with the Certificate of Likely Compliance and the *Building Act 2016*.

If there is a change of plumber during the course of the project, or the work to be performed is materially different from what was originally specified, a new Notice of Work must be provided to the permit authority.

See <i>Building Act 2016</i>	Section 110	Performing notifiable plumbing work
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## Inspection of notifiable plumbing work

The plumber must ensure that he/she contacts the permit authority at every mandatory notification stage specified on the Certificate of Likely Compliance and must not proceed with the work until the inspection has been carried out or the permit authority authorises work may continue.

The Director has issued Guidelines for Inspecting Plumbing Work that will help the permit authority assess which jobs have the highest level of risk, for example those being carried out by inexperienced practitioners, or practitioners with a history of non-compliance. The permit authority should aim to inspect a significant proportion of these jobs.

Even low risk and medium risk plumbing should be inspected from time to time and the Director's Guidelines will help you work out the best way of ensuring that a representative sample of work is inspected, including different types of work, and different practitioners.

If the permit authority identifies work that has been completed that does not comply with the Certificate of Likely Compliance or the *Building Act 2016* an inspection direction to rectify the non-compliant work. This can either be an oral direction or in writing. If it is oral it must be confirmed in writing within 2 business days.

The responsible person for the work must provide assistance to a building surveyor or permit authority to undertake inspections, by ensuring the equipment, materials, power and labour required are available.

See <i>Building Act 2016</i>	Section 111	Inspection of Notifiable plumbing work
See Director's Guideline		

for Plumbing Inspections		
<i>Building Regulations 2016</i>	Section 20	Inspection Directions
<i>Building Regulations 2016</i>	Section 84	Assistance for inspections

## Completing notifiable plumbing work

The plumber must ensure that the plumbing work is available to be inspected at the time agreed with the permit authority unless it is unreasonable in the circumstances. The plumber or other qualified person must be on-site when the work is inspected.

When the work is finished, the plumber must, within 5 business days, provide the owner and permit authority with a standard of work certificate (notifiable plumbing work) and an 'as constructed' drainage plan if appropriate. The plumber can then apply to the permit authority for a Certificate of Completion.

A standard of work certificate is not a form a self-certification. It is still the responsibility of the permit authority (plumbing) to inspect the work to ensure it is compliant.

It is not expected that all notifiable plumbing work will be inspected, but councils should aim to inspect a representative sample of work, particularly work performed by less experienced practitioners, or those with a significant history of non-compliant work.

A guide is available for councils to assist in determining which type of jobs and which practitioners should be inspected.

If the permit authority is satisfied that the work has been completed in accordance with the Act, they may issue a Certificate of Completion.

<i>See Building Act 2016</i>	Section 112	Completion of notifiable plumbing work
<i>See Building Act 2016</i>	Section 113	Standard of work (notifiable plumbing work)



# Summary of notifiable plumbing roles

## Owner

- Engages licensed plumber
- Engages an accredited designer to prepare a plumbing plan
- Applies to the Permit Authority for a certificate of likely compliance – plumbing

## Plumbing Surveyor

- Inspects plumbing work

## Permit Authority

- Collects fees
- Issues certificate of likely compliance
- Issues start work authorisation
- Files documentation
- Issues inspection directions, orders and notices as required
- Issues final inspection certificate
- Issues certificate of completion

## Plumber

- Submits a Notice of Work to permit authority
- Notifies Permit Authority at inspection points
- Requests final inspection by permit authority
- Provides Standard of Work certificate to permit authority and owner
- Provides an 'as constructed drainage plan' to the owner and permit authority
- Must not perform plumbing work over or within a service easement unless written consent to do so has been obtained.
- Must not perform plumbing work which affects a network utility operator's stormwater drainage system unless written consent to do so has been obtained.

## Low risk plumbing work

Low risk plumbing work requires no authorisation to commence work; however most low risk work must be completed by a licensed plumber apart from minor repair and maintenance work which may be completed by an owner or competent person.

There are three categories of low risk plumbing work:

- Work that can be carried out by the owner or a competent person;
- Work that must be done by a licensed plumber; and
- Work that must be done by a licensed plumber who must notify the permit authority when the work is completed.

Low risk work completed by an owner is restricted to more straight forward maintenance tasks such as like-for-like replacement of taps and washers.

Some maintenance work such as the pumping out of septic tanks or grease traps may be completed by a competent person such as septic tank pumping contractor rather than a plumber. It is not appropriate for an owner to perform this work as there are particular public health and environmental risks associated with the collection, transportation and disposal of this type of waste.

More complicated maintenance and repair work or like-for-like replacement of larger plumbing installations such as hot water cylinders must be completed by a plumber. Where plumbing already exists and modifications are required such as renovation of a bathroom, laundry and kitchen where the work remains in the same room a plumber can do this work without obtaining any authorisation from the permit authority.

See the Director's Determination of Plumbing Risk Categories for more details.

The quality of a plumber's work may be audited by occupational licensing inspectors or if complaints of defective work are reported.

Some new work such as stormwater for dwelling may be installed by a plumber with only notification to the permit authority occurring after it is completed. The permit authority may routinely audit this type of work and the plumber should provide an 'as constructed' drawing if appropriate.

The servicing and maintenance of high risk plumbing installations such as servicing of backflow prevention devices or thermostatic valves require notification to the permit authority to ensure that the permit authority register of these devices is kept up-to-date (see *Building Regulations 2016* Section 41)

For low risk work that requires notification to the permit authority, in accordance with Section 32 of the *Building Regulations 2016* you should provide the following information within 5 business days:

- (a) the name of the owner of the premises, and the address of the premises, where the work was performed;
- (b) the licensed plumber who performed the work;
- (c) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation, or performance, of the low-risk plumbing work;
- (d) evidence that the licensed plumber who performed the work has certified that it complies with all relevant Acts, the National Construction Code and other relevant codes and standards;
- (e) as-constructed plans of the work if specified as being necessary in the circumstances.

There is a penalty associated with failing to provide this information.

All plumbing work must be done in accordance with the *Building Act 2016*.

A plumber undertaking low risk work that requires notification to the permit authority after it is completed must do so within 5 business days of the work finishing. The permit authority may inspect this work, but there will be fewer inspections of this type of work than for notifiable or high risk work.

The Director has provided a Guideline for inspections which will assist the permit authority in determining how often low risk plumbing work should be inspected, based on the type of work, the experience of the plumber and any history of non-compliance.

See <i>Building Regulations 2016</i>	Section 32	Completion of certain low-risk plumbing work
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# Summary of low risk plumbing roles

## Owner

- Performs very low risk maintenance and repairs or engages competent person
- Engages a licensed plumber to carry out the work where required

## Plumber

- Carries out work in accordance with the *Building Act 2016* and Plumbing Code of Australia.
- Notifies the permit authority when required and provides 'as constructed' drawings and standard of work certificate.
- Must not perform plumbing work over or within a service easement unless written consent to do so has been obtained.
- Must not perform plumbing work which affects a network utility operator's stormwater drainage system unless written consent to do so has been obtained.
- Notifies permit authority if required for certain types of work

## Permit Authority (plumbing)

- Takes enforcement action against an owner or responsible person if low risk plumbing work (Category 2) is completed by anyone other than a licensed plumber
- Carries out routine inspections of post notifiable work (Category 2B) as required.
- Records details of any low risk work notified

## TasWater – when do you need a Certificate?

TasWater will provide a Certificate of Certifiable Works (CCW) for any work that is likely to interfere with their infrastructure.

Here is a simple checklist you can complete to determine whether your proposed plumbing or building project includes Certifiable Works.

If the proposed project does not include any certifiable works, you do not need any approval from TasWater to proceed.

This differs from the process employed by some councils of sending all proposed works to TasWater to be granted an exemption.

You now only need to contact TasWater if your proposed works falls into the Certifiable Works category.

<b>1. I confirm that the proposed works are not Certifiable Works by virtue that <u>ALL</u> the following are satisfied:</b>	
The works will not increase the demand for water supplied by TasWater	<input type="checkbox"/>
The works will not increase or decrease the amount of sewage or toxins that is to be removed by, or discharged into, TasWater's sewerage infrastructure	<input type="checkbox"/>
The works will not require a new connection, or a modification to an existing connection, to be made to TasWater's infrastructure	<input type="checkbox"/>
The works will not damage or interfere with TasWater's works	<input type="checkbox"/>
The works will not adversely affect TasWater's operations	<input type="checkbox"/>
Are not within 2m of TasWater's infrastructure and are outside any TasWater easement	<input type="checkbox"/>
I have checked the LISTMap to confirm the location of TasWater infrastructure	<input type="checkbox"/>
A water meter is in place, or has been applied for to TasWater, for the subject property	<input type="checkbox"/>

## Demolition work

Like building and plumbing work, demolition work is categorised according to risk. Under the *Building Act 2000*, demolition work was managed in the same way as building work and required a certificate to confirm work was likely to comply with the National Construction Code.

Under the *Building Act 2016*, demolition work is a separate category to building work with simpler processes but a greater focus on safe work practices.

Regulation 15 in the *Building Regulations 2016* lists the requirements for demolition performed as part of work.

### Low risk demolition work

Low risk demolition work, such as demolishing a small backyard shed, can be performed by an appropriately licensed practitioner. The permit authority has no role in overseeing or permitting low risk demolition work.

There is no requirement to engage a building surveyor.

### Notifiable demolition work

Medium risk demolition – such as the demolition of a residential dwelling or commercial building of less than three storeys – can be carried out by a licensed practitioner who holds a prescribed qualification for demolition, with oversight by a building surveyor. The council will be notified that the work is taking place, but does not need to issue a permit.

This is referred to a “notifiable demolition work”.

The following process applies:

- 1 Owner engages a licensed designer
- 2 Owner engages licenced building surveyor.
- 3 Owner engages a licensed demolisher (the responsible person)
- 4 Licensed demolisher gives building surveyor a notice of work
- 5 Building surveyor assesses the design for compliance
- 6 Building surveyor issues certificate of likely compliance (notifiable demolition work)
- 7 Building surveyor forwards copy of certificate of likely compliance to permit authority
- 8 Building surveyor inspects notifiable demolition work
- 9 The responsible person notifies the building surveyor when the work is complete
- 10 The responsible person provides the building surveyor and the owner with a standard of work certificate (notifiable demolition work) within 5 business days
- 11 Building surveyor issues certificate of completion (notifiable demolition work)
- 12 Building surveyor forwards a copy of certificate of completion to permit authority

Notifiable demolition work must be designed by a designer.

The building surveyor engaged for the work will collect all relevant documentation and if satisfied that the work is likely to comply with this Act, and all appropriate fees have been paid, may issue a

certificate of likely compliance (notifiable demolition work). A copy of this certificate must be forwarded to the permit authority within the specified period.

If the work is not completed within 2 years of the building surveyor authorising the work to start, written approval to continue will be required from the building surveyor.

If approval is granted, the building surveyor is to forward a copy to the permit authority.

After inspection of notifiable demolition work, the building surveyor may direct the responsible person to perform the work so that it complies with the certificate of likely compliance and the notice of work. Such a direction may be given verbally or in writing, but if given verbally it must be put in writing within 2 business days.

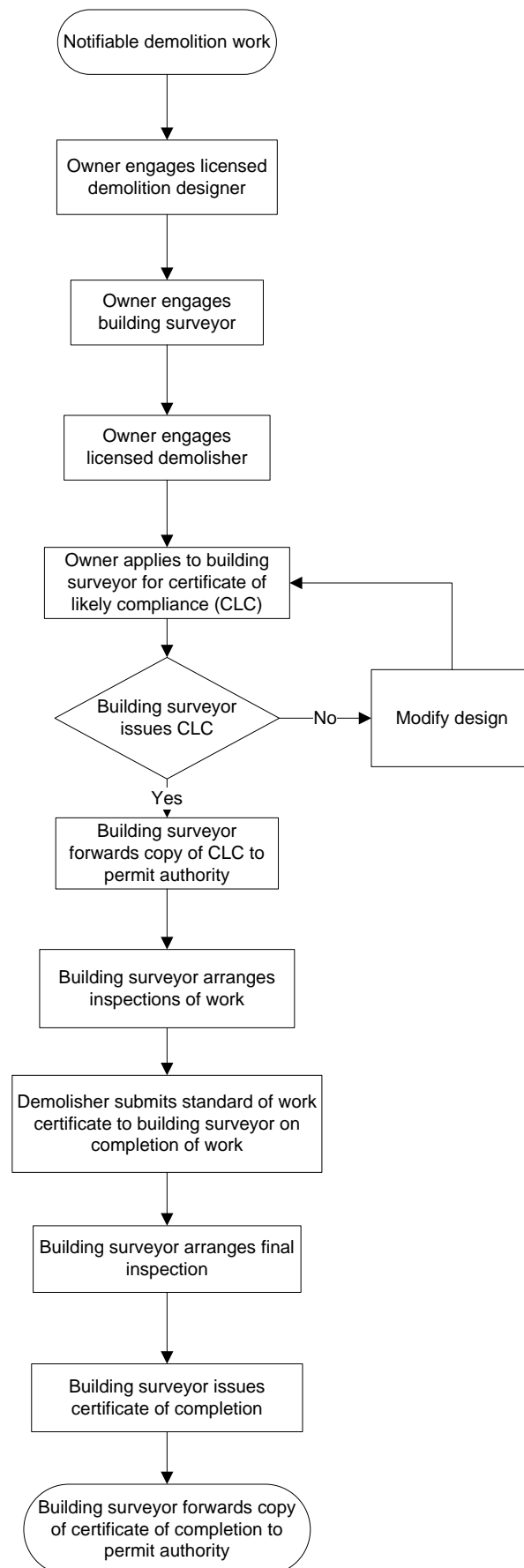
Demolition work cannot be classified as notifiable if any part of the work is:

- a) Building work other than demolition work; or
- b) Plumbing work; or
- c) Emergency work.

In any of these cases, the full permit process applies.

<i>See Building Act 2016</i>	Section 116-121	Notifiable demolition work
<i>Building Regulations 2016</i>	Regulation 15 Section 12	Requirements for demolition performed as part of work Standards of demolition
<i>Building Regulations 2016</i>	Section 45	Certificates of likely compliance (notifiable demolition work)
<i>Building Regulations 2016</i>	Section 46	Notices of work for notifiable demolition work

## Flowchart of notifiable demolition work approval process





# Summary of notifiable demolition work roles

## Owner – notifiable demolition work

- Engages licensed designer
- Engages building surveyor
- Applies for certificate of likely compliance from building surveyor
- Engages licensed demolisher

## Building surveyor – notifiable demolition work

- Issues certificate of likely compliance (notifiable demolition work)
- Forwards copy of certificate to permit authority
- Issues start work authorisation
- Inspects work
- Issues certificate of completion (notifiable demolition work)
- Notifies permit authority work has been completed and lodges required documentation

## Permit authority – notifiable demolition work

- Collects fees
- Files documentation

## Builder – notifiable demolition work

- Submits Start Work Notice to building surveyor
- Notifies building surveyor at inspection points
- Requests final inspection by building surveyor
- Provides Standard of Work certificate to building surveyor and owner

## Permit demolition work

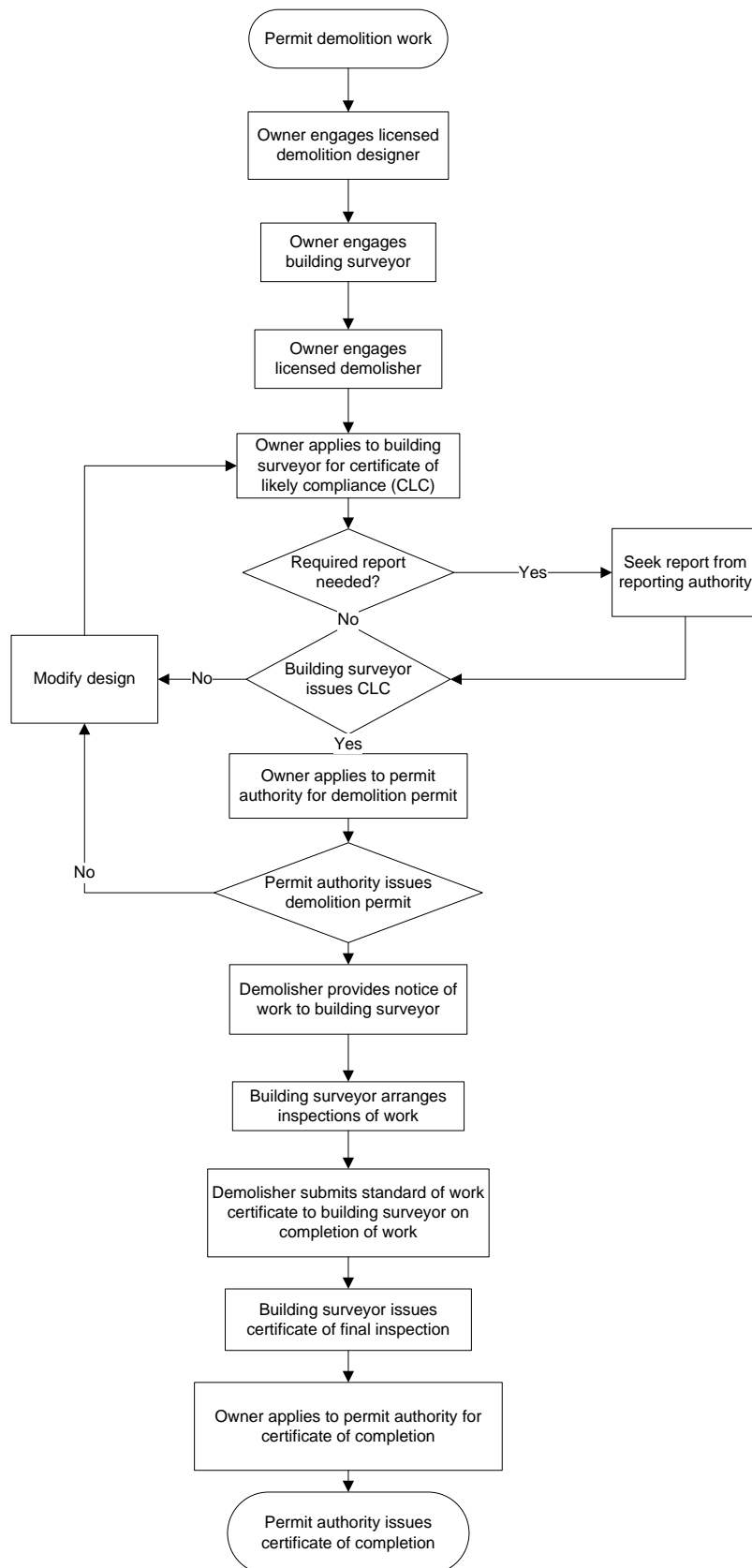
High risk demolition work – such as a multi-storey building, or one where neighbouring properties are likely to be affected – requires a demolition permit.

It must be designed by an appropriately licensed designer and carried out by a person who holds a prescribed qualification for this level of demolition. A building surveyor must inspect the work as required under the Act.

For permit demolition work, the following process applies:

1. Owner engages a licensed designer to prepare demolition plans.
2. Owner engages a licensed demolisher.
3. Owner engages a licensed building surveyor
4. Owner applies to building surveyor for a certificate of likely compliance with respect to the demolition plan.
5. Building surveyor may require more information including a required report from a reporting authority.
6. If building surveyor grants certificate of likely compliance, the owner may apply to the permit authority for a demolition permit.
7. If a demolition permit is granted, the demolisher provides a notice of work to the building surveyor prior to commencing the demolition.
8. The work may be inspected during demolition and at completion.
9. On completion of the work, the demolisher must provide a standard of work certificate to the building surveyor, and any as-constructed plans
10. The building surveyor may issue a certificate of final inspection.
11. The building surveyor provides copies of all relevant documentation to the permit authority.
12. The owner applies to the permit authority for a certificate of completion.

## Flowchart of permit demolition work approval process



## Applying for a demolition work permit

An owner of premises, or a person authorised in writing by an owner of premises, may apply to the permit authority for a demolition permit to perform permit demolition work or a stage of permit demolition work, in respect of those premises.

When the permit authority receives an application for a demolition permit, they should check that:

- The application refers to a premises in your jurisdiction
- It is accompanied by a certificate of likely compliance (permit demolition work) that has not expired or been revoked
- The building administration fee – or evidence of its payment – is included
- Any other fee payable is included
- Any required documentation determined by the Director of Building Control is included

## Determining an application for a demolition permit

Before determining the application for a demolition permit the permit authority may:

- Carry out inquiries
- Seek further information
- Take into account:
  - (a) the suitability of the premises where proposed permit demolition work is to be performed;
  - (b) whether the premises are in, or are, a hazardous area, including the stability of the site;
  - (c) whether, in the opinion of the permit authority, all appropriate protection work has been performed in respect of the work;
  - (d) the means of access to the premises, during and after the work, and the provision of water and sanitation to those premises;
  - (e) any relevant requirements of this Act or of a permit, consent or authority in force under any other Act in respect of those premises;
  - (f) any other matter that the Director of Building Control determines to be relevant to an application under this Subdivision;
  - (g) any other matter that the permit authority considers relevant.

## Refusing an application for a demolition permit

The permit authority may refuse an application for a demolition permit if they consider refusal to be reasonable in the circumstances.

The permit authority **must** refuse an application for a demolition permit if:

- (a) the proposed permit demolition work will not comply with this Act; or
- (b) all appropriate protection work has not been, or will not be, performed in respect of the work; or
- (c) the proposed permit demolition work will not be performed by persons qualified as required under section 179(a); or
- (d) the responsible person for the work does not meet the requirements of section 5.

If the permit authority refuses the application they must notify the applicant in writing and include the reason for the refusal.

## **Granting an application for a demolition permit**

If the permit authority grants the application, they must issue a demolition permit, within 21 days, to each of the following persons:

- (a) the applicant for the permit;
- (b) the owner of the premises where the permit demolition work is to be performed;
- (c) the building surveyor for the permit demolition work;
- (d) each licensed builder named on the permit, or his or her business entity;
- (e) each person prescribed for the purposes of this section.

## **Staged demolition permits**

If the application is for a staged permit, the permit authority can specify:

- how long the permit is in effect for, or
- a period for each stage of the permit,
- that a certificate of completion (permit demolition work) is only required after the last stage is completed.

## **Issuing a demolition permit**

When the permit authority issues a demolition permit, it should be:

- (a) be in an approved form; and
- (b) specify that the permit has been issued in respect of permit demolition work; and
- (c) specify each condition that has been imposed on the permit under section 194, other than a prescribed condition; and
- (d) if relevant, specify the period within which the permit demolition work is to be commenced; and
- (e) specify when the permit expires.

## **Imposing conditions on a demolition permit**

The permit authority may impose conditions on a demolition permit if they consider this appropriate as long as the condition doesn't:

- (a) modify the plans, or specifications, for the permit demolition work that is to be performed under the authority of the permit, unless the modification is made with the consent of the designer of the work; or
- (b) require the permit demolition work that is to be performed under the authority of the permit to be performed at a higher standard than the standard required under the Act; or

- (c) require the permit demolition work that is to be performed under the authority of the permit to be performed in a manner that is inconsistent with the certificate of likely compliance (permit demolition work) issued in respect of the work.

## Carrying out permit demolition work

The responsible person for demolition work must notify the building surveyor within 2 days before the completion of each mandatory notification stage of the work and not proceed until the building surveyor has assessed the work or given approval to proceed.

Once notified, the building surveyor must inspect within one day, if an inspection is to take place.

If the building surveyor determines that the demolition work does not comply with the permit or the *Building Act 2016*, they may issue an inspection direction to rectify the non-compliant work. If this is a verbal direction, it must be confirmed within 2 days.

## Completion of permit demolition work

Once the permit demolition work has been completed, the responsible person for the work must provide a standard of work certificate to the building surveyor within 5 business days.

The building surveyor must provide this standard of work certificate and a copy of the certificate of final inspection to the permit authority.

A person may then apply to the permit authority for a certificate of completion (permit demolition work).

The permit authority should check that the application:

- (a) is in an approved form; and
- (b) includes a copy of each of the following certificates issued in respect of the permit demolition work:
  - (i) the certificate of final inspection (demolition);
  - (ii) the standard of work certificate (permit demolition work); and
- (a) is accompanied by the prescribed fee.

The permit authority may issue a certificate of completion if:

- (b) all the conditions of the relevant demolition permit have been complied with; and
- (c) the certificate of final inspection (demolition) has been issued in respect of the permit demolition work; and
- (d) if required under the Water and Sewerage Industry Act 2008, a certificate of water and sewerage compliance (building) has been issued under section 56TD of that Act in relation to the permit demolition work.

See <i>Building Act 2016</i>	PART 13	Permit Demolition Work
<i>Building Regulations 2016</i>	Section 12	Standards of demolition
<i>Building Regulations 2016</i>	Section 47	Start-work notifications for permit demolition work

# Summary of permit demolition work roles

## Owner – permit demolition work

- Engages licensed designer
- Engages building surveyor
- Applies for certificate of likely compliance from building surveyor
- Engages licensed demolisher

## Building surveyor – permit demolition work

- Issues certificate of likely compliance (notifiable demolition work)
- Forwards copy of certificate to permit authority with application for demolition permit
- Inspects work
- Notifies permit authority work has been completed and lodges required documentation

## Permit authority – permit demolition work

- Collects fees
- Issues demolition permit
- Files documentation
- Issues start work authorisation
- Issues certificate of completion (notifiable demolition work)

## Builder – permit demolition work

- Submits Start Work Notice to building surveyor
- Notifies building surveyor at inspection points
- Requests final inspection by building surveyor
- Provides Standard of Work certificate to building surveyor and owner

## Work performed on boundaries

If work is being carried out that is likely to impact on adjoining property, the owner must take steps to ensure that the owner of the adjoining property is informed about the project, consents to any work and liability for costs, and agrees to allow access required via the adjoining property to perform the work.

Such work might involve:

- Party walls (a shared wall between the two properties)
- Party structures (other structures shared by the two owners)

There is no role for the permit authority in these matters.

It is the responsibility of the owner of the property where the work is being carried out to give written notice to the owner of the adjoining premises of:

- The intention to carry out work
- The details of the work including proposed materials and dimensions

The owner must not start the work until the owner of the adjoining property has consented and agreement has been reached as to who is liable for costs.

See <i>Building Act 2016</i>	Section 56	Party walls
See <i>Building Act 2016</i>	Section 57-65	Party structures



## Protection work

If work on a property is likely to affect work on an adjoining property, it is the owner's responsibility to ensure that appropriate steps are taken to protect existing buildings, and people who may be working at the site or at the adjoining premises.

This work must be carried out before any building, plumbing or demolition work is performed at the site.

These people are all responsible for ensuring that the protection work has been performed:

- Owner of the premises where work is to be performed
- Responsible person for the building, plumbing or demolition work
- The person engaged by the owner to manage the building, plumbing or demolition work.

It is the owner's responsibility to notify each of the following people of the proposed protection work:

- Each adjoining owner
- The building surveyor engaged in respect to building or demolition work
- The relevant permit authority, in respect to plumbing work

Work must not proceed until consent has been obtained from the adjoining owner, but if adjoining owner is absent or incapable, the Director of Building Control may appoint an agent to act on behalf of the adjoining owner.

If an adjoining owner fails to respond to a notice about protection work within 21 days, this is taken as agreement, to ensure that a project cannot be held up indefinitely by a neighbour who refuses to engage and negotiate an agreement.

If the adjoining owner disagrees with all or part of the proposed protection work, the matter can be referred to the building surveyor (building or demolition work) or the permit authority (plumbing work) so that a determination can be made.

<i>See Building Act 2016</i>	PART 6	PROTECTION WORK
<i>Building Regulations 2016</i>	Section 16	Protection work to be performed in certain circumstances
<i>Building Regulations 2016</i>	Schedule 2	Section 79(1) Prescribed period for adjoining owner to respond.
<i>Building Regulations 2016</i>	Schedule 2	Section 83(3)(b) Prescribed period for owner to notify the adjoining owner of the amount of insurance

## Works in hazardous areas

A hazardous area is an area of land that has been declared to be either a:

- Bushfire-prone area
- Coastal erosion hazard area
- Coastal inundation hazard area
- Landslip hazard area
- An area that is subject to riverine inundation

The Director of Building Control may make a determination which identifies hazard areas and the processes for working within these.

Low risk or medium risk work in a hazardous area may be reclassified as high risk work.

Such a declaration will be made under the relevant Act, for example the *Mineral Resources Development Act 1995*.

There are significant restrictions, responsibilities and obligations for anyone carrying out any building work in hazardous areas – whether it be building a new structure or altering or adding to an existing structure, or doing any other works which might contribute to further instability.

There is no compensation payable for any loss suffered due to work in a hazardous area in contravention of this Act.

If land has been classified as contaminated or undrainable by the environmental health officer, no work must be performed on that land until the general manager of the municipal area in which the land is situated is satisfied that the land has been cleaned or remedied.

There are significant penalties for carrying out work in hazardous areas in contravention of the *Building Act 2016* and its *Regulations*.

See <i>Building Act 2016</i>	Section 66-69	Work in hazardous areas
See <i>Building Act 2016</i>	Section 70	Works on contaminated or undrainable premises
<i>Building Regulations 2016</i>	Section 49	Work not to cause or aggravate relevant hazard areas
<i>Building Regulations 2016</i>	Section 50	Work performed in relevant hazard areas
<i>Building Regulations 2016</i>	Section 51	Hazard determinations
<i>Building Regulations 2016</i>	Section 53	Riverine inundation
<i>Building Regulations 2016</i>	Section 54	Works on land subject to riverine inundation
<i>Building Regulations 2016</i>	Section 55	Coastal inundation hazard areas
<i>Building Regulations 2016</i>	Section 56	Works in coastal inundation hazard areas

<i>Building Regulations 2016</i>	Section 57	Coastal erosion hazard areas
<i>Building Regulations 2016</i>	Section 58	Works in coastal erosion hazard areas
<i>Building Regulations 2016</i>	Section 59	Landslip hazard areas
<i>Building Regulations 2016</i>	Section 60	Works in landslip hazard areas
<i>Building Regulations 2016</i>	Section 61	Significant works in landslip areas
<i>Building Regulations 2016</i>	Section 62	Bushfire-prone areas
<i>Building Regulations 2016</i>	Section 63	Works in bushfire-prone areas
<i>Building Regulations 2016</i>	Section 64	Bushfire-prone areas and National Construction Code

## Boundary lines, easements and existing drains

It is an offence to erect a building between the building line and the boundary of a public street.

If work is being performed that amends the boundary of an allotment, strata title or existing building, a building permit is required.

It is an offence to change the boundary without ensuring that the building still complies with this Act, and that there is no adverse effect on the safety, health and amenity of occupants of the building, or an increased risk of the spread of fire.

It is an offence to perform any building work over an existing drain or within one metre from the edge of an existing drain, unless the owner has obtained written consent from the general manager of the relevant council.

An easement is a section of land registered on a property title, which gives someone the right to use the land for a specific purpose even though they are not the land owner. An example is a shared driveway.

It is an offence to perform any building work over or within a service easement unless written consent has been obtained from the person on whose behalf the service easement was created.

<i>See Building Act 2016</i>	Section 71	Works on or around building line
<i>See Building Act 2016</i>	Section 72	Works that amend existing building boundary
<i>See Building Act 2016</i>	Section 73	Works involving, or in proximity of, existing drains
<i>See Building Act 2016</i>	Section 74	Works involving, or in proximity of, service easements

## Defective work

Defective work is building work, plumbing work or demolition work that:

- (a) does not comply with this Act, or the National Construction Code, as in force at the time the work was performed; and
- (b) is discovered during an inspection of the work under this Act or at any point after the completion of the work.

This may include:

- Work that does not pass inspection
- Existing work that does not meet standards
- Building/plumbing work that has been carried out in contravention of Building Act 2016 including approval process
- Illegal building/plumbing work under previous legislation
- Dilapidated buildings

The following options are available for dealing with defective or illegal work:

- Inspection Direction
- Infringement Notice
- Notices and Orders
- Prosecution

## Defective building work

Defective building work will be the responsibility of the relevant building surveyor or the Director of Building Control to seek rectification once they are made aware of the defective work.

The responsible person associated with building work (ie the builder or owner) must notify the owner, any occupier and relevant building surveyor in writing within 2 business days if they discover or become aware of defective work while performing building work.

It is an offence for the responsible person not to bring the defective work to the attention of those affected once they are aware of it.

Any other person who becomes aware of defective work may also inform the relevant building surveyor or permit authority.

The person contacting the building surveyor or permit authority should provide the following information:

- (a) the address of the premises where the defective work is located;
- (b) the name and contact details of the owner, or occupier, of the premises, if known;
- (c) the name, licence number and contact details of the licensed builder or licensed plumber who is making the notification;
- (d) a detailed description of the defective work including its location on the premises and why the person considers it defective;

- (e) a description of any action taken, or emergency work performed, by the person making the notification to ensure the defective work is safe and operable.

Once the building surveyor has been made aware of the defective work, he or she may do one or more of the following:

- (a) inspect the defective building work;
- (b) give a written direction to the responsible person for the building work to do one or more of the following as specified in the direction:
  - (i) to repair the defective work;
  - (ii) to make the defective work compliant with the National Construction Code;
  - (iii) to repair a defective product or system used in the work;
  - (iv) to replace a fitting used in the work with an authorised fitting

It is an offence for the responsible person not to comply with the written direction or to continue with the work without first complying.

A person who carried out defective building work must ensure the defective work is rectified at his or her own cost if the defective work is discovered within 12 months of the issue of a certificate of completion, or if the defective work is certified by the relevant building surveyor or Director to be due to an omission, faulty workmanship or the use of a defective or unauthorised material, fitting or building product.

<i>See Building Act 2016</i>	Section 208	Discovery of defective building work
<i>See Building Act 2016</i>	Section 209	Rectification of defective building work
<i>Building Regulations 2016</i>	Section 21	Notifications of defective work

## Defective plumbing work

The permit authority has a role to play in rectification of any defective plumbing work or demolition work.

If the responsible person for plumbing work discovers or becomes aware of defective work whilst performing plumbing work, they must notify the permit authority (in addition to the owner and occupier, if any, of the premises) within 2 business days.

Any other person becoming aware of defective plumbing work may notify the permit authority.

Once you have been notified or become aware of defective plumbing work you may do one or more of the following:

- (a) inspect the defective plumbing work;
- (b) give a written direction to the responsible person for the plumbing work to do one or more of the following to: :
  - (i) repair the defective work;
  - (ii) make the defective work compliant with the National Construction Code;
  - (iii) repair a defective product or system used in the work;
  - (iv) replace a fitting used in the work with an authorised fitting;
  - (v) if there is a risk to public health, to disconnect –
    - (A) the supply of water to premises or part of premises; or
    - (B) a plumbing installation from a sewer.

A licensed plumber who was responsible for the defective work must fix the work at his or her own expense if the defective work is discovered within 12 months of the issue of the certificate of completion, or if the permit authority or Director of Building Control certifies on reasonable grounds that the defective work is due to:

- (e) an omission, or faulty workmanship, by the person; or
- (ii) the use of a defective or unauthorised material, fitting or plumbing product by the person.

See <i>Building Act 2016</i>	Section 210	Discovery of defective plumbing work
See <i>Building Act 2016</i>	Section 211	Rectification of defective plumbing work

## Defective demolition work

Defective demolition work will be the responsibility of the relevant building surveyor or the Director of Building Control to seek rectification once they are made aware of the defective work.

The responsible person for demolition work must notify (in writing) the owner, any occupier and the relevant building surveyor within 2 days of becoming aware of defective work while performing the demolition work.

Once a building surveyor has been notified, they may do one or more of the following:

- (a) inspect the defective work;
- (b) give a written direction to the responsible person for the demolition work to do one or more of the following as specified in the direction:
  - (i) to repair the defective work;
  - (ii) to repair a defective product or system used in the work;
  - (iii) to replace a fitting used in the work with an authorised fitting.

It is an offence not to comply with a written direction or to continue with the demolition work.

A person who was responsible for the defective work must fix the work at his or her own expense if the defective work is discovered within 12 months of the issue of the certificate of completion, or if the permit authority or Director of Building Control certifies on reasonable grounds that the defective work is due to:

- (f) an omission, or faulty workmanship, by the person; or
- (ii) the use of a defective or unauthorised material, fitting or plumbing product by the person.

See <i>Building Act 2016</i>	Section 212	Discovery of defective demolition work
See <i>Building Act 2016</i>	Section 213	Rectification of defective demolition work

# Summary of compliance roles

## Permit Authority

- Issues notices and orders regarding defective or illegal work
- Issues notices and order regarding dilapidated buildings
- Issues notices and orders regarding fire hazards

## Building surveyor

- Issues notices and orders regarding defective or illegal work
- Issues notices and order regarding dilapidated buildings
- Issues notices and orders regarding fire hazards

## General Manager

- Prepare dilapidated buildings reports and issue dilapidated building notices
- Make emergency orders
- Apply for court orders
- Request police assistance
- May delegate powers and functions (eg to Permit Authority)

## Director Building Control (CBOS)

- Issue infringements
- Commence prosecutions



# Emergency work

Emergency work is building work, plumbing work or demolition work that is required to be performed under an emergency order, or performed in an emergency or to prevent an emergency.

The usual approval processes do not apply for emergency work. It can be performed without notification to the permit authority, but the responsible person should provide notice of the emergency work, in an approved form, to the permit authority once the work has commenced, or within 5 business days of the work being completed.

The general manager is responsible for ordering emergency work. A risk assessment should be conducted regarding the threat to life or public health.

Examples of situations where an emergency order may be issued:

- Imminent risk of building or part of a building collapsing which would endanger life (for example following a fire)
- A fire protection system is defective or non-existent in a high use public building
- A plumbing installation is damaged, defective or contaminated resulting in unsafe drinking water
- A building is damaged, dilapidated or fire damaged and is a threat to life due to exposure to hazardous substances

## Emergency order

A general manager may make an emergency order if satisfied, on reasonable grounds, that a threat to life may arise out of the condition or use of a building, temporary structure or plumbing installation.

An emergency order may –

- (a) require an owner or occupier of a building, temporary structure or plumbing installation to –
  - (i) evacuate all persons from the building, temporary structure or the building or temporary structure housing the plumbing installation; or
  - (ii) stop, or perform, building work or other work; and
- (b) prohibit the occupation of a building or temporary structure.

An emergency order –

- (a) is to be in an approved form; and
- (b) is to contain any specified matter; and

I may specify how emergency work is to be performed under the order, including that the work must be performed other than in accordance with the regulations.

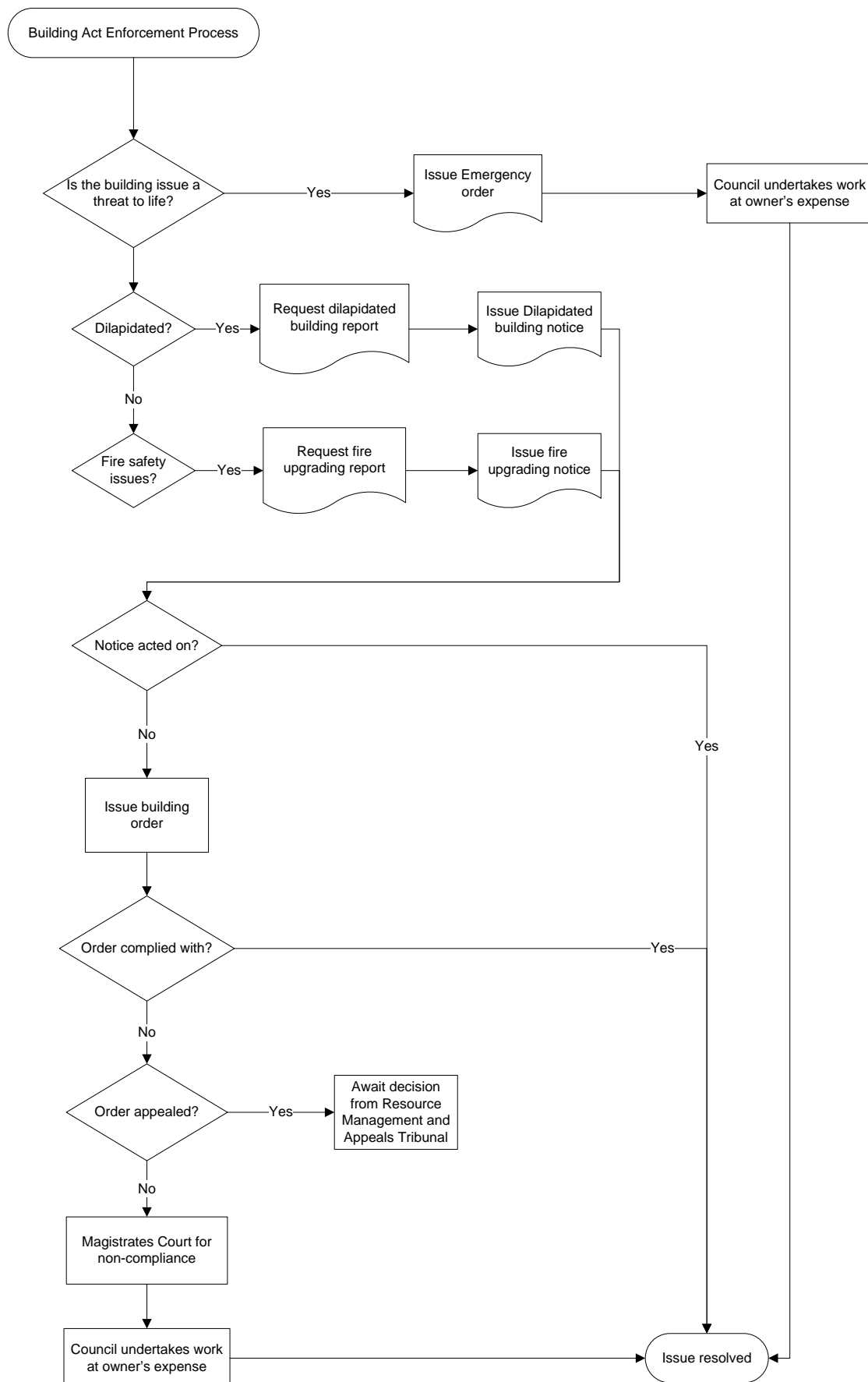
A person served with an emergency order must comply with the order.

A general manager may revoke an emergency order if the circumstances giving rise to the making of the order have changed.

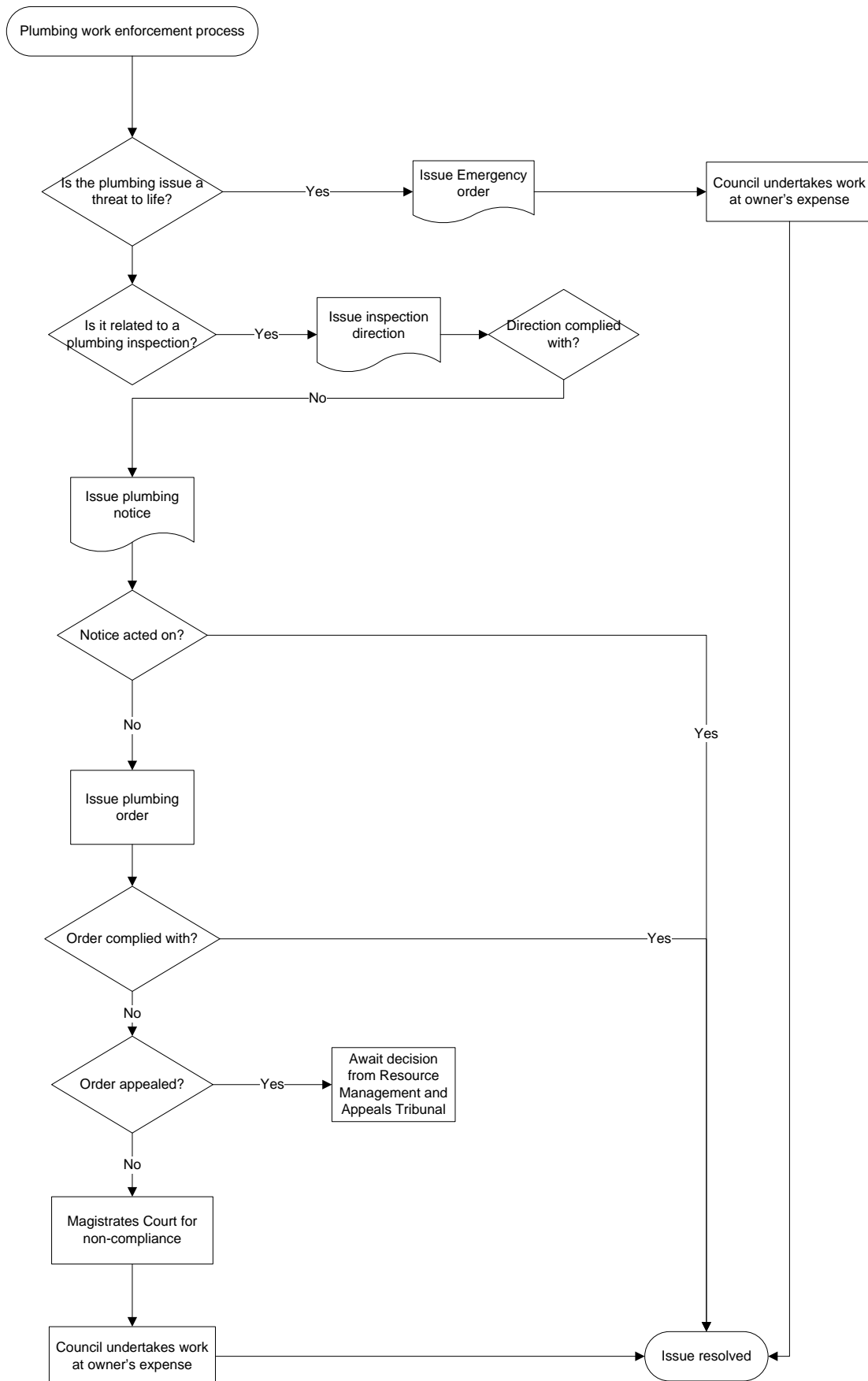
When making an emergency order, a general manager is to provide a copy of the order to the relevant permit authority within 7 business days after making the order.

See Building Act 2016	PART 16	EMERGENCY WORK
See Building Act 2016	Section 245	Emergency order

## Flowchart for Building Act Enforcement (Building)



## Flowchart for Building Act Enforcement (Plumbing)



## Notices and orders

A permit authority may issue a building or plumbing notice when there is a belief that there has been a contravention of this Act.

The building or plumbing notice indicates the intention to take action and gives the recipient an opportunity to demonstrate within a prescribed time, why a building or plumbing order should not be issued.

There may be extenuating circumstances or incorrect information which has led to the issuing of the notice so the recipient has a chance to “set the record straight” before an order – which may reflect badly on the person’s reputation or licence renewal – is issued.

The person who issued the notice may revoke the notice if satisfied that it is appropriate to do so after considering any representations made or after receiving other information.

If the notice has not been revoked, it will be followed by an order.

A building or plumbing order directs the responsible person to take action to rectify the problem, and there are penalties associated for failing to comply with the order.

A building order may be served without first issuing a building notice if the building surveyor, or permit authority, issuing the order is of the opinion that the work required to be done under the order is of a minor nature.

It may also be served without a building notice if a builder has failed to comply with a direction in regard to performing building work or other work on the building or temporary structure specified in the direction.

A stop work building order under 245(2)I may be served if the permit authority or building surveyor believe the building work:

- (a) contravenes this Act; or
- (b) is a danger to the public; or
- I affects the support of any adjoining property.

Such an order may be served without first issuing a building notice if you believe that further building work might be performed which would make compliance with such an order more difficult or impossible.

A stop work building order under 245(2)I may be served on any person apparently in charge of the building or temporary structure and the owner.

A building order is to be in an approved form.

## Failure to comply with orders

The Director of Building Control or a general manager may apply to court for an order in relation to a contravention or likely contravention of the *Building Act 2016* or a notice, order or determination under the Act.

See <i>Building Act 2016</i>	Section 251	Court orders
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## **Certain orders to be made within certain period**

An order to have work removed must be made no later than 12 months after the person making the order becomes aware of the reason for the order to remove work.

An order to stop work, cease occupation, carry out work necessary to rectify a defect, remedy a hazard, or cause a building to no longer be dilapidated is to be made no later than 24 months after the person making the order becomes aware of the defect to which the order relates.

An order relating to illegal work (under section 246) is to be made no later than 24 months after the person making the order becomes aware of the relevant contravention.

<i>See Building Act 2016</i>	Section 252	Certain orders to be made within certain period
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## **Duties of building surveyor in relation to building orders**

Either a permit authority or a building surveyor can make a building order. If the order is made by the building surveyor, they must provide a copy of the order to the relevant permit authority within the prescribed period.

## Building notice

A permit authority or building surveyor may issue a building notice to the owner of a building or temporary structure if they are satisfied that with regard to the building work:

- (a) the work has been performed on the building without a building permit, or other valid authorisation, if required; or
- (b) the work has been performed on the building or temporary structure in contravention of –
  - (i) a building permit, or other valid authorisation, in force in respect of the work; or
  - (ii) this Act or any other relevant Act in force at the time the work was performed; or
- (c) the work is notifiable building work that has been performed on the building or temporary structure in contravention of –
  - (i) a certificate of likely compliance issued in respect of the work; or
  - (ii) a notice of work provided in respect of the work; or
  - (iii) this Act or any other relevant Act in force at the time the work was performed; or
- (d) the work is low-risk building work that has been performed on the building or temporary structure in contravention of this Act, or any other relevant Act in force at the time the work was performed; or
- (e) the use of the building or temporary structure contravenes this Act; or
- (f) the building or temporary structure –
  - (i) is unfit for use or occupation; or
  - (ii) is a danger to users of the building or temporary structure, to users of adjoining land or to members of the public; or
- (f) the essential building services of the building have not been maintained in accordance with the Building Regulations or any other relevant Act in force at the time the work was performed.

If the building surveyor engaged with respect to this work resigns, dies or becomes incapable for any reason, the permit authority may perform any of the duties of the building surveyor specified above.

When you issue a building notice it is to require the owner or builder to show cause within 2 business days if the notice relates to work performed without valid authorisation, or 14 days in any other case, as to:

- Why occupation should not be prohibited
- Why the owner or builder should not evacuate or perform the building work specified in the notice.

The building notice is to be in an approved form.

If you issue the notice to an owner, you must also provide a copy to the responsible person for the building work.

If you issue the notice to a builder, you must also provide a copy to the owner.

See <i>Building Act 2016</i>	Section 237	Building notice
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## Building order

If the building notice has not been revoked, and the period for making representations has expired, a building surveyor or permit authority is to serve a building order on the person issued with the building notice.

A building order in respect of a building or temporary structure may –

- (a) prohibit the occupation of the building or temporary structure; and
- (b) require the person on whom it is served to do one or more of the following:
  - (i) evacuate the building or temporary structure;
  - (ii) perform building work or other work on the building or temporary structure;
  - (iii) perform building work, or other work, on the building or temporary structure other than in accordance with the regulations; and

I require the owner, or any other person, to stop building work being performed on the building or temporary structure; and

- (d) if a direction under this Part has been served on a builder and has not been complied with, require the builder to perform building work or other work on the building or temporary structure as specified in the direction.

If a building surveyor serves a building order, they must provide a copy to the relevant permit authority within 2 business days.

<i>See Building Act 2016</i>	Section 246	Building orders
<i>See Building Act 2016</i>	Section 253	Permit authority to be notified of building order

## Plumbing notice

As permit authority, you are to issue a plumbing notice to the owner of a building or temporary structure where plumbing work has been performed if you are satisfied that:

- (a) the work has been performed on the building without a plumbing permit, or other valid authorisation, if required; or
- (b) the work has been performed on the building or temporary structure in contravention of –

- (i) a plumbing permit, or other valid authorisation, in force in respect of the work; or
  - (ii) this Act or any other relevant Act in force at the time the work was performed; or

If the work is notifiable plumbing work that has been performed on the building or temporary structure in contravention of –

- (i) a certificate of likely compliance issued in respect of the work; or
  - (ii) a notice of work provided in respect of the work; or
  - (iii) this Act or any other relevant Act in force at the time the work was performed; or

(d) the work is low-risk plumbing work that has been performed on the building or temporary structure in contravention of this Act or any other relevant Act in force at the time the work was performed; or

If the use of an existing plumbing installation is in contravention of the conditions of a plumbing permit or a certificate of likely compliance; or

(f) an existing plumbing installation within the building or temporary structure is faulty, defective, or a risk to the health or safety of persons.

When you issue a plumbing notice it is to require the owner or person to show cause within 2 business days if the notice relates to work performed without valid authorisation, or 14 days in any other case, why plumbing work or other work specified in the notice should not be performed.

A plumbing notice is to be in an approved form.

See <i>Building Act 2016</i>	Section 238	Plumbing notice
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## Plumbing order

If you have not revoked a plumbing notice, you are to serve a plumbing order on the person who was issued with the notice, or if that person can't be found, you can serve the order on:

- (a) the owner of the premises that is the subject of the plumbing notice; or
- (b) a person apparently in charge of those premises; or

I a licensed plumber performing the plumbing work at those premises.

The plumbing order may require the owner to have plumbing work or other specified work performed, or plumbing work removed.

Such an order may be served without first issuing a plumbing notice if you believe that the work required is of a minor nature.

The plumbing order is to be in an approved form.

See <i>Building Act 2016</i>	Section 250	Plumbing orders
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## Fire hazards

As permit authority, you may issue a building notice to the owner of a building or temporary structure if you are satisfied that there is a fire hazard and you consider the building or structure a risk to life or property.

## Fire upgrading report

As permit authority, if you believe that a building or temporary structure may be a fire hazard (as described in Section 234 of the Act), you may inspect the building or temporary structure.

You are to prepare to fire upgrading report on the matter.

A fire upgrading report is to state –

- (a) whether or not the building or temporary structure is a fire hazard; and
- (b) a program for work to overcome any fire hazard; and
- (c) the prescribed period (14 days) and manner in which representations may be made in respect of the report; and
- (d) any other specified matter.

You may obtain information as to any matter relating to a fire upgrading report from any relevant reporting authority.

## Fire upgrading notice

If a fire upgrading report indicates that a fire hazard exists, you are to issue a fire upgrading notice to the owner of the premises.

A fire upgrading notice is to:

- (a) require the owner to show cause within 14 days why the owner should not perform the program of work specified in the fire upgrading report; and
- (b) be accompanied by a copy of the relevant fire upgrading report.

## Building order relating to fire hazards

If the fire upgrading notice is not revoked, following representations or the expiry of the period for responding, then the permit authority is to serve a building order relating to a fire hazard on the owner of the building or temporary structure.

A building order relating to a fire hazard –

- (a) is to direct an owner of the building or temporary structure to perform a program of work; and
- (b) may contain any other specified matter.

A building order under this section may be –

- (a) a separate building order; or
- (b) combined with a building order under section 245.

See <i>Building Act 2016</i>	Section 235	Fire hazards
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<i>See Building Act 2016</i>	Section 239	Fire upgrading report
<i>See Building Act 2016</i>	Section 240	Fire upgrading notice
<i>See Building Act 2016</i>	Section 248	Building order relating to fire hazards

## Other hazards

Hazards that may impact on building works include:

- Landslip
- Coastal inundation
- Riverine inundation

<i>See Building Act 2016</i>	Section 67	Works in hazardous areas
<i>See Building Act 2016</i>	Section 68	Works in landslip areas
<i>See Building Regulations 2016</i>	PART 5	Works in hazardous areas

## Dilapidated buildings

Issues with dilapidated buildings are the responsibility of the general manager.

If a general manager believes that a building may be a dilapidated building, the general manager:

- May inspect the building; and
- Is to prepare a dilapidated building report.

## Dilapidated building report

A dilapidated building report is to state:

- (a) whether or not the building is a dilapidated building; and
- (b) the building work, or other work, that the general manager considers is required in order for the building to cease to be a dilapidated building; and
- I any other matter that the general manager considers relevant.

A general manager may obtain information relating to the report from any building services provider or other person the general manager thinks appropriate.

## Dilapidated building notice

If a dilapidated building report states that the building is a dilapidated building, a general manager may issue a dilapidated building notice.

A dilapidated building notice issued to an owner of a dilapidated building is to –

- (a) require the owner to show cause, in the manner and within the period specified in the notice, why the owner should not perform the building work, or other work, specified in the dilapidated building report; and
- (b) be accompanied by a copy of the relevant dilapidated building report.

The recipient of the notice may respond within the period stated in the notice.

The general manager may revoke the notice if satisfied that it is appropriate to do so.

## Building order relating to dilapidated building

If a dilapidated building notice has not been revoked, you are to serve a building order relating to the dilapidated building on an owner of the building.

The order is to direct the own to perform work to improve the building to the state where it will no longer be considered dilapidated.

This may be a separate building order or combined with another building order.

See <i>Building Act 2016</i>	Section 241	Dilapidated building report
See <i>Building Act 2016</i>	Section 242	Dilapidated building notice
See <i>Building Act 2016</i>	Section 249	Building order relating to dilapidated building

# Illegal building work

## What is it?

Illegal work is work that has been completed without the required permits (building and/or planning), or certificates or work that does not comply with the National Construction Code.

For example, if a builder has carried out notifiable work under the guise of “low risk” work that does not require a certificate of likely compliance and inspection by a building surveyor, this will be taken to be illegal work.

If an owner has failed to get a planning permit and employed a builder to construct an extension on their house which contravenes the planning scheme, this will be taken to be illegal work.

An owner builder has obtained the appropriate planning and building permits, but then not built in accordance with the NCC, this may also be illegal work.

Sometimes illegal work can be made to comply with the relevant legislation, but sometimes an order will be made to remove/demolish the illegal work.

## Whose responsibility is it to report it?

If any person with a statutory role, such as a building surveyor or permit authority becomes aware of the illegal work, they are required to report it.

Illegal work may also be reported by builders, neighbours, or other persons.

## What are the penalties for performing illegal building work?

The penalties for performing illegal work include fines, possible court action, and potentially orders to rectify or demolish the work.

The fines for performing illegal work are significantly higher than the cost of applying for the appropriate permit. So it's important to be aware that it is more expensive to build first and ask permission later. And there's no guarantee you will be allowed to keep the work. There will be no compensation available for any losses incurred.

All illegal work must be completed as permit building work, even if it would have been classed as low-risk or notifiable work if performed in accordance with the Act.

## What is the process for making it legal?

The process for making the work legal will depend on whether or not the work can be made to comply with the Act.

As permit authority you are to serve a building order on an owner of premises where illegal building work has been performed.

A building order in respect of illegal building work is to require the owner to either (by their choice):

- Demolish the building work or building; or
- Complete any remaining building work in accordance with the Act.

Such a building order may be issued separately or combined with a building order issued under section 245 or 247.

If the owner chooses to apply for the work to be made legal, they will need to apply for a certificate of substantial compliance from their building surveyor, which requests that the work be assessed as if it were an application for a certificate of likely compliance (permit building work).

The building surveyor can then submit the certificate of substantial compliance to the permit authority as part of an application for a permit of substantial compliance.

## **Application for permit of substantial compliance**

When you receive an application for a certificate of substantial compliance, you need to check that it:

- is accompanied by a certificate of substantial compliance;
- includes the specified information;
- is accompanied by such documentation as is required by the permit authority; and
- is accompanied by the prescribed fee.

You can now treat the application as though it were an application for a building permit.

You may:

- (a) carry out such inquiries, consult such other persons and take into account such matters as the permit authority considers necessary or expedient having regard to the nature of the building work; and
- (b) require the applicant to provide any further information or evidence about any matter relating to the application or the building work.

If the applicant fails to supply the information or evidences within the specified time, the application for a permit of substantial compliance is taken to expire.

## **Refusing an application for permit of substantial compliance**

You must refuse to grant a permit of substantial compliance if there is no certificate of substantial compliance from the building surveyor.

You *may* refuse to grant a permit of substantial compliance if you consider the refusal reasonable in the circumstances.

You must then notify the applicant in writing, giving the reasons for the refusal, and explaining the applicant's right of appeal under this Act.

## **Granting an application for permit of substantial compliance**

You may grant a permit of substantial compliance if you are satisfied that the building work substantially complies with the Act, or may be made to comply with the Act.

You may impose conditions on the permit of substantial compliance relating to the work to be performed. Conditions must not modify the plans or specifications for the work to be performed.

You can add, vary or revoke conditions at any time before the work is completed, but you must first notify each of the following persons in writing:

- the applicant for the permit of substantial compliance;
- the owner of the premises where the work is to be performed;
- the building services provider and licensed builder named on the permit

Once a permit of substantial compliance has been granted, the work is to be performed as if a building permit had been granted.

## Endorsing any certificates resulting from process

A building certificate, occupancy permit or certificate of completion, or a certificate issued under section 337 of the Local Government Act 1993, in respect of building work to which a building order under section 246 relates, is to be endorsed to the effect that it was not the subject of the normal application, permit and inspection procedures under this Act.

<i>See Building Act 2016</i>	Section 247	Building order relating to illegal building work
<i>See Building Act 2016</i>	Section 258	Application for permit of substantial compliance
<i>See Building Act 2016</i>	Section 259	Refusal of application for permit of substantial compliance
<i>See Building Act 2016</i>	Section 260	Grant of application for permit of substantial compliance
<i>See Building Act 2016</i>	Section 261	Conditions on permit of substantial compliance
<i>See Building Act 2016</i>	Section 262	Duration of permit of substantial compliance
<i>See Building Act 2016</i>	Section 263	Effect of permit of substantial compliance
<i>See Building Act 2016</i>	Section 268	Endorsements on certificates
<i>Building Regulations 2016</i>	Section 83	Building certificates
<i>Building Regulations 2016</i>	Section 85	Infringement notices

## Illegal plumbing work

Illegal plumbing work is plumbing work that has been completed without the required permit, or plumbing work that fails to comply with the Act.

To rectify this situation, the owner must apply for a plumbing permit, even if the work could have been completed without a permit as low risk or notifiable work.

There are also penalties associated with performing illegal work.

<i>See Building Act 2016</i>	Section 264	Illegal plumbing work to be subject of plumbing permit
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## Penalties for failing to comply with orders

- (1) If a person fails to comply with a building order made by a building surveyor, the building surveyor is to refer the matter to the permit authority.
- (2) The permit authority is to take all reasonable steps to enforce a building order referred to in subsection (1).
- (3) If a person fails to perform any work required by an emergency order, a building order or plumbing order, the work may be performed by the council.
- (4) In performing any work under subsection (3), the council may –
- (a) enter on the land where the work is to be done with the appropriate equipment; and
  - (b) exclude other persons from the place where the work is being done; and
  - (c) if anything is to be altered, determine the form of the alteration so far as it was not previously specified; and
  - (d) if anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and
  - (e) carry away to some convenient place any materials removed; and
  - (f) sell any materials so carried away and deduct the proceeds from the cost of the work.

If any owner or occupier fails to allow this work to be done, a council may take proceedings to obtain possession of the building or temporary structure. If such possession is granted, it is legally enforceable and the occupier must give the council possession within 60 days.

A council may serve a demolition order on the owner of the premises if:

- (a) the owner fails to comply with –
  - (i) the building order; or
  - (ii) a permit of substantial compliance issued in respect of the work; or
- (b) a building surveyor refuses to grant a certificate of substantial compliance in respect of the work; or
- (c) a permit authority refuses to grant a permit of substantial compliance in respect of the work; or
- (d) an appeal has not been instituted in respect of the building order and the order has not been complied with.

A council is to serve a demolition order on the owner of the premises if the building work is detrimental to the safety and health of any occupant, or any future occupant, of the building or the public.

An order to demolish must be in an approved form and may require the owner to clean up the premises to the satisfaction of a building surveyor within 5 business days.

See <i>Building Act 2016</i>	Section 265	Failure to comply with emergency, building or plumbing order
See <i>Building Act 2016</i>	Section 266	Possession of building
See <i>Building Act 2016</i>	Section 267	Demolition order
See <i>Building Act 2016</i>	Section 271	Purchasing buildings and materials



## Recovery of costs associated with compliance

If the council has incurred costs as a result of failure of an owner to comply with an order or with the Act, the council may recover its costs.

This may be as a result of having to perform work that should have been performed by an owner, or the costs incurred in serving notices or orders.

See <i>Building Act 2016</i>	Section 269	Recovery of performance costs
	Section 270	Recovery of compliance costs

## Amendment or revocation of building, plumbing or demolition orders

If circumstances change, an owner may request that an order be amended or revoked.

A person who receives such an application may:

- (a) refuse to amend or revoke the order; or
  - (b) issue an amended order; or
- I revoke the order.

See <i>Building Act 2016</i>	Section 274	Amendment or revocation of building, plumbing or demolition orders
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## Handling fees

There are three different categories of fees that may be incurred during work under the *Building Act 2016*:

- Building administration fee
- Council fees
- Tasmanian Building and Construction Industry Training Board levy

### What do they cover?

The Building Administration Fee is calculated as a percentage of the cost of the work, on all work costing \$20 000 or more. It is paid into a trust fund administered by the Director of Building Control for the purpose of administering the *Building Act 2016*.

Council fees are set by the council and cover the cost of work performed by the council in the administration of this Act.

The Tasmanian Building and Construction Industry Training Board (TBCITB) levy is based on the estimated value of building and construction work and is payable under the Building and Construction Industry Training Act 1990. It must be paid before council approval can be given for building or construction work to commence. It can be paid at a council office or at TBCITB.

This levy funds training in the Building and Construction Industry in Tasmania.

### Collection of fees

As permit authority, you are responsible for collecting the building administration fee and any council fees, and ensuring that the TBCITB levy has been paid.

### When should they be paid?

The building administration fee for permit work is payable at the time an application for a permit is submitted.

You can seek further information from the applicant, the building surveyor, the builder or a plumber associated with the work regarding the estimated cost of the work.

For notifiable work, fees are payable when a certificate of likely compliance has been issued by the building surveyor. It is then the responsibility of the building surveyor to sight evidence of payment before issuing the start work authorisation.

For low-risk work, fees are payable within 7 business days of completion of the work.

If the building administration fee payable was based on an estimate of the value of the work, and the final cost is greater than the estimate, the person responsible for paying the fee will be required to inform the Director of Building Control of the cost of the work at completion and may be liable to pay an additional amount.

The Director of Building Control will be responsible for seeking this additional amount.

## What should you do with the fees?

When you have received a building administration fee, you may retain a specified percentage (which covers the cost of council collecting this fee), and then you must forward the remainder to the Director of Building Control.

You must keep records that show:

- the amount of any building administration fee payable under the Act;
- the estimated cost of the building work on which it was payable;
- the date on which the fee was paid to the permit authority.

You must keep these records for at least 10 years.

<i>See Building Act 2016</i>	Section 296	Building administration fee
<i>See Building Act 2016</i>	Section 298	Determination of cost of staged building work
<i>See Building Act 2016</i>	Section 299	Further information to be provided if requested
<i>See Building Act 2016</i>	Schedule 1(3)	Building administration fees records
<i>See Director's Determination</i>		Building Administration Fee
<i>Documentation</i>		Building Administration Fee and Industry Training Levy - Explanation

# Occupancy permits

An occupancy permit is required under the following circumstances:

- it is a new building
- the building has had a change of use
- the building has been reclassified under the NCC
- notifiable or permit building work has been carried out
- part of the building or an adjacent building demolished
- a special-use building where the special use has changed in a material way.

Occupancy permits are now granted and issued by a building surveyor and must be obtained for the for all Class 1-9 buildings.

Class 10 (sheds and outbuildings) buildings do not require an occupancy permit (but neither should anyone be occupying them!).

Other exceptions include temporary offices, sheds or sanitary facility used by building services provides in connection with the work being performed, or buildings lawfully constructed and occupied before the commencement of the Building Regulations 2016 (unless the building is an assembly building).

The building surveyor has some discretion to determine that a new occupancy permit is not required if there is already an occupancy permit in force or the building work is considered to be minor.

The building surveyor does not need to issue an occupancy permit if he or she is intending to issue a certificate of final inspection (building) in respect of the work.

If the work requires a report from a reporting authority such as the Tasmania Fire Service, an occupancy permit may still be required.

The owner or their agent must apply to the building surveyor for an occupancy permit.

## Granting an occupancy permit

The building surveyor should grant an occupancy permit, within 21 days, if:

- all required documentation has been provided
- any required reports (such as fire safety, or environmental health) have been received
- the building is suitable for occupation
- adequate provision has been made for smoke alarms, sanitation and water supply within the building

The building surveyor may ask an applicant to provide additional information. If the applicant does not provide the requested information within 5 business days, the application may be taken to have lapsed.

If a building surveyor refuses and application for an occupancy permit they must advise the applicant in writing within 5 business days.

When an occupancy permit is issued, the building surveyor must provide a copy of the occupancy permit to:

- the applicant
- the permit authority (within 2 business days)
- the responsible person for the work, if the permit was required as a result of work performed on the building
- the reporting authority, if the occupancy permit was required as a result of a report

An occupancy permit can be granted with conditions – for example, if temporary arrangements have been put in place for sanitation (a portalo), then there may be a time period on how long these arrangements can stay in place.

Another condition might be to limit the number of people that can occupy the building.

A permit authority must keep a register of all occupancy permits received.

<i>See Building Act 2016</i>	Sections 216-227	Determining, granting and issuing occupancy permits
<i>Building Regulations 2016</i>	Section 65	Occupancy permit required
<i>Building Regulations 2016</i>	Section 66	Premises exempt from requirement for occupancy permit
<i>Building Regulations 2016</i>	Section 67	Required report for occupancy permit
<i>Building Regulations 2016</i>	Section 68	Determination of applications for occupancy permit
<i>Building Regulations 2016</i>	Section 69	Display of occupancy permit

## Refusing an occupancy permit

If a building surveyor decides it is not appropriate to issue an occupancy permit, they must notify the applicant in writing, within the prescribed number of days, specifying:

- the refusal to grant the application
- the reasons for the refusal
- how the applicant may appeal the decision.

<i>See Building Act 2016</i>	Section 221	Refusing an application for occupancy permit
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## Cancellation of an occupancy permit

A building surveyor, permit authority or the Director of Building Control may cancel an occupancy permit if they are satisfied that the building is being used in contravention of the occupancy permit.

<i>See Building Act 2016</i>	Section 226	Cancellation of occupancy permit
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## Temporary occupancy permits

A temporary occupancy permit may be granted for a building, or for a temporary structure such as a marquee or an existing building such as a barn which is to be used for another purpose, such as a market.

Temporary occupancy permits can now be issued by a building surveyor rather than the permit authority, and can be issued for up to three years rather than only for a once-off use of a building.

So if you hold a market once a month, or erect a marquee for the school fair once a year, you can apply for a temporary occupancy permit that will allow you to use the same structure, under the same circumstances, more than once.

The building surveyor can include conditions – such as the type of terrain in which the marquee should be erected – as part of the temporary occupancy permit.

Some temporary structures don't need a temporary occupancy permit – including some tents, mobile food vans, mobile accommodation at a caravan park or small temporary prefabricated buildings.

See *Building Regulations 2016* for a full list and further detail.

If a temporary occupancy permit has been granted, the owner must display it in a prominent place near the main public entry to the premises.

If a building surveyor refuses an application for a temporary occupancy permit, they must notify the applicant in writing within 21 days, and include the reasons for refusal and information about the right of appeal.

A permit authority must keep a register of all temporary occupancy permits received.

See <i>Building Act 2016</i>	Sections 228-233	Determining, granting and issuing temporary occupancy permits
<i>Building Regulations 2016</i>	Section 70	Exempt temporary structures
<i>Building Regulations 2016</i>	Section 71	Display of temporary occupancy permits

## Cancelling a temporary occupancy permit

There are significant penalties for occupying a building in contravention of, or in the absence of, a temporary occupancy permit, and both the building surveyor and the permit authority can take a role in reporting such behaviour and either cancelling the temporary occupancy permit, or issuing an infringement notice.

A temporary occupancy permit is automatically cancelled if a person is found guilty of an offence under section 232.

See <i>Building Act 2016</i>	Section 233	Occupation in contravention of temporary occupancy permit
See <i>Building Act 2016</i>	Section 234	Cancellation of temporary occupancy permit
See <i>Building Act 2016</i>	Part 17	Occupancy Requirements

# Summary of roles relating to occupancy and temporary occupancy permits

## Owner or agent

- Applies to building surveyor for occupancy or temporary occupancy permit
- Supplies required documentation with application
- Must display the occupancy permit (for commercial buildings)

## Building surveyor

- Assesses application for occupancy or temporary occupancy permit
- Grants or refuses occupancy or temporary occupancy permit
- Provides copies of occupancy permit or temporary occupancy permit to the permit authority
- Provides copies of occupancy permit to any other prescribed parties
- May cancel an occupancy or temporary occupancy permit

## Permit authority

- Receives copy of occupancy or temporary occupancy permit
- Files documentation
- May cancel an occupancy or temporary occupancy permit

## Required reporting

In some circumstances a report is required – for example if fire safety features are involved, or the building work involves food preparation areas.

A list of reporting authorities is available in the Building Regulations 2016 Section 9.

If a report is required, has been requested but has not yet received, after 14 business days it can be taken to have been received and work may proceed.

<i>Building Act 2016</i>	Section 131	Required report from reporting authority (permit building work)
<i>Building Act 2016</i>	Section 157	Required report from reporting authority (permit plumbing work)
<i>Building Act 2016</i>	Section 182	Required report from reporting authority (permit demolition work)
<i>Building Act 2016</i>	Section 182	Required report from reporting authority (occupancy permit)
<i>Building Regulations 2016</i>	Section 9	Reporting authorities
<i>Building Regulations 2016</i>	Section 27	Required report from Chief Officer for certificates of likely compliance (permit building work)
<i>Building Regulations 2016</i>	Section 28	Required report from Environmental Health Officer for certificates of likely compliance (permit building work)
<i>Building Regulations 2016</i>	Section 67	Required report for occupancy permit



# Maintenance of essential services

## Essential building services

Certain buildings require an owner to maintain the essential building services. These include fire safety features, exit routes, air flow systems and other matters as prescribed by the Director of Building Control in the *Building Regulations 2016*, Section 72.

If a building is being extended or altered, the responsible person must ensure that these services are not impacted and continue to ensure the health, safety or disability access of the occupants.

Before occupancy of a building is granted, a building surveyor will work with the owner to develop a schedule of maintenance for the essential building services. This will specify the nature and frequency of testing that must be carried out on essential building services.

It is the responsibility of the owner to ensure that the maintenance schedule is adhered to.

This may be audited at any time.

There is no longer a requirement to display a certificate. The focus is on ensuring that the maintenance has been carried out and that the building remains fit for occupation.

For an existing building, the maintenance schedule must be approved by a building surveyor

<i>See Building Act 2016</i>	Section 13	Alterations or extensions of existing buildings
<i>See Building Act 2016</i>	Section 206	Schedule of maintenance
<i>Building Regulations 2016</i>	Section 72	Essential building services
<i>Building Regulations 2016</i>	Section 73	Maintenance requirements
<i>Building Regulations 2016</i>	Section 74	Maintenance of essential building services

## Maintenance of plumbing installations

Some high-risk plumbing installations – such as an on-site wastewater treatment system, aerated water treatment system or backflow prevention device - have on-going maintenance requirements.

Like essential building services, there should be a schedule of maintenance that must be performed, for example testing of the backflow device or pumping out of a septic tank.

This maintenance is the responsibility of the owner and any future owners.

Because these systems fall into the high risk category of plumbing work, they will require a full plumbing permit from the permit authority, and the permit authority is required to keep a register of them.

The permit authority may choose to take a proactive approach to ensuring maintenance is completed in their municipality by sending out reminder letters to owners of the registered installations and requesting evidence of maintenance. This would ensure that new owners are also made aware of their obligations.

The permit authority may perform the maintenance work if it has not been performed by the owner. In this situation the owner is liable for any costs.

Permit authorities may also consider arranging to perform maintenance on behalf of the owner. For example, there are economies of scale by hiring a truck and pumping out a number of septic tanks that would reduce costs for owners and ensure the maintenance was completed and records maintained.

<i>Building Regulations 2016</i>	Section 75	Maintenance of automatic control devices (plumbing)
<i>Building Regulations 2016</i>	Section 76	Maintenance of certain plumbing installations by qualified persons
<i>Building Regulations 2016</i>	Section 77	Permit authorities may request records of maintenance
<i>Building Regulations 2016</i>	Section 78	Permit authorities may perform maintenance work

## Other notifications to the permit authority

### Heating appliances

Under Section 30 of the *Building Regulations 2016*, a person installing a heating appliance in premises must notify the permit authority at least 2 clear days before beginning installation, and again when installation is completed.

See <i>Building Regulations 2016</i>	Section 30	Heating appliances
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# Offences

Please note: This section is incomplete. You should refer to the legislation for full details.

## Permit authorities

As a regulator on behalf of government, you have certain responsibilities under the *Building Act 2016*.

If you commit an offence under the law, you may be liable to incur penalties.

Section of the <i>Building Act 2016</i> or <i>Building Regulations 2016</i>	Description	Penalty Natural person/body corporate
Building Act s 27(1)	A permit authority must keep the records contained under Schedule 1 as determined by the Director of Building Control	Fine not exceeding 100 penalty units
Building Act s 27(2)	Council must retain records	Fine not exceeding 100 penalty units
Building Act s 27(3)	Council may only make information available to authorised person	Fine not exceeding 100 penalty units

## Practitioners

Section of the <i>Building Act 2016</i> or <i>Building Regulations 2016</i>	Description	Penalty Natural person/body corporate
Building Regulations s 12	Alterations generally – a person must not build over an on-site waste water management system unless authorised to do so	Fine not exceeding 75 penalty units/150 penalty units
Building Regulations s 14	Prevention of nuisances when performing work (nuisance includes dirt, dust, fumes, noise, smoke, building and plumbing materials, sewage and concentration of water)	Fine not exceeding 50 penalty units, and a further 10 penalty units per day  Fines also relating to type of offence
Building Regulations s 19	Inspections of work – performing work that is likely to obstruct inspection	75/150 + a further 15 per day

## Plumbing work

<b>Section of the Building Act 2016 or Building Regulations 2016</b>	<b>Description</b>	<b>Penalty  Natural person/body corporate</b>
Building Regulations s 37	Installation of on-site wastewater management systems <ul style="list-style-type: none"> <li>• Must be accredited system</li> <li>• Must have ensured conditions appropriate</li> <li>• Must be assessed by designer</li> <li>• Conditions for trade waste treatment</li> </ul>	Fine not exceeding 75 penalty units/150 penalty units
Building Regulations s 38	Operation of on-site wastewater management systems	Fine not exceeding 50 penalty units + 15 penalty units a day if offence continues
Building Regulations s 39	Operation of plumbing installations	Fine not exceeding 50 penalty units + 15 penalty units a day if offence continues
Building regulations s 42	Plumbing work involving, or in the proximity of, service easements	Fine not exceeding 50 penalty units
Building regulations s 43	Plumbing work involving network utility operator's stormwater drainage systems	Fine not exceeding 50 penalty units
Building regulations S 44	Plumbing work in unregistrable relocatable buildings	Fine not exceeding 25 penalty units

## General

Building regulations s 79	False notifications of emergency work	Fine not exceeding 75 penalty units
Building regulations s80	Discharges of trade waste	Fine not exceeding 50 penalty units + 15 penalty units a day if offence continues
Building regulations s81	Discharge from swimming pool	Fine not exceeding 50 penalty units + 15 penalty units a day if offence continues

# INDEX OF APPROVED FORMS

## Approved by the Director of Building Control as at 1 January 2017

### NOTES:

Approved Forms are specified in the *Building Act 2016* and the *Building Regulations 2016*, and are approved by the Director as templates for use in the administration of the Act. The Forms are limited to the matters, things or actions that are required to be undertaken under the Act or the regulations, including making applications and compliance actions. Most forms are for the exclusive use by council officers or building surveyors. Electronic copies will be provided to councils or building surveyors on request to the Director.

Care should be exercised in completing the Forms. The Act or the relevant regulations, and in particular the section or regulation referred to, should be read before use. This will provide a check to ensure that the Form being used is understood by the user, and that all relevant information is included.

The forms for all **appeals or applications** made under the Building Act, Building Regulations or the Plumbing Regulations are available on the website of the Resource Management and Planning Appeal Tribunal: [RMPAT](#)

Key to abbreviations used in this Index:			
A	Agent	I	Installer
AO	Adjoining Owner	O	Owner
Appl.	Applicant	Occ.	Occupier
B	Licensed Building Service Provider	OB	Owner builder
BS	Building Surveyor	OP	Other person
C	Council	PA	Permit Authority
CO	Chief Officer	Pa	Person authorised
D	Designer	PAIC	Person apparently in charge
DBC	Director of Building Control	PCOPW	Person carrying out plumbing work
EHO	Environmental Health Officer	P	Plumber
FCA	Function Control Authority	Pu	Purchaser
GM	General Manager	QP	Qualified person

## Forms for the Building Act 2016 and Building Regulations 2016:

as of 1 January 2017

No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
1	Application for Demolition Permit	s190	O or A	PA	BS	<b>New</b>
2	Application for Building Permit	s139	O or A	PA	BS	<b>Retained</b>
3	Application for a Plumbing Permit / Certificate of Likely Compliance – Plumbing Work	s165; s156	O or A	PA	P	<b>Retained</b>
4	Application for an Occupancy Permit	s217	O or A	BS		<b>Retained</b>
5	Application for a Temporary Occupancy Permit	s229	O or A	BS		<b>Retained</b>
6	Notice for Proposed Protection Work	s76	O	AO; BS	BS	<b>Retained</b>
7						Removed
8	Application for Certificate of Substantial Compliance	s255	O	BS		<b>Retained</b>
9	Application for a Permit of Substantial Compliance	s258	O	PA		<b>Retained</b>
10	Referral to Function Control Authority	s20 DBC Determination	BS	FCA		<b>Retained</b>
11A	Advice to Permit Authority – minor alteration or minor repair					Removed
11A	Certificate of Likely Compliance - Building Work	s134; s98	BS	O or A	PA	<b>Retained</b>  (Previously form 11)



No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
11B	Certificate of Likely Compliance - Plumbing Work	s160; s109	PA	O or A		<b>New</b>
11C	Certificate of Likely Compliance - Demolition Work	s185; s121	BS	O or A	PA	<b>New</b>
12	Certificate of Final Inspection - Building Work	s152	BS	O or A	PA; B	<b>Retained</b>
13	Occupancy Permit	s223	BS	O or A	PA	<b>Retained</b>
14	Building Notice	s237	BS or PA	O or B	O or B	<b>Retained</b>
15	Building Order	s246	BS or PA	O or PAIC	PA	<b>Retained</b>
16						Previously removed
17	Certificate of Substantial Compliance	s257	BS	O or Appl.		<b>Retained</b>
18	Building Permit	s143	PA	O or A; Appl.; BS; B		<b>Retained</b>
19	Plumbing Permit	s169	PA	O or A; Appl.; P		<b>Retained</b>
19A	Special Plumbing Permit					Removed
20	Certificate of Completion - Building Work	s153; s104	BS or PA	O or A	BS or PA	<b>Retained</b>
21	Certificate of Completion - Plumbing Work	s178; s115	PA	O or A		<b>Retained</b>
22	Plumbing Notice	s238	PA	O or PCOPW		<b>Retained</b>
23	Plumbing Order	s250	PA	O or PAIC or		<b>Retained</b>

No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
				P		
24						Previously removed
25	Permit of Substantial Compliance	s260	PA	O	BS or BSL	Yes
26	Temporary Occupancy Permit	s232	BS	O or A	PA	Yes
27	Emergency Order	s245	GM	O or Occ.	PA	<b>Retained</b>
28	Building Notice					Removed
30	Building Order					Removed
31	Plumbing Order					Removed
32	Demolition Order	s267	GM & C	O		<b>New</b>
33	Certificate of Plumbing Compliance					Previously Removed
34						Previously Removed
35A	Certificate of responsible designer (Building Work)	s94; s129	D	BS; O		<b>Retained</b>
35B	Certificate of responsible designer (Plumbing Work)	s106; s155	D	PA; O		<b>Retained</b>
36	Registers	s27	PA	Kept by PA		<b>Retained</b>
37						Previously Removed

No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
38	Notice of refusal of Start Work Application - Building Work	r29	BS	O or B		<b>New</b>
39	Start-Work Notification and Authorisation - Building Work	s99; r29	O or B; BS	BS; O or B	PA	<b>Retained</b>
40	Owner Builder Registration Application					Removed
41	Request for report from Chief Officer	s131; r27	BS	CO		<b>Retained</b>
42	Request for report from Environmental Health Officer	s131; r28	BS	EHO		<b>Retained</b>
43	Direction to Uncover Building Work					Removed
44	Building Inspection Direction	s150; r20	BS	B		<b>Retained</b>
45	Certificate of Suitability for Temporary Occupation					Removed
46	Schedule of Maintenance - Prescribed Essential Building Services	s206; r72	O	BS		<b>Retained</b>
47	Chief Officer Report	s131; r27	BS	CO		<b>Retained</b>
48	Chief Officer occupancy report	s219; r67	CO	BS		<b>Retained</b>
49	Environmental Health Officer report	s131; r28	BS	EHO		<b>Retained</b>
50	Environmental Health Officer Occupancy report	s219; r67	CO	BS		<b>Retained</b>
51	Building Certificate	r83	GM	O; Pu; Pa		<b>Retained</b>
52	Building Certificate refusal					Removed
53	Notice of intention to install Heating Appliance	r30	O or I	PA		<b>Retained</b>

No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
54	Heating Appliance Installation Compliance Certificate	r30	O or I	PA		Retained
55	Certificate of Qualified Person - Assessable Item	s321	QP	O or A; BS; PA		Retained
56	Annual Maintenance Statement					Removed
57	Application for Building Certificate	r83	O; Pu; Pa	GM		Retained
58	Permit Document Endorsement - Building, plumbing and demolition	r22	PA	Kept by PA		Retained
59	Certificate of Specialist or Other Person (Plumbing Work)					Removed
60	Start-Work Notification and Authorisation - Plumbing Work	s110; r35	PCOPW; PA	PA; PCOPW	Appl.	Retained
61	Notice of refusal of Start Work Application - Plumbing Work	r35	PA	PCOPW		Retained
62	Plumbing endorsement					Removed
63	Direction to uncover plumbing work					Removed
64	Plumbing Inspection Direction	s176; r20	PA	PCOPW		Retained
65	Notice of suspension of Special Plumbing Permit					Removed
66	Notice of cancellation of Special Plumbing Permit					Removed
67	Notice of environmental harm or a nuisance					Removed
68	Demolition Permit	s193	PA	O or A; Appl.;		New

No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
				BS; B		
69	Certificate of Final Inspection - Demolition Work	s202	BS	O or A	PA; B	<b>New</b>
70	Certificate of Completion - Demolition Work	s203; s127	BS or PA	O or A	BS or PA	<b>New</b>
71A	Standard of Work Certificate - Building Work	s151; s103	B	BS	O	<b>New</b>
71B	Standard of Work Certificate - Plumbing Work	s177; s114	PCOPW	PA	O	<b>New</b>
71C	Standard of Work Certificate - Demolition Work	s201; s126	B	BS	O	<b>New</b>
72A	Application - Certificate of Completion - Building Work	s153; s104	O or A	BS or PA		<b>New</b>
72B	Application - Certificate of Completion - Plumbing Work	s178; s115	O or A	PA		<b>New</b>
72C	Application - Certificate of Completion - Demolition Work	s203; s127	O or A	BS or PA		<b>New</b>
73	Start-Work Notification and Authorisation - Demolition Work	s122; r47	O or B; BS	BS; O or B	PA	<b>New</b>
74	Notice of refusal of Start Work Application - Demolition Work	r47	BS	O or B		<b>New</b>
75	Demolition Inspection Direction	s200; r20	BS	O or B		<b>New</b>
76A	Application - Extension of Duration of Building Permit	s147	PA	O or A	BS	<b>New</b>
76B	Application - Extension of Duration of Plumbing Permit	s173	PA	O or A		<b>New</b>
76C	Application - Extension of Duration of Demolition Permit	s197	PA	O or A	BS	<b>New</b>
77	Notice for Emergency Work	s215	O or B	PA		<b>New</b>

No	Name	Section / Regulation	Issued by	Issued to	Copy to	Action
78	Assessment of Certifiable Works Certificate (TasWater)	s20 DBC Determination				<b>New</b>
79A	Application for Certificate of Likely Compliance / Notice of Work - Building Work	s130; s97	O or A	BS		<b>New</b>
79B	Notice of Work - Plumbing Work	s108	O or A	PA		<b>New</b>
79C	Application for Certificate of Likely Compliance / Notice of Work - Demolition Work	s180; s120	O or A	BS		<b>New</b>