

Modification Application - Frequently Asked Questions

1) What happens when I cannot install plumbing work to comply with prescribed codes and standards?

You can apply to the VBA for a modification of the codes and standards pursuant to Section 221ZZO of the Building Act (included at the end of this document).

2) Who can apply for a modification?

The owner or occupier of a building or land; a licensed or registered plumber; a plumbing inspector or a compliance auditor, a department head within the meaning of the Public Administration Act 2004.

3) How do I apply for a modification?

You must complete the **Modification Application Form** and provide any supporting documentation, including site / building / design plans, and where the modification request relates to below ground sanitary drainage work a copy of the existing property sewerage plan, **relevant water authority Conditions of Connection** and a sketch of any proposed sanitary drain alterations.

To ensure your application is received and processed expediently the completed application form, together with all relevant supporting documentation **should be lodged with the VBA – by email to modifications@vba.vic.gov.au** but can if necessary be posted to PO Box 536 Melbourne 3001. The application will be processed on payment of the **\$114.19** fee.

4) What will happen once I make application for a modification?

The VBA will assess, and either approve or reject a modification application. If the application is approved, the VBA will mail the approval to you. If the application is declined, the VBA will contact the applicant to discuss and / or to obtain further information.

5) How long does the modification approval process, take?

The process may take up to 10 working days from receipt of application or 10 working days from receipt of any further information if requested.

6) What happens if your plumbing work to which there was a modification approved; is selected for audit?

You should advise the VBA Booking Officer at the time of booking the audit. You will need to take to the audit – a copy of the plumbing modification approval letter.

Plumbing Modification – Building Act 1993

Building Act 1993, Section 221ZZO - Modification of plumbing regulations

- 1) The Authority may declare that a provision of the plumbing regulations does not apply, or applies with specified variations, to specified plumbing work.
- 2) A declaration under this section overrides the plumbing regulations and must be given effect to with respect to the specified plumbing work as if those regulations had been amended to accord with the declaration.
- 3) An application for a declaration may be made by -
 - a. the owner or occupier of a building or land;
 - b. a licensed or registered plumber;
 - c. a plumbing inspector or compliance auditor;
 - d. a Department Head within the meaning of the **Public Administration Act 2004**;
 - e. a public authority.
- 4) The person applying for the declaration must -
 - a. identify the plumbing work for which the application is being made;
 - b. specify in what way the person would like the plumbing regulations modified with respect to that work.
- 5) An application for a declaration must be accompanied by the fee set out in the regulations.
- 6) For the purposes of this Part, any plumbing work that is the subject of a declaration complies with the plumbing regulations if it complies with those regulations as modified by the declaration.

Building Act 1993, section 221ZZP - Matters Authority must consider before making a modification declaration

- 1) The Authority may only declare that a provision of the plumbing regulations does not apply to specified plumbing work if it is satisfied that the provision is inappropriate in the particular circumstances.
- 2) The Authority may only declare that a provision of the plumbing regulations applies with the variations specified by the Authority to specified plumbing work if it is satisfied that it is reasonable to do so and is not detrimental to the public interest.
- 3) In making a declaration under section 221ZZO, the Authority may impose any conditions that it thinks appropriate in relation to how the declaration is to be given effect to.

Building Act 1993, Section 221ZZQ - Procedure applying to hearings under this Part

- 1) Subject to anything to the contrary in this Part, clauses 12, 15, 16, 17, 18(1) and 19 of Schedule 3 apply to the hearing of a dispute under section 221ZZN or of an application under section 221ZZO as if a reference in those clauses to—
 - a. the Building Appeals Board was a reference to the Victorian Building Authority; and
 - b. a determination was a reference to a declaration.
- 2) For the purposes of this Division, section 221ZZO applies as if a reference in that section to a disciplinary hearing was a reference to the hearing of a dispute under section 221ZZN or of an application under section 221ZZO.