

Plumbing Modification Applications - Frequently Asked Questions

1. What is a plumbing modification?

A plumbing modification is a process available under the *Building Act 1993*¹ (the Act) which allows an owner (or others, including a plumber, on behalf of the owner) to apply for a modification of the plumbing regulations (the Plumbing Regulations 2018, the Plumbing Code of Australia and the technical plumbing standards) as they apply to specific plumbing work.

If a modification is approved, it means that certain plumbing regulations will not apply or will apply differently to the plumbing work specified in the application.

This process is available for installations where compliance with the regulations is difficult or impossible due to the nature of the site, the nature of the plumbing work or because the prescribed methods of compliance (either deemed to satisfy and/or a performance solution) cannot be used to carry out the work.

2. When should I apply for a plumbing modification?

You should apply for a plumbing modification prior to commencing the plumbing work to which the application relates. It can not be retrospectively issued, or issued for completed work.

3. What happens if I apply for a plumbing modification after I complete the work?

The application will be refused. Plumbing work cannot be approved as a modification after it has been completed, as the work is already non-compliant (as it has been completed outside the requirements of the regulations).

4. Who can apply for a plumbing modification?

The following parties can apply for a plumbing modification:

- the owner or occupier of the building or land;
- a licensed or registered plumber (on behalf of the owner);
- a plumbing inspector or compliance auditor (under the Building Act 1993);
- the Secretary of a government department; and
- an appropriate officeholder of a public authority, which includes a municipal council.

If you are not the owner of the property on which the plumbing work is to be carried out, you should obtain the consent of the owner to apply for a modification for this work. The application form contains a section where the owner can authorize another party to apply for a modification.

5. How do I apply for a modification?

You must complete the **Modification Application Form** and pay the **application fee of \$122.80**². The application fee must be paid at the time the application is lodged. If the fee is not paid, the

¹ Section 221ZZO, Building Act 1993.

² The modification application fee increases on 1 July each year in accordance with the indexation of fees under the Monetary Units Act 2004.

application cannot be assessed. The application fee is not refundable, irrespective of whether the modification application is approved by the VBA or not.

You must also provide documentation in support of your application (further details below).

6. What information should I include in support of my application?

The VBA requires the following information in support of a plumbing modification application:

- the rationale for why the plumbing regulations cannot be complied with and why a plumbing modification is required;
- which regulations and/or clause within the Plumbing Regulations 2018, Plumbing Code of Australia, and/or technical standards that you are seeking to be modified;
- whether you have considered completing this work using a performance solution. Can a performance solution be used? If it can, why is the plumber not carrying out the work using a performance solution? If the work cannot be completed using a performance solution, why is this the case?
- details of the site where the plumbing installation or other plumbing work is proposed to be carried out (including maps, plans, photographs, including those obtained from the municipal council or relevant water authority);
- details of parties consulted in the development of the proposed modification (e.g. municipal council, relevant building surveyor, builder, property developer or other relevant regulatory authorities (such as EPA, relevant water authority, Energy Safe Victoria, fire authorities, etc.). Where relevant, please provide details of the name, qualifications and experience of any parties who helped design the proposed modification.
- evidence to demonstrate that the proposed plumbing work under the proposed modification will perform, that it is safe and will not cause any damage to property or excessive costs to the owner.

7. What do I have to establish or demonstrate for my application?

In order to be considered for a modification, the applicant must demonstrate to the VBA that:

- the plumbing work cannot be installed in accordance with the current regulations, codes and standards;
- the plumbing work cannot be installed using the prescribed methods of compliance, that is, using a deemed to satisfy and/or performance solution, as relevant; and
- the proposed modification will work, that is, it will function reliably, safely and efficiently.

8. When is a plumbing modification not the appropriate solution?

The following are not acceptable reasons for a plumbing modification:

- there is an acceptable method of compliance (such as a performance solution) available under the plumbing regulatory framework;
- the owner, installing plumber or other approved applicant does not want to comply with the current requirements; or
- the owner (or applicant) consider it is too expensive to comply with the requirements.

9. If the plumbing work can be completed using a performance solution, will a modification for the work be approved?

If the plumbing work can be completed using an existing compliance option, such as a deemed to satisfy and/or performance solution pathway, a plumbing modification will not be approved. Modifications to the plumbing regulations can only be considered where the work cannot be completed within the current plumbing regulatory framework. Where a performance solution is available, this means that the work can be completed within the plumbing regulatory framework.

Therefore, a modification is not necessary and the modification power will not be exercised in these cases.

10. If I can't meet the deemed to satisfy requirements prescribed in the Plumbing Regulations 2018, can I apply for a plumbing modification?

If the deemed to satisfy requirements (e.g. HB 39 Installation code for metal roof and wall cladding) is not referenced in the Plumbing Code of Australia (PCA) and only in the Plumbing Regulations 2018, and you can't meet the requirements for certain reasons, you can apply for a plumbing modification. If the deemed to satisfy requirement is referenced in the PCA and you can't meet it for certain reasons, you must use a performance solution instead as this is one of the allowable compliance pathway – in this instance a plumbing modification is not appropriate.

11. How long will it take for my application to be decided?

The process will usually take up to 10 working days from the time your application is received by the VBA's Technical Advice (Plumbing) team.

If further information is required, the person who is deciding your application will contact you to request this additional information. Your application will be finalised within 10 working days from the date that the additional information is received.

If the application is complex, your application may take longer than 10 days to decide. In this case, VBA will advise you with an estimated timeframe for decision.

In order for your application to be decided as quickly as possible, it is recommended that you provide all relevant information as part of the application process and attach all necessary documentation to support your application.

12. How much does it cost to apply for a plumbing modification?

The application fee for a plumbing modification is currently **\$122.80**.³

The application fee is payable at the time that you apply and is **non-refundable**. This means that the fee must be paid regardless of whether the modification is approved or refused. The fee will not be refunded if the application is refused.

13. Where do I send my application?

The completed application form, supporting documentation and payment authorisation form must be sent to the VBA, either by email or post.

Email: modifications@vba.vic.gov.au

or

Post: Technical and Regulation Plumbing
Victorian Building Authority
PO Box 536
Melbourne Vic 3001

³ The modification application fee increases on 1 July each year in accordance with the indexation of fees under the Monetary Units Act 2004.

14. What will happen after I apply for a modification?

The VBA will assess, and either approve or reject the modification application.

You will receive an email acknowledging receipt of your application and advising it has been allocated to a Technical Adviser for review and decision. The Technical Adviser may then contact you if they require further information in order to make a decision.

When the application is decided, you will receive a decision letter from the VBA, either by email or by post (if you have not provided an email address). The decision letter will advise you that your application has been approved or refused.

15. What is the next step if my modification application is approved?

If the modification application is approved, the VBA's letter will advise you of the approval. This means that you can carry out the plumbing work in accordance with the modification.

If the approval sets out conditions attached to the modification, you must follow all the conditions set out in the letter when carrying out the plumbing work. If the conditions are not adhered to, the modification will not apply and the work will be non-compliant.

16. Approved plumbing modification and Compliance Certificate

If you carry out plumbing work in accordance with the approved plumbing modification, including any conditions, you must include the following information on the compliance certificate lodged for the work:

- include the modification approval number (located on the approval letter); and
- tick the "Modification" box when lodging the compliance certificate.

17. What is the next step if my modification application is refused?

If your modification application is refused, you can contact the Senior Technical Adviser who made the decision and discuss the reasons for refusal.

In addition, you can apply to VCAT (the Victorian Civil and Administrative Tribunal) for review of the decision (under section 221ZZP(3) of the Building Act 1993. More information about VCAT is located at: <https://www.vcat.vic.gov.au>.

18. What happens if your plumbing work (which was completing following an approved modification), is selected for audit?

You should advise the VBA Booking Officer at the time of booking the audit that the work was carried out under an approved plumbing modification. You will need to bring a copy of the plumbing modification approval letter and all relevant designs and documentation to the audit.