

5.1. PLUMBING & DRAINAGE ACT - FAST TRACK APPLICATION OPT OUT DECLARATION

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RECOMMENDATION

That Council, in accordance Section 40(1) of the Plumbing and Drainage Regulation 2019, declares that it will not deal with any applications relating to permits for work to be carried out in the Douglas Shire local government area as fast-track applications.

EXECUTIVE SUMMARY

New plumbing laws (Plumbing and Drainage Act 2019 and Plumbing and Drainage Regulation 2019) come into effect on 1 July 2019.

From 1 July, permit applications are divided into two streams: fast-track and standard. Timeframes for local government application approvals are significantly reduced:

1. Fast-track applications:
 - Approval time-frames reduced from 20 to 2 business days.
 - Available for the majority of new residential dwellings, sheds or domestic out-buildings (class 1a and 10a buildings).
 - These applications are considered lower risk domestic plumbing and drainage work as they connect directly to the water and sewerage supply and do not require additional approvals.

2. Standard applications:
 - Approval timeframes reduced from 20 to 10 business days.
 - Available for all other types of buildings, including multi-unit residential and commercial buildings (class 2-9 buildings) and for those applications excluded from the fast-track process including combined and community sanitary drainage, trade waste connections and on-site sewerage/grey water treatment facilities.

A local government may, by resolution 'opt out' of the fast-track application process and deal solely with permit applications under the mandatory standard applications process. This option provides local governments, particularly regional councils, with flexibility to choose the approval model that best suits their available resources. A local government may, at a later date and 'by resolution', choose to opt back in to the fast-track model.

Under section 41 of the Plumbing and Drainage Regulation 2019, if a local government makes a fast-track work declaration or fast-track opt-out declaration for its local government area, the local government must—

- (a) publish the declaration on its website; and
- (b) give a copy of the declaration to—

- (i) the chief executive; and
- (ii) if the local government is a participating local government for a distributor-retailer—the distributor-retailer; and
- (c) ensure a copy of the declaration may be inspected, free of charge, at the local government's public office

COMMENT

Due to available resourcing Douglas Shire Council (Douglas) staff cannot guarantee that plumbing permits will be issued within the 2-business day timeframe. Two reasons to opt out of the Fast Track process include:

- Douglas has one (1) Plumbing and Drainage Inspector and is unable to guarantee coverage five (5) days per week.
- Douglas do not have an online lodgment system that can quickly direct an application to the Plumbing and Drainage Inspector for assessment. All applications must go via records for profiling which can take one to three days.

PROPOSAL

Section 40 of the Plumbing and Drainage Regulation 2019 provides the following option:-

Fast-track opt-out declaration for local government area

1. A local government may, by resolution, declare that it will not deal with any applications relating to permits for work to be carried out in its local government area as fast-track applications (a fast-track opt-out declaration).
2. A fast-track opt-out declaration applies in relation to an application for, or to amend, a permit made on or after the day the declaration is made.

Due to the current resourcing of Council's Plumbing section and the current inability for online applications to be lodged, it is proposed that Council make a declaration to opt-out of the fast track application model and deal solely with permit applications under the mandatory standard applications process.

ATTACHMENTS

1. New Plumbing Laws **[5.1.1 - 4 pages]**



The new plumbing laws

The new plumbing laws form part of the Queensland Building Plan and deliver reforms to make our construction industry safer, fairer and more sustainable.

The plumbing and drainage industry is essential to maintaining the health and safety of all Queenslanders. Our industry workers are respected and valued professionals.

From 1 July 2019, new plumbing laws will take effect and Queensland's plumbers and drainers, builders, developers, local governments, water service providers and homeowners can expect some changes to managing their work.

The new laws were developed in conjunction with industry representatives. They will make it easier for industry professionals to do business, understand their responsibilities, and keep unlicensed workers out of the industry.

Which laws will change on 1 July 2019?

- The *Plumbing and Drainage Act 2018* (the new Act) will replace the repealed *Plumbing and Drainage Act 2002* (PDA 2002).
- The Plumbing and Drainage Regulation 2019 will replace the existing Standard Plumbing and Drainage Regulation 2003 and the Plumbing and Drainage Regulation 2003.
- A new Queensland Plumbing and Wastewater Code will take effect complementing national plumbing standards. All Queensland-specific technical requirements are set out in a single document.
- New guidelines to help local governments and industry implement the new laws and new approved plumbing forms will also come into effect.

Why are the laws being changed?

- Protect and enhance the health, safety and wellbeing of Queenslanders who need to use plumbing and drainage professionals.
- Ensure high-quality and cost-effective plumbing laws, regulations and codes.
- Provide an efficient, modern system for approving plumbing work.

What are the benefits?

- Faster permit process saves time and money.
- Easier to understand laws.
- Stronger penalty framework, particularly for unlicensed work.

Increased penalties for unlicensed work

Individuals who perform, direct or supervise unlicensed work face increased penalties if prosecuted (sliding scale):

First offence	250 MPU (\$32,637)
Second offence	300 MPU (\$39,165)
Repeat offenders	350 MPU (\$45,692) or one year's imprisonment

On the spot fines for performing, directing and supervising unlicensed work increased from \$1,305.50 to \$2,611 (penalty unit to increase as of 1 July 2019).

What are the changes?

› PERMIT APPLICATION TIMEFRAMES REDUCED

- From 1 July 2019, permit applications will be divided into two streams – fast-track and standard. Work on new homes will be able to commence 18 days earlier (exclusions apply).
 - Fast-track applications: From 20 down to 2 business days.
 - Standard applications: From 20 down to 10 business days.
- Applicants will be able to apply to a local government for an amendment, or an extension of time, for an existing permit. This allows licensees to amend their existing permit rather than having to reapply for a new permit.

› MORE FLEXIBILITY FOR LOCAL GOVERNMENTS

- Local governments will have the flexibility to opt out of the fast-track process or expand the scope of work that can be performed under that process. This provides them with the flexibility to choose a model that best meets the needs of their community.

› STRONGER CONSEQUENCES FOR BREACHES OF THE LAWS INCLUDING WORKING UNLICENSED

- The introduction of a stronger penalty framework that increases penalties for those who breach the plumbing laws.
- This includes sliding scale offences for unlicensed work and prison terms for repeat offenders.

› NEW APPEAL RIGHTS

- New appeal rights at each inspection stage. This will allow licensees to appeal local government decisions when work is inspected instead of having to wait until the end of the job.

› EASIER TO UNDERSTAND

- Provisions have been simplified to improve readability and assist understanding.
- Terminology and timeframes are streamlined across categories of work to promote consistency.
- Similar provisions have been grouped together making the laws easier to find.
- Schedules in the new regulation have been amended to improve usability:
 - **Schedule 1:** Notifiable work: Removal of emergency work and similar items have been combined.
 - **Schedule 6:** Documents to accompany permit applications have been streamlined to better explain what documents need to accompany permit applications.

› REVISED QUEENSLAND PLUMBING AND WASTEWATER CODE

- The revised Queensland Plumbing and Wastewater Code (QPWC) has been amended to:
 - remove all redundant requirements e.g. where a requirement was also addressed in the Plumbing Code of Australia (PCA), or a relevant Australian Standard
 - include all plumbing and drainage standards for Queensland that are required to vary and complement national plumbing and drainage standards.
- Set out all Queensland specific technical requirements in a single document in a familiar format to improve usability.
- The structure now aligns with the National Construction Code, Volume Three, PCA 2019.

What has not changed?

Inspection system: All permit work will continue to be inspected by local government. Reduced timeframes only apply to obtaining a permit. A person must still get a permit before starting permit work and must comply with the permit and any conditions of the permit.



New permit application approval system

The new plumbing laws come into effect on 1 July 2019.

Currently the approval and inspection process for 'compliance assessable work' is carried out by local government and divided into two stages:

1. Permit required to commence work; and
2. Inspection of work by local government to gain a compliance certificate.

What has changed?

Terminology

The term 'compliance assessable work' has been replaced with 'permit work'. The new term clearly indicates to industry and consumers that a permit is required to perform the work.

Process and timeframes—permit applications will be divided into two streams

From 1 July 2019, permit applications are divided into two streams: fast-track and standard. Timeframes for local government/public entity plumbing application approvals are significantly reduced:

1. Fast-track applications

- Approval timeframes reduced from 20 to 2 business days.
- Available for the majority of new residential dwellings, sheds or domestic out-buildings (class 1a and 10a buildings¹).
- These applications are considered lower risk domestic plumbing and drainage work as they connect directly to the water and sewerage supply and do not require additional approvals.

2. Standard applications

- Approval timeframes reduced from 20 to 10 business days.
- Available for all other types of buildings, including multi-unit residential and commercial buildings (class 2 - 9 buildings) and for those applications excluded from the fast-track process.

More flexibility for local governments

A local government may, by resolution 'opt out' of the fast-track application process and deal solely with permit applications under the mandatory standard applications process. Refer to Fact sheet 4 for more information.

¹ A full listing of the National Construction Code building classifications can be viewed at: <https://australianbuildingservices.wordpress.com/ncc-building-classifications/>



Plumbing and Drainage reforms



Exclusions apply—why can't I fast-track my application?

Certain applications are excluded from the fast-track application process as they are considered to pose a higher risk to public health, safety and the environment.

These types of applications require assessment of the relevant plans and accompanying documentation by local government before a permit may be issued and must be assessed under the standard application process. These include:

Fast-track application exclusions	
Combined sanitary drainage/community title sanitary drainage	Work for combined and community sanitary drains is excluded as it can effect multiple properties and any changes to an individual property may impact on the performance of drainage for other properties.
Trade waste connection	It is an offence to discharge trade waste to a sewer without approval, as it may contain toxic or harmful substances such as oil, heavy metals, solids, organic solvents or chlorinated organics. Water Service Providers (local governments) or distributor-retailers (e.g. Queensland Urban Utilities) will need to assess trade waste applications based on risk factors to ensure the safe and effective disposal of trade waste.
On-site sewage and grey water treatment facilities	These facilities are used for the treatment, storage and disposal of domestic waste generated on premises in unsewered areas. Poorly sited or maintained facilities may impact public health and the environment.

What won't change?

Approval and inspection stage	
Permit work process	A permit will still be required before permit work can commence, and the applicant must comply with the permit and all permit conditions.
Inspection process	There are no changes to the inspection process. All permit work will continue to be inspected to ensure it complies with the plumbing laws and the permit for the work, and the work substantially complies with the plans accompanying the application for the permit.
Licence requirements	There is no change to current licensing requirements or licence types.

What are the benefits?

Savings in time and costs

The new permit application system will deliver approvals faster, resulting in reduced construction times benefiting all Queenslanders. For example:

- Under the fast-track process, the average new homeowner in Brisbane could save approximately \$640 in holding costs as construction work could commence up to 18 days earlier (based on a median land price of \$255,000 and an indicative mortgage rate of 5.1 percent).
- The construction industry gains further benefit as work could commence up to 10 days earlier on complex construction, such as commercial buildings. Faster approvals simply mean the construction industry and its workforce could start and finish construction projects earlier.