



11 October 2024

Stakeholder Engagement, Education and Policy
Consumer, Building and Occupational Services
Department of Justice
PO Box 56
Rosny Park TAS 7018

By email to: cbos.info@justice.tas.gov.au; ryan.slater@justice.tas.gov.au

Re: Director's Guidelines – Inspection of Waterproofing in Wet Areas

To whom this concerns,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to provide feedback on the *Director's Guidelines – Inspection of Waterproofing in Wet Areas (the Guideline)*. The Institute was alerted to this consultation by one of our members, and appreciate the extension of time to provide feedback. The Institute asks to be included as a key stakeholder in future consultation that relates to building and construction matters. This Guideline will be important for architects to be across and will have particular impact on architects who are administering contracts.

The Institute has consulted with members and our policy and advocacy team, and has received a range of feedback. Some feedback is pleased to see the promotion of a high degree of rigour which will hopefully increase the quality of built outcomes, while other feedback questions the time and cost that this will add to the building process, and how this cost is then passed on to the consumer, as well as how the increased demand on and for building surveyors will be managed within Tasmania.

The Institute suggests that it would be helpful to have a roundtable discussion with CBOS and relevant key stakeholders, including building surveyors, builders, engineers and architects to discuss these issues in more depth.

General suggestions and feedback from members is included below, and additional feedback relating to specific sections is in the second section of this document.

- The Guideline is ambiguous with terms like recommended and mandatory. If failure of waterproofing is a large issue, the Guideline should be made to be mandatory. Similarly, while the Guideline doesn't include low risk building work, there could still be significant damage to building fabric in some instances. There has also been a suggestion that the

Guideline could be expanded to include waterproofing to balconies, decks, podium roof and planter boxes.

- The Guideline should provide clarity as to the minimum level of documentation required for 'wet area' waterproofing, as currently some building surveyors allow performance specifications or notes on drawings, while others require full documentation with details. This has a particular effect on architects and designers who are providing the documentation.
 - The licensing of waterproofing installers is critical and they should certify installation for compliance with the NCC and Australian Standards. With licensed installers in place, it should then be possible to nominate a proprietary system and rely on the sub-contractor installing and certifying the installation. Most architects and designers don't mind what waterproofing system is used, as long as it is fit for purpose and complies with the NCC and Australian Standards.
 - The Guidelines, and any regulatory inspections and requirements outlined by CBOS, should align with government specifications and NATSPEC.
 - Members have questioned whether building surveyors will abrogate their inspection responsibility to the architect or others, as they have for framing inspections.
-

1. Definitions and abbreviations

The definitions included should align with those in the NCC.

2. Document status

The Institute notes that while the 'Guideline is regarded as acceptable practice...' and 'should be followed to achieve the required standard of work,' it isn't a legal standard. In consultation with our Institute members, when working with other guidelines of a similar nature, there is some ambiguity as to how these guidelines are applied and interpreted by building surveyors. In some members experience, guidelines have proven to be problematic. Clarity as to how building surveyors will apply this Guideline should be considered.

It is noted that an increase in inspections will then increase cost and time, and this cost will be passed on to the consumer.

3. Background

This section contains reference to visual inspections; it is suggested that 'visual inspection' should be defined. It is also noted that visual inspections can not be relied upon to ensure that the membrane has been installed correctly as it only takes a pin prick hole for the membrane to fail.

4. Scope

As noted above, there is ambiguity between what is mandatory and what is recommended.

5. Mandatory notification requirements

While the Guideline notes that works can proceed beyond mandatory notification stage if 'the Building Surveyor has not inspected work within one day of the mandatory notification stage being

reached,' questions have been raised by members about non-attendance at required inspections being cause for an extension of time being made under the contract.

It is suggested that the dot points included in this section should be changed to a character list (i.e., a), b), c)) for referencing purposes. It is also suggested that all reports and records should be an annexure to the Form 20 Certificate of Completion for future record.

A question has been raised in relation to the following paragraph:

'...a Building Surveyor may inspect or cause to inspect work at any time. This includes invasive, or destructive work to enable inspection, should there be sufficient reason to suspect work has not been installed to a satisfactory standard.'

The first sentence is unclear and should be clarified. Should the membrane be found to meet compliance, the question is asked about who will cover the reinstatement costs of the work that then may need to be repaired.

It is also suggested that 'by the Building Surveyor' should be added to the end of the final sentence in this section, so it reads as follows:

'It is an offence under the Act for a Builder to allow work to proceed beyond a mandatory notification stage without authorisation by the Building Surveyor.'

6. Inspection of waterproofing in wet areas

It is suggested that the dot points included in this section should be changed to a character list (i.e., a), b), c)) for referencing purposes.

It is questioned how a Building Surveyor is able to adequately assess the complexity of a project in one or two assessments. Architects and designers, who have likely been working on the project for anywhere between 12-24 months, or longer, are in a much better position to assess the complexity. The size of the project may not also be a good measure of complexity. It is also questioned how the risk of failure is assessed by a Building Surveyor who is not involved in the specification of the product.

It is suggested that the dot point noting 'any other reason deemed appropriate by the Building Surveyor' is too ambiguous and doesn't provide any certainty to the architect or designer, the builder, or the client, and should be removed.

There is also ambiguity about the inclusion of the term 'recommended', as included in the second last sentence, as in other sections this is listed as mandatory.

7. Inspection rate

'The recommended minimum...' wording is too ambiguous and should be more specific to provide certainty to all involved.

A question has been asked about how the percentages recommended for inspection has been calculated, and how this might impact a project, both in terms of time and cost. It has also been suggested that 100% testing at occupancy is too late and too high.

8. What to inspect

As the suggestion is for four inspection stages prior to the application of the membrane, the question is raised as the implication of this on the project in regards to time and costs to the

consumer. It is also suggested that this could result in confusion for the project team as to which inspection takes priority.

The Guideline notes that ‘...logistics, practicality, and necessity of the above recommendation are determined at the discretion of the Building Surveyor.’ This doesn’t provide clarity to those involved, including the architect or designer, builder or subconsultants, and is suggested to be removed. Members consider that it is not reasonable for Building Surveyors to have discretionary powers to make such determinations without clear and strict parameters.

9. Records to be kept by the Building Surveyor

As previously stated under section 5, documents should be an annexure to the Form 20 Certificate of Completion, not the Certificate of Likely Compliance, which is issued at the commencement of the project.

Clarity should be provided as to how and where the records should be kept.

In summary, there may be issues that arise when the Guideline is put into practice, and the Institute would appreciate a means of raising these with CBOS if this occurs, along with meeting in a roundtable format to ensure concerns of the industry are heard.

Thank you for the opportunity to provide feedback on the amendments. Please contact us if you would like to discuss any of the points raised further.

Kind regards,



Daniel Lane
President, Tasmanian Chapter
Australian Institute of Architects



Jennifer Nichols
Executive Director, Tasmanian Chapter
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.