

# VINYL PLANKS, VINYL TILES AND HYBRID FLOORING USED IN WET AREAS, AND NON-CONFORMING BUILDING PRODUCTS

EFFECTIVE MAY 2023 - UPDATED TO ALIGN TO NCC 2022

## Building practitioners

Non-conforming building products (NCBPs) are building products that are not safe, non-compliant, or contain false or misleading claims and are not fit for their intended use.

Vinyl planks, vinyl tiles and hybrid plank flooring are a synthetic material made up of several different layers and come in varying sizes with graphics to look like planks of real timber—generally they are made primarily of PVC plastic material.

The Queensland Building and Construction Commission (QBCC) is aware some entities are representing vinyl planks, vinyl tiles and hybrid plank flooring as suitable for use in wet areas without proper consideration of the compliance requirements of the National Construction Code 2022 Volume Two (the NCC).

The NCC defines a wet area as:

“an area within a building, supplied with water from a water supply system, which includes bathrooms, showers, laundries, and sanitary compartments (WC) and excludes kitchens, bar areas, kitchenettes or domestic food and beverage preparation areas”.

## Performance requirements for wet areas

In respect to Class 1 and 10a buildings, the NCC nominates the ‘performance requirement’ H4P1, for wet areas:

“to protect the structure of the building and to maintain the amenity of the occupants, water must be prevented from penetrating –

- a) behind fittings and linings, or
- b) into concealed spaces, of sanitary facilities, bathrooms, laundries and the like”.

## Deemed-to-Satisfy solution

The Deemed-to-Satisfy (DtS) pathway to demonstrate compliance with H4P1, is provided in the NCC H4D2, which requires:

“Compliance with AS 3740 or Part 10.2 of the ABCB Housing Provisions satisfies Performance Requirement H4P1 for wet areas provided the wet areas are protected in accordance with the appropriate requirements of 10.2.1 to 10.2.6 and 10.2.12 of the ABCB Housing Provisions.”

AS 3740 – 2021 is the version referenced by the NCC. Vinyl planks are not included in the accepted list of waterproof materials under Clause 3.3.1 or water-resistant surface materials under Clause 3.3.3 of AS 3740.

Further, Clause 3.3.3 is titled, ‘Water-resistant surface materials’. Part (b) of Clause 3.3.3 provides the DtS pathway to compliance for all floor surface materials in a wet area that are required to be water resistant; are as follows:

- “(i) Ceramic and stone tiles
- (ii) Water resistant flexible sheet flooring material with sealed joints (e.g., sheet vinyl) in accordance with AS 1884.”

Vinyl planks, vinyl tiles and hybrid planks are not a sheet flooring material with sealed joints, and therefore do not meet the DtS requirements when installed in an area required to be water resistant, such as in a sanitary compartment (WC) or bathroom.

## Performance solution

The NCC provides an optional pathway to achieve compliance when not using a DtS solution. For example, the installation of vinyl tiles in a wet area. This is through the formulation of a ‘performance solution’ in accordance with Part A2G2 of the NCC.

**Note:** the process to produce a performance solution document, may be assessed and accepted by the building certifier as the appropriate authority having jurisdiction to accept the performance solution and include it in the building approval.

Accordingly, if you are an owner builder, licensed builder or contractor who is intending to install vinyl planks, vinyl tiles or hybrid flooring in a wet area, it is recommended you check with the project’s building certifier in respect to compliance with the relevant performance requirements.

## Duty to provide ‘required information’ for a building product

Persons in the ‘chain of responsibility’, including but not limited to manufacturers, suppliers, and installers, need to be aware of the requirements for products sold, offered for sale, or installed in Queensland under Part 6AA of the *Queensland Building and Construction Commission Act 1991* (QBCC Act), in relation to NCBPs.

In particular, members of the construction industry supply chain, including manufacturers, distributors, and installers, must ensure the building products they manufacture, supply, or install, are compliant and accompanied by the ‘required information’ for the product, or otherwise risk incurring significant penalties.

## Definitions

**Required information**<sup>1</sup> - for a building product, means information about the product that—

- (a) for each intended use of the product, states or otherwise communicates the following—
  - (i) the suitability of the product for the intended use and, if the product is suitable for the intended use only in particular circumstances or subject to particular conditions, the particular circumstances or conditions.
  - (ii) instructions about how the product must be associated with a building to ensure it is not a non-conforming building product for the intended use;
  - (iii) instructions about how the product must be used to ensure it is not a non-conforming building product for the intended use; and
- (b) complies with the requirements for the information, if any, prescribed by regulation for this definition.

## Disclaimer

The information provided in this fact sheet is for educational purposes only. Although the QBCC endeavours to provide accurate and current information, it does not guarantee that the information communicated in this fact sheet will continue to be accurate and current in the future.

The QBCC is not liable for any claims arising from incorrect or out-of-date information or any decisions or actions made based on the information contained in this fact sheet.

The information conveyed in this fact sheet does not constitute legal or other specialist advice and should not be relied upon as such.

<sup>1</sup> As defined under Part 6AA, section 74AG(7) of the QBCC Act.