



New South Wales

Design and Building Practitioners Amendment (Miscellaneous) Regulation (No 2) 2021

under the

Design and Building Practitioners Act 2020

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Design and Building Practitioners Act 2020*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The objects of this Regulation are—

- (a) to exclude certain work involving the fit-out of part of a building from being building work for the purposes of the *Design and Building Practitioners Act 2020*, and
- (b) to include a requirement for building practitioners to lodge, on the NSW planning portal, a building compliance declaration, contractor document and other documents for building work that does not require an occupation certificate, and
- (c) to enable the Secretary to exclude the address of a practitioner's place of business from the register of registered practitioners if the practitioner's place of business is the same as the practitioner's place of residence and the practitioner applies for the address to be excluded, and
- (d) to extend the duration of certain transitional provisions, and
- (e) to make other minor and consequential amendments.

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1 Name of Regulation

This Regulation is the *Design and Building Practitioners Amendment (Miscellaneous) Regulation (No 2) 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Design and Building Practitioners Act 2020 No 7

Schedule 1 Savings, transitional and other provisions

Omit “1 July 2022” wherever occurring in clauses 4A(1) and 4C(1).

Insert instead “1 July 2023”.

Schedule 1 Amendment of Design and Building Practitioners Regulation 2021

[1] Clause 13 Certain work excluded from being building work

Insert after clause 13(1)(j)—

- (k) work that is the fit-out of part of a building, but only—
 - (i) if the part of the building is a class 5 or 6 building part or will be a class 5 or 6 building part as a result of a change of building use connected with the work, and
 - (ii) if the work is the subject of a development consent that primarily relates to the fit-out, and
 - (iii) to the extent the work does not relate to a structural component of the building.

[2] Clause 13(4), definition of “exempt development”

Omit “*exempt development* has the same meaning”.

Insert instead “*change of building use, development consent* and *exempt development* have the same meanings”.

[3] Clause 13(4)

Insert in alphabetical order—

structural component, of a building, means an internal or external load-bearing component of the building that is essential to the stability of the building or a part of it, including in-ground and other foundations and footings, floors, walls, roofs, columns and beams.

[4] Clause 19A

Insert after clause 19—

19A Lodgment on NSW planning portal for other building work—the Act, s 17(2)

- (1) This clause applies to building work that does not require an occupation certificate.
- (2) A registered building practitioner must provide the following documents to the Secretary, in the approved way, within 7 days of completing the building work—
 - (a) a building compliance declaration for the building work,
 - (b) contractor document,
 - (c) other required documents.
- (3) The registered building practitioner must also, within 7 days of completing the building work, provide the documents specified in subclause (2) to a person for whom the practitioner did the building work.
- (4) In this clause—
required document means a document prescribed in clause 18(2).

[5] Clause 39 Recognition as a registered principal design practitioner

Omit “clause”. Insert instead “Division”.

[6] Clause 89 Register of registered practitioners

Insert at the end of clause 89—

- (2) The Secretary may exclude the address of a person’s place of business from the register if—
 - (a) the person’s place of business is also the person’s place of residence, and
 - (b) the person applies to the Secretary for the address to be excluded from the register.

[7] Clause 95 Alternative pathway 2 for design practitioners—fire systems classes

Omit “—fire sprinkler systems design (level 3 —advanced).” from clause 95(2)(b)(iii).

Insert instead—

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- (A) fire sprinkler systems design (level 3—advanced), or
- (B) fire sprinkler systems design (level 4—specialist).

[8] Clause 98 Definitions

Omit “31 December 2021” from the definition of *transitional period*.

Insert instead “28 February 2022”.

[9] Schedule 1 Classes of registration

Omit “authorisation” from clause 25. Insert instead “registration”.

[10] Schedule 2 Qualifications, experience, knowledge and skills

Omit “in relation to practical experience of a person” from clause 1(1), definition of *recent*.

Insert instead “in relation to a requirement for a person to have 5 years practical experience”.

[11] Schedule 2, clause 21(7)

Omit “31 December 2021”. Insert instead “28 February 2022”.

[12] Schedule 6 Amendment of Design and Building Practitioners Act 2020 No 7

Omit the Schedule.