



New South Wales

Design and Building Practitioners Amendment Regulation 2022

under the

Design and Building Practitioners Act 2020

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Design and Building Practitioners Act 2020*.

ELENI PETINOS, MP
Minister for Fair Trading

Explanatory note

The objects of this Regulation are as follows—

- (a) to add the following new classes of practitioner—
 - (i) building practitioner—body corporate nominee (low rise),
 - (ii) building practitioner—body corporate nominee (medium rise),
 - (iii) building practitioner—general (low rise),
 - (iv) building practitioner—general (medium rise),
 - (v) design practitioner—architectural (low rise),
 - (vi) design practitioner—architectural (medium rise),
- (b) to make amendments as a consequence of the commencement of the *Better Regulation Legislation Amendment (Miscellaneous) Act 2021*, Schedule 1.6 on 1 July 2022,
- (c) to make other minor and consequential amendments.

Design and Building Practitioners Amendment Regulation 2022

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Design and Building Practitioners Act 2020

1 Name of Regulation

This Regulation is the *Design and Building Practitioners Amendment Regulation 2022*.

2 Commencement

This Regulation commences on 1 July 2022.

Schedule 1 Amendment of Design and Building Practitioners Regulation 2021

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

Omit “*Environmental Planning and Assessment Regulation 2000*, clauses 164B, 187 or 188” from clause 13(1)(e).

Insert instead “*Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 74, 111 or 117”.

[2] Clause 33 Grounds for finding that person is not suitable person to carry out work

Omit clause 33(1)(e) and (f).

[3] Clause 33(2), definition of “person”

Omit “subclause (1)(a), (b), (e) and (f)”. Insert instead “subclause (1)(a) and (b)”.

[4] Clause 33(2), definition of “relevant offence”, paragraph (a)

Omit “or an equivalent authorisation” and “or equivalent”.

[5] Clause 33(2), definition of “relevant offence”, paragraph (b)

Omit “, relevant authorisation or equivalent authorisation”.

Insert instead “or relevant authorisation”.

[6] Clause 36 Prescribed conditions for registered practitioners

Omit “building practitioner—body corporate nominee or building practitioner—general class,” from clause 36(4).

Insert instead “building practitioner—body corporate nominee, building practitioner—body corporate nominee (low rise), building practitioner—body corporate nominee (medium rise), building practitioner—general, building practitioner—general (low rise) or building practitioner—general (medium rise) class,”.

[7] Clause 46 Registered practitioners to notify Secretary of certain events

Omit clause 46(b) and (d).

[8] Clause 46(c)

Omit “an equivalent authorisation or”.

[9] Clause 107 Transition to new classes of registration

Insert after clause 106—

107 Transition to new classes of registration

A person who, immediately before the commencement of the *Design and Building Practitioners Amendment Regulation 2022*, held a class of registration specified in Column 1 of the table to this clause is taken to hold the class of registration specified opposite in Column 2.

Column 1

Design practitioner—architectural with condition for medium rise work

Column 2

Design practitioner—architectural (medium rise)

Building practitioner—body corporate nominee with condition for low rise work	Building practitioner—body corporate nominee (low rise)
Building practitioner—body corporate nominee with condition for medium rise work	Building practitioner—body corporate nominee (medium rise)
Building practitioner—general with condition for low rise work	Building practitioner—general (low rise)
Building practitioner—general with condition for medium rise work	Building practitioner—general (medium rise)

[10] Schedule 1 Classes of registration

Insert after clause 1(a)—

- (a1) design practitioner—architectural (low rise),
- (a2) design practitioner—architectural (medium rise),

[11] Schedule 1, clause 1(b)

Insert “,” after “corporate”.

[12] Schedule 1, clause 3(b1) and (b2)

Insert after clause 3(b)—

- (b1) building practitioner—body corporate nominee (low rise),
- (b2) building practitioner—body corporate nominee (medium rise),

[13] Schedule 1, clause 3(d) and (e)

Insert after clause 3(c)—

- (d) building practitioner—general (low rise),
- (e) building practitioner—general (medium rise).

[14] Schedule 1, clause 6A, heading

Omit “with a condition for medium rise work”. Insert instead “(low rise)”.

[15] Schedule 1, clause 6A(1)

Omit “class of registration with a condition for medium rise work”.

Insert instead “(low rise) class of registration”.

[16] Schedule 1, clause 6A(2)

Omit “medium”. Insert instead “low”.

[17] Schedule 1, clause 6B

Insert after clause 6A—

6B Design practitioner—architectural (medium rise)

- (1) A registered design practitioner who holds a design practitioner—architectural (medium rise) class of registration is authorised to do the following—
 - (a) prepare or vary a regulated design of a type that would constitute the provision of an architectural service within the meaning of the *Architects Act 2003*,

(b) make a design compliance declaration for a regulated design referred to in paragraph (a).

(2) The authorisation only applies to the design of a medium rise building.

[18] Schedule 1, clause 26(2), definition of “nominated individual”, paragraph (b)

Omit the paragraph. Insert instead—

- (b) holds one of the following classes of registration—
- (i) building practitioner—body corporate nominee,
 - (ii) building practitioner—body corporate nominee (low rise),
 - (iii) building practitioner—body corporate nominee (medium rise),
 - (iv) building practitioner—general,
 - (v) building practitioner—general (low rise),
 - (vi) building practitioner—general (medium rise).

[19] Schedule 1, clause 28A, heading

Omit “with condition for low rise work”. Insert instead “(low rise)”.

[20] Schedule 1, clause 28A(1)

Omit “class of registration with a condition for low rise work”.

Insert instead “(low rise) class of registration”.

[21] Schedule 1, clause 28B, heading

Omit “with condition for medium rise work”. Insert instead “(medium rise)”.

[22] Schedule 1, clause 28B(1)

Omit “class of registration with a condition for medium rise work”.

Insert instead “(medium rise) class of registration”.

[23] Schedule 1, clause 28C, heading

Omit “with condition for low rise work”. Insert instead “(low rise)”.

[24] Schedule 1, clause 28C(1)

Omit “class of registration with a condition for low rise work”.

Insert instead “(low rise) class of registration”.

[25] Schedule 1, clause 28D, heading

Omit “with condition for medium rise work”. Insert instead “(medium rise)”.

[26] Schedule 1, clause 28D(1)

Omit “class of registration with a condition for medium class work”.

Insert instead “(medium rise) class of registration”.

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

Omit “by a body that is a signatory to” from clause 1(1), definition of *accredited*.

Insert instead “under”.

[28] Schedule 2, clause 1(1), definition of “relevant”, paragraph (a)

Omit the paragraph. Insert instead—

- (a) for a design practitioner in the class of design practitioner—architectural (low rise)—
 - (i) experience relevant to the preparation of a regulated design involving a class 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b or 9c building, or
 - (ii) experience relevant to the provision of a compliance declaration involving a class 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b or 9c building.

[29] Schedule 2, clause 1(1), definition of “relevant”, paragraph (a1)

Omit “with a condition for medium rise work”. Insert instead “(medium rise)”.

[30] Schedule 2, clause 1(1), definition of “relevant”

Insert after paragraph (b)—

- (b1) for a design practitioner in another class—
 - (i) experience relevant to the preparation of a regulated design involving a class 2, 3, 9a or 9c building, or
 - (ii) experience relevant to the provision of a compliance declaration involving a class 2, 3, 9a or 9c building,

[31] Schedule 2, clause 5A, heading

Omit “with a condition for medium rise work”. Insert instead “(medium rise)”.

[32] Schedule 2, clause 5A(1), note

Omit the note.

[33] Schedule 2, clause 5B

Renumber clause 5A, as amended by Schedule 1[31] and [32], as clause 5B.

[34] Schedule 2, clause 5A

Insert after clause 5—

5A Design practitioner—architectural (low rise)

(1) Qualifications

Must—

- (a) hold full registration as an architect within the meaning of the *Architects Act 2003*, and
- (b) be recorded as a practising architect in the register maintained by the Registrar of the NSW Architects Registration Board constituted under that Act.

(2) Knowledge

Must know and understand the following—

- (a) the Act and this Regulation,
- (b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

- (c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,
- (d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills**

Must be able to do the following—

- (a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,
- (b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

[35] Schedule 2, clause 25A, heading

Omit “with condition for low rise work”. Insert instead “(low rise)”.

[36] Schedule 2, clauses 25A, 25B, 25C and 25D

Omit the notes.

[37] Schedule 2, clause 25B, heading

Omit “with condition for medium rise work”. Insert instead “(medium rise)”.

[38] Schedule 2, clause 25C, heading

Omit “with condition for low rise work”. Insert instead “(low rise)”.

[39] Schedule 2, clause 25D, heading

Omit “with condition for medium rise work”. Insert instead “(medium rise)”.

[40] Schedule 7 Fees

Insert “design practitioner—architectural (low rise), design practitioner—architectural (medium rise),” after “design practitioner—architectural,” in Part 1, the matter relating to **Design practitioner—architectural and engineering classes**.

[41] Schedule 7, Part 1, matter relating to “Building practitioner—other classes”

Omit “and building practitioner—general”.

Insert instead “, building practitioner—body corporate nominee (low rise), building practitioner—body corporate nominee (medium rise), building practitioner—general, building practitioner—general (low rise) and building practitioner—general (medium rise)”.

[42] Schedule 7, Part 1

Insert after the matter relating to **Building practitioner—other classes**—

Professional engineer—if applicant is recognised or registered by professional engineering body

Application for the following— 1.0 —
(a) a new registration
(b) renewal of a registration
(c) restoration of a registration

[43] Schedule 7, Part 1, matter relating to “Professional engineer”

Omit “**engineer**”.

Insert instead “**engineer—if applicant is not recognised or registered by a professional engineering body**”.

[44] Schedule 7, clause 2(1)(a)

Omit “\$106.40”. Insert instead “\$106.47”.

[45] Dictionary

Omit the definition of *relevant authorisation*.