



New South Wales

# Building Legislation Amendment (Building Classes) Regulation 2023

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the following Acts—

- (a) *Design and Building Practitioners Act 2020*,
- (b) *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*.

VICTOR DOMINELLO, MP  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to—

- (a) amend the *Design and Building Practitioners Regulation 2021* to do the following—
  - (i) extend the classes prescribed under the definition of **building work** to building work involved in, or involved in coordinating or supervising work involved in, the construction of a building of class 3 or 9c,
  - (ii) exclude certain work from being building work and certain work from being professional engineering work,
  - (iii) set out exemptions for class 3 or 9c building work if, before the commencement of particular provisions of this Regulation, certain building work has commenced, or designs for certain work have been prepared, and other conditions are complied with,
  - (iv) provide for an additional ground for taking disciplinary action against a registered practitioner,
  - (v) amend provisions regarding work relating to Sydney Metro,
  - (vi) extend alternative pathways for registration for design practitioners—fire system classes, professional engineers and certain other design practitioners until 31 December 2023,
  - (vii) insert a new class of design practitioner—building design,
  - (viii) exempt registered building practitioners from insurance requirements under the *Design and Building Practitioners Act 2020* for an additional 12 months, until 30 June 2024,
  - (ix) amend the qualifications, experience, knowledge and skills for certain classes of registration, and update CPD requirements for a particular pathway to registration,
  - (x) make amendments in relation to fees, including to provide the fees for a building practitioner—other classes, for registration under different pathways and for the variation of a registration to add an additional class, and

- (b) make minor amendments to the *Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020*.

Schedule 1[6] and [17] may be made under a Henry VIII provision because the exemption impliedly amends the *Design and Building Practitioners Act 2020* by affecting the application of the Act. Schedule 1[17] is the second occurrence of a provision relying on the 12 month exemption power.

## **Building Legislation Amendment (Building Classes) Regulation 2023**

### **1 Name of Regulation**

This Regulation is the *Building Legislation Amendment (Building Classes) Regulation 2023*.

### **2 Commencement**

This Regulation commences as follows—

- (a) Schedule 1[11], [15], [16], [21], [22] and [24]–[27]—on the day on which this Regulation is published on the NSW legislation website,
- (b) Schedule 1[17]—1 July 2023,
- (c) otherwise—3 July 2023.

## Schedule 1 Amendment of Design and Building Practitioners Regulation 2021

### [1] Clause 12

Omit the clause. Insert instead—

#### 12 Prescribed classes or types of building—building work

For the Act, section 4(1), definition of *building work*, paragraph (a), a building is prescribed if the building, or a part of the building, is—

- (a) a class 2 building, or
- (b) a class 3 building, or
- (c) a class 9c building.

**Example—** The Act and this Regulation apply to a mixed-use building comprising class 2, class 5 and class 6 buildings, including the building's class 5 and class 6 building parts.

### [2] Clause 13 Certain work excluded from being building work

Insert after clause 13(1)(m)—

- (n) the following work in relation to a designated class 3 or 9c building—
  - (i) the making of alterations or additions to the building,
  - (ii) the repair, renovation or protective treatment of the building.

### [3] Clause 13(3A)

Insert after clause 13(3)—

- (3A) This subclause, subclause (1)(n) and (4), definition *designated class 3 or 9c building* are repealed on 1 July 2024.

### [4] Clause 13(4), definition of “designated class 3 building”

Insert in alphabetical order in clause 13(4)—

*designated class 3 or 9c building* means a building meeting the following conditions—

- (a) the building, or a part of the building, is a class 3 or 9c building,
- (b) no part of the building is a class 2 building.

### [5] Clause 14 Certain work is excluded from being professional engineering work

Omit clause 14(1). Insert instead—

- (1) For the Act, section 31(2)(b), engineering work is not professional engineering work unless the work is carried out directly in relation to the design or construction of a building, or part of a building, that is—
  - (a) a class 2 building, or
  - (b) a class 3 building, or
  - (c) a class 9c building.

**Example—** The Act and this Regulation apply to a mixed-use building comprising class 2, class 5 and class 6 buildings, including the building's class 5 and class 6 building parts.

### [6] Part 3, Division 3B

Insert after clause 28D—

## **Division 3B Exemptions for class 3 or 9c building work**

### **28E Definitions**

In this Division—

**approved form** means a form approved by the Secretary and made available—

- (a) on the NSW planning portal, or
- (b) on a website of the Department.

**approved way** means—

- (a) lodgment on the NSW planning portal, or
- (b) if a building practitioner is unable to access the NSW planning portal to lodge a copy of a design for technical or other reasons—provision of the design to the Secretary.

**regulated building work** means building work for which a regulated design is required.

**relevant building work** means regulated building work that does not require any of the following—

- (a) a complying development certificate,
- (b) a construction certificate,
- (c) a development application,
- (d) an occupation certificate.

### **28F Application of Division**

This Division applies to class 3 or 9c building work, other than building work in relation to a mixed-use building that contains a class 2 building part.

### **28G Regulated building work—commenced**

- (1) This clause applies to regulated building work if—
  - (a) the regulated building work is authorised to be carried out by a construction certificate or a complying development certificate, and
  - (b) some of the regulated building work authorised to be carried out by the certificate has commenced before 3 July 2023, and
  - (c) all the regulated building work authorised to be carried out by the certificate has not been completed by that day.
- (2) For the Act, section 107(5), the regulated building work or a design in relation to the regulated building work is exempt from the following requirements of the Act—
  - (a) provisions requiring regulated designs to be prepared for the regulated building work, including requirements for compliance declarations,
  - (b) provisions requiring a person to be registered to carry out the regulated building work,
  - (c) provisions requiring a building compliance declaration to be prepared for the regulated building work.
- (3) However, for the exemption under subclause (2) to apply, the building practitioner for the regulated building work must provide copies of all designs relied on to carry out the regulated building work—
  - (a) to the Secretary in the approved way, and

- (b) before an application is made for an occupation certificate for a building to which the regulated building work relates.
- (4) For the Act, section 26, a principal certifier must not issue an occupation certificate for a building to which the regulated building work relates unless satisfied that all designs required to be provided to the Secretary under this clause have been provided.

**28H Regulated building work—designs prepared**

- (1) This clause applies to a design for regulated building work if—
  - (a) the regulated building work is authorised to be carried out by a construction certificate or a complying development certificate, and
  - (b) the design was prepared before 3 July 2023, and
  - (c) the person who prepared the design is not eligible to be registered after 2 July 2023 in a class that would permit the person to provide a design compliance declaration for the design, and
  - (d) the regulated building work to which the design relates is commenced after 2 July 2023 but before 3 July 2024.
- (2) The design is exempt from the requirement taken to be a regulated design for which a design compliance declaration has been given if a registered design practitioner—
  - (a) assesses whether or not the design complies with the requirements of the *Building Code of Australia*, and
  - (b) issues a certificate in an approved form that the design does comply with the requirements, and
  - (c) the registered building practitioner does not carry out building work under the construction certificate or complying development certificate until copies of the design and certificate are provided to the Secretary, and
  - (d) the design is not varied on or after 3 July 2023.

**28I Relevant building work—commenced**

- (1) This clause applies to relevant building work if—
  - (a) the relevant building work is carried out before 3 July 2023, and
  - (b) the relevant building project to which the work relates has not been completed by 3 July 2023.
- (2) For the Act, section 107(5), relevant building work, or a design in relation to the relevant building work is exempt from the following requirements of the Act—
  - (a) provisions requiring regulated designs to be prepared for the relevant building work, including requirements for compliance declarations,
  - (b) provisions requiring a person to be registered to carry out the relevant building work,
  - (c) provisions requiring a building compliance declaration to be prepared for the relevant building work.
- (3) However, an exemption under subclause (2) only applies if the building practitioner for the relevant building work provides copies of all designs relied on to carry out the relevant building work—
  - (a) to the Secretary in the approved way, and

- (b) before the completion of the other building project to which the relevant building work relates.

**28J Relevant building work—designs prepared**

- (1) This clause applies to a design for relevant building work if—
  - (a) the design was prepared before 3 July 2023, and
  - (b) the person who prepared the design is not eligible to be registered after 2 July 2023 in a class that would permit the person to provide a design compliance declaration for the design, and
  - (c) the relevant building work to which the design relates is commenced before 3 July 2023.
- (2) The design is exempt from the requirement taken to be a regulated design for which a design compliance declaration has been given if a registered design practitioner—
  - (a) assesses whether or not the design complies with the requirements of the *Building Code of Australia*, and
  - (b) issues a certificate in an approved form that the design does comply with the requirements, and
  - (c) the registered building practitioner does not carry out relevant building work to which the design relates until copies of the design and certificate are provided to the Secretary, and
  - (d) the design is not varied on or after 3 July 2023.

**[7] Part 4, Division 1, heading**

Insert “**and variation of registration**” after “**registration**”.

**[8] Clause 31A, heading**

Insert “**or variation of registration**” after “**registration**”.

**[9] Clause 31A(1)**

Omit the subclause. Insert instead—

- (1) For the Act, sections 43(3) and 52A(2), the fees payable for an application to be registered as a practitioner, or to vary a registration that results in the registered practitioner being registered in an additional class, are set out in Schedule 7, Part 1, Column 4.

**[10] Clause 31A(2)**

Insert “, or to vary a registration to add two or more additional classes to a registration,” after “registration”.

**[11] Clause 44 Grounds for taking disciplinary action**

Insert at the end of clause 44—

- (d) the registered practitioner is not a fit and proper person to hold a registration.

**[12] Clauses 50(2)(b1), 52A(3)(b) and 52I(2)(b)**

Omit “Column 2” wherever occurring. Insert instead “Column 4”.

**[13] Clause 88B Work excluded from being building work relating to Sydney Metro**

Omit “class 2” wherever occurring in clause 88B(1)(c). Insert instead “class 2, 3 or 9c”.

**[14] Clause 93B Partial refund of certain fees before registration**

Omit “Column 3” from clause 93B(2), definition *refundable component*.

Insert instead “Column 2”.

**[15] Clause 96 Alternative pathway 3 for design practitioners—fire systems classes**

Omit “30 June 2023” from clause 96(1). Insert instead “31 December 2023”.

**[16] Clause 97A and 97B**

Insert after clause 97—

**97A Extension of alternative pathways until 31 December 2023**

- (1) Clause 95 extends, for the relevant period, to a person who applies for registration as—
  - (a) a design practitioner—fire systems (detection and alarm systems), or
  - (b) a design practitioner—fire systems (fire hydrant and fire hose reel), or
  - (c) a design practitioner—fire systems (fire sprinkler).
- (2) Clause 97 extends, for the relevant period, to a person who applies for registration as—
  - (a) a professional engineer, or
  - (b) a design practitioner—building design (low rise), or
  - (c) a design practitioner—building design (medium rise).
- (3) In this clause—

*relevant period* means from the commencement of this clause until the end of 31 December 2023.

**97B Applications received before commencement of clause 97A**

- (1) This clause applies to a person who made an application for registration under clauses 95 or 97 between 1 July 2022 and the commencement of clause 97A.
- (2) The Secretary may consider the application under clause 97A as if the application were made during the relevant period under that clause.

**[17] Clause 106 Registered building practitioners exempt from insurance requirements**

Omit “from 1 July 2022 to 30 June 2023”. Insert instead “1 July 2023 to 30 June 2024”.

**[18] Schedule 1 Classes of registration**

Insert after clause 1(b)—

- (b1) design practitioner—building design,

**[19] Schedule 1, clause 5(2A)**

Insert after subclause (2)—

- (2A) To avoid doubt, Schedule 1, Part 2, Division 3 does not authorise a person to do anything that requires a licence under the *Home Building Act 1989*.

**Note—** See the *Home Building Act 1989*, which provides that a person must hold a particular licence under that Act to carry out building work that is class 2 building work.



**[20] Schedule 1, clause 7A**

Insert after clause 7—

**7A Design practitioner—building design**

- (1) A registered design practitioner who holds a design practitioner—building design class of registration is authorised to do the following—
  - (a) for building work other than building work that is, or part of which is, a class 2 building—prepare or vary a regulated design in relation to the design of a building,
  - (b) make a design compliance declaration for the regulated design.
- (2) Despite subclause (1), the design practitioner is not authorised prepare or vary a regulated design if the design is—
  - (a) a design that would constitute the provision of an architectural service within the meaning of the *Architects Act 2003*, or
  - (b) a design that would constitute the carrying out of professional engineering work, or
  - (c) a design that may be prepared or varied by a design practitioner in the class of—
    - (i) design practitioner—fire systems (detection and alarm systems), or
    - (ii) design practitioner—fire systems (fire hydrant and fire hose reel), or
    - (iii) design practitioner—fire systems (fire sprinkler), or
    - (iv) design practitioner—fire systems (mechanical smoke control).

**[21] Schedule 2 Qualifications, experience, knowledge and skills**

Insert after clause 3—

**3AA Satisfaction of certain knowledge and skills**

- (1) This clause applies if a class of registration requires the following knowledge or skills—
  - (a) knowledge of the *Environmental Planning and Assessment Act 1979*, including regulations and instruments made under that Act, to the extent that the legislation is relevant to this class of registration,
  - (b) 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.
- (2) The Secretary may deem the knowledge and skills to be satisfactory if the individual has successfully completed the following 2 courses—
  - (a) Navigating the Design and Building Practitioners (DBP) legislation,
  - (b) the Value of Australian Standards.

**[22] Schedule 2, clauses 5(2)(b), 5A(2)(b), 5B(2)(b), 6(2)(b), 7(2)(b), 8(2)(b), 9(2)(b), 10(2)(b), 11(2)(b), 12(2)(b), 13(2)(b), 14(1)(b)(ii), 15(1)(b)(ii), 16(1)(b)(ii), 17(2)(b), 18(2)(b), 19(2)(b), 20(2)(b), 21(4)(b), 24(3)(b), 25(3)(b), 25A(3)(b), 25B(3)(b), 25C(3)(b) and 25D(3)(b)**

Insert “and instruments” after “regulations” wherever occurring.

**[23] Schedule 2, clause 5C**

Insert after clause 5B—

**5C Design practitioner—building design**

**(1) Qualifications**

Must have a postgraduate masters degree from an Australian university in—

- (a) building design, or
- (b) architectural design.

**(2) Knowledge**

Must know and understand the following—

- (a) the Act and this Regulation,
- (b) the *Environmental Planning and Assessment Act 1979*, including regulations and instruments 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.

**[24] Schedule 2, clause 6(1)**

Omit “drafting”. Insert instead “design”.

**[25] Schedule 2, clause 7(1)**

Omit the subclause. Insert instead—

**(1) Qualifications**

Must have—

- (a) an NVR approved advanced diploma in building design or architectural design, or
- (b) an associate degree from an Australian university in building design or architectural design.

**[26] Schedule 2, clauses 14(2)(a), 15(2)(a) and 16(2)(a)**

Omit “Must have” wherever occurring.

Insert instead “Must have a qualification referred to in subparagraph (i)(A) or (i)(B) and the qualifications referred to in paragraph (ii) as follows”.

**[27] Schedule 2, clauses 14(2)(a)(i)(B), 15(2)(a)(i)(B) and 16(2)(a)(i)(B)**

Omit “and” wherever occurring.

**[28] Schedule 2, clause 23(b)**

Omit the paragraph. Insert instead—

(b) either—

- (i) hold a contractor licence authorising the holder to do general building work under the *Home Building Act 1989*, or
- (ii) in the opinion of the Secretary, satisfy the qualification requirements to hold a contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.

**[29] Schedule 2, clause 24(1) and (1A)**

Omit clause 24(1). Insert instead—

- (1) **Pathway 1—qualifications** Must be a holder of a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.
- (1A) **Pathway 2—qualifications** Must, in the opinion of the Secretary, satisfy the qualification requirements to hold a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.

**[30] Schedule 2, clause 24(2)**

Insert “—all pathways” after “Experience”.

**[31] Schedule 2, clause 24(3)**

Insert “—all pathways” after “Knowledge”.

**[32] Schedule 2, clause 24(4)**

Insert “—all pathways” after “Skills”.

**[33] Schedule 2, clause 25(1) and (1A)**

Omit clause 25(1). Insert instead—

- (1) **Pathway 1—qualifications** Must be a holder of an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.
- (1A) **Pathway 2—qualifications** Must, in the opinion of the Secretary, satisfy the requirements relating to qualifications or examinations to hold an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.

**[34] Schedule 2, clause 25(2)**

Insert “—all pathways” after “Experience”.

**[35] Schedule 2, clause 25(3)**

Insert “—all pathways” after “Knowledge”.

**[36] Schedule 2, clause 25(4)**

Insert “—all pathways” after “Skills”.

**[37] Schedule 2, clause 25A(1) and (1A)**

Omit clause 25A(1). Insert instead—

- (1) **Pathway 1—qualifications** Must be a holder of a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.
- (1A) **Pathway 2—qualifications** Must, in the opinion of the Secretary, satisfy the qualification requirements to hold a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.

**[38] Schedule 2, clause 25A(2)**

Insert “—all pathways” after “Experience”.

**[39] Schedule 2, clause 25A(3)**

Insert “—all pathways” after “Knowledge”.

**[40] Schedule 2, clause 25A(4)**

Insert “—all pathways” after “Skills”.

**[41] Schedule 2, clause 25B(1) and (1A)**

Omit clause 25B(1). Insert instead—

- (1) **Pathway 1—qualifications** Must be a holder of a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.
- (1A) **Pathway 2—qualifications** Must, in the opinion of the Secretary, satisfy the qualification requirements to hold a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.

**[42] Schedule 2, clause 25B(2)**

Insert “—all pathways” after “Experience”.

**[43] Schedule 2, clause 25B(3)**

Insert “—all pathways” after “Knowledge”.

**[44] Schedule 2, clause 25B(4)**

Insert “—all pathways” after “Skills”.

**[45] Schedule 2, clause 25C(1) and (1A)**

Omit clause 25C(1). Insert instead—

- (1) **Pathway 1—qualifications** Must be a holder of an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.
- (1A) **Pathway 2—qualifications** Must, in the opinion of the Secretary, satisfy the qualification requirements to hold an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.

**[46] Schedule 2, clause 25C(2)**

Insert “—all pathways” after “Experience”.

- [47] **Schedule 2, clause 25C(3)**  
Insert “—**all pathways**” after “**Knowledge**”.
- [48] **Schedule 2, clause 25C(4)**  
Insert “—**all pathways**” after “**Skills**”.
- [49] **Schedule 2, clause 25D(1) and (1A)**  
Omit clause 25D(1). Insert instead—
- (1) **Pathway 1—qualifications** Must be a holder of an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.
  - (1A) **Pathway 2—qualifications** Must, in the opinion of the Secretary, satisfy the qualification requirements to hold an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.
- [50] **Schedule 2, clause 25D(2)**  
Insert “—**all pathways**” after “**Experience**”.
- [51] **Schedule 2, clause 25D(3)**  
Insert “—**all pathways**” after “**Knowledge**”.
- [52] **Schedule 2, clause 25D(4)**  
Insert “—**all pathways**” after “**Skills**”.
- [53] **Schedule 3 Continuing professional development**  
Omit clause 4(1). Insert instead—
- (1) A prescribed practitioner must—
    - (a) for a pathway 2 building practitioner—
      - (i) each year successfully complete at least 3 hours of relevant education and training that is approved by the Secretary in the Guidelines, and
      - (ii) 12 CPD points as approved by the Secretary in the Guidelines, or
    - (b) otherwise—each year successfully complete at least 3 hours of relevant education and training that is approved by the Secretary in the Guidelines.
- [54] **Schedule 3, clause 4(4)**  
Insert after clause 4(3)—
- (4) In this clause—  
*pathway 2 building practitioner* means a building practitioner with the qualifications for a class of registration under pathway 2 set out in Schedule 2, clauses 23–25D.
- [55] **Schedule 7 Fees**  
Omit Part 1. Insert instead—

## Part 1 Fees payable

Column 1	Column 2	Column 3	Column 4
Type of application	Refundable component—in fee units	Processing component—in fee units	Total—in fee units
<b>Design practitioner—architectural and engineering classes</b>			
The fees set out below apply to registration as a design practitioner—architectural, design practitioner—architectural (low rise), design practitioner—architectural (medium rise), design practitioner—civil engineering, design practitioner—electrical engineering, design practitioner—fire safety engineering, design practitioner—geotechnical engineering, design practitioner—mechanical engineering and design practitioner—structural engineering.			
(a) Application for a new registration—			
(i) for 1 year	2.39	1.42	3.81
(ii) for 3 years	7.14	1.42	8.56
(iii) for 5 years	12.86	1.42	14.28
(b) Application for renewal of a registration—			
(i) for 1 year	2.1	0.76	2.86
(ii) for 3 years	5.66	0.76	6.42
(iii) for 5 years	9.94	0.76	10.7
(c) Application for restoration of a registration—			
(i) for 1 year	2.62	0.76	3.38
(ii) for 3 years	6.18	0.76	6.94
(iii) for 5 years	10.46	0.76	11.22
(d) Application to vary registration to add class— for additional class within design practitioner— architectural and engineering classes	—	1.42	1.42
<b>Design practitioner—body corporate</b>			
(a) Application for a new registration—			
(i) for 1 year	8.23	4.61	12.84
(ii) for 3 years	24.28	4.61	28.89
(iii) for 5 years	43.53	4.61	48.14
(b) Application for renewal of a registration—			
(i) for 1 year	7.32	2.3	9.62
(ii) for 3 years	19.36	2.3	21.66
(iii) for 5 years	33.81	2.3	36.11

Column 1	Column 2	Column 3	Column 4
Type of application	Refundable component—in fee units	Processing component—in fee units	Total—in fee units
(c) Application for restoration of a registration—			
(i) for 1 year	7.84	2.3	10.14
(ii) for 3 years	19.88	2.3	22.18
(iii) for 5 years	34.33	2.3	36.63

**Design practitioner—other classes**

The fees set out below apply to registration as a design practitioner—building design (low rise), design practitioner—building design (medium rise), design practitioner—drainage, design practitioner—drainage (restricted), design practitioner—facade, design practitioner—fire systems (detection and alarm systems), design practitioner—fire systems (fire hydrant and fire hose reel), design practitioner—fire systems (fire sprinkler), design practitioner—fire systems (mechanical smoke control) and design practitioner—vertical transportation.

(a) Application for a new registration—			
(i) for 1 year	2.39	1.75	4.14
(ii) for 3 years	7.55	1.75	9.3
(iii) for 5 years	13.76	1.75	15.51
(b) Application for renewal of a registration—			
(i) for 1 year	2.1	1.0	3.1
(ii) for 3 years	5.97	1.0	6.97
(iii) for 5 years	10.63	1.0	11.63
(c) Application for restoration of a registration—			
(i) for 1 year	2.62	1.0	3.62
(ii) for 3 years	6.49	1.0	7.49
(iii) for 5 years	11.15	1.0	12.15
(d) Application to vary registration to add class— for additional class within design practitioner—other classes	—	1.75	1.75

**Principal design practitioner—body corporate**

Application for the following—	—	2.3	2.3
(a) a new registration			
(b) renewal of a registration			
(c) restoration of a registration			

**Principal design practitioner—general**

Column 1	Column 2	Column 3	Column 4
Type of application	Refundable component—in fee units	Processing component—in fee units	Total—in fee units
Application for the following—	—	1.0	1.0
(a) a new registration			
(b) renewal of a registration			
(c) restoration of a registration			
<b>Building practitioner—body corporate</b>			
(a) Application for a new registration—			
(i) for 1 year	8.23	4.61	12.84
(ii) for 3 years	24.28	4.61	28.89
(iii) for 5 years	43.53	4.61	48.14
(b) Application for renewal of a registration—			
(i) for 1 year	7.32	2.3	9.62
(ii) for 3 years	19.36	2.3	21.66
(iii) for 5 years	33.81	2.3	36.11
(c) Application for restoration of a registration—			
(i) for 1 year	7.84	2.3	10.14
(ii) for 3 years	19.88	2.3	22.18
(iii) for 5 years	34.33	2.3	36.63
<b>Building practitioner—other classes</b>			
The fees set out below apply to registration as a 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) and building practitioner—general (medium rise).			
(a) Application for a new registration under pathway 1—			
(i) for 1 year	2.39	1.42	3.81
(ii) for 3 years	7.14	1.42	8.56
(iii) for 5 years	12.86	1.42	14.28
(b) Application for renewal of a registration under pathway 1—			
(i) for 1 year	2.1	0.76	2.86
(ii) for 3 years	5.66	0.76	6.42
(iii) for 5 years	9.94	0.76	10.7
(c) Application for restoration of a registration under pathway 1—			



Column 1	Column 2	Column 3	Column 4
Type of application	Refundable component—in fee units	Processing component—in fee units	Total—in fee units
(i) for 1 year	2.62	0.76	3.38
(ii) for 3 years	6.18	0.76	6.94
(iii) for 5 years	10.46	0.76	11.22
(d) Application for a new registration under pathway 2—			
(i) for 1 year	2.39	1.75	4.14
(ii) for 3 years	7.55	1.75	9.3
(iii) for 5 years	13.76	1.75	15.51
(e) Application for renewal of a registration under pathway 2—			
(i) for 1 year	2.1	1.0	3.1
(ii) for 3 years	5.97	1.0	6.97
(iii) for 5 years	10.63	1.0	11.63
(f) Application for restoration of a registration under pathway 2—			
(i) for 1 year	2.62	1.0	3.62
(ii) for 3 years	6.49	1.0	7.49
(iii) for 5 years	11.15	1.0	12.15
(g) Application to vary registration to add class— for additional class within building practitioner— other classes	—	1.42	1.42
<b>Professional engineer—if applicant is recognised or registered by professional engineering body</b>			
Application for the following—	—	1.0	1.0
(a) a new registration			
(b) renewal of a registration			
(c) restoration of a registration			
<b>Professional engineer—if applicant is not recognised or registered by a professional engineering body</b>			
(a) Application for a new registration—			
(i) for 1 year	3.81	1.75	5.56
(ii) for 3 years	10.77	1.75	12.52
(iii) for 5 years	19.11	1.75	20.86

Column 1	Column 2	Column 3	Column 4
Type of application	Refundable component—in fee units	Processing component—in fee units	Total—in fee units
(b) Application for renewal of a registration—			
(i) for 1 year	2.97	1.2	4.17
(ii) for 3 years	8.19	1.2	9.39
(iii) for 5 years	14.45	1.2	15.65
(c) Application for restoration of a registration—			
(i) for 1 year	3.49	1.2	4.69
(ii) for 3 years	8.71	1.2	9.91
(iii) for 5 years	14.75	1.2	15.95
<b>Recognised professional engineering body</b>			
(a) Application for recognition as a professional body of engineers—clause 50(2)(b1) —		68.39	68.39
(b) Application for renewal of recognition as a professional body of engineers—clause 52A(3)(b) —		68.39	68.39
(c) Application for variation of a condition on recognition as a professional body of engineers—clause 52I(2)(b) —		15.2	15.2

**[56] Dictionary, definitions of “low rise building” and “medium rise building”**

Insert “, class 3 or class 9c” wherever occurring after “class 2” in the definitions.

## **Schedule 2      Amendment of Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020**

### **Clause 4**

Insert after clause 3—

#### **4      Application of Act to specified building classes**

For the Act, section 6(2), all of the provisions of the Act extend to—

- (a) class 3 buildings, including buildings containing a class 3 part, and
- (b) class 9c buildings, including buildings containing a class 9c part.