

## WATERPROOFING FACT SHEET FOR REMEDIAL PRACTITIONERS

*DESIGN AND BUILDING PRACTITIONERS ACT 2020 (DBPA)*

*DESIGN AND BUILDING PRACTITIONER REGULATIONS 2021 (DBPR)*

From **1 July 2021**, if you are performing remedial "building works" on a Class 2 building or related mixed use building, you may be subject to the new obligations arising under the DBPA.

- remedial building works may include the making of alterations and additions to a building or the repair renovation or protective treatment of a class of building falling under the DBPA
- if "building works" are being performed to a "building element" (such as fire safety systems, waterproofing, internal or external components essential to stability of building, mechanical, plumbing, electrical) a "regulated design" is required and obligations under the DBPA must be adhered to
- if a design is prepared for a performance solution for building work, it is a regulated design and obligations under the DBPA must be adhered to

**To determine if your remedial works fall under the provisions of the DBPA you need to consider:**

- is development approval (DA) or a complying development certificate (CDC) required?
- if yes, the DBPA applies
- if the works are not subject to a DA or CDC, but do involve waterproofing across multiple units, the DBPA applies even if the remedial works are an exempt development

### **IMPORTANT NOTES REGARDING DBPA OBLIGATIONS AFFECTING WATERPROOFING REMEDIAL WORKS**

- there is no class of design practitioner for waterproofing
- if a regulated design is required for a waterproofing element:
  - a design compliance declaration must be provided by a registered design practitioner declaring the design within the scope of their registration
  - classifications of registered design practitioners who may provide design compliance declarations for regulated designs for waterproofing building elements with support from specialised consultants are:
    - Design practitioner – architectural
    - Design practitioner – façade
    - Design practitioner – building design
- a specialised consultant for waterproofing works include a specialised waterproofing building consultant
- a design compliance declaration must be prepared accompanying the regulated design
- all regulated designs and design compliance declarations must be lodged by the building practitioner before commencing work
- a *standard title block* must be included in the regulated design prepared by the design practitioner
- the NSW Planning Portal is presently only accessible for building works with a DA/CDC number, the current email address for submission of all relevant documents is [dbpaudits@customerservice.nsw.gov.au](mailto:dbpaudits@customerservice.nsw.gov.au) [keep an eye out for updates regarding portal access]

*The above is not intended to be legal advice and should not be relied on as such. If you require legal advice as to your particular situation please do not hesitate to contact us.*