



Legal Update for ASBC Sydney

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5 May 2022

Regulated designs and building work under the *Design and Building Practitioners Act* – the story so far

Transitional arrangements

- Building work that had commenced, but was not yet completed, on 1 July 2021
- Design for building work prepared before 1 July 2021

Transitional arrangements for existing building work

- Clause 3 of Schedule 1 to the Act
- Registration and compliance declaration requirements under the Act do not apply
- Builder is required to lodge copies of all designs relied on to carry out the building work with the Secretary before applying for an occupation certificate

Transitional arrangements for existing designs

- Clause 4 of Schedule 1 to the Act
- Design prepared before 1 July 2021 by a designer who is not eligible for registration
- Building work commences between 30 June 2021 and 1 July 2022
- Registered designer must assess whether the design complies with the requirements of the Building Code of Australia and if so, issue to the builder a certificate to that effect
- Building work cannot commence until the certificate and copies of the designs are lodged with the Secretary

Rock Anchors & Shoring

Design and Building Practitioners – Particulars of Regulated Designs Order 2021

- Regulated designs prepared for shoring
 - Specified particulars to be included in regulated design
- Regulated designs prepared for building work involving a ground anchor if any part of the ground anchor will extend onto a neighbouring property
 - Specified particulars to be included in regulated design
- Included: evidence of a registered easement over the neighbouring property granting the right to install an anchor on that property

Design and Building Practitioners Amendment (Miscellaneous) Regulation 2022

- Commences 2 March 2022
- Rock Anchors
 - a building practitioner must give the Secretary a ground anchor installation right document if the practitioner proposes to carry out building work involving an encroaching ground anchor

Design and Building Practitioners Amendment (Miscellaneous) Regulation 2022

Temporary encroaching ground anchor

Before work commences

- temporary encroaching ground anchor
 - the building practitioner must also give the Secretary a document detailing—
 - (a) the process for destressing the temporary encroaching ground anchor, and
 - (b) the time the destressing will occur
- Must be given before building work commences

After development is completed

- a temporary encroaching ground anchor, building practitioner must provide evidence to the Secretary that the ground anchor has been destressed—
 - (a) for development that does not require an occupation certificate—before the development is completed, or
 - (b) otherwise—before applying for the final occupation certificate for the development.

Design and Building Practitioners Amendment (Miscellaneous) Regulation 2022

Removable encroaching ground anchor

Before work commences

- removable encroaching ground anchor
 - the building practitioner must also give the Secretary a document detailing—
 - (a) the process for the removal of the removable reinforcement tendon, and
 - (b) the time the removal will occur

After development is completed

- a building practitioner for building work involving a removable encroaching ground anchor must provide evidence to the Secretary that the removable reinforcement tendon has been removed



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