

STRATA SNAPSHOT

STRATA REMEDIAL TIPS FOR STRATA MANAGERS AND OWNERS CORPORATIONS

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Design and Building Practitioners Act 2020 (DBPA) and Design and Building Practitioners Regulation 2021 (DBPR)

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

TIP 1

Take steps to determine whether the remedial building works being performed in your strata building are subject to the DBPA and/or require planning approval

Note: Building Works under the DBP Act include remedial building works in a strata (class 2) building and from 1 July 2024 for remedial works in class 3 and 9(c) buildings

TIP 2

Engage registered building practitioners and design practitioners

Check registration:
<https://verify.licence.nsw.gov.au/home/DBP>

TIP 9

You may have a reasonable excuse and be able to perform emergency remedial building works without a Regulated Design if the issue is serious and causing, or likely to cause, damage to the building and inability to inhabit or use the building, risk to health or safety or risk of further damage to the building requiring immediate attention

Note: Refer to NSW Fair Trading Emergency Remedial Building Works Fact Sheet for guidance on the types of works which will be considered an emergency and steps to be taken. Obligations under the DBPA still apply and further works must be performed under a CIRP with documents to be lodged on the NSW Planning Portal

TIP 10

Under Part 4 of the DBPA an owner or owners corporation have 10 years after completion (*6 years from the loss becoming apparent) to bring a claim for economic loss arising from a breach of statutory duty of care

Note: action under DBPA Part 4 may be brought in respect of building work (including all classes of buildings) against persons involved in preparation of regulated designs or other designs, manufacture or supply of a building product, supervising, coordinating, project managing or otherwise having substantive control over the carrying out of construction work

TIP 3

Exempt development works other than waterproofing* are excluded under the DBPA

Note: refer Clause 13 DBPR for full list of building works excluded from the DBPA

TIP 4

Waterproofing (external) and waterproofing (internal where waterproofing membrane works are being performed in more than one unit) are NOT excluded under the DBPA and a Regulated Design will be required

TIP 5

A building practitioner, before performing any remedial building works falling under the DBPA, must ensure a Construction Issued Regulated Design and a design compliance declaration is prepared by a registered design practitioner and lodged on the NSW Planning Portal

TIP 6

Works under \$5000 are excluded from the DBPA

TIP 7

Minor building alterations may be considered exempt development

Note: refer Subdivision 26 Minor Building Alterations (Internal), Subdivision 27 Minor Building Alterations (External) and the Department of Planning, Housing and Infrastructure Remedial Building Works Fact Sheet for guidance on the type of remedial building works which may be considered exempt development

TIP 8

If your building is a heritage building or is an older building AND does not have a current fire safety certificate, planning approval for remedial building works will be required and the DBPA will apply (i.e. a Regulated Design will be needed where remedial building work includes a building element as defined by the DBP)