

Building Legislation Amendment (Building Classes) Regulation 2022

under the

Design and Building Practitioners Act 2020

1 Name of Regulation

This Regulation is the *Building Legislation Amendment (Building Classes) Regulation 2022*.

2 Commencement

This Regulation commences on 3 April 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*, 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)(k)—

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

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

Insert in alphabetical order in clause 13(4)—

designated class 3 building means a building meeting the following conditions—

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

[4] 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 that is, or a part of which 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.

[5] Dictionary

Insert “, 3 or 9c” wherever occurring after “class 2” in the definitions of *low rise building* and *medium rise building*.

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.