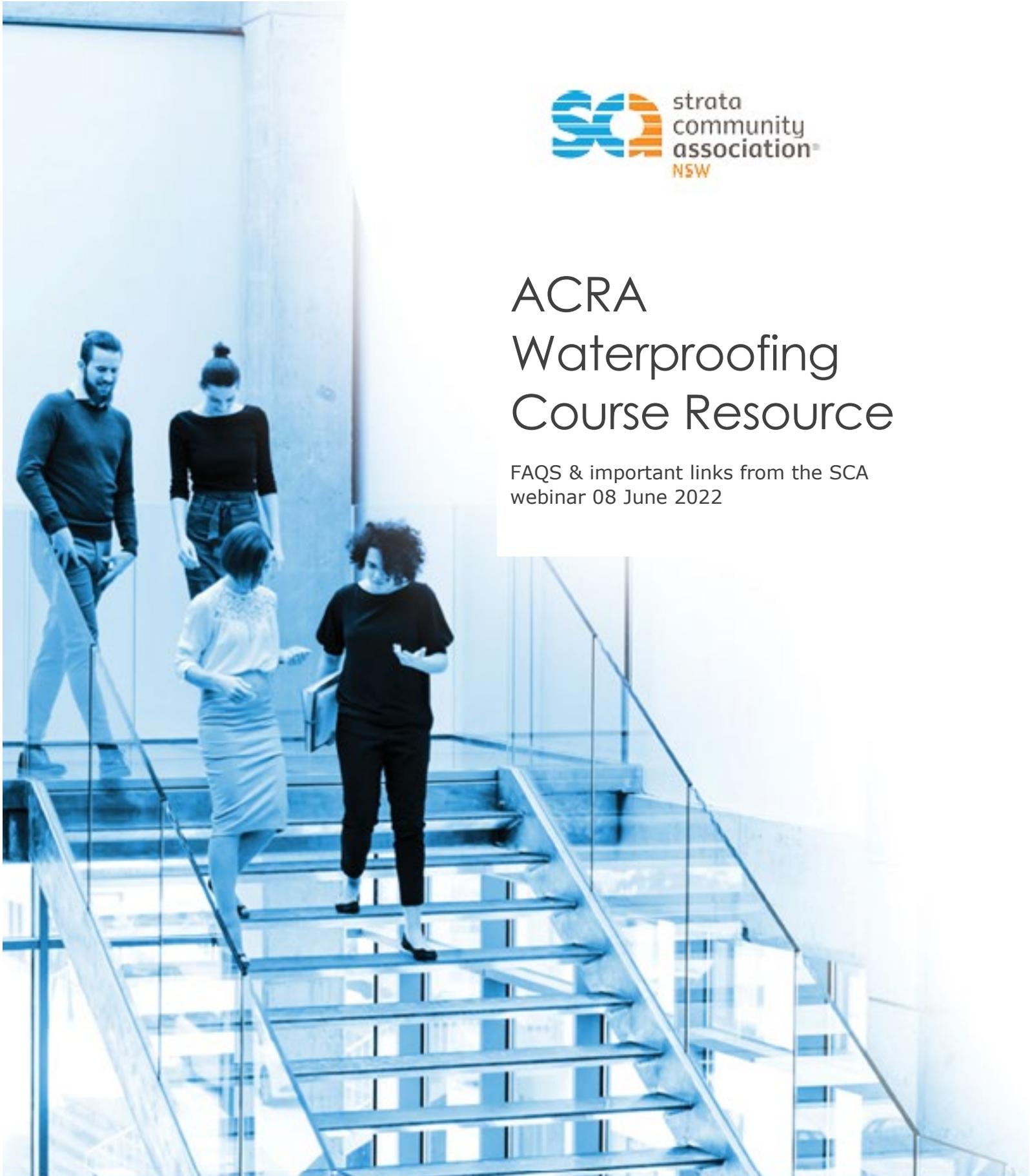


ACRA Waterproofing Course Resource

FAQS & important links from the SCA
webinar 08 June 2022



PROFESSIONAL
STRATA
MANAGER
Strata Community Association (NSW)

How to check if someone is a Design & Build Practitioner -	https://www.onegov.nsw.gov.au/publicregister/#/publicregister/search/DBP
ACRA register -	https://acrassoc.com.au/consultants/

FAQS

Why are these changes being introduced?	On 1 July 2021, changes were introduced to the residential building industry to restore consumer confidence and make sure that apartments being built are trustworthy. These changes will ensure that buildings are safe and secure, that the industry is more customer-focused, and that better data is captured throughout the building lifecycle.
What's a Class 2 building?	<p>Class 2 buildings are residential apartment buildings. They are typically multi-unit residential buildings where people live above and below each other, and have special rules to protect the health, safety and welfare of all occupants.</p> <p>The legislation applies to any building containing Class 2 construction, so if your development is mixed use INCLUDING Class 2, then all work must comply.</p>
A common issue for us is for older buildings with bathrooms that haven't been renovated in 30 - 50 years where the membrane has failed. Many owners feel that it is unfair that the OC is still responsible. Any ideas on how this can be addressed?	<p>Membranes are considered common property by the current definition; this is the reason the OC wears responsibility.</p> <p>A robust maintenance plan can ensure that if proactive works are done over time, you will prolong the lifespan of your membrane and can plan for these works within the capital fund.</p>
What are regulated designs?	<p>Regulated designs are designs (including a plan, specification or a report detailing a design, or a performance solution) that is prepared for building work on a building element.</p> <p>These are considered important as they are likely to have a greater impact on the safety and quality of construction in a building.</p> <p>Building work refers to the construction; alteration or addition; or the repair, renovation or protective treatment of a Class 2 building.</p> <p>A building element means any of the following:</p> <ul style="list-style-type: none"> • fire safety systems for a building within the meaning of the Building Code of Australia; • waterproofing;

	<ul style="list-style-type: none"> • an internal or external load-bearing component of a building that is essential to the stability of the building, or a part of it; • a component of a building that is part of the building enclosure; • and those aspects of the mechanical, plumbing and electrical services for a building that are required to achieve compliance with the Building Code of Australia. <p>Find more information about regulated designs on our website.</p>
<p>Can you please advise if roofing works would require the consultant / engineer to provide the design works? My question is because my understanding is that roof is considered to be "building enclosure". Would all types of roofs fall under this (ie: tiles, concrete, etc) or only specific ones such as concrete as requires waterproofing?</p>	<p>Yes, roofing works would fall under the DBP Act, and there is no exclusion based on material type or roof geometry (such as flat, sloped, pitched, stepped or otherwise built).</p>
<p>When a builder is selected to undertake works over \$20K and HBCF insurance needs to be acquired prior to work commencing, will the builder have to supply a copy of their certification as a Registered Building Practitioner along with their insurance application?</p>	<p>The check as to eligibility to do the work should be done prior to Tendering the work. If the Contractor is not registered Building Practitioner, they should not Tender for work on buildings containing Class 2 construction and works requiring Regulated Designs (such as waterproofing).</p> <p>Note there is no price threshold for which waterproofing works need to be declared by a registered practitioner.</p>
<p>What does the OC have as a recourse when the builders' or developers' warranty has expired and building is now brought to light with huge defects. What can they do?</p>	<p>Buildings more than 10yrs old will have no recovery prospects, since both the DBP and RAB Acts are retrospective 10yrs only.</p>
<p>A plan consisting of 7 villas, each villa with 2 levels over a garage. If all balconies need to be replaced, does this fall under the DBP Act?</p>	<p>Yes, either due to waterproofing detailing that may be required, or structural elements of the replacement balconies requiring work on structural elements.</p>
<p>Following my roof question, I would like confirmation if the act provides for any minimal cost for it to require an engineer, or if any works, ie: a \$500 repair on roof tiles, would require</p>	<p>Under the DBP Act any works which are defined as a building element, including a component of the building that is essential to the stability of the building, requires design and building declarations. Having a regular maintenance plan and building inspection can alleviate general maintenance and repairs turning into larger remedial issues.</p>

<p>for engineer attendance too? I am concerned with the very small schemes that would require for attendance and the cost of an engineer would be much higher than the repair itself?</p>	<p>There is no "lower limit" of cost.</p>
<p>What do you suggest in regional areas where there are basically no registered practitioners. We have trouble getting a regular contractor to attend let alone a registered one.</p>	<p>How to check if someone is a Design & Build Practitioner - https://www.onegov.nsw.gov.au/publicregister/#/publicregister/search/DBP</p> <p>There is no exemption for regional locations. Encourage your regional consultants and contractors to get registered. Alternatively, look to ACRA's resources for Practitioners who have capacity to attend to bundles of regional work, or may have regional offices.</p>
<p>Will the extra layers of administration delay projects, and if so how long, and as a consequence the lot owner suffering water penetration may have to wait far too long to have the problem rectified, causing distress for them and to the strata manager and the strata committee</p>	<p>While the industry develops its skills in documenting remedial works to comply with the DBP Act requirements, there may be some additional time spent. Subject to the particular circumstances of the building, this additional time is likely to be spent mostly on investigating sufficiently to allow a "declarable" design to be put together. The actual lodgement process is measurable in minutes.</p> <p>Class 2 buildings that cannot accept delays could consider interim works to mitigate ongoing damage.</p>
<p>Can you please confirm who these registered design practitioners are as many of the remedial engineers we have been using are saying they cannot sign off on these designs?</p>	<p>How to check if someone is a Design & Build Practitioner: https://www.onegov.nsw.gov.au/publicregister/#/publicregister/search/DBP</p> <p>Encourage your regional consultants and contractors to get registered. Alternatively, look to ACRA's resources for Practitioners who have capacity to attend to bundles of regional work.</p>
<p>How does a strata manager mitigate their DPB liability if the owners refuse to use registered designers or practitioners and we are told to issue work order to someone who is not registered on DPB register.</p>	<p>Do not issue such orders, instead refer to Committee to the regulation, and even the 2hr TAFE course. Works done without registered Practitioners risk their insurance, warranties, and payments. The Committee, if they proceed against your refusal, would be exposed to liabilities arising out of engaging unregistered people to do such work.</p>
<p>This is what I am currently experiencing with a 15 year old building so relatively new. Water ingress from roof, balconies, balcony</p>	<p>Unlikely to be able to do anything under legislation. Start to plan strategically and have the remedial works completed strictly to the current regulations. This may mean staging the work so funding pressures are managed. Explore options for</p>

<p>sliding door poorly sealed etc... Builders' / Developer warranty is expired now. What can OC do?</p>	<p>upgrading parts of the Common or Lot Property to offset the cost and discomfort.</p>
<p>When an Owners Corporation acquire their own quotation for work that falls under this new act & direct the strata manager to issue a PO to them and they are not a registered practioner where does that leave the Strata Manager.</p>	<p>See previous answer</p>
<p>There is an increased need for the Strata Manager to explain the new process and regulations - can you advise where we can direct owners with questions to get information from</p>	<p>Design and Building Practitioners NSW Fair Trading</p>
<p>Buildings should be diagnostically assessed say every 5 years to determine what maintenance, in addition to day to day maintenance is required eg to prevent issues with say cantilevered balconies - some of the audience may recall a couple of balconies in NSW some years ago collapsed, I don't recall if there were any fatalities but this is certainly an area that needs to be addressed, from a work , health , and safety point of view</p>	<p>More a comment, but agreed. The extent of investigations for assembling Capital Works Forecasts is not set out in the SSM Act.</p>
<p>I have been asked to issue a work order for a company that does not have a building licence to carry our injections for waterproofing on a strata scheme and am coming under abuse because I won't issue the work order the value of the work is \$11K plus</p>	<p>Injection work is not likely to be regarded as a complying remedial method. It should be regarded as an interim or trial repair only. In that respect, it would not be "declarable" and also not warrantable.</p>
<p>Following recent weather extremes many of us in Strata are under pressure to move forward promptly with waterproofing remediation , if not already commenced and</p>	<p>Make haste slowly. Take steps to mitigate damage while suitably qualified and registered practitioners investigate and document the work. Provide them sufficient budgets to complete such investigations sufficiently, and have them tender the work to suitably qualified and registered Building Practitioners.</p>

underway. What does this course and fresh legislation imply for or impose upon on us?	

[Frequently asked questions | NSW Fair Trading](#)

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ACCOUNTABILITY | RECOGNITION | CONSUMER PROTECTION



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