

# Urgent Building Works: Do you need to comply with the Design and Building Practitioners Act?

Following a review and understanding of our [Comprehensive Guide to the Design & Building Practitioners Act 2020 – Regulation Update](#) which refers to compliance requirements for remedial works for class 2 or mixed class 2 buildings, we frequently get asked the question:

## **Do we still need to comply with the Design and Building Practitioners Act 2020 (NSW) (D&BPA) when the works are urgent or in response to an emergency?**

Our answer is:

1. You do not, if they are excluded under [clause 13 of the Design and Building Practitioners Regulation 2021](#). Our Compliance Pack members can view our fact sheet: [A Comprehensive List of Excluded Building Works](#) by using the following login to access the content. ([Login here](#) to view our fact sheet).
2. You may not need to, if it is dealing with a natural disaster or the Premier has declared, in writing, that there is an emergency which constitutes a significant and widespread danger to life or property in such building or structure. However, this does not apply to waterproofing or if the Local Environmental Plan is inconsistent with Environmental plan, clause 2.30AA of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) (SEPP).
3. You do not, if you meet the transitional requirements explained in our article [Existing Construction Projects: Do they need to comply with the Design and Building Practitioners Act 2020?](#).
4. You do not, if the reasonable excuse provision of the [under section 19 of the Design and Building Practitioners Act 2020](#). This poses another question about what is a reasonable excuse as it's not defined.

Our answer to that question is:

- a) ignorance of the law is not a reasonable excuse; and
- b) an owners corporation attending to permanent repairs caused by wear and tear is not a reasonable excuse;
- c) however, a registered building practitioner undertaking temporary works to mitigate loss is.

Don't get caught out, let Bannermans Lawyers assist you if you are in a situation like this. Our lawyers are up to date on the latest information regarding the D&BPA.

**Prepared by Bannermans Lawyers  
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