

DBP Made Simple

Design and Building Practitioners Act 2020

Participant Handout

Why it exists - when and where it applies -
how we manage it

DESIGN

DECLARE

LODGE

BUILD

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"How is easy when you know the why."

Why was the legislation introduced?

NSW introduced the reforms because complex building projects often had unclear design responsibility, informal changes and poor records. When defects appeared, it could be difficult to prove who designed the work, what changed and what was actually built.

Before

Unclear responsibility
Informal changes
Missing evidence
Disputes about who did what

After the reforms

Registered practitioners
Declared designs
Controlled variations
Completion records

The purpose is a traceable chain of responsibility from design to completion.

When did it start?



2020
Act assented
Duty of care



1 Jul 2021
Class 2 design and
declaration scheme



3 Jul 2023
Certain new
Class 3 and 9c



1 Jul 2028
Existing Class 3 and 9c
remedial work

My notes

What is the DBP scheme?

The Design and Building Practitioners Act 2020 and the 2021 Regulation create a legal quality-control process for regulated building work. They do not replace strata approval, planning approval, licences, insurance or contracts.

Remember the four actions

DESIGN

Prepare a construction-ready regulated design

DECLARE

A registered design practitioner declares it

LODGE

The building practitioner lodges it on the NSW Planning Portal

BUILD

Work is carried out against the declared design

Design practitioner

A person registered under the DBP scheme who prepares or supervises a regulated design and makes the design compliance declaration.

CIRD

Construction Issued Regulated Design: a design detailed enough for the building practitioner to build from.

When should the strata team stop and check?

Before a significant repair is approved or instructed, ask these three questions:

1

What class is the building?

Confirm the classification and any mixed-use parts.

2

What physical work is proposed?

Look beyond labels such as maintenance or repair.

3

Does it involve a building element or performance solution?

If yes, the DBP pathway may apply.

If any answer is uncertain: pause, obtain written project advice and record the decision.

The label does not decide

A contractor calling work 'maintenance' does not make it exempt. Building class, actual scope, affected elements, performance solutions and exclusions determine the pathway.

My notes

Where is a design practitioner needed?

Existing Class 2 buildings are the main everyday strata focus. This includes apartment buildings and mixed-use buildings with a Class 2 part. Building work includes new work, alterations, additions, repairs, renovations and protective treatment.

Six statutory building elements

01 Structure

Load-bearing work and stability

02 Enclosure

Façade and building envelope

03 Waterproofing

Membranes and water-ingress systems

04 Fire safety

Active and passive fire systems

05 Services

BCA-required mechanical, plumbing and electrical services

06 Vertical transport

BCA-related aspects of lifts and escalators

Performance solutions are also a regulated design trigger. They are alternative ways of meeting the Building Code, but they are not one of the six building elements.

Waterproofing deserves special attention. Exempt development does not automatically mean waterproofing is outside the DBP scheme.

Who is responsible for what?

1

Registered design practitioner

Prepares or supervises the regulated design and makes the design compliance declaration.

2

Principal design practitioner - optional

If appointed, checks that required declarations came from appropriately registered designers.

3

Registered building practitioner

Lodges designs, carries out or oversees work, controls variations and makes the building compliance declaration.

4

Engineer / certifier

Performs their separate regulated engineering or certification role within their authority.

**The practitioner declares. The owners corporation decides.
The strata manager coordinates.**

Registration check: a NSW contractor licence is not, by itself, proof of DBP registration. Check the public register and the relevant registration class.

How does the process work?

1. Before work

Confirm class and scope; identify elements, performance solutions and exclusions; verify registrations; obtain the CIRD and design declaration; confirm NSW Planning Portal lodgement.

2. During work

Use hold points, site reports and written instructions. Compare the physical work with the declared design.

3. Variations

Before varied work starts, obtain the updated regulated design and design compliance declaration. Lodge the variation within one day of the varied work commencing.

4. Completion

Obtain the building compliance declaration, final regulated/as-built designs, contractor document, variation records, certificates, warranties and defects close-out.

A variation is a stop-and-check event - not paperwork to finish later.

Important: the building compliance declaration can only be made by the registered building practitioner. It cannot be delegated.

Exclusions and emergency work

Not every repair is regulated. An exclusion must be checked against the actual scope and the current wording of clause 13 of the Regulation.

Examples of possible exclusions

- Work under \$5,000 including labour and materials
- Some exempt development
- Specified maintenance
- Certain non-structural fit-outs

Waterproofing warning

The limited exclusion generally requires exempt development within one dwelling and work limited to a bathroom, kitchen, laundry or toilet. Obtain project advice.

Emergency remedial work: all four points must be met

- Immediate action is necessary.
- There is serious impact or risk to use, health or safety, or further damage.
- The impact or likely impact is serious in nature.
- The work is limited to what is necessary to mitigate the impact until proper remedial work can occur.

For emergency remedial work, required post-work documents must be lodged within 7 days of completion.

My notes

The strata manager's role and boundaries

We should

- Flag possible application early
- Obtain written project advice
- Verify registrations
- Confirm OC authority and funding
- Put design, variation and completion deliverables in the contract
- Keep the complete scheme file

We must not

- Give technical classification advice
- Treat a licence as DBP registration
- Let declarations arrive later
- Approve design changes informally
- Certify Building Code compliance
- Assume urgency equals emergency

**The practitioner certifies. The owners corporation decides.
The strata manager coordinates.**

What can happen if the process is ignored?

- **Stop or delay:** work may need to pause, be redesigned or be redone.
- **Cost and disputes:** variations, payment and completion become harder to manage.
- **Evidence:** the owners corporation may not be able to prove what was built.
- **Compliance:** offences, audits or practitioner discipline may follow for registered parties.
- **Governance:** owners corporation and agent decisions and records may be criticised.

The strata team protects the owners corporation by recognising the trigger, obtaining advice and controlling the file.

Scenario: whole-roof waterproofing

Facts: an existing Class 2 scheme has an end-of-life roof membrane. Only minor leaks have occurred. The owners corporation is obtaining a scope and quotations.

Class 2 + planned repair + waterproofing = likely regulated remedial work
It is not automatically emergency work.

Pre-start checklist

- | | |
|--|--|
| ☐ Building class and mixed-use parts confirmed | ☐ Physical scope clearly described |
| ☐ Building elements and performance solutions checked | ☐ Exclusion or emergency basis documented, if relied on |
| ☐ Owners corporation authority and funding confirmed | ☐ Design and building practitioner registrations verified |
| ☐ CIRD and design compliance declaration received | ☐ NSW Planning Portal lodgement evidence received |
| ☐ Contract controls variations and completion documents | ☐ Insurances, licences, SWMS and site controls checked |

If the evidence is not there, pause and escalate before authorising work.

Knowledge check and official sources

1. Does a builder's licence prove DBP registration?

2. Who makes the building compliance declaration?

3. What happens before a waterproofing variation continues?

4. Why is an urgent committee request not automatically an emergency?

5. What should the owners corporation hold before final payment?

Answer guide: 1 No. 2 Registered building practitioner. 3 Obtain updated design and declaration first; lodge within one day. 4 All four statutory criteria must be met. 5 Declarations, final designs, contractor and variation records, certificates and warranties.

Design first. Declare it. Lodge it. Then build it.

Official sources - current review 28 July 2026

- [Design and Building Practitioners Act 2020 - legislation.nsw.gov.au/view/html/inforce/current/act-2020-007](https://legislation.nsw.gov.au/view/html/inforce/current/act-2020-007)
- [Design and Building Practitioners Regulation 2021 - legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0152](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0152)
- NSW Government - Design practitioner obligations
- NSW Government - Building practitioner obligations
- NSW Government - Remedial building work in regulated buildings
- NSW Government - Emergency remedial building work

Training material only. Apply the current legislation to the actual building, scope and approvals, and obtain legal or technical advice where required.