

# Want to avoid needing to comply with the Design and Building Practitioners Act 2020? Consider Town Planning Advice

The introduction of the Design and Building Practitioners Act 2020 (**D&BPA**) has the potential to provide a lot of benefits by ensuring increased accountability across the building industry.

It also, however, has the potential to impose significant additional costs, sometimes prohibitively, to smaller remedial jobs, or simple renovations.

The definition of building works within section 4 of the D&BPA is incredibly broad, covering work related to:

- the construction of a building;
- alterations or additions to a building; or
- repair, renovation or protective treatment of a building.

There is very little construction work that falls outside of the ambit of the above.

Once works fall within this definition, unless they are otherwise exempted, the works must then meet additional requirements, with some significant penalties that can be imposed for non-compliance.

The cost of meeting the additional requirements imposed by the D&BPA will be relatively small in relation to a large scale development, but anecdotally, it can nearly double the cost of minor repairs or renovations.

Regulation 13 of the Design and Building Practitioners Regulation 2021 does specify a number of exemptions to being required to comply with the D&BPA (see Bannermans Article [Exempt Development Update](#) for a useful list), most notably, where the works in question are exempt development under the State Environments Planning Instruments (with the exception of waterproofing).

The majority of exempt developments are contained within the State Environment Planning Policy (Exempt and Complying Development Codes) 2008. This is a very large instrument, with the items covered spanning from aerials to yards, and each item listed is only exempt if it meets certain specified parameters, or put another way, if you meet the parameters, you are able to undertake the works as exempt development, and substantially reduce the cost of the works by removing the D&BPA Compliance Costs.

This is an area where owners considering a repair or renovation would greatly benefit from strategic specialist planning advice.

The team at Bannermans is well equipped to give you guidance on fitting within exempt development for your proposed works.

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