

**INQUIRY INTO REVIEW INTO THE DESIGN AND
BUILDING PRACTITIONERS ACT 2020 AND THE
RESIDENTIAL APARTMENT BUILDINGS (COMPLIANCE
AND ENFORCEMENT POWERS) ACT 2020 AND RELATED
DRAFT GOVERNMENT BILLS**

Organisation: Association of Consulting Architects

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Association of Consulting Architects
The Business of Architecture

28 July 2025

The Director,
NSW Legislative Council's Public Accountability and Works Committee
Ms Talina Drabsch,
Parliament House, Macquarie Street,
Sydney NSW 2000

re: Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills.

Submission by Association of Consulting Architects NSW/ACT(ACA) and Regional Architects Association (RAA)

Dear Ms Drabsch,

The Design and Building Practitioners (DBP) Act was a significant undertaking aimed at streamlining the construction sector's complicated legislative landscape, improving building quality and enhancing consumer protection. We understand the Legislative Council Committee recently agreed to amend its terms of reference for the inquiry to also include consideration of any legislative proposals or draft government bills that are intended to repeal the DBP Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020.

We are responding to the invitation to make a submission to this inquiry, due Monday, 28 July 2025. We believe this review of the Design and Building Practitioners Act and its implementation represents a significant opportunity to enhance the performance and intentions of the Government while streamlining processes to deliver better business and consumer protection in NSW.

The Association of Consulting Architects (ACA), together with the Regional Architects Association (RAA), is committed to working closely with the NSW and is well-positioned to contribute constructively to this important reform. We are a peak body representing 260 member practices and 2050 staff in NSW, ranging in scale from sole operators to multi-national businesses. In addition to this, the RAA has 215 individual members, largely directors of small practices.

Our combined membership provides us with comprehensive insights across the full spectrum of architectural practice in NSW, from regional sole practitioners to large metropolitan firms. This breadth of representation enables us to offer balanced perspectives on how regulatory reform will impact practitioners of all scales and their capacity to serve communities throughout the state.

Our Process

To provide the government with real-time industry feedback, we are currently conducting an online survey of the profession seeking input on both the DBP Act and the Planning Lodgement Portal. This survey closes on 4 August, after which we will prepare a more detailed submission for parliament. We are canvassing both ACA and RAA members while encouraging non-member professionals to participate, ensuring our submission accurately captures industry-wide views.

We are also in discussions with the Building Commissioner through Matt Press to exchange views in a managed forum scheduled for September.

This preliminary submission for 28 July captures only part of this feedback. We respectfully seek your support in extending the deadline to allow a second, more detailed submission in late

August, informed by our complete survey results and the planned forum with the Building Commissioner.

Preliminary Member Survey Findings

Our preliminary submission outlines key issues and opportunities for both the DBP Act and the Lodgement Portal, based on survey responses received to date. While this submission provides our preliminary position, our second submission (if acceptable) will identify issues and opportunities in much greater detail. Without a comprehensive examination of these concerns, we believe there will be significant undermining of business productivity with cost implications for consumers.

The Act has raised documentation standards, especially around critical issues like waterproofing and fireproofing, which could ultimately lead to fewer defects and better-quality outcomes. There is broad support for ensuring only qualified and registered professionals prepare and sign off on key documentation, adding accountability for building quality and safety.

The move to an online system has eliminated paper trails and created accessible historical records. With further improvements, the portal could support faster, more transparent, and efficient application processes through AI-assisted data entry, dedicated help desks, and better document filtering and linking throughout the approval process.

However, we are concerned that in their current operating form, both the Act and Portal are unnecessarily complicated, overburdening industry with process and cost, affecting productivity and business opportunity.

We believe the Act's objectives of quality and consumer protection can be delivered through better systems and processes, as outlined in our suggestions below.

Submission Structure

We have structured our submission into two key headings :

1. DBP Act
 - a. challenges
 - b. opportunities and suggestions for change
2. Online Lodgement Portal
 - a. challenges
 - b. opportunities and suggestions for change

1. **DBP Act:**
 - a. Challenges

Excessive Compliance Burden

The Act applies a one-size-fits-all approach regardless of project scale. Minor works and small renovations face the same rigorous requirements as large developments, creating unnecessary

documentation, cost burdens, and administrative overload for practitioners and clients. This overly complex framework requires extensive documentation and duplicate registration, particularly burdening small-scale and renovation projects with higher costs, increased time requirements, and rendering some projects financially unviable.

Financial and Liability Pressures

Additional bureaucracy, fees, and personal liability create disproportionate burdens for architects and practitioners, especially impacting small and sole practices. Significant compliance costs and fees generate financial stress for sole practitioners, small businesses, and regional builders. Multiple registrations and CPD requirements often duplicate existing qualifications with little recognition of prior credentials.

Lack of Flexibility and Clarity

Practitioners report inconsistent regulatory interpretation, unclear scopes for minor works, and confusion regarding requirements for renovations, heritage buildings, and performance solutions. The Act's blanket application to all Class 2 projects regardless of size is widely considered unreasonable.

Documentation Overload

Compliance documentation is frequently excessive and irrelevant to project scale or nature, resulting in delays and significant costs, particularly affecting smaller and regional projects.

Challenging Registration Process

Registration requirements are onerous for small or emerging practices, with duplicate registration for architects deemed unnecessary.

Unintended Impact on Housing Supply

The regulatory environment discourages participation in certain building typologies, notably smaller Class 2 developments, potentially exacerbating the housing crisis by disincentivising practitioner and builder engagement.

Practical Implementation Challenges

The process is cumbersome, lacking clear guidance and imposing excessive personal liability with impractical requirements such as unrealistic deadlines for variations.

b. Opportunities and Suggestions for Change

Differentiated Compliance Pathways

Develop streamlined, tiered compliance processes, ensuring minor works and small renovations are not subjected to the same rigorous requirements as major developments.

Clarification and Guidance

Provide clearer, more accessible guidance and examples for submission requirements, code interpretation, and performance solution expectations to reduce confusion and inconsistency.

Simplification and Red Tape Reduction

Remove duplicate registration and unnecessary fees while reducing required documentation to essential project elements. Implement better recognition of existing architectural registration and CPD requirements.

Enhanced Training and Support

Introduce targeted training and upskilling for developers, clients, and compliance reviewers, ensuring all parties understand requirements and best practices. Mandate training for compliance reviewers and professionals involved in the Act, with greater practitioner engagement and consultation to refine legislation and processes.

Scope Refinement

Restrict the Act's application to projects where it delivers the greatest benefit, such as strata-titled and owner-occupied apartments. Delay expanding requirements for remedial works pending further review.

Legal Harmonisation

Unify limitation periods to simplify legal exposure and reduce unnecessary legal costs.

Review and Delay Legislative Changes

Postpone major legislative changes until comprehensive reviews are complete and government responses issued, avoiding overlapping or conflicting requirements.

2. Online Lodgement Portal:

a. Challenges

Poor User Experience

The portal is widely described as clunky, confusing, slow, and poorly designed. Navigation is unintuitive with an interface that is not user-friendly for practitioners or clients.

Repetition and Data Entry Problems

Users must enter identical information multiple times across different forms and process stages, creating inefficiency and frustration.

Technical Glitches and Delays

Frequent errors, system freezing, and extended response times from help lines or council staff create significant project delays and impede progress.

Inflexibility and Lack of Customisation

The portal inadequately adapts to different project types or user roles, requiring irrelevant information or documentation for certain projects, such as requesting NATHERS ratings for residential applications.

Limited Guidance and Support

Instructions are insufficient or overly complex, with support resources often described as unhelpful or inaccessible. Builders and clients frequently require coaching to use the portal effectively, highlighting the need for accessible tutorials and step-by-step guides.

Duplicated Effort

Users must upload identical documents multiple times for various approvals (CC, OC, Strata Bond), adding unnecessary workload and costs.

Misalignment with Industry Needs

The portal requires excessive upfront information with rigid and convoluted processes, poorly tailored to practitioner needs, especially for repairs, small projects, or atypical developments.

b. Opportunities and Suggestions for Change

Streamlining and Simplification

Redesign the portal for intuitive, user-friendly operation with clear instructions, logical workflows, and easier navigation tailored to different user types and project classes.

Pre-filled and Dynamic Forms

Implement systems for auto-populating fields and reducing repetitive data entry. Display only questions and requirements relevant to specific project types.

Enhanced Support and Training

Provide responsive, effective help desks and develop accessible training resources, including video tutorials and concise guides to assist users at every step.

Transparency and Accountability

Increase transparency in document management with clear records of uploads, responses, and responsible parties.

Role-Based Access and Delegation

Enable multiple users from the same organisation to access and manage applications while allowing delegation of responsibilities within the portal.

Feedback and Iterative Improvement

Regularly seek feedback from practitioners and end users (architects, certifiers, planners, builders) to inform ongoing improvements and ensure the portal addresses real-world needs.

Integration with Council Systems

Consider reverting to or integrating elements of direct council submission processes to preserve the benefits of face-to-face communication and personalised support.

In Conclusion

We thank you for the opportunity to make this submission and would welcome further engagement with the committee to assist in this important review. We remain available to provide more detailed input through additional presentations, our planned comprehensive second submission following completion of our industry survey, and the upcoming discussion forum with the Building Commissioner's office.

Kind regards

Ivana Simkovic
ACA NSW/ACT President

Stephen Pearse
ACA NSW/ACT Advocacy Spokesperson