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24 February 2026

Dear Hon. Clare O'Neil

Re: Streamlining and Modernising the National Construction Code (NCC), Discussion Paper (December 2025), ACRA's submission.

We write as the Representatives of the Australasian Concrete Repair and Remedial Building Association (ACRA). ACRA is the peak body representing the remedial building industry, across Australia and New Zealand. The remedial building industry is focussed on the maintenance, repair and upgrade of existing buildings and structures. In the context of the current review of the NCC, ACRA promotes building excellence in a regulated environment that supports owners in maintaining their ageing buildings.

ACRA welcomes the opportunity to participate in 'Streamlining and Modernising the NCC'. We support the need for reform and streamlining of the regulatory environment. The Building Commission NSW (**BCNSW**) has affirmed that "remedial" Building Work (importantly distinct from "new" Building Work), requires compliance with the current NCC, i.e. compliance with the NCC version at the time the remedial Building Work is conducted. We include data below on Class 2 (multi-unit residential) buildings. However, this submission is equally applicable to remedial Building Work on all building classes across Australia.

In NSW, ACRA has focused on existing multi-unit residential/Strata (Class 2 buildings). Data taken from the **BCNSW (2023)**[1] indicates that 53% (by building count) of strata buildings require rectification, repairs, waterproofing and façade Building Work. Similarly, research by UNSW[2] has identified that more than half of the strata and community titled properties are over 20 years old. Buildings 20-30 years of age are nearing the end of their original service life, with significant building repairs becoming necessary. This information highlights the need for reform of how **existing buildings** are regulated. According to data from the Australian Bureau of Statistics (2025)[3], new Class 2 dwelling building approvals in NSW have declined to <20,000 multi-unit dwellings per year, while the existing multi-unit stock in NSW exceeds 1,000,000 dwellings which continue to age. It is ACRA's view that the current NCC structure is designed for new Building Work and/or work that falls outside the definition of 'repairs and maintenance'.

A dedicated Existing Buildings framework with Deemed-to-Satisfy (DtS) pathways is proposed for improving productivity and removing unnecessary high costs and potential delays for the remediation of existing buildings.

We also posit that reform will require looking beyond the NCC, to associated State/Territory based legislation in ensuring that a practical and cost-effective application of the NCC occurs across Australia. Notably, the interplay between the NCC and NSW planning legislation has an agreed significant impact on the remediation of existing buildings.

Our submission herein provides insights into and suggestions, stemming from ACRA's advocacy work with the NSW Government, which has focused on the improved regulation of the remediation of existing buildings. This work has been ongoing since 2022. We have been consulting with the NSW Government for the past 18 months about the detrimental impact of the NCC2025 on the remediation of existing buildings.

[1] **NSW Department of Customer Service (2023)**, *2023 Strata Defects Survey Report*, Office of the Building Commissioner, Sydney, pp8.
[2] Easthope, H., Lu, Y. & Riviera, A. (2025) Australasian Strata Insights 2024, Sydney: City Futures Research Centre. [Accompanying local government information, available at: 2024 Australasian Strata Insights | City Futures Research Centre].
[3] **Australian Bureau of Statistics (2025)** *Building Approvals, Australia (8731.0), Series A118787488F: Apartments – Total, NSW*. ABS, Canberra.

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On this basis it is critical to note that our consultation to date has focused on the applicability of the NCC to existing Class 2-9 buildings associated with BCA Volume 1 of the NCC, particularly the remediation of existing buildings. However, Class 1 and 10 buildings (BCA Volume 2) should be considered in the same context.

Evident from ACRA's ongoing advocacy work in NSW, there will be unintended consequences for existing buildings in other States and Territories, if remedial Building Work is not considered in the NCC reform.

SUMMARY OF SUBMISSION KEY POINTS:

1. **Governance and process**

   To date, with previous and proposed (NCC2025) versions of the NCC, it is ACRA's view that the ABCB and government have focused solely on new construction and/or alterations to existing buildings (noting these works are typically subject to Planning Approvals). The governance structure and stakeholder consultation process has historically excluded the existing building/remedial building industry particularly in the context of completing remedial Building Work.

   Stakeholder engagement to support the governance structure – ACRA, the national peak body for the remedial building industry, should be invited to participate and contribute to future iterations of the NCC in supporting better regulation of the remediation of existing buildings. Other stakeholders for all building classes should also be consulted.

   Variations to the NCC - should be managed centrally in supporting a transparent, streamlined and consistent approach across Australia.

2. **Complexity and regulatory burden**

   Applying modern building regulations (which have been developed primarily for new buildings) to ageing buildings is generally not practical or necessary. A common sense agreed and cost-effective approach for regulation of existing buildings is needed.

   The NCC should be developed to include strong guidance for the remediation of existing buildings, to resolve the ambiguity that currently exists.

   We propose to introduce an Existing Building Code (EBC) – including standalone Performance Requirements, DtS Provisions and Specifications EBC1, EBC2 etc. as 'National Construction Code (NCC) – Volume Four: Existing Building Code (EBC)' (or alternatively 'Existing Building' sub-sections in Volumes 1, 2, 3). This will create a standalone statutory instrument for Building Works to Existing Buildings including common remedial works, aligned with government policy to streamline approvals and reduce regulatory burden while maintaining safety and quality.

3. **Usability and Accessibility**

   Development and provision of educational resources which promote accessibility and ease of learning, using technology supporting interactive learning styles. This includes free access to NCC and Australian Standards; education and guidance available digitally in workable formats for on-site/remote use; a central location to access resources which are easily accessible in simple format. Further we propose a standalone section or volume within the NCC suite for remedial Building Work to existing buildings.

4. **Innovation and Housing Diversity**

   We propose to introduce NCC Volume Four - Existing Building Code(**EBC**) – (*or alternatively 'Existing Building' sub-sections in Volumes 1, 2, 3)* to create a set of standalone Performance Requirements and DtS Provisions for Building Works to Existing Buildings involving common remedial works, aligned with government policy to streamline approvals and reduce regulatory burden while maintaining safety and quality.

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GENERAL COMMENTS AND BACKGROUND

1. Governance and process

In ACRA's recent meeting (4 December 2025) with Karmil Nguyen, Policy Adviser to Hon Clare O'Neil, Deborah Lockart and Tom Mackay (ACRA Advocacy representatives) presented on the NSW remedial-government advocacy outcomes. ACRA has been consulting with the BCNSW for the past 18 months about the unintended consequences of the proposed NCC2025 (Volume 1) [herein referred to as NCC2025] on the remediation of existing buildings in NSW.

The BCNSW (16 October 2025) acknowledged the unintended consequences of the NCC2025 on the remediation of existing buildings in NSW, and we understand the **BCNSW** has proposed a variation to the NSW Building Minister in line with the following:

> As discussed after the workshop and based on feedback from industry, Building Commission NSW will explore incorporating a NSW Variation in NCC 2025 relating to the proposed new waterproofing and water shedding provisions. This variation (if supported by the Minister for Building) could provide existing buildings with the option to instead comply with the current NCC 2022 Amendment 2.

When the proposed NCC2025 was released for Public Comment in May 2024, the proposed changes to Volume 1 Section F were identified by ACRA as unable to be achieved for Existing Buildings. ACRA's submission responding to the Public Comment Draft (28 June 2024 ID ANAN-FP32-2MMW-6) outlined in detail the issues for the remediation of existing buildings. However, the development of the NCC2025 progressed to the point of release for Public Comment without any demonstrable consideration to the remediation of existing buildings. The stakeholder consultation process associated with existing buildings has been wholly inadequate. **If NCC2025 is introduced to any state/territory, there will be unintended consequences for consumers who are seeking to remediate existing buildings.** This must be acknowledged in moving forward, and it is essential that the existing-building stakeholders, including ACRA are adequately consulted.

The current governance model provides limited mechanisms for continuous engagement with the remedial, strata, existing-building and defect-management sectors despite these sectors representing a significant proportion of building activity.

To demonstrate ACRA's position, the ABCB commissioned ACIL Allen (Feb 2024) to undertake an impact analysis titled '*Waterproofing provisions in NCC 2025, Impact analysis of proposed changes'.* An extract of the report (page 52) is provided below which provides an example of the barriers to applying DtS provisions for new Building Work to Existing Buildings:

6.1.7 Treatment of refurbishments

There are several difficulties related to the analysis of the impacts of the proposed increased waterproofing requirements on the refurbishment of existing buildings.

- The application of the NCC to refurbishments is covered in state/territory legislation, so individual jurisdictions can apply the NCC to refurbishments as rigorously as they see fit.
- The extent to which refurbishments comply with the NCC will vary by project (i.e. it is unknown what proportion of refurbishments will need to comply with the new NCC requirements and to what extent).
- Many existing buildings may be unable to comply with the NCC provisions.
- The costs of complying with the new waterproofing requirements in existing buildings may differ to new builds given the inherent variability of refurbishments.

Given this, refurbishments are excluded from the CBA.

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Whilst the NCC is a national document (modified/adopted at State/Territory level); the interplay between the State/Territory based legislation with the NCC is also important to understand in identifying how the NCC may impact the remediation of existing buildings in each State and Territory.

In NSW for example, if the DtS provisions are unable to be met, then a remedial Building Work project cannot proceed as Exempt Development, introducing Planning Approvals, significant project delays and increased project costs. ACRA's consultation paper (*Attachment 1*) titled *'The proposed NCC 2025 and water shedding provisions (NCC 2025) and the impact on owners of existing Class 2 buildings in NSW'* explains the unintended consequences. This outcome does not align with the intent of the National Housing Accord, and in our view results in poor outcomes for consumers. This is further elaborated on in Section 2 of this submission.

In relation to the NCC variation process, we understand that variations are unique to each State and Territory. Despite ACRA achieving an agreed position with the **BCNSW** regarding a variation for the remediation of existing buildings, it is our understanding that the NSW variation will not currently be formally shared with other States and Territories.

Further, we understand that Victoria and Canberra may be 'early adopters' of the proposed NCC 2025. We note that proposed variations have not been included in the NCC 2025 preview (February 2026). This lack of transparency across Australia is not productive and, we propose that the variation process be centralised in supporting shared knowledge and consistency across Australia.

With reference to ACRA's consultation paper (Attachment 1) there are over 350,000 Strata Schemes in Australia, indicating over 350,000 existing Class 2 buildings that may require conformance with the NCC for any remedial Building Work conducted to the property. Remediation works required to other building classes would add to this significantly. Consultation with ACRA and other organisations operating in the existing-building industry must be a key consideration in moving forward.

We understand the variation process for NCC2025 now sits with each State and Territory. However, we seek this forum's support in engaging with relevant contacts in each State and Territory, especially the 'early adopters'. It is ACRA's priority to raise this urgent matter about the imminent adoption of NCC2025, in our attempt to resolve potential unintended consequences for the remediation of existing buildings across Australia, supporting the Housing Accord and for the common good.

2. Complexity and regulatory burden

Apart from the pressing matters relating to the proposed NCC2025, existing buildings are generally built to the standards applicable at the time of construction. Some existing buildings date back to the 1800s, and achieving minimum standards with the current NCC is not physically possible nor commercially viable. Modification of the existing building details to meet the requirements of a newly constructed building is generally not practical nor necessary. This relates to elements that have been performing adequately. Compliance with the current NCC requires meeting the DtS requirements, or development of a Performance Solution to demonstrate compliance with the Performance requirements of the NCC.

For existing buildings that are constructed according to the standards at the time of construction, or that include a particular detail that cannot meet the current NCC requirements, the result is potentially technically impossible or excessively costly and disruptive to implement.

ACRA proposes to incorporate a "NCC Volume Four - Existing Building Code" (**EBC**) (*or alternatively 'Existing Building' sub-sections in Volumes 1, 2, 3)* to avoid forcing best practice upgrades where only compliance with the original performance level is necessary, with appropriate consideration to health, safety, amenity, etc. It is ACRA's view that the NCC's current and historic DtS provisions are written for new construction, full building design, and high-detail certification workflows. Currently, the NCC is not suitable for the maintenance and repair of existing buildings.

ACRA proposes the following key changes:

- Introduction of proportionate DtS pathways for remedial building works comprising repairs and maintenance without alterations, change of use, etc.
- Allow repair-to-original performance as a valid DtS pathway.
- Provide Risk Assessment tables and/or decision trees for when upgrades are required (or not required).
- A series of new Performance Requirements for the existing building space which generally align with the new-build targets but provide appropriate concession or consideration based on the nature of the existing building/form of construction, with measurable criteria.

How this can be implemented:

- Clear definitions: *repair*, *alteration*, *addition*, *reconstruction*, *change of use*.
- Thresholds for when compliance upgrades are required.
- DtS repair pathways (e.g., structural, fire safety, waterproofing).
- Proportionate performance requirements that match risk and building age.

Reference building code instruments that demonstrate the viability of this approach:

- International Existing Building Code (IEBC)
- IBC Chapter 34
- NZ Building Act "existing buildings" framework

3. Usability and accessibility

As stated above, we propose the introduction of a dedicated 'NCC Volume Four - Existing Building Code' (**EBC**) (*or alternatively 'Existing Building' sub-sections in Volumes 1, 2, 3)*. This is the single biggest change that would improve the usability for anyone working in repair, refurbishment, upgrades, building safety and associated professions including builders, subcontractors, consultants, strata managers, facility managers, building managers.

Additionally access to Australian Standards is problematic. The standards are costly and frequently updated, making them commercially unviable for basic operators. To enable a more coherent and functional access platform, the referenced standards should be incorporated into the NCC and be able to be digitally accessed when perusing the NCC. Ease of accessibility whilst on site is a priority, using a mobile phone or other digital device.

4. Innovation and Housing Diversity

As prior stated in this submission, for the remedial building industry to comply with the NCC, a new NCC Volume Four - Existing Building Code – (**EBC**) (*or alternatively 'Existing Building' sub-sections in Volumes 1, 2, 3)* is required to permit clear repair pathways and promote innovation and productivity.

Using concrete repair as an example, the new-build DtS pathway for structural concrete is compliance with AS3600:2018. However, the technical requirements within that standard cannot be met when conducting a simple patch repair to an existing (sometimes historic) concrete element. For full compliance with the NCC DtS Provisions the entire structural element would need to be completely re-built, which from a practical viewpoint is typically unwarranted. Because the NCC currently does not have "repair" pathways, repair materials (such as proprietary repair mortar) are often viewed as non-conforming by a certifier because they do not match the new-build specifications and referenced standards in the current or newer versions of the NCC.

Repair materials used in remediation are not manufactured to match the compositional requirements of new Building Work materials because they serve different engineering functions; for example, repair mortar (distinct from concrete as a material) requires specific bonding capabilities, electrochemical properties and more. The NCC needs to be modernised to permit DtS repairs and remedial Building Works to existing buildings with the use of these types of innovative (compared to traditional construction) materials.

Repair mortar is not "concrete" under AS3600:2018 ('Concrete Structures') therefore does not comply with the DtS requirements of the NCC, by definition, but when applied correctly, can fully meet and exceed the engineering requirements.

Standards Australia have accepted an application by ACRA for the local adoption of "EN1504 Products and Systems for the Repair & Protection of Concrete Structures" as an Australian Standard. Standards Australia are in the process of forming a committee to prepare the standard for publication. Using this as an example, a wider adoption of relevant available standards associated with the Existing Buildings industry would facilitate a more unimpeded adoption of specialist remediation materials and streamline the Building Works process if kept within the DtS pathway under the NCC.

In summary, the adoption of remedial building products is restricted by NCC provisions that are:

- optimised for new Building Work only; and
- rely heavily on DtS requirements that repair materials cannot meet; and
- do not recognise global and/or existing local repair standards.

In direct response to the statement "*the NCC does not provide a pathway for commonly used or proven performance solutions to be converted into the deemed to satisfy pathway*"[4], we advocate the position that these barriers can be overcome by:

- ***introducing a dedicated Existing Building Code framework;***
- ***creating DtS pathways for repairs;***
- ***recognising international repair standards (where deemed to be suitable);***
- ***reforming evidence-of-suitability requirements;***
- ***applying proportionate upgrade triggers; and***
- ***providing practical guidance and digital tools tailored to the remedial building sector.***

These reforms would deliver regulatory certainty, reduce unnecessary costs, improve productivity, and support timely remediation of Australia's ageing building stock.

Further, clear guidelines should be established for the remedial building industry in cases where a performance solution is required, outside of the above:

- as prior stated, a standalone set of Performance Requirements for Existing Buildings, distinct from new buildings; and
- the preparation of performance solutions i.e. what is a remedial performance solution, how do you prepare them, when should you utilise them? and
- a clear 'planning' pathway (where applicable) to be able to adopt and carry out these remedial performance solutions with minimal delays and no unnecessary costs; and
- insurers' and practitioners' understanding of what a remedial performance solution is, why performance solutions are necessary, and the nature of risks which may arise.

[4] Streamlining and Modernising the National Construction Code, December 2025, pp 13

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ACRA's remedial-government consultation process over the past five years in NSW demonstrates the urgent need for the remediation of existing buildings to be further explored and appropriately reflected in the NCC, in accommodating the unique needs of the remediation of existing buildings.

We look forward to your feedback and contributing to this important consultation process.

Yours sincerely

Deborah Lockart

ACRA National Advocacy Lead

Sam Coady

ACRA National President

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Tom Mackay (Professional Engineer and Design Practitioner)

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