Australasian Concrete Repair & Remedial Building Association

ADVOCACY | SPECIAL EDITION

October 2026

NCC2025 across Australia, the NSW Project Showcase series, a legal perspective, Codes SEPP reforms and upcoming events.

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FROM OUR NATIONAL ADVOCACY LEAD

A message from Deb Lockart

We have much to catch up on, as the end of the year fast approaches. Our focus remains, to advocate for proportionate regulation of the remediation of existing buildings. The agenda is big; Australia wide and the technical issues are complex. It is extremely important that our ACRA members and stakeholders (more broadly) understand our advocacy position and the significant issues we are discussing with Regulators.

In this special edition, we strive to provide a complete 'go-to' in sharing with you ACRA's advocacy position. There are several papers included for your reference. **Our connection and working relationship with Regulators and key stakeholders are essential as we continue our long discussion, since 2021.**

When I last wrote, we were about to celebrate our significant win, the NSW NCC2025 variation. Since, we have focused on Victoria and our discussion with the Building and Plumbing Commission and Department of Transport and Planning. **Victoria adopted NCC2025 on 1 May 2026.**

> **If you are reading this e-newsletter and in another State or Territory, with key Government contacts, please get in touch with me. I'd welcome an introduction.**

Our work with the Building Commission NSW (BCNSW) continues, with another project showcase delivered. We welcomed both the DBP Compliance and Policy teams from the BCNSW at our last project showcase. **The involvement of the Policy team is essential. We are of the view that legislative change is required in addressing the current challenges in remediating existing buildings.**

Helen Kowal, SWAAB, Advocacy Committee provides an update from a legal perspective. ACRA's Planning Consultants Melissa Neighbour and Daniel Barber provide their planning update.

It has been fabulous catching up with the strata-remedial industry at numerous conferences over the past three months. We share more in this special edition.

NSW | ADVOCACY WIN

ACRA celebrates: NSW NCC2025 variation

In July, we celebrated the NSW Government's acknowledgement of ACRA's position, a variation to the NCC2025. We have been advocating for over two years in NSW about the inability for the remediation of existing buildings to comply with the NCC2025 Volume 1 Section F (waterproofing and water shedding provisions) [herein referred to as NCC2025] and the unintended consequences.

Over 100 members and guests attended our NSW Advocacy event in July, sponsored by FATRA.

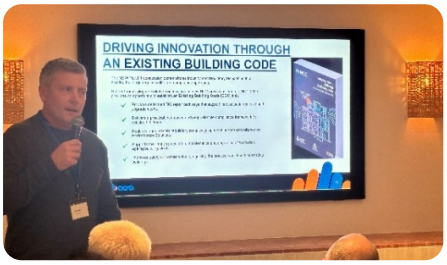
> **The outcome is significant and provides us with the impetus to navigate with Regulators across Australia regarding how the NCC2025 impacts owners of existing buildings.**

Our seminar presentations included:

- Fatra's Ash Bowen presented on *Tapered Insulation Design and Waterproofing Considerations for Remedial Projects*
- Karen Amery, ACRA's Immediate Past President and advocate for the **local adoption of EN1504 through Standards Australia**, provided an update on progress to date and what the industry can expect next.
- Tom Mackay and I shared ACRA's advocacy successes, government updates and our 2026 priorities.

PDF **Strategic Briefing: Local Adoption of EN1504**
Karen Amery | 17 July 2026 | Presentation
VIEW ›

This event showcased ACRA's advocacy momentum and acknowledged our significant progress. **We share some of our papers herein.** Addressing the national impact of the NCC2025 on the remediation of existing buildings is our priority.



Thank you for your support and endless encouragement to keep going. We have much to do!

VICTORIA

NCC2025 Victoria

Victoria adopted the NCC2025 from 1 May 2026 with transitional arrangements.

Earlier this year Tom Mackay and I met with the Building and Plumbing Commission and Department of Transport & Planning. In recent weeks, we have tabled a discussion paper with the Victorian Government in promoting an open dialogue and exploration of the impact of the NCC2025 on the remediation of existing buildings in Victoria. We look forward to the Regulators' feedback.

We acknowledge Professor Hazel Easthope of City Futures Research Centre (photo) and Strata Community Association for their work with ACRA, in supporting the data we have included in our consultation papers. The inclusion of national strata data in ACRA's NCC 2025 consultation submissions has been instrumental in demonstrating the scale of the impact on strata owners.

Our submission to the Victorian Regulator included two attachments, which we share in this edition:

PDF **MATRIX | Deemed-to-Satisfy for NCC2022 Amendment 2 v NCC2025 (Issued)**
Mackay, T. | 5 May 2026
READ PAPER ›

PDF **Exploring Owners Corporations Buildings (Class 2) data and understanding the impact of the NCC 2025 on apartment owners**
Lockart, D | 3 May 2026
READ PAPER ›

NCC2025 ACROSS AUSTRALIA

New South Wales	Adopt 1 May 2027, noting variation for existing buildings

OUR NEXT STEPS, based on NSW Government's acknowledgement of ACRA's advocacy position:

Victoria	Adopted 1 May 2026 (ACRA is communicating with the Regulator)
ACT	Adopted 1 May 2026, not mandatory until 1 May 2027 (our next focus)
Queensland	Adopt 1 May 2027 (our next focus)
Western Australia	Adopted 1 May 2026, with 12 months transition period
South Australia	Adopt 1 May 2027
Tasmania	Adopt 1 May 2027
Northern Territory	Not adopted

To our members, please circulate this e-newsletter, it is important we share our NCC2025 advocacy work.

NSW | BCNSW | PROPORTIONATE REMEDIATION

NSW Project Showcase series

Our third Project Showcase was hosted by **BAAM Consulting** in August. Our showcase series has been a powerful collaboration with the BCNSW DBP and Policy teams, exploring 'proportionate remediation' and what demarcation looks like for the remediation of existing buildings. We acknowledge RM Watson, Diagnostech and BAAM Consulting, for providing us the opportunity to visit their projects with BCNSW.

The ability to transfer our advocacy conversation from the meeting room to where it matters most (on site) is powerful. Most importantly, the generosity of spirit of strata owners in allowing us to visit their homes in exploring the unintended consequences of legislative change on the remediation of existing buildings, is highly valued. Thank you.

ACRA's priorities in hosting the Project *Showcase* series have been to:

- demonstrate how the regulatory framework is operating in practice;
- identify where additional regulatory guidance or refinement may improve the regulation of the remediation of existing buildings;
- where relevant, explore legislative change and what that might look like; and
- promote an integrated regulatory system that supports the remediation of existing buildings.

At our third Project Showcase, Assistant Building Commissioner, Matt Press and Director Policy, Audrey Maag joined us with their teams as we explored the challenges of demarcation. Our discussions with the Building Commission NSW continue. When applied to remediation of existing buildings the DBP Act statutory duty of care and practitioner liability, NCC compliance requirements and planning triggers, collectively discourage **proportionate remediation** driving whole-of-element reconstruction.

IMPORTANT PAPERS

Important papers to read, in understanding our current conversation with the NSW Government.

PDF **Risk, Proportionality and Regulation**
Lockart, D & Mackay, T | 12 August 2026 | Discussion paper

READ PAPER ›

A LEGAL PERSPECTIVE

From ACRA's Advocacy lawyer

Helen Kowal

Construction and Strata Partner
SWAAB

The bar is set high for plaintiffs bringing claims for economic loss arising from a breach of duty of care under Part 4 of the Design and Building Practitioners Act 2020 (**DBP Act**) and understandably so, given the potential liability of those involved in construction work being found liable for economic loss arising from defects for up to 10 years post completion.

There is a stream of emerging case law discussing the evidentiary tests that must be established in providing 'substantive control' with the recent decision of *Bahrami Group Pty Ltd v Moriarty* [2026] NSWCATAP 294 handed down on 17 August 2026 discussing earlier DBP Act authority and, *inter alia*, tests for establishing a breach of statutory duty of care, including the specific risks for each defect and what that party should have done in relation to that risk. Interestingly in this case, the Tribunal held that it was not subject to the same 'formality' as the higher Courts and held that it could '*act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms*' [77] with a finding that the nominated supervisor '*both supervised, co-ordinated and project managed the building work and also had substantive control over the building works*' with unchallenged expert evidence as to the defective items and the failure to take reasonable precautions.

A case which has generated much discussion is *Fortius Broadway No 1 Pty Ltd v ACN 103 211 141 Pty Ltd (formerly known as Watpac Construction (NSW) Pty Ltd) [2026]* NSWSC 710, a decision handed down on 25 June 2026 in the wake of Pafburn. My article on this decision, which reinforced the 10 year 'long stop' period on claims for defective building work includes contribution claims, is linked below.

On the legislation front, recent changes have introduced the option of developers acquiring decennial liability insurance as an alternative to the 2% building bond.

If you are interested in reading my overall thoughts on the DBP since its inception and its unintended consequences on the remedial industry, have a look at my article on Sourceable.

10 year long stop on building defect claims reinforced for contribution claims ›
Written by Helen Kowal, SWAAB

Decennial insurance for new apartment buildings ›
Swaab

Six years on with the NSW construction reform ›
Written by Helen Kowal, Sourceable

FROM ACRA'S MEMBERS | PLANNING CONSULTANTS

NSW Codes SEPP Reforms: Awaiting the Next Step

Melissa Neighbour
Founder and Principal Planner
SKY PLANNING

Daniel Barber
Planning Director
PARO CONSULTING

In ACRA's last Special Edition, we welcomed the NSW Government's proposed amendments to the Codes SEPP, which would expand the types of remedial building works that can be undertaken as complying development, without the need for a full Development Application (DA).

The proposed changes include removing the three-storey restriction for external remedial works, allowing certain works within 3 metres of property boundaries and at road frontages, and introducing a 100 mm tolerance for cladding and waterproofing upgrades. These are practical, sensible reforms that directly address some of the unnecessary planning barriers currently facing the remedial industry.

Since June, the public exhibition period has closed, and the proposed amendments remain under consideration by the Department of Planning, Housing and Infrastructure. We are looking forward to seeing the outcome and hope these changes are brought into effect sooner rather than later.

Importantly, these reforms reflect issues ACRA has been advocating on for several years.

As planning professionals working directly with the remedial industry, we are united in our view that the planning system needs to better recognise the realities of maintaining and repairing existing buildings. These reforms are a welcome step in that direction, and we strongly support their progression.

> **We look forward to providing further updates in the next ACRA Advocacy special edition.**

CODES SEPP RESOURCES

Read more about the proposed Codes SEPP amendments

PDF **ACRA's submission: Variations and changes to complying development**
Lockart, D | 23 June 2026 | Submission to DPHI
READ PAPER ›

NSW **Variations and changes to complying development: Explanation of Intended Effect**
NSW Planning Portal | Department of Planning, Housing and Infrastructure
VIEW ›

ACRA OUT AND ABOUT

Construction Connect (Sydney, Melbourne, Brisbane) & SCA NSW Convention

Over the past 3 months, many of us have been busy promoting ACRA at Construction Connect, Sydney, Melbourne and Brisbane. We also attended the SCA NSW Convention. **Thank you, The Association Specialists (TAS), for supporting our work, it is appreciated.**

COMING UP

Events

12
NOV 2026

ACRA Annual General Meeting 2026 and Networking

Time 4.30pm to 5.30pm AGM, then networking drinks and canapés
Venue Auditorium, 65 Berry Street, North Sydney NSW 2060
Cost Free for members

All members are invited to attend ACRA's 2026 Annual General Meeting, followed by networking with fellow members and industry colleagues. You must be a current financial member of ACRA to vote.

REGISTER NOW

10
DEC 2026

ACRA NSW Celebrating Christmas

Time 4pm to 7.30pm
Venue Longueville Hotel, Lane Cove NSW

Celebrate the end of another big year with ACRA members and friends in Sydney. We look forward to seeing you there.

REGISTER NOW

QLD
LATE NOV

ACRA QLD Christmas Celebration

When Late November 2026

Watch this space! Details for our Queensland Christmas celebration are coming soon. Keep an eye on your inbox and our LinkedIn page.

2027
FEB TO JUN

ACRA Training Program 2027

Registrations Open mid-November 2026

ACRA's 2027 training program is coming soon. Register your interest for your state and we'll be in touch as soon as course dates and locations are confirmed.

NSW VIC QLD WA

STAY CONNECTED

Follow ACRA on LinkedIn for the latest advocacy updates. Our followers are growing fast.

IMPORTANT LINKS

ACRA's NCC governance submission (24 Feb 2026)
NCC Governance interim report (30 April 2026)

CONTACT US

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