Australasian Concrete Repair & Remedial Building Association

ADVOCACY | SPECIAL EDITION | June 2026

By Deb Lockart, National Advocacy Lead

We have much to celebrate as an industry and we will do that in this edition. In this special edition, I welcome contributions from Advocacy Committee members Tom Mackay and Helen Kowal, and ACRA Members and Planning Consultants Daniel Barber and Melissa Neighbour. I too thank many members for your ongoing contact, connection and support.

There is a lot happening in NSW, and it is important nationally for the remedial industry to understand our technical conversations pertaining to the legislative landscape, when considering the impact of the NCC2025 in each State and Territory.

IN THIS SPECIAL EDITION, READ ABOUT:

◆ NCC2025 | NSW variation | Victorian Government

As an industry, we are yet to celebrate our significant advocacy outcome in driving the NSW NCC2025 variation. ACRA's NCC2025 advocacy position has been accepted by the NSW Government. Our advocacy success is a result of two years of very focused consultation with the Building Commission NSW (BCNSW). We will speak to this extraordinary outcome at our **NSW July event (BUY TICKETS HERE)**. We hope to see the "whole" industry at our July celebration.

We are now taking this significant outcome and engaging with the Victorian Government. It is imperative that we explore how the NCC2025 impacts remediation of existing buildings nationally.

◆ NSW | Project showcase - 2026

Diagnostech hosted ACRA and the BCNSW in exemplifying the remedial challenges we currently navigate.

Following two intense years of focused advocacy in NSW, regarding the unintended consequences of the NCC2025, we now return to a remedial challenge we flagged in 2021/22, that of **localised repairs, demarcation and practitioner liability**.

◆ NSW | Building Bill legislation

Earlier this year the advocacy team was invited to participate in a confidential consultation of the draft Building (Approvals and Practitioners) Bill 2026. Helen Kowal and I prepared ACRA's submission. At a high level, it is hard to know how remedial work will ultimately be impacted. The 'devil is in the detail'. The impact (or not) for remediation of existing buildings will only be realised when the Regulation is published. Recently I caught up with Helen Kowal, Construction and Strata Partner, Swaab. Helen provides an update herein.

◆ NSW | Proposed changes to the Codes SEPP - expanding low impact remedial works as complying development

Department of Planning, Housing and Infrastructure

Variations and changes to complying development

Summary of the Explanation of Intended Effect (EIE)

May 2026

In early 2025, ACRA participated in a confidential and directed consultation, regarding Codes SEPP changes and how these might impact the remediation of existing buildings.

In this Advocacy special edition, I caught up with two ACRA members, planning consultants Daniel Barber of Paro Consulting and Melissa Neighbour of Sky Planning about the proposed changes. Mel and Daniel have supported our

advocacy work over the past 2 years, which we are most grateful for.

NSW NCC2025 Variation | ACRA's Advocacy Position Acknowledged

Throughout 2024 and 2025 ACRA's advocacy with the NSW Government focused on 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. **We will speak to the significance of this extraordinary achievement and celebrate at our NSW July event.** The NSW NCC2025 variation is as follows:

> ***Notes: NSW Part F1***
>
> *Part F1 Water Management: For NSW, Parts F1 and F3 of NCC 2022 Amendment 2 Volume One may apply instead of Part F1 of NCC 2025 Volume One.*

> ***Applications: NSW Part F1***
>
> *Note to NSW Part F1 applies to building work undertaken on an existing part of an existing building, where the existing building was subject to compliance with NCC 2022 Amendment 2 Volume One, an earlier edition of NCC Volume One, the Building Code of Australia or its predecessors.*

> ***Explanatory information: NSW Part F1***
>
> *Notes and Applications to NSW Part F1 provides the option for building work to existing parts of an existing building to comply with Parts F1 and F3 of NCC 2022 Amendment 2 or Part F1 of NCC 2025. New buildings and new extensions/additions to an existing building must comply with Part F1 of NCC 2025.*

NCC2025 Across Australia

The impact of the NCC2025 NATIONALLY on the remediation of existing buildings is our PRIORITY.

It is essential that each State and Territory consider the interplay between each jurisdiction's legislation and the NCC2025. **Potentially** other States and Territories may have mechanisms in place that legislatively address the inability for the remediation of existing buildings to meet the Deemed-to-Satisfy provisions of the NCC2025 Volume 1 Section F.

VICTORIA

Victoria adopted NCC2025 on 1 May 2026. In April this year, ACRA met with the Building and Plumbing Commission and Department of Transport & Planning. We plan to continue to consult with the Victorian Government in exploring how the NCC2025 impacts the remediation of existing buildings.

Tom Mackay and I also recently met with ACRA's Victorian Sub-Committee to introduce ACRA's advocacy position. We thank the Sub-Committee for their support of our national advocacy approach.

NSW Project Show Case | 2026 in Focus

Thank you **Diagnostech** for hosting ACRA and the BCNSW, for our second project showcase. Diagnostech prepared three exemplary case studies, supported by a project site visit.

ACRA's project showcase series is designed to promote greater regulatory and industry understanding of the complexities associated with localised remediation, and to support informed discussion around issues that are often misunderstood or oversimplified. **It is imperative that we educate key stakeholders in**

oversimplified. **It is imperative that we educate key stakeholders in addressing the incorrect messaging that surfaces at times.**

Our second project showcase demonstrated the prowess of ACRA's advocacy position, and we hope that our project showcase will support our remedial-government discussions in resolving the significant issues around demarcation.

Diagnostech's case study series highlighted several consistent themes:

1. **Implementation is Linked to Legislation** - Where government intent is clearly articulated (as with the Remedial Fact Sheet and Planning Codes SEPP reforms), industry adapts quickly and positively. Remedial building work in NSW sits at the intersection of State Planning controls, State building legislation (including the DBP Act), and the National Construction Code (NCC). While these frameworks operate more coherently for new construction, their combined application to existing buildings often results in contemporary performance requirements being applied to legacy construction. This can make localised repairs or partial remediation difficult to implement defensibly, as modern compliance expectations, system-based standards, and statutory risk obligations were not drafted with existing buildings as the primary reference point.

2. **Localised Repairs are Technically Feasible but Regulatorily Challenging** - In practice, uncertainty around residual risk, system continuity and responsibility boundaries can make proportionate, localised repairs difficult to certify.

3. **Risk Mitigation Drives Scope** - The DBP Act has inadvertently shifted remediation decision-making toward risk elimination rather than risk management, particularly where interfaces or partial systems are involved. This case study series highlights the growing uncertainty among practitioners as to whether professional indemnity insurance adequately responds to remedial works involving partial upgrades, retained elements, or demarcated scopes under the DBP Act, which in turn influences risk appetite and scope decisions.

4. **Flow On Impact - Cost Escalation** - Increased costs commonly arise from strict adherence to DtS provisions, rather than from actively managing compliance risk through an alternative pathway, e.g. Performance Solution, or "demarcation". Cost escalation is driven more by the need for certainty and defensibility rather than by over-engineering or excessive technical standards and is often compounded by broader construction industry price increases and economic conditions.

We share a paper titled '***Remedial Building Works in NSW. Three case studies on Risk, Proportionality and Regulation***', authored by Tom Mackay, Helen Kowal and I (26 May 2026) which summarises our key agenda for NSW's remedial-government 2026 consultation. Thank you Diagnostech for sharing your case studies.

Although our advocacy originated in NSW, the principles are important for our national conversation.

Legislation Update: Building (Approvals and Practitioners) Bill 2026

Helen Kowal, Construction and Strata Partner, Swaab, ACRA Advocacy Committee

The most recent reform to impact the NSW Construction Industry is presently before Parliament.

The *Building (Approvals and Practitioners) Bill 2026* (the Bill) was introduced into Parliament on 6 May 2026 and passed by the Legislative Assembly on 28 May 2026.

The Bill is aimed at stripping away 'red tape' in the present certification systems and seeks to simplify the 'registration framework for the professionals responsible for designing, certifying and approving building work.

registration framework for the professionals responsible for designing, certifying and approving building work, functions critical to maintaining public confidence in New South Wales homes' [Second Reading Speech: Mr Anoulack Chanthivong 27 May 2026].

The Bill also introduces regulation around prefabricated construction and incorporates the statutory duty of care obligations introduced under the Design and Building Practitioner Act 2020 reform (DBP). Just as the industry is getting used to the DBP, this new framework will replace the DBP and will continue to regulate the work performed on class 2, 3 and 9c buildings. The onus is on the building practitioner to ensure complete compliance with the obligations imposed under the legislation.

New provisions for the resolution of disputes arising from building work will be included in the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 which will be a helpful step towards early resolution of defect disputes to avoid complex litigation.

However, we are yet to see the precise impact on the remedial industry under this new framework. The definition of 'building work' under the Bill '*means physical activity involved in the erection of a building and includes work prescribed by the regulations*'. There is therefore no inclusion of repair, renovation, alterations or additions in this definition but the clear intention as noted in the Second Reading Speech is to 'continue to regulate the work that is done by certifiers, professional engineers, and designers and builders who declare BCA compliance for class 2, 3 and 9c buildings under this new framework' so we can expect to see broader provisions for the remedial industry under the yet to come regulations.

You can read more detail here:

- Ministerial media release here.
- View the Bill page here.

NSW | Proposed Changes to the Codes SEPP

Expanding low impact remedial works as complying development.

The NSW Government is focused on simplifying the planning process by providing increased opportunities for more development to be considered under the complying development pathway.

In 2025 the Environmental Planning and Assessment Amendment (Planning Systems Reforms) Act 2025 introduced several reforms in "modernising" the planning system. Indeed, ACRA's focus is reducing the unnecessary planning costs and time delays for owners when remediating existing buildings.

ACRA's successful NSW advocacy outcome, a NCC2025 variation, means that for now, remediation of existing buildings can generally avoid planning approvals (there are some exceptions). The proposed changes to the Codes SEPP support ACRA's position outlined in our paper titled "Enhancing the regulatory landscape to support an efficient and trustworthy remedial building industry" (28 May 2024). Our 2024 paper stated:

Consideration 1: Modernisation of the Codes SEPP

Issues: The working group identified that the Codes SEPP does not clearly define common types of remedial building work which creates significant challenges for practitioners, applicants, and regulatory bodies (councils, certifiers, BCNSW).

Changes: Consider revising the Codes SEPP to incorporate content of the Fact Sheet published in 2023. Consider a separate criteria as specified exempt development and complying development for remedial building work for class 2 buildings, including the concept of replacing like for like. For example: change clause 1.16(1)(a) of the Codes SEPP to allow some performance solutions as exempt development. Change clause 4.4B3 to allow external remedial building work above 3 storeys without a Development Application.

The NSW Government is currently proposing (in relation to the remediation of existing buildings):

Table 2 – Proposed changes to the Codes SEPP

Development standard	Proposed changes to the Codes SEPP
Expanding low-impact remedial works as complying development	• Enable remedial works as permitted additional works under the Housing Alterations Code to allow genuine, like-for-like remediation of apartments and multi-dwelling housing. • Allowances for compliant building remediation works: - Up to a 100 mm tolerance for cladding or waterproofing systems to achieve compliance with the National Construction Code (NCC). - Works within 3 m of any side or rear boundary. - Works at the primary or secondary road frontage.

	- Full building remediation, including roof remediation.

You can read more detail here:

- Explanation of Intended Effect on Variations and changes to complying development
- Variations and changes to complying development
- Summary document for CDC variations and Codes SEPP changes.

It appears our advocacy position has landed!

I am absolutely thrilled and thank the advocacy team, Grahame Vile, Tom Mackay, Helen Kowal and Peter Johnsson for our early work together. **This is another**

significant development, especially for strata owners, where their remediation project may fall into planning approval.

ACRA's paper (15 July 2025) compares the cost and time frames of a DA and a CDC. A CDC pathway is preferred should the remediation of an existing building fall into a planning pathway. The proposed CDC variation pathway is a step in the right direction. The current Codes SEPP consultation period is short and closes 24 June 2026. We will prepare a submission, with the support of ACRA's Member planning consultants. For this special edition, I welcomed both Mel and Daniel, to share their thinking around the proposed changes to the Codes SEPP in relation to the remediation of existing buildings.

From ACRA's Members | Planning Consultants Comment On The Proposed Changes To Codes SEPP

Daniel Barber, Planning Director, PARO CONSULTING

"From a remedial perspective, the most welcome proposal is expanding low-impact remedial works as complying development under the Housing Alterations Code. Currently, common external works on apartment buildings balustrade replacement, waterproofing, cladding rectification and fire-safety upgrades can't proceed as complying development, so even straightforward like-for-like repairs are pushed into a full DA, creating delay and costs owners corporations can least afford on safety-critical work.

We strongly support removing the three-storey limit to allow full building remediation, the 100mm tolerance for like-for-like cladding and waterproofing systems to meet the NCC and permitting works within 3m of boundaries and at road frontages. The proposed safeguards like-for-like, no added bulk or new elements, and restoring NCC compliance appropriately confine the pathway to genuine remediation."

Melissa Neighbour, Founder and Principal Planner, SKY PLANNING

"The planning system should be focused on assessing new homes, not creating unnecessary red tape around waterproofing, cladding replacement and essential building maintenance.

I strongly welcome any reforms that expand the opportunities for low-impact remediation works to proceed through exempt or complying development pathways. These changes will help reduce costs and delays for owners corporations, plus free up council resources to focus on new housing delivery, while ensuring existing apartment buildings can be maintained safely and efficiently."

NSW | Design and Building Practitioners Act

NSW | Design and Building Practitioners Act 2020 - we await a Regulation amendment.

We understand that the NSW Design and Building Practitioners (DBP) Act 2020 expansion to existing Class 3 and 9c buildings (remedial work, alterations, and renovations) will be **deferred again;** currently due to come into play **1 July 2026**. We also understand the insurance requirements may be deferred.

NSW | Building and Design Practitioner re-registrations

For many practitioners who registered in 2021, for a five-year period, your re-registration fast approaches. It is important to understand the CPD requirements.

Here are some useful links:

- Renew a professional engineer registration | Service NSW
- Renew a design practitioner registration
- Renew building practitioner registration

NSW Contract Works Insurance - A Check In

I am keen to have your feedback in gauging the market and welcome your contact.

I have been contacted by three ACRA Building Practitioners who have shared that:

- Earlier this year, they were having trouble getting Contract Works Insurance in Australia which covers 'waterproofing activity'.
- Their brokers have sought cover overseas, with a substantial increase in premiums.

What is your experience? You may wish to be in touch with your brokers soon in understanding the market.

National Agenda

The remediation of existing buildings is fraught with complex technical conversations, as we apply modern regulations to existing/aging buildings.

Our NSW remedial-government consultation is 5 years in, with more to talk about in resolving the challenges for the remediation of existing buildings. The NCC2025 has provided a national platform for ACRA's advocacy work, and this is going to take time. It is important that the remedial industry keeps abreast of the NSW conversations, in supporting the dialogue in each State and Territory in line with their adoption of the NCC2025.

July Events

Stay in touch with your remedial colleagues and ACRA's great work. It is important to support our local events.

Wednesday 15 July 2026

The Qld Sub-Committee look forward to welcoming members and guests. Purchase tickets **here**.

Friday 17 July 2026

The NSW Sub-Committee thanks **Fatra** for sponsoring this member and guest event. Our Christmas in July event, apart from great networking, provides an important opportunity to celebrate our advocacy achievements. Purchase tickets **here**.

Useful Links

Advocacy

Contact Us

The Association Specialists

LinkedIn

For latest information follow our

- April 2026 National newsletter
- March 2026 Advocacy Wrap
- NCC Governance review submission (24 Feb 2026)
- ACRA's NCC 2025 response (June 2024)

02 9160 8190

info@acrassoc.com.au

www.acrassoc.com.au

LinkedIn company page, followers are growing fast and if you haven't followed us yet then you can do so **here**.

Australasian Concrete Repair & Remedial Building Association
c/o The Association Specialists · 02 9160 8190 · info@acrassoc.com.au

You are receiving this as an ACRA member or contact.