



Combustible Cladding Update

NSW STATUS UPDATE

Fire Safety and External Wall Cladding Taskforce

Earlier this year we wrote about government responses to the Grenfell Fire in June 2017 and the Lacrosse Fire in Melbourne in 2014.

Since then, the NSW cladding inter-agency Taskforce established in June 2017 has continued to progress the NSW Governments 10-point fire safety plan in response to the Grenfell and Lacrosse Fires.

An update, from NSW Finance Services & Innovation dated 22 March 2018 states that¹:

- the Taskforce proposed amendments to Environmental Planning and Assessment Regulation to require building owners with combustible external wall cladding to make declarations to the NSW Government.
- Fire & Rescue have assessed over 1,500 sites.
- As at 12 March 2018, a total of 412 buildings have been identified as requiring further assessment as a high priority because they have cladding, location and/or arrangement which potentially increase fire risks.
- Of the 412 buildings 170 are “residential buildings”, 53 of the residential buildings are high rise (8 storeys or more).
- Where sites with cladding have been identified by Fire & Rescue NSW (FRNSW) as requiring further assessment, FRNSW has written to local councils

requesting their authorised fire officers inspect each affected buildings and to report back on the outcome of their inspections.

- Councils are undertaking inspections and reporting back to FRNSW.
- FRNSW is considering responses received and is working with Councils to finalise reports for the Taskforce.
- The Taskforce coordinated a state wide advertising campaign during February 2018 to raise fire safety awareness and to encourage residents and owners of residential buildings to ensure all necessary building assessments have been carried out.
- The Taskforce is also overseeing reviews of government owned or leased buildings. A request was made in July 2017 for heads of government agencies to take immediate action to assess and if needed remedy any fire safety issues arising from the presence of cladding.

Call for public submissions on whether certain cladding should be banned

In an [article dated 29 January 2018](#), Kreisson wrote about the Building Products (Safety) Act 2017 (“the Act”) which commenced on 18 December 2017 in NSW.

The purpose of the Act is to ban the unsafe use of building products. If a ban is ordered, the Commissioner may issue affected building notices requiring affected buildings to be made safe.

Under the Act, a building will be ‘made safe’ once the safety

risk, caused by the banned building product, has been minimised as far as practicable.

On 23 March 2018, NSW Fair Trading Commissioner, Rose Webb issued a Notice under section 13 of the Act calling for public submissions about whether a building product use ban is warranted or some uses of aluminium composite panels, polystyrene products or similar substances.²

In particular, submissions were requested as to whether a ban is warranted for the use of these products in any external cladding, external wall, external insulation, façade or rendered finish on a building of 2 or more storeys and, if so, the terms of such a ban.

In a media release from NSW Fire Services and Innovation dated 23 March 2018,³ Commissioner Webb stated:

“This is the first time a call for submissions about building product safety has been made in New South Wales since the new Building Product Safety Act was passed by Parliament last December...”

The submission closed on 23 April 2018. We will report on developments as they arise.

WHAT DOES THIS MEAN?

Should these products be banned, NSW may then issue an affected building notice for buildings where these banned products have been used.

A building rectification order may then be issued requiring the owner of the affected building to eliminate or minimise the safety risk and remediate or restore the building.

There are a number of other implications if notices are issued under the Act.

VICTORIA UPDATE

New Guidelines

On 13 March 2018, the Minister for Planning issued Guidelines⁴ to building surveyors to restrict their issuing of building permits where Prescribed Combustible Products are proposed in Type A and Type B construction.

The Guidelines are accompanied by a Building Product Safety Alert.⁵

For the purposes of the Guidelines, Prescribed Combustible Products include rendered expanded polystyrene (EPS) and aluminium composite panels (ACP) with polyethylene content in the core of 30 per cent or more by mass.

The Guidelines apply to a product regardless of whether it has CodeMark certification or a Building Regulations Advisory

Council accreditation.⁶

The Guidelines took effect from 22 March 2018.

MORE DETAILS

For copies of our earlier articles on combustible cladding, click [here](#).

We will continue to provide updates on developments as they arise.

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¹<https://www.finance.nsw.gov.au/about-us/media-releases/update-fire-safety-and-external-wall-cladding-taskforce-0>

²http://www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/About_us/Have_your_say/Call_for_submissions_on_building_products_used_as_cladding/S_13_%20notice_call_for_public_submissions_FINAL_20180323.pdf

³<https://www.finance.nsw.gov.au/about-us/media-releases/call-submissions-cladding>

⁴http://www.vba.vic.gov.au/_data/assets/pdf_file/0013/71410/Ministers-Guidelines-MG-14.pdf

⁵https://www.planning.vic.gov.au/_data/assets/pdf_file/0014/118400/Building-Product-Safety-Alert-Use-of-ACP-and-EPS.pdf

⁶Building Product Safety Alert http://www.vba.vic.gov.au/_data/assets/pdf_file/0017/71414/Building-Product-Safety-Alert-ACP-and-EPS.pdf

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