

# Fire Safety and External Wall Cladding

## NSW Priorities

### External Wall Cladding

Cladding is a term which describes the material used to cover the external wall or roof of a building. Common materials used for cladding include weatherboard, lightweight panels (such as aluminium composite panels) polystyrene products and metal sheeting.

External cladding material, including aluminium composite panels, is safe if it is installed in accordance with the National Construction Code (NCC), relevant technical standards and local laws.

### Fire Safety Regulations

- Under the *Environmental Planning and Assessment Regulation*, all new buildings and new building work must comply with the fire safety requirements of the NCC.
- The NCC requires minimum fire resistance levels for certain building components, fire separation, fire compartmentation and fire exits. Fire safety systems are also required to be installed such as fire hydrant systems, portable fire extinguishers, smoke alarm systems and emergency evacuation lighting.
- The external walls of residential buildings two storeys or more in height are required to be non-combustible. Any attachments to these walls must also meet fire safety requirements.
- For high-rise buildings classified as more than 25 metres in height, additional requirements also apply. These include a fire sprinkler system and additional exits.

### Addressing Cladding and Fire Safety Risks

Since January 2015, the NSW Government has been working on specific measures to address the fire safety risks associated with external wall cladding.

- In January 2015, the *Home Building Act 1989* was amended to ensure that builders are held responsible for significant problems in fire safety systems. The changes designated fire safety systems as a 'major element' of a residential building to make sure they are covered by the six year period of statutory warranty for major defects.
- In August 2015, the Department of Planning and Environment (DPE) issued a [Planning Circular](#) to provide advice to industry practitioners on external wall construction, including cladding materials.
- In February 2016, the Secretary of DPE wrote to all NSW councils highlighting the potential fire safety risks for

buildings with 'combustible wall cladding' and requested consideration of any action needed.

- In October 2016, Fire & Rescue NSW (FRNSW) and DPE held information seminars for councils around the state to explain the requirements of the NCC and the enforcement powers available to them.
- NSW has been active at the national level working with other States and Territories and the Australian Building Codes Board (ABCB) to strengthen regulation to minimise the risk of using building products that do not conform and comply with the NCC, technical standards or local laws.
- The ABCB published a national advisory note relating to the appropriate use and selection of external wall cladding. This is part of a range of measures agreed to by the Building Ministers' Forum to address concerns relating to fire safety in high-rise buildings.
- NSW Fair Trading launched a [webpage](#) to provide advice on non-conforming including non-complying building products.

### Responding to the Grenfell Fire

On 16 June 2017, immediately following the Grenfell fire in London, the NSW Government developed and began implementing a response to the disaster.

An inter-agency Fire Safety and External Wall Cladding Taskforce (the Taskforce) was established. The Taskforce has representatives from the Department of Finance, Services and Innovation (DFSI), the NSW Data Analytics Centre (DAC), the DPE, FRNSW, the Office of Local Government (OLG), Treasury and the Department of Premier and Cabinet (DPC).

The Taskforce is spearheading the NSW Government's efforts to ensure that fire safety requirements for residential buildings are prioritised and properly addressed through a whole of government action plan for dealing with the fire safety risks associated with external wall cladding.

### Taskforce Priorities

The Taskforce is working on a number of priorities to further strengthen the protections in place for fire safety in identified buildings.

#### Data audit and fire safety inspections:

A data audit conducted by the NSW DAC is identifying the buildings that are most likely to contain aluminium and other types of cladding. The audit examined records of 178,000 buildings in NSW and slightly more than 1,000

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buildings have been identified as potentially having aluminium and other types of cladding. This audit work is ongoing.

Owners and managers of the identified buildings will receive a letter alerting them to the issues related to cladding, and recommending that they take immediate action to check documentation and approvals of the building and if needed commission a fire safety assessment of the building by a fire protection expert.

## Annual fire safety declaration:

The Taskforce is working to make it mandatory for buildings to declare to the state and local governments, including FRNSW if their building has cladding on it.

## FRNSW Pre-Incident Plans and Home Fire Safety Checks:

Once buildings have been identified through the Taskforce's data audit, FRNSW will conduct Pre-Incident Plans at these sites along with Home Fire Safety Checks of residences. At the same time, firefighters will also gather information about the buildings to assist with risk assessments and operational preparedness.

Along with checking installed fire safety equipment (such as fire hydrants, hoses and emergency exits), a key part of FRNSW's role will be assisting with informing and reassuring residents and supporting them to be home fire safe (checking they have at least one working smoke alarm and providing relevant fire safety information). Residents who are not home during the checks will receive high-rise specific information in their mailbox.

## Strengthening fire safety legislation:

A recently enacted package of reforms strengthens fire safety rules for new and existing buildings will commence on 1 October 2017 to allow enough time for people to comply with the new laws.

The Government will introduce amendments to the *EP&A Act* to improve the building regulation system and strengthen development compliance requirements.

The new fire safety regulation targets the building design, approval, construction and fire safety system maintenance stages. These changes include:

### Design and approval

- Mandatory involvement of 'competent fire safety practitioners'
- Mandatory submission of endorsed plans and specifications for complex fire safety systems before installation
- New requirements for the documenting, endorsing and checking of non-standard fire safety designs
- Limited exceptions from compliance with technical standards for minor safety system works

## Construction

- New critical stage inspections targeting apartments and other residential buildings
- New FRNSW inspection powers for multi-unit residential buildings

## Maintenance of fire safety measures

- Assessment of the ongoing performance of essential fire safety measures must be undertaken by 'competent fire safety practitioners'. DFSI is developing a framework for industry accreditation of these practitioners.

## Reforming the building certification system:

The Government has outlined a significant reform agenda on building regulation to address the issues raised by the [Building Professionals Act Review](#).

In addition to the amendments to the *EP&A Act* outlined above, the Government has already taken action on or is fast tracking many of the other priority reforms on the building certification system. These include:

- reforming certifier regulation by re-writing the *Building Professionals Act 2005*.
- fast tracking legislation administered by the Minister for Innovation and Better Regulation to require council and private certifiers to provide data about the work they certify.
- integrating building and certifier licensing and accreditation functions under the one organisation – the Department of Finance, Services and Innovation.
- fast tracking other building and certification reforms.

## Stopping the use of non-compliant building products:

The NSW Government will crack down on unsafe building products by introducing legislation that prevents people in the building supply chain from importing, supplying, selling or using building products that are unsafe.

## More information

Building developers and owners will be notified if their building is identified in the data audit. Residents seeking further information should contact their real estate agent, landlord, building owner or strata manager.

A number of local councils are also taking action to respond to fire safety risks associated with external wall cladding. Residents can find out if their local council has taken action by contacting their council directly. For contact information, visit the ['Find my council'](#) page on the Office of Local Government website.

If owners and occupants of buildings are concerned about fire safety in their building, they should take action without delay. No-one should wait to be contacted by the State Government or their local council if they have concerns about their building.