

Cladding Regulation

Frequently asked questions for
apartment and building owners

New laws: reducing risk to life and property

The tragic fire at the Grenfell Tower in London in 2017 and the Lacrosse Building fire in Melbourne in 2014 have highlighted public safety risks posed by inappropriate use of certain combustible products on the external areas of buildings.

To address the problem, the NSW Government developed a 10-point action plan that included the creation of a Cladding Taskforce, led by the Department of Finance, Services and Innovation, and including Fire and Rescue NSW (FRNSW) and the Department of Planning and Environment.

A priority of the Taskforce is the identification of buildings with combustible cladding to ensure affected buildings are safe. This is being undertaken in collaboration with building owners and occupants, industry and councils.

As a Taskforce member, FRNSW has visited and inspected over 2,000 sites identified by local councils, visual observations by FRNSW officers, and an analysis of development approvals by the Department of Planning and Environment.

Another initiative under the 10-point plan is the implementation of a new law in the form of an amendment to the Environmental Planning and Assessment Regulation 2000 (the Cladding Regulation). The new regulation introduces a requirement for owners of certain residential and public buildings to register their building on a NSW Government portal. For registration purposes, owners don't have to be certain about the level of combustibility of the cladding on their building.

The identification of these buildings will enable FRNSW to educate the occupants about fire prevention, and to respond appropriately in the event of a fire. Registration also assists councils in their role as building control authorities to determine what further actions (if any) are necessary.

It is important to note that the presence of external combustible cladding on a building does not necessarily mean it is a fire hazard.

In addition, a product use ban on certain types of combustible cladding was recently issued by the Commissioner for Fair Trading. The product use ban is primarily aimed at preventing the use of specific cladding products on buildings in the future. More information regarding the Building Products (Safety) Act 2017 and the product use ban is available from the NSW Fair Trading website.



Does the cladding regulation apply to your building?

If you own one of the following types of buildings, two storeys or higher, that has external combustible cladding, the new regulation applies to your building:

- Residential apartment buildings.
- Other types of residential buildings where people sleep, for example, hotels, boarding houses, backpackers, student accommodation.
- Aged-care buildings, hospitals, day surgeries and public assembly buildings, such as theatres, cinemas, schools and churches. The regulation also applies to a single dwelling within one of these buildings, for example, a caretaker's residence inside an aged-care facility or school.

This regulation does not currently apply to offices, shops, warehouses, carparks, factories and other commercial buildings although they may be included at a later stage. The regulation also does not apply to houses.

The new regulation applies to buildings that have the following types of external combustible cladding on any external walls or other external areas of the building:

- Metal composite panels including products that use aluminium, zinc or copper outer layers and a core material, or
- Insulated cladding systems including systems comprised of polystyrene, polyurethane and polyisocyanurate.

If you are an owner of one of the above types of buildings with the relevant type of cladding you must register the building on the NSW Government portal between 22 October 2018 and 22 February 2019.

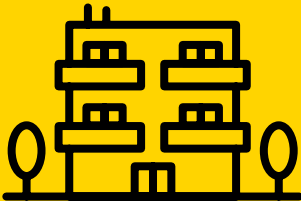
The new regulation also applies to buildings even if they have:

- a development consent
- a complying development certificate
- a construction certificate
- an occupation certificate
- an annual fire safety statement
- a cladding assessment
- a fire safety order
- a letter from the NSW Cladding Taskforce about the building
- notification of a product use ban issued by the Commissioner of Fair Trading.

It also applies to government authorities who own buildings within the scope of the regulation.

THE NEW REGULATION APPLIES TO¹:

Class 2



Apartment buildings two storeys or higher.

Class 3



Other accommodation buildings where people sleep, two storeys or higher.

Examples include: hotels, motels, boarding houses, backpackers, residential parts of schools or accommodation buildings for children, the elderly or people with a disability.

Class 9²



Buildings two storeys or higher that are:

Aged-care buildings, health-care buildings, hospitals, and day surgeries.

Public assembly buildings where people gather for social, theatrical, political, religious or civil purposes.

Examples include schools, universities, childcare centres, sporting facilities, cinemas, night clubs, public transport buildings.

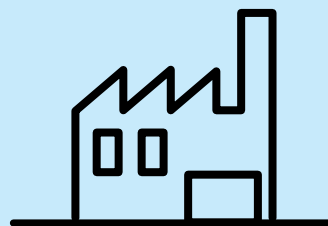
IT DOES NOT APPLY TO:

Class 1 & 10



Houses and non-habitable buildings or structures.

Classes 5, 6, 7 & 8



Offices, shops, factories, warehouses, carparks, commercial buildings.

(Note: these buildings may be included later).

[Read more about building classifications at the Australian Building Codes website.](#)

¹ The Cladding Regulation targets buildings with sleeping occupants, and public buildings, two storeys above the ground. The aim is to capture buildings with external combustible cladding that could contribute to fire spread.

² Class 9 includes any 'Class 4 part', which is a dwelling in a Class 9 building.

What is external combustible cladding?

Certain types of cladding can burn rapidly if it catches alight. Problems with metal composite panels and insulated cladding systems relate mainly to multistorey buildings because of the potential for rapid fire spread via the external areas of the building. These products can ignite easily and melt at relatively low temperatures.

It is important to note that the presence of external combustible cladding on a building does not necessarily mean it is a fire hazard. It depends on where the cladding has been applied and the building's overall fire safety measures.

Metal Composite Panels

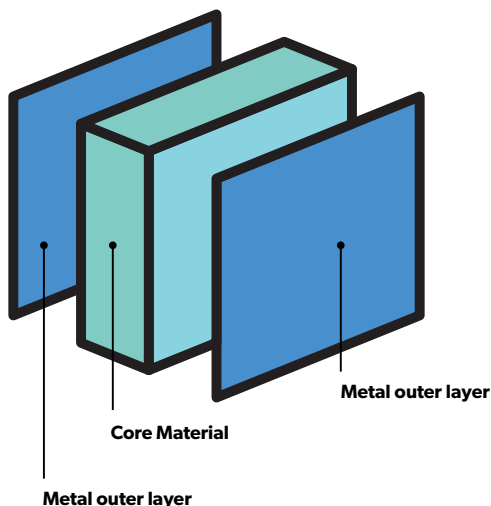
Metal composite panels (MCP) are part of a cladding system on the external areas of buildings and can be a variety of colours, or they can be grey or colourless.

MCP can be different shapes and can be used in a variety of ways, such as covering a part of a wall or covering the whole wall, or as a decorative feature around windows and doors, on balconies, awnings, and signage on walls.

MCP products are sandwich-type panels, usually between 2-5mm thick, that consist of two metal outer layers and a core material. MCP includes products with outer layers of copper and zinc but the most common are products that use aluminium as the outer layer. These are referred to as aluminium composite panels (ACP).

The panel cores are made of a variety of materials, including polyethylene (PE), which may vary considerably in terms of their combustibility and ability to spread fire.

The use of MCP has become more common in the past 10 years, however, ACP has been in use as a building product since the late 1980s, so it may be present on older buildings. Common industry names for some types of ACP include ACP PE and ACP FR.

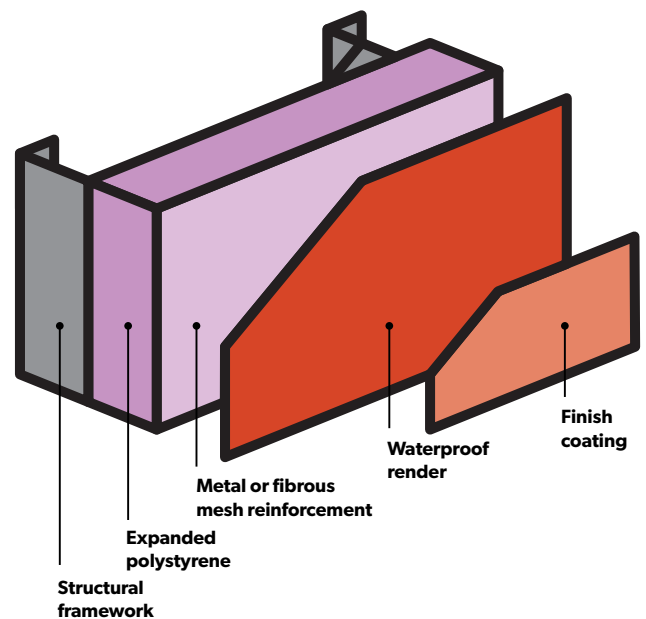


Insulated Cladding Systems

Insulated cladding systems are external wall systems comprised of bulk foam insulation that is fixed to a structural frame and then sealed, rendered and painted.

These systems are lightweight and have good thermal insulating properties because they use a thick layer of insulating foam such as polystyrene, polyurethane and polyisocyanurate.

The systems can be difficult to identify visually because they can look like rendered brick or concrete. However, tapping on the surface of these systems often produces a distinct sound such as a hollow thud, that is unlike the sound of tapping brick or concrete.



If you are unsure about your building contact your local council. They may hold approval documentation on any cladding used on your building. The council may also have done preliminary work in assessing fire-safety risks associated with buildings that have cladding.

How to identify external combustible cladding:

You should take some simple steps to decide whether you need to register your building, for example:

- Look at the outside of the building to check if it has cladding. Cladding comes in a variety of colours and finishes. It can be used in different ways, such as around windows and doors, on balconies, covering a whole wall, or part of it.

- Check when your building was built or renovated. This could be a factor in determining the likelihood of the presence of external combustible cladding on your building.
- Review or ask your strata managing agent, building manager, property manager or maintenance manager to review all design and construction documents to determine whether external combustible cladding was used on the building.



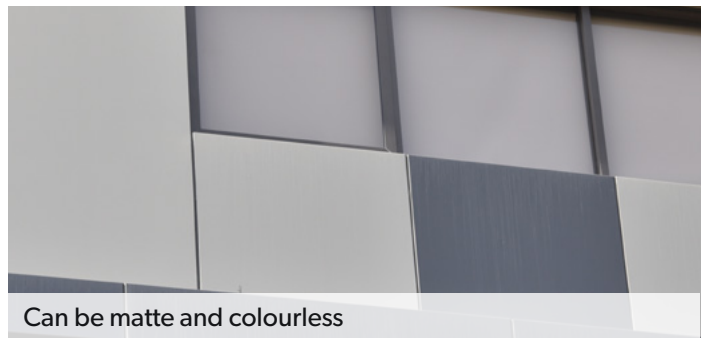
On balconies



Around windows



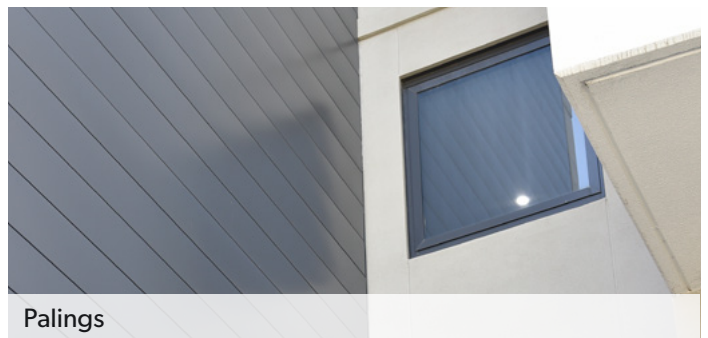
On external walls



Can be matte and colourless



On awnings



Palings



Decorative features



Balcony walls

These images are indicative of what cladding may look like and are not intended as a complete guide. It is important to note that the presence of external combustible cladding on a building does not necessarily mean it is a fire hazard.

What you need to do

The cladding regulation requires you to register your existing building on a NSW Government portal between 22 October 2018 and 22 February 2019. For new buildings (those that have not yet been occupied when the regulation commences), the deadline for registration will be four months after the building is first occupied. You can sign up to receive updates on the portal by clicking here www.planning.nsw.gov.au/cladding

- Note that emailed registrations are not permitted and will not be processed.
- Only owners or their nominated representatives can register their buildings.
- Owners in apartment buildings should decide who will register at an owners' corporation meeting.
- Only one registration per building is allowed.
- Strata managers may be able to register for you, depending on your agreement with them.

What information you will need to register

You don't have to engage an expert to register the building. The portal will take you through a simple registration process.

You will need to provide basic information such as:

- the type of external combustible cladding (metal composite panels or insulated cladding system)
- the address of the building
- name and address of the owner/owners' corporation representative
- the building use (for example: residential, school, hospital)
- number of storeys
- the approximate percentage of cladding
- the parts of the building to which cladding is applied.

While every effort should be made to be accurate during the registration process, this information can be corrected later, if necessary. If you are unsure about the cladding it is better to register the building.

What happens if you don't register?

Failure to register may incur fines of \$1500 for individuals and \$3000 for corporations.

What is the relationship between the cladding regulation and the product use ban issued by the Commissioner for Fair Trading?

The ban and the regulation are complementary. The Department of Finance, Services and Innovation and the Department of Planning and Environment have worked collaboratively to develop these reforms. The purpose of the cladding regulation is to identify new and existing buildings that may contain a range of combustible cladding products that could be a fire safety risk, and which may need further assessment.

The product use ban is primarily aimed at preventing the use of specific cladding products on buildings in the future. More information about the Building Products (Safety) Act 2017 and the product use ban is available from the NSW Fair Trading website.

Does the regulation affect any existing fire safety orders that council has issued on buildings with cladding?

No. Building owners must still register their buildings even if it is subject to a fire safety order.

What can tenants do?

Only building owners or their representatives can register a building. If tenants are concerned about whether their building has combustible cladding, or their building owner's response to these requirements, they should seek further information from their landlord or managing agent.

What happens after you register?

The details of the building will be provided to FRNSW and the local council. It is possible that your council or FRNSW may contact you about your building after you register.

For more information on the cladding regulation see the Department of Planning and Environment cladding webpage www.planning.nsw.gov.au/cladding

For more information on fire safety and external wall cladding, the NSW Cladding Taskforce and building product safety see NSW Fair Trading's website at www.fairtrading.nsw.gov.au

For tips on high-rise fire safety see Fire & Rescue NSW's website www.fire.nsw.gov.au