

# Combustible Cladding

## Standard Operating Procedure

# PROCEDURE ADMINISTRATION

<b>Dates</b>	Procedure approved 3 August 2021 This procedure is effective upon its approval. Procedure is due for review three years after adoption.
<b>Approved by</b>	Manager – Environment, Health and Regulatory Services
<b>Exhibition Period</b>	Not required
<b>Procedure Owner</b>	Manager - Environment, Health and Regulatory Services
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• Georges River Enforcement Policy</li> <li>• Fire Safety Corporate Protocol</li> <li>• Stay of Penalty Notice Application Form</li> <li>• Boarding House Application Form</li> </ul>
<b>Appendices</b>	Nil
<b>References &amp; Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Building Product (Safety) Act 2017</i></li> <li>• State Environmental Planning Policy (Exempt and Complying Codes) 2008</li> <li>• State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• <i>Building Professionals Act 2005-Repelled</i></li> <li>• <i>Strata Schemes Management Act 2015</i></li> <li>• <i>Building and Development Certifiers Act 2018</i></li> <li>• <i>Boarding House Act 2012</i></li> <li>• <i>Design and Building Practitioners Act 2020</i></li> </ul>
<b>Document Identifier</b>	Procedure Number: Container Number: SF20/608 Document Number: D21/177879
<b>Breaches of Procedure</b>	Breaches of any procedure will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
<b>Record Keeping</b>	All documents and information obtained in relation to the implementation of this procedure will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

## PURPOSE

This procedure has been developed to provide a consistent approach in delivering advice and determining the appropriate enforcement action to be taken for the removal of external combustible cladding (non-conforming/non-compliant building products) from buildings.

## SCOPE

This procedure applies to buildings fitted with external combustible cladding (non-conforming/non-compliant building products).

## DEFINITION OF TERMS

Term	Meaning
<u>External Combustible Cladding</u>	In relation to a building means: (a) Any cladding or cladding system comprising metal composite panels including aluminium, zinc and copper that is applied to any of the building's external walls or to any other external area of the building; or (b) Any insulated cladding system including a system comprising polystyrene, polyurethane or polyisocyanurate that is applied to any of the building's external walls or to any other external area of the building
<u>Non-Conforming Building Products (NCBP)</u>	Means materials that claim to be something that they are not, do not meet required standards for their intended use and are marketed or supplied with the intent to deceive those who use them. E.g. - A building product that is labelled or described as being non-combustible, but which is actually combustible, is a non-complying building product.
<u>Non-Compliant Products (NCP)</u>	Means materials or products used in situations where they do not comply with the requirements of the National Construction Code (NCC). E.g. A building product that is combustible and described as such but is used in a situation where a non-combustible product is required under the NCC and is not fit for purpose and is a non-complying product.

# PROCEDURE STATEMENT

## 1.0 COMBUSTIBLE CLADDING ASSESSMENT PROCESS

### 1.1 Legislation and Guidelines

The legislation and guidelines contained within the Procedure Administration table of this procedure control the process relating to combustible cladding:

### 1.2 Workflow

To further assist in understanding the legislative process a flow chart on how to assess combustible cladding (non-conforming/non-compliant building products) is provided in Attachment 1.

### 1.3 Background

Combustible cladding (non-conforming/non-compliant building products) materials have been installed to the external face of buildings in the main from 2012-2018.

The NSW Cladding Portal has been implemented to ensure buildings with combustible cladding are registered. Building owners with combustible cladding or potentially combustible cladding, where the exact product is not known, were required to register their property on the NSW Cladding Portal by 22 February 2019 or within 4 months of issue of an Occupation Certificate for a new building.

### 1.4 Council's Adopted Position

Council has adopted a position where it will be pro-active in the removal of the non-compliant products through cooperation with property owners and enforcement action where necessary.

Council's Executive Team has adopted the following procedure:

1. Require the removal of combustible cladding from buildings that does not comply with the Building Product (Safety) Act 2017 and/or Building Code of Australia;
2. Require any material removed to be replaced with compliant / conforming materials as per the Building Code of Australia;
3. In implementing part (2) above, solutions may be considered under the Fire Order process by way of a fire risk assessment (risk rating) report or Part CP2 (spread of fire), CP4 (safe conditions for evacuation), CP8 (fire protection of openings and penetrations) Performance Requirements (wherever possible) of the Building Code of Australia (and only for cladding with less than 30% combustible core) subject to it being prepared by a C10 Certifier – Fire Safety administered by Department of Fair Trading (DFT) and only accepted following independent peer review by a C10 Certifier – Fire Safety DFT, NSW Fire and Rescue concurrence and notification / acceptance

by Council's Insurer. In the event that certification from all approvers is not provided within the stipulated time period of the Notice / Order (e.g. 60 days), the approach should revert as per (1) above.

4. The process shall be undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979, Building Product (Safety) Act 2017, Building and Development Certifiers Act 2018, Design and Building Practitioners Act 2020, Council's Fire Safety Corporate Protocol and the Combustible Cladding Standard Operating Procedure.

As the necessary removal or upgrade works are costly, it is important for Council to liaise with property owners and formulate a course of action that will render the building safe for use within a reasonable timeframe. In the event this cannot be achieved, Council will take enforcement action as necessary.

## RESPONSIBILITIES

Position	Responsibility
Mayor and Councillors	Refer any requests relating to non-complying combustible cladding to the General Manager of Georges River Council, Director of Environment and Planning or Manager of Environment, Health and Regulatory Services
Directors, Managers and Coordinators	Implementation of this procedure to all staff responsible for the Fire Safety Program, ensuring adherence to the procedure by staff directly involved in assessment or enforcement relating to this procedure Review of procedure effectiveness and updating of procedure documentation as required.
Authorised Officers (Fire Safety Officers)	Participation in procedure and ongoing adherence to the procedure as outlined. Enforcing compliance and regulatory action in relation to this procedure.

## VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Procedure Owner	Period Active
GRC	New Procedure	Manager – Development and Building	6/08/19 to 3/08/21
GRC	Version 1	Manager - Environment Health and Regulatory Services	3/08/21 to 3/08/24 3 years

# Attachment 1

## Flow Chart for Combustible Cladding Assessment

