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Contact: Assistant Commissioner Mark Whybro

4 February 2020

Mr David Shoebridge MLC
Chair, Public Accountability Committee
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr Shoebridge,

Thank you for the opportunity of appearing before the Committee as part of its inquiry into the regulation of building standards, building quality and building disputes to discuss issues around fire response and safety with regard to cladding.

Please find attached a document providing responses to Questions Taken On Notice during the hearing.

I also draw the Committee's attention to the response provided on the question of the number of extra positions sought for Fire Safety to address cladding and other building regulation work. I note that whereas I had informed the Committee that all seven positions were uniformed roles, in fact only six of them are, with one position that is an administrative assistant.

I also note that while I informed the Committee that the printouts I provided were publicly available on the Cladding Taskforce page on the Customer Service website, in fact they were not and a different format was available on the website.

I thank the Committee for the extension of time provided to finalise the responses to these questions.

Your sincerely

Mark Whybro
Assistant Commissioner Community Safety

FIRE AND RESCUE NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave,
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

Unclassified

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Ref	SUPPLEMENTARY QUESTION	ANSWER
1. p.54	The latest figure is 463. How many buildings have flammable cladding? Do you have a number for that? Is there a current estimate?	<p>Cladding Taskforce information indicates that as of 10 January 2020, of the total outstanding buildings, 136 have been assessed by the consent authority as requiring an action plan to address cladding risks, or are subject to remediation orders or otherwise progressing towards remediation work (e.g. by voluntary action of the building owners).</p> <p>The Cladding register is maintained by the Cladding Taskforce under the administration of the Department of Customer Service. Up to date information is available on the NSW Cladding Taskforce page on the Customer Service website.</p>
2. p.55	Of the 463, how many of those are we still waiting for information to come back from the council?	<p>Cladding Taskforce information indicates that as of 10 January 2020, the Taskforce was awaiting an update from Councils for 24 buildings.</p> <p>As explained in response to question 1, up to date information is available on the NSW Cladding Taskforce page on the Customer Service website.</p>
3. p.55	Secondly, how many are in the category where an expert assessment just has not been sought or received?	Cladding Taskforce information indicates that as of 10 January 2020, based on the most recent information provided by consent authorities, expert assessments had not been sought or received for 35 buildings.
4. p.55	And how many have been cleared by a consent authority?	<p>Cladding Taskforce information indicates that as of 10 January 2020, approximately 202 buildings have been cleared by consent authorities.</p> <p>As explained in response to question 1, up to date information is available on the NSW Cladding Taskforce page on the Customer Service website.</p>
5. p.55	How many of them then have a sixth alarm response?	<p>Following the Grenfell Tower tragedy, Fire and Rescue NSW directed a mandatory 6th Alarm response to any Triple Zero (000) call that reported fire characteristics that were characteristic of a cladding fire, including rapid vertical spread of fire on a façade, identification of cladding by the caller, and other elements that are typical in a cladding fire. This direction was not specific to any particular building; indeed it covered all buildings in NSW where the emergency caller reported an incident of this nature.</p> <p>As part of its operational risk assessment process, including visual assessment and development of a Pre Incident Plan, individual cladding buildings have been given an enhanced alarm response protocol, over and above the normal 1st Alarm response of two pumps. These range from 211 with a</p>

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		2 nd Alarm, 18 with a 4 th Alarm and two currently with a 6 th Alarm.
6. p.56	Through the data analytics centre; through Fire and Rescue during your inspections; through Department of Planning, Industry and Environment; and through councils – are you able to give us a rough breakdown and perhaps take on notice for exact figures, what proportion of buildings were referred from each source?	<p>Cladding Taskforce information indicates that buildings were referred from each source in approximately the following proportions.</p> <p>For all buildings assessed:</p> <p>Data Analytics Centre (DAC) 26% Department of Planning, Industry and Environment (DPIE) 12% Fire and Rescue NSW 7% Local Councils 17% Cladding Register 37% Government owned/leased 1%</p> <p>For outstanding potentially high-risk buildings:</p> <p>DAC 14% DPIE 10% Fire and Rescue NSW 20% Local Councils 16% Cladding Register 38% Government owned/leased 2%</p>
7. p.60	Does high-pressure laminate have a certificate of conformity? Are there products made of HPL which have a certificate of conformity?	<p>Fire and Rescue NSW is not the regulatory authority for building product safety, or a testing agency for Australian Standards, and so not in a position to completely answer this question.</p> <p>The Department of Customer Service is the Building Regulator under Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to prospective use of these products.</p> <p>The administration of building product bans under the <i>Building Product (Safety) Act 2017</i> is the responsibility of the Commissioner of Fair Trading, or the Secretary of the Department of Customer Service if there is no Commissioner of Fair Trading at the time.</p>
8. p.60	Waffle cladding – are all of those conforming currently as they are with the national building codes?	For the reasons explained in response to question 7, this question should be referred to the Department of Customer Service.
9. p.60	Can you tell us whether those three types of cladding (HPL, Biowood and waffle) pass the 5113 external combustible building requirements? Look into the 1530 test as well.	For the reasons explained in response to question 7, this question should be referred to the Department of Customer Service.

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10. p.62	Fire Safety Branch. Would you mind giving us, on notice, the position in terms of what the positions are, what the head count is and if there are positions that are unfilled?	As at 4 February 2020, there are 57 Full Time Equivalent positions in or supporting the Fire Safety Branch with four positions vacant and under recruitment.
11. p.63	You have until 28 January to provide those answers, and if you have your guidelines completed before then, could you provide those as well?	<p>Relevant authorities, including local councils, have a range of advice available to them in assessing cladding rectification proposals including experts engaged by applicants, internal resources, and guidelines provided by the Department of Planning, Industry and Environment.</p> <p>Fire and Rescue NSW also has the discretionary power to provide advice on these issues where it is sought, consistent with its functions, risks and available resources. Guidelines for Fire and Rescue NSW advice on these issues are being finalised and will be accessible on the agency website soon.</p>