

PUBLIC ACCOUNTABILITY COMMITTEE

FURTHER INQUIRY INTO THE REGULATION OF BUILDING STANDARDS

Hearing – 22 November 2021

Supplementary questions to Mr David Chandler

Cladding Product Safety Panel

1. On page 72 of the transcript you referred to a paper that suggested there is no need to test solid aluminium.
 - (a) What is the name of the paper?
 - (b) When was the paper commissioned?
 - (c) When was the paper published?
 - (d) Could you please provide a copy of the paper?

It is the Public Comment Draft of NCC 2022 was released by the ABCB on 10 May 2021 which exempted solid aluminium from the testing to AS 1530.1.

2. What steps have the Cladding Product Safety Panel (“CPSP”) taken to compare individual cladding products and categories of cladding products on the same basis?
 - (a) Will the same criteria apply to every cladding product

All cladding products, firstly, need to comply with the mandatory criteria set out in the National Construction Code (NCC). For Project Remediate, CPSP is further considering the manner of affixing panels, including such as cavity barriers and non-combustible mechanical fixings to mitigate risk as a result of prospective changes to future editions of standards and NCC.

- (b) Can you please outline the criteria applied to all cladding products/categories, both related to fire/safety and to suitability, which deems them safe to use?

When it comes to fire requirements for external wall cladding system, the following performance requirements need to be met: Part C1 of the NCC, more specifically clause C1.9 of the NCC 2019 Volume One Amendment 1

3. Will manufactures of all cladding products in categories already recommended by the panel be required to submit evidence of safety and suitability?
 - (a) If so, can you please outline the documentation and/or testing that will be required including whether it will align with requirements in the Application process?

The documentation required is on the CPSP website:

<https://www.nsw.gov.au/projects/nsw-cladding-taskforce/cladding-product-safety-panel>.

- (b) When will this occur?

Manufacturers, suppliers and distributors in the industry were asked to submit all the relevant documentation by submitting an online form which went live on the CPSP website on 31st August 2021.

4. Will the Cladding product safety panel compare the performance of all cladding products on the same façade system?

- (a) If not, what other control method will be put in place to assess and compare cladding products?

The CPSP is following a scientific and pragmatic approach to assess products based on testing methodologies accepted by local government, industry and the NCC. Non-combustibility is assessed against AS 1530.1 and the spread of flame and smoke developed indices are determined using AS/NZS 1530.3. Every material category has its own feature and testing on one façade system will not cater for all facades. Instead, the CPSP is conducting reference testing to evaluate how material types such as bonded laminate perform when put to test as-installed. The outcome of the reference material testing, which is based on testing to AS/NZS 1530.3 and sample preparation as per Schedule 6 of the NCC, will not only throw light on how these cladding materials perform but also guide the industry on performance of joints and sealants.

- (b) How will the safety of the product and/or the product as part of a façade system be measured?

These will be measured based on two folds – First, NATA accredited test report demonstrating Deemed-To-Satisfy (“DTS”) compliance with the NCC for fire performance requirements, and secondly, additional safety measures such as non-combustible mechanical fixing and cavity barriers in appropriate locations.

5. Will all cladding products recommended by the Cladding Taskforce be required to meet Australian Standards on weatherproofing and condensation criteria?

Cladding systems considered by the *Cladding Product Safety Panel* (as opposed to cladding products) must meet the DTS NCC requirements for weatherproofing and condensation management.

- (a) Will the Panel provide details of the system it requires this testing on for products submitted under the Application process for Remediate products on the **Panel's website**?

CPSP will provide its expertise on product safety to the Global Façade Consultant for Project Remediate who will consolidate the

CPSP advice in the form of a pattern book for use on the project by industry stakeholders such as designers, installers, etc about the details of installation by way of technical drawings and specifications.

6. Will the Cladding Product Safety Panel publish a further report with comparative performance of all cladding products (including those in current recommended categories and bonded laminates) on the same façade system against fire and non-fire criteria?

The CPSP will provide a periodical report to the NSW Government. These reports are made available for the benefit of building owners and the cladding remediation industry. CPSP will soon release its next report and update the industry on material submissions, the reference testing outcome and additional materials endorsed for Project Remediate by CPSP. The body of work undertaken by CPSP is ongoing and involves a continuous review of material submissions, international testing standards and new materials

7. Is the Cladding Product Safety Panel requiring bonded laminates suppliers to submit the following for approval?

- (a) Samples in all colours to be used –

No. Evaluation of material performance by means of testing to AS 1530.3 and schedule 6 of the NCC is conducted on popular colour provided by the supplier

- (b) Type and colour of sealant

Not sure what does this mean

- (c) Samples with colour painted on the back

Yes

8. Can bonded laminate suppliers only submit and be approved for use in one colour?

- (d) If so, is this standard for AS1530.3 testing, equivalent to requirements for products in other categories and why has the Cladding Safety panel introduced this?

The test standard comes from NCC clause for bonded laminate (clause C1.9 e(vii)). The requirements include preparation of sample as per Schedule 6 of the NCC in order to determine spread of flame and smoke-developed for bonded laminate which are fire hazard properties by definition

Insolvent Builders

9. What protections are in place for subcontractors and Class 1 home owners impacted by construction industry insolvencies?
10. Are you monitoring construction industry insolvencies in NSW? If so, how does this occur?
11. How many times have you met with icare to discuss Home Building Compensation since September 2020?
12. How many times have you met with the State Insurance Regulatory Authority to discuss Home Building Compensation since September 2020?
13. What protections are in place for apartment owners when a builder enters into insolvency?

(a) When were these protections introduced?

These matters are outside the mandate of the Building Commissioner but I can make the following comments

9. I am not formally monitoring insolvencies in the construction industry but the work of my Office and the Better Regulation Division of the Department is responding to non-compliant work and untrustworthy operators being the kind of behaviours that lead to construction industry insolvencies

10. The Department administers the contractor licensing monitors insolvencies in NSW relating to licensed builders

11. I have met with icare officers to discuss Home Building Compensation in an informal way as it is not an area for which I have authority

12. I have met with the State Insurance Regulatory Authority in an informal way to discuss Home Building Compensation but it is not an area for which I have authority.

13. The Home Building Act establishes the Home Building Compensation Fund which is an insurance arrangement of last resort where builders have become insolvent and unable to complete building work. This provides protections for homeowners.