

# Esky Apartments, Definition of Flammable Cladding & Lacrosse Fire Legislation

Following the Lacrosse Fire in Melbourne and the tragedy of the Grenfell fire in London, authorities in NSW have now taken action to start addressing the risks arising from flammable cladding.

One of the first actions has been inserting provisions into the Environmental Planning and Assessment Regulations requiring the identification and registration of combustible cladding in certain buildings by 22 February 2019, with more action likely to follow in the near future on how such cladding is to be dealt with.

Though most focus to date has been on metal composite cladding panels, being those used at Lacrosse and Grenfell, the definition of “**external combustible cladding**” under Reg 3 Environmental Planning and Assessment Regulation (“EPA Reg”) includes:

*“(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.”*

Therefore, under this part of EPA Reg 3 the current definition of “external combustible cladding” will include any external wall system that uses:

- a. polystyrene foam and render such as Insulclad, Masterwall and Unitex proprietary products, and
- b. Insitu polystyrene foam formwork and walling systems which are then given a finish coat of render, such as Polywall, and Formpro proprietary products.

These types of construction systems have become more and more popular recently due to cost, speed and insulation value of the products.

It is to be noted that the external combustible cladding amendments to the EPA Reg does not apply to Class 1 buildings, being houses, but does apply to Class 2 apartments, Class 3 boarding houses and guest houses and Class 9 buildings of a public nature.

Despite:

- a. most of the polystyrene in these products claiming to contain a flame retardant, which self-extinguishes any direct flame; and
- b. the polystyrene core being protected by cement render (and sometimes fibre mesh); and
- c. none of these products to date being involved in any accelerated fires (as opposed to metal composite panels);

they do fall within the current definition of “*external combustible cladding*” under the EPA Reg and so those Class 2,3 and 9 buildings with such products will need to register themselves in accordance with Reg 186S EPA Reg.

Those people either about to use such products in future construction or have such products in a building which is not Class 2, 3 or 9 building will need to watch out for, consider and assess further developments and action the authorities take in relation to such products and the definition of “*external combustible cladding*” before taking further action.

### **Key takeaways**

- The NSW government has introduced regulations requiring the identification and registration of combustible cladding in certain buildings.
- External combustible cladding includes various insulated cladding systems, such as those made from polystyrene.
- The regulations apply to Class 2 apartments, Class 3 boarding houses, and Class 9 buildings, but not to Class 1 buildings.
- Despite claims of flame retardancy, products containing polystyrene still fall under the definition of external combustible cladding.
- Building owners must stay informed about future developments regarding combustible cladding regulations.

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