

ADVISORY NOTICE

BUILDING

01/18

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

March 2018

TECHNICAL:

New requirements for 'designated building products' on 'designated buildings'

This Advisory Notice provides information for practitioners, registered building work supervisors and councils about new requirements for 'designated building products' used on 'designated buildings' following the gazettal of the *Development (Building Cladding) Variation Regulations 2018* (Regulations), which came into operation on 12 March 2018.

BACKGROUND

These Regulations were developed in response to the nationally recognised need to strengthen the regulatory framework around the use of composite panels on high-rise buildings, given that the non-compliant use of these products could pose an unacceptable risk to public safety. The commencement of the Regulations coincided with the adoption of Amendment 1 to Volume One of the National Construction Code (the Code) which introduced a range of requirements relating to fire safety in high rise buildings.

The Regulations also allow other building products and circumstances (i.e. classes of buildings) to be designated by Gazette, as necessary to enable the Government to respond to new building materials and products entering the market where high levels of compliance are necessary to ensure public safety.

The intent is to ensure that accurate and detailed information about a 'designated building product' and its installation is provided in the documentation at the design and assessment stage, and that the product specified and approved for use is verified at the construction stage.

DISCUSSION

First product to be designated

The first 'designated building product' to be gazetted under these new regulations is any metal panel or lining formed with aluminum, or similar thin metal sheet material, irrespective of what the core material is – metal, polyethylene or unknown – when used on a 'designated building'. A 'designated building' is class 2, 3, 9 buildings of two or more storeys, and class 5, 6, 7 and 8 of three or more storeys, under the Code.

This aims to capture the use of aluminum composite panel (or similar product) to ensure that this product, when used in higher risk circumstances such as high-rise or public buildings, is specified and used correctly.

This gazettal was made on the basis that while composite panels remain a legitimate building product for use in South Australia, in high risk circumstances there is a need for extra vigilance.

Overview of new requirements

The Regulations require that when 'designated building products' are proposed to be used on 'designated buildings' that the following occur:

- specific documentation on a 'designated building product' be supplied at application stage,
- notification be made to council of intended commencement of installation of 'designated building products', and
- the completion and submission of a checklist upon installation.

At the design stage, the builder/designer is required to provide prescribed information on the 'designated building product', including:

- the product name/s;
- product exterior and core material composition;
- the proposed location of the product/s on the building;
- proposed installation/fixing method/s; and
- where the designated building product/s form part of a Performance Solution (as defined by the Building Code), a duly completed performance solution in the gazetted template be submitted in addition to the details identified above

The performance solution must include the evidence to demonstrate to the relevant authority that the 'designated building product' can be used and has been assessed in accordance with the Code. The relevant authority must undertake an assessment of the performance solution which will form part of the approved documentation for building rules consent.

At the construction stage, the registered building work supervisor (supervisor) must notify the relevant council that the installation of the 'designated building product' is scheduled to occur within one (1) business day.

At this point the council may decide to schedule an inspection of the 'designated building product's' installation. While this is not a mandatory requirement and a building inspector may elect not to visit the site at this stage – this step will serve to provide notification to council of this event who can then expect receipt of a completed checklist in due course.

The supervisor must also complete a prescribed checklist relating to the installation of the 'designated building product'. This checklist should mirror the information supplied in the approved documentation – including any performance solutions. Completion of the checklist will ensure that the product approved for use is the product that has been delivered for installation and it is being installed in accordance with the approved documentation.

The supervisor must sign the checklist and provide to the council within one (1) business day from the notice of installation being given. A council may impose a penalty if it does not receive the completed checklist within one (1) business day of receiving notification.

This process is designed to generate a greater focus at two specific key stages – design/approval phase and during initial installation – to drive higher standards of documentation, provide the opportunity for a supervisor to detect any potential issues at the commencement of installation and for a council to have awareness and oversight of any issues as they present.

Requirement for a Statement of Compliance

Importantly, it should be noted that where a ‘designated building product’ is to be used on a ‘designated building’ a Certificate of Occupancy cannot be issued without a Statement of Compliance. The Statement of Compliance must be signed at the end of construction to provide confirmation that the building has been built in accordance with approved documentation, including the installation of any remaining ‘designated building product’.

Use of multiple products / installation in multiple locations on the same building

If different types of ‘designated building products’ are sought to be used under one development approval – for example, two types of aluminum composite panel on one project – the supervisor must undertake the process above for each product, i.e. notification for each product must be provided to council and a checklist completed regarding the installation of each product as it commences.

If the same ‘designated building product’ is intended to be used at different locations on the same building, the notification/checklist process need only be undertaken once, as it is taken that if a panel has been specified and installed correctly initially, that this standard will be maintained at different locations on the building. However, multiple checklists can be provided to council if supervisor wishes to be proactive in assuring council that product installation is occurring correctly.

This Advisory Notice is for general information only and should not be relied upon as legal advice or an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

Further information

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