

Ref: Ramsay Submission DPE - Cladding Regulation

Ms Felicity Greenway
Acting Executive Director, Resource and Industry Policy
Department of Planning and Environment
GPO Box 39, Sydney NSW 2001

Dear Ms Greenaway,

Re: **Proposed reforms: buildings with combustible cladding.**

Ramsay Health Care (RHC) are the largest owner and operator of Private Hospitals in Australia. With over 1,000,000 admissions annually, RHC perform over 500,000 procedures within 73 hospitals and day surgery units throughout the country..

RHC welcomes the opportunity to provide feedback on the draft Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2017 and the Explanation of Intended Effect.

We have reviewed the draft regulation, and suggest that the draft regulation could be made more consistent, particularly between how the regulation is interpreted across the States and how the regulation will be brought into practice.

We also have concerns regarding the required qualifications for those persons proposed to undertake building audits and inconsistencies between the National Construction Code and how the regulation will be interpreted.

In light of these concerns, RHC propose the following for consideration:

1. Definition of qualifications of persons who may identify and prepare risk assessment of cladding products on existing building.

“a cladding statement (which is a statement to the effect that the cladding on the building has been inspected by a properly qualified person and setting out that person’s opinion as to whether the cladding presents a risk to the safety of persons or to the spread of fire, in the event of a fire, and details of actions necessary to address any such risk).”

The regulation should include defined qualification(s) for persons that are considered to be appropriate to undertake the task. The wording of this clause leaves the required qualification open to interpretation and with it, the risk that there could be inconsistencies between assessments, which could give rise to the mis-identification of products and subsequently, inadequate risk mitigation measures.

2. Reference to the National Construction Code as the benchmark.

The use of terms in the proposed regulations such as “cladding presents a risk to the safety of persons or to the spread of fire, in the event of a fire” should allow for benchmarking against compliance with the current National Construction Code as the nationally recognised document for the regulation of health and safety of buildings in Australia.

Further clarity should be provided regarding which National Construction Code version the benchmark is to be applied. The National Construction Code applicable to a development is the version that was in force at the time the Building Approval was issued. Any requirement to benchmark an existing building against the current version of the Building Code is inconsistent with the provisions of the *Environmental Planning and Assessment Act 1979* and would create a retrospective upgrade requirement for existing assets.

In addition, where cladding is installed on existing buildings, and the product and installation is known and verified to be compliant with the provisions of the National Construction Code, there should be no further need for assessment. Further assessments will simply delay the implementation of the regulation and incur unnecessary cost.

3. Alignment of definitions with the proposed Regulations with that of the National Construction Code.

The proposed regulation requires reporting on combustible cladding on “any of its external walls or to any other external area” but provides neither definition of an external wall nor the limitations of the application of this clause to the building. It is important to note that the lack of definition of “external walls” the National Construction Code to date, has led to varying interpretations of the application of provisions pertaining to the external walls of buildings.

An amendment to the National Construction Code is likely to include greater clarity around the requirements for external walls to be non-combustible, and by defining those areas which are considered to be “attachments to an external wall.” (Attachments referring to those items in the makeup of an external wall which do not have to be non-combustible i.e. flashings, grates, light fittings, required signs, sunshades etc).

It would be clearer if the regulation was aligned with revised National Construction Code, regarding the definition and application of requirements for combustible cladding and materials in external walls.

Should you have any questions on these issues, please don't hesitate to contact me on BelcastroA@ramsayhealth.com.au or (02) 9433 3408.

Yours faithfully,



Alex Belcastro
National Business Development Manager
Ramsay Health Care