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## SLOPES - Notices from the Department of Environment and Planning regarding cladding on buildings - Update

SLOPES &lt;slopes.au@gmail.com&gt;

20 October 2018 at 19:33

Bcc: frank.zipfinger@gmail.com

Dear SLOPES Members and Associates

See below our email of 27 April 2018 with the background on this cladding issue.

Following a recent legal change to the definition of "external combustible cladding" to take effect on 22 October 2018, we are aware that some Clubs have received correspondence from the Department of Planning & Environment informing them that it no longer proposes to take any action regarding the cladding on the exterior facades of their buildings.

An example of the letter is attached for your information.

The decision appears to be limited to cladding which is solely made of timber (and not any composite materials).

It is not clear if all affected SLOPES Clubs have, or will, receive notice of this change.

If you have previously received a Notice and are unsure of the present position regarding your lodge, SLOPES suggests that you contact Ms Julia Pope at the Department on (02) 8217 2068 or [nct.project@planning.nsw.gov.au](mailto:nct.project@planning.nsw.gov.au) for clarification.

Regards

Frank Zipfinger  
President  
SLOPES

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From: SLOPES <slopes.au@gmail.com>

Date: Fri, 27 Apr 2018 at 14:47

Subject: SLOPES - Notices from the Department of Environment and Planning regarding cladding on buildings

To:

Dear SLOPES Members and Associates

Your Club may receive (or already have received) a Notice of Intention to Issue an Order (Notice) concerning the exterior cladding on your lodge from the Department of Environment and Planning (Department).

The Notice stems from concerns about combustible aluminium cladding that has recently caused fires in various cities. The Department has implemented a state-wide program to address the risks associated with cladding.

However, the program has broadened to all buildings with cladding of a certain size – irrespective of the type of cladding . (Unless recently re-clad, lodges are likely to be clad in wood rather than aluminium cladding).

We understand that about 50 buildings in the National Park have received Notices – approximately split equally between Perisher Range Resorts (Perisher, Smiggins and Guthega) and Thredbo.

The first round of Notices was sent regarding buildings over three storeys, which have some form of cladding and which have been the subject of a Development Consent issued by the Minister in the last 15 years.

Due to changes in regulations the Minister has broad planning control over building in the National Park. As a result it is anticipated that more Notices will be issued – although the timing and criteria for issuing additional Notices are unclear at the present time.

The Notice contains a number of elements:

1. a Club may make Representations as to why the Proposed Order should not apply to it. It is not mandatory for a club to make Representations but it is likely to be in the Club's interest to do so (see below)

2. if the Representations are unsuccessful, the Department will issue the Proposed Order which will require clubs to engage a certified fire engineer to audit the lodge for compliance with the Building Code of Australia (BCA)

3. if a building is not compliant with the BCA, Clubs will be required to submit an assessment report including an action plan to ensure that the BCA requirements are met.

If you have received a Notice could you please forward it to SLOPES (via return to this email) so that we can best understand how many Clubs are affected and how SLOPES may best assist its members.

SLOPES is considering engaging a fire expert to provide generic advice that will assist clubs in preparing Representations and responding to the Proposed Order.

The time for making Representations is limited. We suggest that Clubs seek an extension in the meantime.

You should be aware that your lodge may have undergone a fire safety audit in about 2006. If so, a certificate of compliance may have been issued. If so, that would be a useful document to include in your Representations.

If you are unsure if your lodge was so audited, you can obtain information and a copy of documents from:

Robin Ward  
Department of Planning & Environment, Jindabyne  
+612 6456 1733

Some lodges are on the Heritage Register (see our separate email today re the latest on this) which raises a further layer of complication – as that may affect the way in which compliance with the BCA is implemented.

Please let us know as soon as possible please if you are in receipt of a Notice.

We will keep you informed about this issue as more information comes to hand.

Regards

Frank Zipfinger  
President  
SLOPES

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Contact: Julia Pope  
Phone: (02) 8217 2068  
Email: [nct.project@planning.nsw.gov.au](mailto:nct.project@planning.nsw.gov.au)

### External Wall Cladding

I refer to the Notice of intention to issue an order under s 9.34 of the *Environmental Planning and Assessment Act 1979* issued by the Department of Planning and Environmental (Department) for

This letter is to inform you that new laws have been made for buildings with combustible cladding which will commence on 22 October 2018, namely:

- the *Environmental Planning and Assessment Amendment (Identification of Buildings with Combustible Cladding) Regulation 2018* (new regulation); and
- *State Environmental Planning Policy Amendment (Exempt Development – Cladding and Decorative Work) 2018*

The new regulation defines "external combustible cladding" on a building as:

- (a) any cladding or cladding system comprising metal composite panels, including aluminium, zinc and copper, that is applied to any of the building's external walls or to any other external area of the building, or
- (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.

Further information may be obtained at: <https://www.planning.nsw.gov.au/policy-and-legislation/under-review-and-new-policy-and-legislation/combustible-cladding>.

In light of the change in the definition of "external combustible cladding" to take effect on 22 October 2018, the Department has decided not to issue the order in this respect.

Should you wish to discuss the above please contact Julia Pope on the above number or email [nct.project@planning.nsw.gov.au](mailto:nct.project@planning.nsw.gov.au).

Yours sincerely

  
Julia Pope 27/9/18  
Team Leader Compliance (Cladding)