

Building and Plumbing Newsflash 568

New Queensland Development Code Part 2.5 – Use of external cladding (effective 18 October 2019)

Purpose

- To advise of Queensland's ban on:
 - aluminium composite panels (ACP) with a polyethylene (PE) core of greater than 30 per cent by mass to all new buildings, and
 - expanded polystyrene (EPS) product for use in external walls, including as an attachment (such as architectural features) on all Class 2-9 building of type A or B construction.
- To clarify the requirements of the new [Queensland Development Code Part 2.5 – Use of external cladding](#), including the regulatory intent.

Background

On 3 July 2019, the Honourable Mick de Brenni, Minister for Housing and Public Works announced that a ban would be introduced to prohibit the use of highly flammable aluminium composite panels (ACPs) with a polyethylene (PE) core greater than 30 per cent by mass on all buildings in Queensland.

The ban supports the recent amendment to the Building Regulation 2006 which allows a temporary exclusion for private certifiers from holding professional indemnity (PI) insurance for works involving non-compliant external cladding.

The Department of Housing and Public Works also investigated applying bans to other known combustible materials from being used as part of an external wall. Expanded polystyrene product (EPS) is a highly flammable product which is commonly used in external wall insulation and finish (rendered) systems—including as an attachment. Victoria and Tasmania have previously adopted measures to stop the use of EPS on specific classes and types of buildings.

Frequently asked questions on what this means for industry

What will the ACP ban apply to?

The ACP ban will prohibit the use of ACPs with a PE core greater than 30 per cent by mass as part of an external wall on all buildings. The ban will not apply to structures (i.e. signs).

What will the EPS ban apply to?

The EPS ban will prohibit the use of EPS in an external wall or as an attachment on all Class 2-9 buildings of Type A or B construction. Cold stores, which are typically constructed of sandwich panels (often filled with EPS for insulation) to a maximum of two storeys in height (i.e. type C construction), will not be affected.

What about other combustible products?

Several other combustible products with lower heats of combustion are known to be used as part of an external wall system, including as an attachment.

The National Construction Code (NCC) regulates the use of combustible building elements in external walls of Class 2-9 buildings of type A or B construction. Assessment of any other combustible products used in an external wall system, including as an attachment, will occur through the building development application process.

To support the NCC's requirements, Queensland's non-conforming building products legislation was introduced by the Queensland Government in 2017. This imposed a duty on people in the chain of responsibility to make sure building products are safe, fit for purpose and don't claim to do something that they don't.

How will the ban be applied to existing approvals?

Upon commencement, the ban does not apply to existing approvals, including buildings lawfully under construction.

How will the ban be applied to undecided building applications?

A building certifier may apply the ban to undecided building applications.

How will the ban be applied to buildings being designed but where a building application has not been lodged?

Upon commencement, the ban will not be applied to buildings being designed and where the building application has not been lodged. In this situation the building certifier for the pending building development approval must certify in writing that:

- substantial progress was made on the design of the building, or the design was completed, before QDC Part 2.5 commenced; and
- the design would need to be changed to comply with the new QDC Part 2.5; and
- the changes needed are not minor changes, having regard to the new QDC Part 2.5 and the nature of the building work.

Please refer to Chapter 4, Part 1, Division 1, Section 37 of the *Building Act 1975* for further detail.

What other actions are being taken by the Queensland Government to ensure the safe design, construction and occupation of buildings?

- On 30 June 2017, the Queensland Government established an [Audit Taskforce](#) to conduct a targeted investigation into buildings using ACP cladding and other possible combustible products. The Taskforce includes representatives from the Department of Housing and Public Works, Queensland Fire and Emergency Services and the Queensland Building and Construction Commission.
- On 1 November 2017, legislation commenced addressing non-conforming building products through the *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Act 2017*.
- The Queensland Government introduced regulatory requirements in October 2018 for specific private buildings to undergo an audit to identify if a building includes combustible cladding. This process is ongoing, with all registered buildings required to complete the process on the [Safer Buildings website](#) by the 3 May 2021.
- The *Building and Other Legislation Amendment Regulation 2019* commenced on 9 August 2019, introducing amendments to the professional indemnity (PI) insurance for private certifiers relating to non-compliant external cladding.
- The department has partnered with the University of Queensland to develop the [Material Library of Cladding Materials](#). The library contains data for different cladding materials and provides fire engineers with a tool to complement a comprehensive assessment of the risk posed by any combustible cladding material.

More information

To find out more about the Queensland Development Code, please visit the [Department of Housing and Public Works' website](#).

Contact us

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