



## INFORMATION SHEET – WHY INCOMPLETE FIRE WALL SEPARATION IS A STRUCTURAL DEFECT

This general information sheet highlights some of the reasons why an incomplete fire wall is a structural defect.

The greater majority of sales annexures relating to building inspections is the REIWA Annexure, which at clause 7.6 commences with 'a structural defect means fault or deviation from the intended structural performance of a building element' and 'is a major defect to the building structure of sufficient magnitude where rectification has to be carried out in order to avoid unsafe conditions, loss of utility or further deterioration'

Australia Standard AS4349 (Pre-Purchase Building Inspections – Residential) including clause 1.4.14 also defines a structural defect as 'a fault or deviation from the intended structural performance of a building element'.

If a fire wall (often referred to a party wall or common wall) is incomplete -

- It present an unsafe condition.
- Has deviated from its intended structural performance of a building element\*.
- Is a structural defect.

\*A common wall must - (a) be of masonry or concrete construction and extend to the underside of a non-combustible roof or not less than 450 mm above a roof with a combustible lining; (b) have an FRL of not less than 60/60/60 if it separates Class 1 buildings, or a Class 1 building and a Class 10 building. Note: Over the years the reference to building codes has changed, for simplicity refer to the National Construction Code (NCC) 3.7 Figures 3.7.1.10 and 3.7.1.11 (at the time of the homes original construction the code would have been referenced differently as over the years the building code has been called 'by-laws', 'Building Codes of Australia' and now 'National Construction Code', the local authority should be able to provide a copy of the relevant code at the time of the building license being issued, which is now called a Building Permit).

It should be note that there is a difference between 'Structurally Sound' and a 'Structural Defect'.

**Structurally Sound** relates to the majority of building remaining structurally sound and not in danger of falling down.

**Structural Defect** is fault or deviation from the intended structural performance of a building element. This is defined in Australia Standard AS4349 (Pre-Purchase Building Inspections – Residential) at clause 1.4.14

For further details contact our inspector directly on 0409 906 688.