

6.3 FLAMMABLE CLADDING RECTIFICATION

Submitting Councillor: Stuart James

MOTION:

That Council:

1. *Supports the motion to the Municipal Association of Victoria October 2022 State Council requesting State Government supports the retention of extreme and high risk buildings resulting from the use of flammable cladding must remain under the control of the Victorian Building Authority (VBA) and that none of these buildings revert to Councils' jurisdiction.*

The motion to be submitted is:

That the MAV:

1. *Urgently seek an update from State Government of the rectification status where the Victorian Building Authority (VBA) is Municipal Building Surveyor (MBS).*
2. *Seek an explanation as to why rectification has not been completed on buildings over the past 5 years.*
3. *Seek a commitment from the State Government that all buildings that are deemed extreme and high risk where the VBA is the MBS remain under their jurisdiction, and that none are transferred to Councils'. Understanding that:*

- * *The VBA has been the MBS for many of these building for 5 years, has inspected, issued notices and has intimate knowledge of issues beyond that of Councils, who have had little to no involvement in the management of these buildings during this time.*
- * *It would create confusion and angst amongst the owners and occupiers of these buildings, as a Council would need to reinspect, issue its own notices and take action for rectification of the buildings which seems unnecessary and duplicitous given the actions of the VBA as MBS.*
- * *The issues associated with these buildings is greater than just cladding, and includes issues such as water ingress, standard of construction and modification to performance measures where VBA is not only MBS, but a regulatory authority.*
- * *It would create a significant cost burden on Councils and their ratepayers, (VBA and CSV were funded for this), risk, lack of access to technical expertise and lack of available resourcing given the shortage in qualified building professionals.*

INTRODUCTION

The purpose of my motion is to seek Council endorsement to submit a motion to the Municipal Association of Victoria (MAV) October 2022 State Council requesting a commitment from the State Government that they do not transfer the responsibility of the extreme and high risk flammable cladding buildings back to council, including those buildings where the VBA reclassify their risk rating. Additionally to seek an explanation as to why the issues with these buildings have not been resolved since the VBA became the MBS responsible for them.

BACKGROUND

Council has previously been advised that DELWP had indicated that they were looking to transfer back MBS responsibilities from the VBA to Councils buildings that are deemed extreme and high risk as part of the Cladding Audit system. Whilst there has been some communication on this, there has not been any meaningful communication recently and there is significant concern that this transfer could occur with little warning and no time for Councils to prepare for this should it in fact occur.

DISCUSSION

The transfer of extreme risk flammable cladding buildings from the VBA to councils creates a significant concern with regard to:

- budgetary and resourcing implications
- lack of in house expertise
- industry wide staffing shortages
- inconsistency of management of the rectification if responsibility were to change.
- prolongs uncertainty for owners and residents of these buildings.

The VBA has had responsibility for the rectification of these building for almost five years, since December 2017, when the State Government appointed the VBA the lead authority with Cladding Safety Victoria. The ongoing responsibility should remain with the VBA as they have been tasked with this job and have been funded and resourced to do so. The VBA also has responsibilities as a regulatory authority which may be relevant to consider as part of the rectification of the building given that it is known the issued with these buildings goes beyond just the use of flammable cladding.

The authorities finishing their work and fulfilling their statutory responsibilities will lead to a quicker resolution. It will also avoid confusion and unnecessary angst with owners and occupiers of these buildings who will be back to the start, now dealing with Council, re-inspections and new notices and orders and timeframes for compliance. Council's do not have the capacity, in house expertise, staffing and resourcing to ramp up involvement in these buildings once again.

The cost and implication of handing these buildings back to Council has not been calculated. The costs however, will run into the hundreds of thousands given staffing requirements, expert advice such as structural and fire engineering that are required. With rate capping in place this puts all councils in an unworkable situation.

This is an issue that affects all Councils and is worthy of submission and support to the MAV State Council in October 2022.

FINANCIAL IMPLICATIONS

Current advocacy on this matter is being accommodated within existing Council resources.

CONCLUSION

The ongoing responsibility should remain with the VBA as they have been tasked with this job and have been funded and resourced to do so. Councils do not have the resourcing or in house technical expertise to manage these extreme risk flammable buildings.

This is an issue that affects all Councils and is worthy of submission and support to the MAV State Council in October 2022.