

1.1 UPDATE ON BUILDING CLADDING AUDITS (AH)

Responsible Director: Peter Panagakos

RECOMMENDATION:

That Council:

- 1. Notes the work being undertaken by Council as part of its role on the Victorian Cladding Taskforce's pilot program.*
- 2. Notes the work of the Victorian Building Authority on this issue.*
- 3. Notes that a further report will be brought to a future Council meeting to update Councillors of progress on this matter.*
- 4. Writes to the Minister for Planning Richard Wynne and the Victorian Building Authority (VBA) seeking clarification about the steps that will be taken on non-complying buildings to make them compliant, after the buildings are made safe, and the financial support that will be offered to Councils in doing so.*

PURPOSE OF BRIEFING PAPER

The purpose of this report is to update Councillors on building cladding audits being undertaken by Council, as resolved in the Council meeting on 12 December 2017.

BACKGROUND

The recent tragic fire at Grenfell in London, UK and the Lacrosse building in Docklands Melbourne has caused the Department of Environment, Land, Water and Planning (DELWP) to establish the Victorian Cladding Taskforce (VCT). The purpose of the VCT is to review the use of external cladding on occupied residential buildings across the State, advise on rectification works required to make the building safe to occupy and recommend changes to the regulatory system around the use of cladding.

External cladding is used in many new developments in Victoria. Some cladding materials are fire resistant; other cladding materials are not fit for purpose in that they are combustible and either not fire resistant or are very limited in this regard. These combustible cladding materials are known as ACP (aluminium composite panel) and/or EPS (expanded polystyrene) and became prevalent in their use in circa 2010.

The role of the VCT was initially to review the extent of use of combustible cladding in Victoria and comment on the effectiveness or otherwise of regulations around the use of this material. This led to the release of 'VCT Interim Report' in November 2017.

The VCT also established a pilot program, whereby they are working closely with five Councils to review the potential use of combustible cladding in new residential development in the municipalities that are taking part in the pilot. Monash is one of the five Councils taking part in the program, along with Greater Dandenong, Port Phillip, Moreland and Melbourne.

The scope of the VCT is to review the use of combustible cladding in residential buildings that are 3 storeys or more in height in each pilot municipality, where construction is complete and the building is occupied.

Each pilot Council is responsible for inspecting each site – inside and out – and using a tool developed by the VCT to record and upload the findings of the inspection. This comprehensive inspection is referred to as a Stage 2 inspection and typically takes about 4 hours to complete, per site.

To review the findings of each Stage 2 inspection, the VCT has established an Assessment Review Panel (ARP). This Panel comprises a registered building surveyor (unlimited), an expert fire safety engineer and a representative of the Metropolitan Fire Brigade. Council officers, including the Municipal Building Surveyor (MBS) are invited to attend and take part in these ARPs, as well as to present the findings of each Stage 2 inspection to the ARP.

Inspections of buildings

The VCT initially identified 107 buildings in Monash that are within their scope, as requiring inspection to determine the existence of combustible cladding. Council undertook “Stage 1” inspections of these buildings, along with the other Councils in the pilot program. These inspections were essentially an external inspection of the building to ascertain whether or not combustible cladding had been used. Of the 107 buildings initially identified in Monash, 21 properties were discounted after a Stage 1 inspection. Buildings were discounted if they did not fit within the scope of the VCT’s review (i.e. if the building was less than 3 storeys) and/or if the building did not contain combustible cladding (i.e. brick buildings).

Of the 86 remaining buildings within the VCT’s scope, Council has comprehensively inspected 50 buildings as part of “Stage 2” inspections. Of the 50 buildings inspected, 42 properties have been presented by Council officers to the VCT’s ARP (as at 8 March 2018), for the ARP to review and provide advice as to whether or not any rectification works are required to make the building safe to occupy (as opposed to compliant with Building Regulations). A small number of these properties have been assessed by the ARP as being outside of the scope of the VCT, as the buildings do not contain combustible cladding.

Following these reviews, Council’s MBS has issued 22 Building Notices and/or Orders to properties requiring rectification works to occur (as at 20 March 2018). These Notices and Orders aim to make the buildings safe to occupy as opposed to compliant.

The Building Notices/Orders issued by Council’s MBS to date generally require:

- cladding material to be tested to ascertain whether it is combustible material,
- maintenance of fire safety services,
- works to remove sections of cladding, particularly where the cladding is present on or around the entrance/exit of a building and/or around the fire services area and/or justification as to why the cladding can remain in situ.

Depending on the nature and extent of the works required, 30 and 90 days has been given to comply.

It is understood that once a building is made safe, the building will be referred to the VBA, for the VBA to take steps necessary to make the building compliant. It is unclear in what timeframe that this will be done and at what, or whose cost. It is recommended that Council write to the Minister for Planning and the VBA to seek clarification on this.

Way Forward - Stage 2 inspections still required

Thirty-six properties still require a comprehensive Stage 2 inspection to be carried out by Council officers. These inspections are being programmed to occur in the near future by Council officers. As these buildings involve common property – and much of the inspections are done within common property – Council must give each owners corporation 7 days notice of an inspection.

Based on desktop reviews of these 36 properties, it is considered likely that 15 of these 36 buildings will be discounted as being out of the VCT's scope. However a further inspection of these buildings is required to confirm that this.

The role of the Victorian Building Authority (VBA)

As the Victorian Building industry has been privatised since the early 1990s, the role of the VBA is to register building practitioners, and regulate and enforce the industry. The VBA recognises that there is significant work to be done in this area, given the findings of the VCT and the release of their interim report in November 2017.

As part of understanding the extent of the use of combustible cladding in new buildings, the VBA are carrying out their own inspections. The VBA's scope is slightly wider than that of the VCT, in that the VBA are looking at broader spectrum of buildings that contain accommodation including hospitals and aged care facilities, hotels and motels, as well as apartment buildings. Significantly, the VBA are focussing on buildings that are under construction and/or where construction is complete but the buildings are not yet occupied. The aim of the VBA is to make each building comply with the Building Regulations. In this regard, the VBA are calling on MBS' for each Council to take enforcement action as necessary to make the building safe. The VCT also seek to ensure that buildings are safe to occupy, as opposed to complaint.

To date, the VBA has undertaken 4 inspections of buildings in Monash, however the VBA has not yet informed Council of the results of these inspections. The VBA has given Council very little notice of each of these inspections and consequently, officers have only been able to attend 1 of the 4 inspections (one additional inspection scheduled, which a Council officer could attend, was not within Monash).

The VBA have established their own Assessment Review Panel (ARP) to which Council officers, including the MBS, are invited to attend but are not members of. It is our understanding that none of the 4 sites inspected by the VBA have been presented to their ARP at this stage.

Given this, and the uncertainty around the work that the VBA is doing, it is appropriate to write to the Minister and the VBA to clarify the process that the VBA are undertaking in inspecting buildings in Monash. This should include advice around what the VBA are doing to make sure that buildings comply, especially where a building has been made safe, but do not comply. It is also appropriate to seek clarification around the VBA's timeframe to make safe building compliant, as well as the cost of the inspections and enforcement action as well as clarification that they intend to do this and not pass this responsibility to Councils.

CONCLUSION

The use of combustible cladding on buildings in Victoria is a serious issue, made more so, by its prevalence of use, particularly in buildings where people sleep.

This issue is being addressed by the State Government (DELWP) who have set up the Victorian Cladding Taskforce to tackle this issue. In doing so, Monash has partnered with the Taskforce.

The state regulator, the Victorian Building Authority, are also seriously reviewing this matter and their role, in ensuring compliance in a privatised industry. The VBA are also undertaking inspections of buildings, in the same way that Council officers are.

Council has made substantial progress in comprehensively inspected 50 buildings identified as potentially containing combustible cladding in Monash. Council is taking steps, including enforcement action, to ensure that these buildings are safe to occupy.

There are still 36 buildings in Monash, which require inspection by Council officers. These inspections will occur over the coming months.