

Chris Rumore

From: Chris Rumore
Sent: Friday, 9 August 2019 8:51 am
To: 'tamworth@parliament.nsw.gov.au'
Cc:
Subject: ACP flammable cladding issues in NSW
Attachments: 190716-Tackling-High-Risk-Cladding-To-Keep-Victorians-Safe.pdf

Dear Mr Anderson

I am the Chair of the sub-committee of the Owners Corporation of _____ which is a _____ residential unit development comprising two _____ buildings in _____. Our buildings have external flammable cladding.

Sydney City Council intends to issue an Order for it to be replaced in the near future and we have expert reports and test results with respect to our current cladding. Further we are already fairly advanced in seeking to appoint a cladding expert consultant to assist us in the process of identifying an acceptable replacement product, having it appropriately signed off by all regulatory authorities and having the cladding replacement works undertaken.

The purpose of writing to you is that there are (as we understand it) over 2,000 buildings in NSW affected by ACP flammability issues. The costs and stress that this issue is giving rise to is not being addressed or ameliorated by the State Government which is not putting together an appropriate package to assist affected owners. Victoria has done so recently in an emphatic manner, but our State Government is just standing by allowing Work Orders to issue against affected building owners (the majority of whom are residential owners) with no offer of financial assistance or contribution. This is notwithstanding that the NSW Government and Councils approved the use of cladding which has now retrospectively been banned and in respect of which Occupation Certificates were issued (as was the case with _____).

Therefore, even though this cladding issue affects so many households, the NSW Government is not treating this issue with the same degree of urgency or seriousness as the recent high profile defects disasters (such as Opal Tower and Mascot residential buildings). It seems perverse to us that the cladding issue is not being given due consideration and attention as a separate and serious issue (we feel partly because, thankfully, there have been no disasters caused by cladding leading to premises evacuation or worse).

The NSW Government is taking an unreasonable and unfair approach to the handling of this, whereas the Victorian government (see recent Press Release attached) is taking a much more reasonable and helpful approach. The contrast is as follows...

Victoria ... Providing financial assistance by way of grants to affected building owners and the establishment of a new agency, Cladding Safety Victoria, to "manage funding and work with Owners Corporations from start to finish"

NSW ... Providing zero financial assistance and placing the entire responsibility onto Owners Corporations. Also they are issuing Mandatory Rectification Orders notices to Owners Corporations to pay for and manage the replacement of affected cladding in unreasonably short timeframes with absolutely no assistance, against the threat of legal action and fines.

Further, it is of significant concern that there are no clear proclamations from governmental authorities as to what replacement cladding will definitively be acceptable. Many of the consultants we have spoken to with a view to project managing the cladding replacement for our buildings have stated that certain "waffle" cladding products presently on the market and which is currently approved almost certainly within the next year will become banned products. Further, while aluminium cladding is accepted by most governmental agencies as compliant, it is not by NSW Fire & Rescue as, above certain temperatures in a fire, it melts dropping large molten masses onto people below (including emergency personal). The Government needs to take responsibility for giving the public and

industry clear directions on what will be compliant replacement cladding materials long term. It is totally unacceptable for people to be forced to embark on cladding replacement projects, at significant financial and other disturbance/inconvenience, when there is great uncertainty as to what products on the market (if any) will be long-term compliant.

The proprietors of _____ would ask that you take up and champion the issues of appropriate compensation and financial assistance to affected owners, not only those in our two buildings but all those in NSW affected by this catastrophe, and also of not forcing any replacement of cladding orders to be issued or complied with until there is a selection of replacement materials approved by **all** government stakeholders.

We await your response.

Chris Rumore

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From: (NO REPLY) Ministerial Services – DFSI
<donotreply.correspondence@customerservice.nsw.gov.au>
Sent: Thursday, 31 October 2019 9:16 am
To: Chris Rumore
Subject: COR-01410-2019 - Response to your letter to the Minister for Better Regulation and Innovation
Attachments: COR014102019 LETTER COR 01410 2019.pdf

Dear Chris Rumore

Please see the attached letter in response to your correspondence to the Minister for Better Regulation and Innovation

Kind regards

The Hon Kevin Anderson MP



This is a no-reply email address, if you wish to send further correspondence, please submit it through the Minister's webform.

email: EmailAttachmentAdvice3

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The Honourable Kevin Anderson MP
Minister for Better Regulation and Innovation

Our reference: COR-01410-2019

Mr Chris Rumore
By email:

Dear Mr Rumore

Thank you for your correspondence about assistance for owners of buildings with combustible cladding.

The NSW Government takes the risks of combustible cladding very seriously and established an interagency taskforce to focus on this issue following the tragic Grenfell Tower fire in London in June 2017. Since then the NSW Cladding Taskforce has worked to identify buildings, have them inspected by Fire and Rescue NSW, and refer affected buildings to consent authorities for investigation where necessary.

Please note, all 4,019 buildings identified by the NSW Cladding Taskforce have been inspected by Fire and Rescue NSW. Of these, 754 buildings were assessed as having cladding that does not pose a significant fire safety risk, and 2,712 buildings were assessed as not at risk from cladding. 629 buildings were assessed as requiring further assessment as a priority because they had cladding that potentially increased fire risks. 76 of these buildings have been cleared, leaving 553 buildings. Buildings are assessed by Fire and Rescue NSW as a high priority and requiring further assessment because they have cladding in a quantity, location and/or arrangement which potentially increases fire risks. These buildings are not necessarily an actual fire risk.

Although not all cladding is unsafe, if combustible cladding is installed inappropriately it can pose a fire risk. For this reason, it is important for buildings to be assessed by a fire safety expert, and if concerns are identified they should be promptly addressed. Ultimately the consent authority is responsible for determining whether the cladding meets safety requirements or needs remediation. I encourage you and the other owners of your buildings to work with the consent authority, in your case Council of the City of Sydney, and any relevant fire safety professionals to develop and implement a suitable remediation plan to make sure the buildings are fire safe.

I acknowledge at this point that the building you refer to has been identified with combustible cladding and I must commend the owners corporation and Council of the City of Sydney's advanced efforts in addressing the task at hand.

The NSW Government recognises, in the case of combustible cladding, the decision to install the cladding may have been made by a builder or developer in consultation with other building professionals such as architects, certifiers, engineers and others. Under the NSW building and development control system, building owners are responsible for ensuring the safety of buildings and carrying out any work necessary to rectify safety defects or mitigate safety risks.

I note your comments about the Victorian Government's approach to this issue. Residential building owners in NSW are protected by statutory warranties on all residential building work. Owners can claim on these statutory warranties for any defective building work within set periods, up to six years for major defects. In April 2018, the NSW Government amended the Home Building Regulation 2014

to specify that cladding which is likely to cause a fire safety threat to occupants is a major defect and, therefore, covered for the maximum warranty period of six years.

Owners can access NSW Fair Trading's dispute resolution service to mediate disputes over alleged defective building work during the warranty period by lodging a complaint with Fair Trading at www.fairtrading.nsw.gov.au. Fair Trading's inspectors may issue rectification orders to the responsible licensee if they deem work is defective. In addition to claims against a builder for breach of statutory warranties, owners can exercise their legal rights to pursue claims against any other party who may have contributed to the installation of unsafe cladding.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kevin Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin Anderson MP
Minister for Better Regulation and Innovation

Date: 9/10/2019