

Building Stronger Foundations

Case Study

4 Storey Apartment block

Location – Lower North Shore, Sydney

Issue: Non-conforming cladding

This case study is submitted in response to the 'Building Stronger Foundations: Discussion Paper' June 2019.

Requirement: Façade cladding material to a building of this type and class is it to be non-combustible, in accordance with BCA Volume 1 Clause C1.9.

On this particular building an aluminium composite panel material* (ACP), deemed to satisfy (DTS) with the BCA, was indicated on the DA and CC design documentation as being the conforming design solution, all as specified by the Architect.

So far so good. Council issued the Development Approval, and a PCA issued the Construction Certificate. Off to tender it went and the successful builder commenced construction.

Late in 2017 come the installation of the façade material towards the end of the build, it was noted by me that the product that was actually installed by the Contractor, was **NOT** the one specified and approved, but a cheaper, totally different, non-complying product. **

This anomaly was reported in telephone conversations to both the Council and the Certifier who issued the CC, and subsequently the Occupation Certificate. A later phone call to the supplier of the ACP confirmed that they had not supplied the specified conforming product to the Contractor.

In their responses:

- The Council Officer (Building Inspector) said that it was not an issue for them the Council, to delve into, as it was not their role to certify projects and the materials that are installed. This comment was made in the light that the Council was at the time undertaking audits of all buildings that were seen at risk, by having non-complying or combustible cladding applied. (The Lacrosse fire was gaining traction in the press and the NSW was forced to act by compiling a State wide register of potential risky developments) A Councilor was also made aware of this situation, but said they would watch for any reaction to the audit, and wait for anything that came out of my line of inquiry.
- The Private Certifier (PCA) said that they were waiting for Certification by the Contractor that the façade was installed in accordance with the CC and the Architects documentation. He subsequently called me to tell that yes, the Contractor had certified that the conforming product was installed (even though it hadn't).

Armed with the knowledge that the Contractor had committed fraud and made a misleading and false statement in his certification, I contacted Fair Trading NSW, by e-mail. I also copied the Minister at the time and the Premier, Gladys Berejiklian. An officer was tasked to take my comments, and include in a report that is now part of an inter-agency 'Fire Safety and External Wall Cladding Taskforce'.

This all early 2018, over 18 months ago, well before Opal, Mascot and other disasters that are now befalling the building industry, and now sparking inquiries at all levels of government. Not only are instances like this affecting the building industry, but they impact the lives of thousands of unit owners, occupiers, renters, landlords, and investors. Building professionals are also affected by increased regulation and insurance premiums.

In conclusion, I quote Dame Judith Hackett in her final report on the Grenfell Disaster, in which she says, "The current regulatory system for ensuring fire safety in high-rise and complex buildings *is not fit for purpose.*" I think I can safely say that this may apply to NSW also, in that there is a need for stronger and more effective enforcement in the industry, across all levels of the building procurement process.

Thank you,

Wayne Krygsman

* Vitracore G2, by Fairview

** Vitrabond, by Fairview