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Media Release

Building Appeals Board dismisses appeal for alternative solution to Lacrosse cladding issue

The Building Appeals Board (BAB) has dismissed the appeals of owners and the builder that would have permitted an alternative solution to replacing the non-compliant external cladding of the Lacrosse Building.

The BAB stated that the alternative solution (which included the installation of water sprinklers, while retaining the existing combustible cladding) did not meet the relevant performance requirements of the Building Code of Australia (BCA), and was highly unusual for a building of Lacrosse's size.

Furthermore the alternative solution did not provide at least equivalent health and safety properties of non-combustible cladding. Therefore, the BAB determined that the Building Orders, issued by the City of Melbourne's Municipal Building Surveyor, are appropriate.

The builders of Lacrosse, LU Simon had provided a submission seeking revocation of the Building Orders to remove and replace the cladding, on the basis of its intention to apply an alternative solution to what is stipulated by the building codes. However, the BAB noted that the fire risks posed by the storage of material on the balconies by occupants, the uncertainty in the operation of sprinklers in particular weather conditions and the combustible nature of the cladding did not satisfy the required codes and standards.

Time to comply

Understanding that the time for completion of the Building Orders expired during the hearing of this appeal and given the serious consequences of contravening a Building Order, the BAB noted the importance of clarity regarding when the cladding needs to be removed and replaced. The BAB noted in its summary that the parties will have an opportunity to provide submissions regarding the timing of this replacement work.

Next steps

The parties will have until 30 January 2017 to make submissions to the BAB about how long it will take to comply with the Orders. The BAB will then make a further decision about what period of time the subjects of the Building Orders will have to comply.