

Building Act 1993

MINISTER'S GUIDELINE 15

Remediation Work Proposals for Mitigating Cladding Risk for Buildings Containing Combustible External Cladding

This is a guideline issued by the Minister pursuant to section 188(1)(c) of the **Building Act 1993** (the Act). Municipal building surveyors and private building surveyors must have regard to this Guideline pursuant to section 188(7) of the Act.

Purpose

The purposes of this Guideline are to:

- a) provide guidance to municipal building surveyors and private building surveyors when fulfilling their respective functions under the Act and the *Building Regulations 2018* (the Regulations) in connection with Combustible External Cladding, including where:
 - i. a municipal building surveyor has issued a building notice pursuant to section 106 of the Act, an emergency order under section 102 of the Act, or a building order under sections 111 or 113 of the Act in respect of Combustible External Cladding and is considering a Remediation Work Proposal in response to that notice, emergency order or building order;
 - ii. a municipal building surveyor is considering whether to issue a building notice under section 106 of the Act, an emergency order under section 102 of the Act, or a building order under section 111 or 113 of the Act in respect of Combustible External Cladding and is considering a Remediation Work Proposal in respect of the Relevant Building; or
 - iii. an application for a building permit has been made to a private building surveyor or a municipal building surveyor for the carrying out of remediation work in relation to Combustible External Cladding; and
- b) provide guidance as to how municipal building surveyors and private building surveyors should assess Remediation Work Proposals for Combustible External Cladding where the Remediation Work Proposal does not comprise the full removal and replacement of the Combustible External Cladding.

Buildings to which this Guideline applies

This Guideline applies to 'Relevant Buildings', being buildings in Victoria:

- a) which are classified as Class 2 or Class 3 by the NCC or contain any component which is classified as Class 2 or Class 3;
- b) for which the work for the construction of the building was completed or an occupancy permit or certificate of final inspection was issued before 1 February 2021; and
- c) which have Combustible External Cladding.

Assessing Combustible External Cladding and Remediation Work Proposals

Municipal building surveyors and private building surveyors must, when fulfilling their respective functions under the Act and the Regulations in connection with Combustible External Cladding on Relevant Buildings, have regard to:

- a) the Cladding Risk Mitigation Framework; and
- b) any information, advice or support provided by Cladding Safety Victoria or the Department of Transport and Planning after the date of this Guideline which is expressly identified as being provided for the purpose of this Guideline and which is:
 - i. provided to the municipal building surveyor or the private building surveyor by Cladding Safety Victoria or the Department of Transport and Planning; or
 - ii. published on Cladding Safety Victoria or the Department of Transport and Planning's websites from time to time; and

- c) Remediation Work Proposals prepared by Cladding Safety Victoria and provided to the municipal building surveyor or private building surveyor, whether by the owner or owners corporation for a Relevant Building, Cladding Safety Victoria or another party.

Discretion and need for professional judgment preserved

Municipal building surveyors and private building surveyors must, when applying this Guideline and fulfilling their respective functions in relation to Remediation Work Proposals for Relevant Buildings, ensure that:

- a) their own professional judgment is applied and engaged; and
- b) they exercise their own discretion.

Commencement

This Guideline takes effect from the date it is published in the Government Gazette.

Definition

For the purposes of this Guideline:

‘**Cladding Risk Mitigation Framework**’ means the document of that name published by the Department of Transport and Planning on 22 September 2023, as updated from time to time.

‘**Combustible External Cladding**’ means:

- a) aluminium composite panels (ACP) with a polymer core which is installed as external cladding, lining or attachments as part of an external wall system; and
- b) expanded polystyrene (EPS) products used in an external insulation and finish (rendered) wall system.

‘**Elevated Cladding Risk**’ has the meaning given to it in the Cladding Risk Mitigation Framework.

‘**Low Cladding Risk**’ has the meaning given to it in the Cladding Risk Mitigation Framework.

‘**NCC**’ means the National Construction Code.

‘**Relevant Building**’ has the meaning given under the heading ‘Buildings to which this Guideline applies’ in this Guideline.

‘**Remediation Work Proposal**’ means:

- a) a proposal prepared by the owner of a Relevant Building or anyone authorised on their behalf for the work to address the Combustible External Cladding; or
- b) a proposal prepared by Cladding Safety Victoria to address the Combustible External Cladding;

on that Relevant Building.

‘**Unacceptable Cladding Risk**’ has the meaning given to it in the Cladding Risk Mitigation Framework.

I have issued this guideline pursuant to section 188(1)(c) of the **Building Act 1993**.

Dated 21 September 2023

THE HON. SONYA KILKENNY MP
Minister for Planning
