Frequently asked questions

Lacrosse building fire – issuing of building orders

1. Why has a building order been issued now?

Following inspections by the Municipal Building Surveyor after the fire, building notices were issued in May and June 2015. The building notices required owners to demonstrate how the building would be brought into compliance with the Building Code of Australia and also allowed consideration of alternative solutions.

The responses to the building notices failed to adequately address the issues raised. As a result a building order has now been issued. The building order requires works to be undertaken by a specified date to make the building compliant with the Building Code of Australia.

2. What representations were received in response to the original building notice?

In September 2015, the Municipal Building Surveyor received representations in the form of a revised Fire Engineering Report. Following review, including a peer review, the Municipal Building Surveyor found that the proposed solution is not sustainable and will not lead to a compliant building.

3. What is the purpose of the building order?

A building order requires works to be undertaken to the building, to make it compliant by specified dates. The building order can only be lifted once works to fix the issue are completed and signed off by the Municipal Building Surveyor.

4. What happens next?

All owners of apartments in the building and the owners’ corporations are strongly encouraged to work together to respond to the orders. The changes required to the building exterior are the same for all owners and will be most efficiently achieved through a whole-of-building response.

It is still possible, through the appeal process or request to amend the order, to consider alternative solutions that will comply with the Building Code of Australia. Owners also have the right to appeal to the Building Appeals Board against my decision to issue the Order, within 30 days of the date it was issued. The Municipal Building Surveyor will be monitoring progress on compliance with the building order or any amended building order.
5. Is the building safe?

It is important to know that although the building is safe for occupation, this is dependent on:

1. A temporary increase of resources from the MFB to immediately respond to any fire alarm in the building.
2. Essential safety measures which include sprinklers, smoke detection and alarms etc. are functioning and being maintained.
3. Shared responsibility of keeping the balconies clear of excessive clutter.

This is not a sustainable ongoing solution and the compliance issue must be addressed within the timeframe of the Building Order or any Amended Building Order.

6. Do you have any safety advice for residents currently occupying the building?

Occupants can contribute to reducing fire risk by removing stored material from the balconies and ensuring that installed smoke alarms are working and not interfered with.

7. What has the City of Melbourne done to address the situation so far?

- The City of Melbourne led an extensive recovery effort while the Municipal Building Surveyor worked to ensure the building was made safe for residents to return as soon as possible.

- We will continue to work closely with the owners and owners’ corporations as they work to address the building orders and make the building compliant.

- We have approached State Government to review and change legislation

8. What support will the City of Melbourne provide after the issuing of the building order?

- The City of Melbourne will assist with organising meeting rooms for owners who wish to meet to discuss this issue.

- The Municipal Building Surveyor will be available for owner meetings and property owners to provide information on the process.

- Owners can also access information about this matter on the City of Melbourne website. This includes contact details to assist property owners through this process, an example copy of a cover letter to the Building Order that was issued to Lacrosse owners. The web page address is: [https://www.melbourne.vic.gov.au/BuildingandPlanning/BuildingandConstruction/Pages/DocklandsLacrosseBuilding.aspx](https://www.melbourne.vic.gov.au/BuildingandPlanning/BuildingandConstruction/Pages/DocklandsLacrosseBuilding.aspx)
9. How has City of Melbourne tried to contact owners?

The City of Melbourne has contacted owners and occupiers by direct mail, email and via information displayed in the Lacrosse building lifts. We have also sent emails to the owner’s corporation managers for their distribution.

10. Why did City of Melbourne approve the building in the first place?

The City of Melbourne did not issue the approval for the building. The Lacrosse building was approved by a private building surveyor as allowed by the Victorian Building Act.

11. What happens if the owners don’t act on the order?

Owners are urged to do everything they can to comply with the orders. If the orders are ignored the Municipal Building Surveyor can issue legal proceedings against owners. The City of Melbourne does not want to go down this path if it can be avoided; it is our preference to work co-operatively with owners as much as possible.

12. How will progress be monitored?

The City of Melbourne’ Municipal Building Surveyor will monitor progress on compliance with the building order by requiring updates on a monthly basis.

13. How was the problem not spotted sooner?

Unfortunately the problem was only identified following the investigation that took place after the fire. The Municipal Building Surveyor’s report, an appendix in the MFB report, poses the same question. How does the system that is in place from product manufacturer, supplier, designer, builder and building permit allow this material to be used for this application. This has highlighted a problem, not only in Victorian Building Legislation, also the national accreditation of building products. The Victorian Building Authority is currently conducting an investigation into this matter and we await this outcome.

14. How can the City of Melbourne allow the rectification process to be so difficult for owners?

We agree that the rectification process will create significant difficulties for owners, and we have asked the state government to change Legislation to better handle circumstances such as these.

15. Will City of Melbourne provide financial support?

The City of Melbourne’s role is to ensure that the building is rectified and all steps necessary are taken to ensure the ongoing safety of occupants and public. Financial matters should be discussed between property owners and owners’ corporations.
16. Will occupiers have to move out? How long will the repairs take?

This will depend on the construction method used to make the building compliant and we strongly urge all owners to coordinate efforts to ensure the building is made compliant as soon as possible. The building order allows 350 days for work to be undertaken.

17. Why do owners have 350 days to fix the problem?

This is how long we estimate the rectification works will take for replacement of the cladding.

18. Can owners apply for an extension?

It is still possible, through the appeals process or request to amend the order, to consider alternative solutions that will comply with the Building Code of Australia. Owners have the right to appeal to the Building Appeals Board against the Municipal Building Surveyor’s decision to issue the Order, within 30 days of the date it was issued.

19. Are there any other buildings with this problem?

The Victorian Building Authority is auditing 170 building permits relating to building work on high-rise buildings in central Melbourne and immediate surrounding suburbs issued in the past 10 years. They are progressively publishing the results on their website.

20. What is the Victorian Building Authority’s role?

The VBA has oversight of the building regulatory system and is responsible for considering the Municipal Building Surveyor’s recommendations. It will work with the Government to evaluate the adequacy of codes and standards assuring safe buildings.

21. What is the status of the investigation by the Victorian building authority?

The Victorian Building Authority has advised that the investigation into the Lacrosse Building is in its final stages.

22. Why don’t you take the builder to task?

This is a matter for the Victorian Building Authority which will determine the appropriate course of action once the investigation is complete.
23. Who is going to pay?

This is a civil matter for property owners and owners' corporations.

METROPOLITAN FIRE BRIGADE (MFB) REPORT

24. Where can I access the report?

A summary of the MFB’s report is on their website: www.mfb.gov.au

25. What does the report find?

The MFB Post Incident Analysis investigated the cause and spread of the fire. It found the fire was accidental and was caused by a cigarette which was not extinguished burning through a plastic container, igniting a table on an eight-floor balcony and eventually spreading through the wall-cladding which has since been found to non-compliant for this size building.

That wall cladding, Alucobest was used despite it not being non-combustible, as required by the National Construction Code/ Building Code of Australia.

26. What is Alucobest?

Alucobest is a lightweight, aluminum composite panel with polyethelene in its centre. It is not fire-rated and CSIRO testing has confirmed it to not be ‘non-combustible’ as required by the BCA.

27. Is Alucobest illegal?

It is not illegal, however, it is a product that cannot be used in all situations, or where the NCC requires the external wall component to be non-combustible.

28. Who approved it being used?

This is a subject of a further investigation by the Victorian Building Authority.

29. Who is responsible?

This is a subject of a further investigation by the Victorian Building Authority.
OVERCROWDING

30. Were the apartments overcrowded?

During inspections following the fire, the Municipal Building Surveyor observed that some apartments had more beds than would otherwise be appropriate in a standard two-bedroom apartment.

31. Are there regulations against overcrowding? If so, why aren’t they being enforced?

Under the current regulatory regime, it is difficult to define, investigate and enforce what effectively constitutes a change of use from residential use to commercial use. The Municipal Building Surveyor has recommended this be one of the areas of review following investigations into the fire.

BACKGROUND

In the early hours of Tuesday, 25 November, 2014, a fire caused significant damage to the Lacrosse Building, 673-675 La Trobe Street, Docklands. More than 400 residents were evacuated from the 312 apartment building to a Municipal Recovery Centre established by the City of Melbourne in the nearby Etihad Stadium.

In the hours and days after the fire, the City of Melbourne’s response was two-fold:

1. to establish and manage a Municipal Recovery Centre at Etihad Stadium to assist residents access temporary accommodation and emergency grants from agencies such as the Department of Health and Human Services and the Red Cross;

2. to ensure that following the fire appropriate steps were taken to make the building safe for occupation. To achieve this, an emergency order was issued to ensure the essential safety measures were operable before residents could return to their apartments.

POST-INCIDENT ANALYSIS

The Metropolitan Fire Brigade completed a Post-Incident Analysis (PIA) report into the fire at the Lacrosse Building, 673-675 La Trobe Street, Docklands.

As a result of the rapid spread of fire, the Metropolitan Fire Brigade took samples of the external wall cladding material used in the Lacrosse Building for identification and testing. The external cladding was identified as a product called Alucobest. The PIA includes results of testing conducted by the CSIRO into the wall cladding material known as Alucobest. The report found that Alucobest is non-compliant, in that it is not non-combustible material.

The City of Melbourne hosted a meeting in conjunction with the Metropolitan Fire Brigade and Victorian Building Authority for owners and occupants of the building on Monday 27 April 2015 at Etihad Stadium.
The PIA included an appendix authored by the City of Melbourne Municipal Building Surveyor, Joseph Genco.

The Municipal Building Surveyor undertook a range of inspections of the Building which resulted in the issuing of a building notice to the owners of the property and to the owner’s corporations. The building notices required rectification works to make the building compliant with the Building Code of Australia, in light of the investigation findings.

The PIA has implications for the Victorian Building Authority, which regulates the building industry and has oversight of Victoria's building regulatory system, including the conduct of building practitioners.

**ROLES AND RESPONSIBILITIES**

**City of Melbourne**
- Recovery in the days and weeks following of the fire
- Inspection and assessment by the Municipal Building Surveyor. The City of Melbourne is responsible for making sure the building is safe for ongoing occupation.
- The Municipal Building Surveyor issued an emergency order requiring vital essential fire safety measures were reinstated before residents returned to the building. Investigation by the Municipal Building Surveyor
- Enforcement action (building notice-building order) by the Municipal Building Surveyor to ensure that the building is rectified and all steps necessary are taken to ensure the ongoing safety of occupants and public.

**Metropolitan Fire Brigade:** First response to the fire. Investigated cause and spread of fire and completed Post Incident Analysis, which includes the Municipal Building Surveyor's report as an appendix. Currently providing on a temporary basis until the building is rectified, additional resources in response to a fire alarm.

**Victorian Building Authority:** Regulates the building industry and has oversight of Victoria's building regulatory system including building practitioner conduct. They are currently investigating the circumstances that led to a non-compliant material being used in the construction of the building as well as industry-wide issues.

**Owners Corporation and Facility Manager:** Administers the responsibilities of the owners of a building which has been subdivided and has common property. Manages the day to day operations of the building.

**Owners:** Are responsible, in conjunction with the Owners Corporation for ensuring that the building is brought into compliance with the Building Code of Australia.
MORE INFORMATION

More information, including links to the Municipal Building Survey report can be found at http://www.melbourne.vic.gov.au/BuildingandPlanning/BuildingandConstruction/Pages/DocklandsLacrosseBuilding.aspx

For specific questions about the Lacrosse building, email lacrosse@melbourne.vic.gov.au

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