

DO YOU KNOW IF YOUR UNIT COMPLEX HAS EXTERNAL COMBUSTIBLE CLADDING?

We all remember the terrible Grenfell Towers disaster in England in 2017 which killed more than 70 people due to the building having external combustible cladding. A similar event occurred in Melbourne in 2014 where the Lacrosse apartment building suffered significant fire damage due to combustible cladding, but there was no loss of life.



Queensland has introduced a new Cladding Regulation effective from 1 October 2018 targeting combustible cladding on certain classes of buildings. These changes require owners of those buildings (such as bodies corporate) to undertake an assessment of the material used on the external building walls. This will then identify which buildings are affected by combustible cladding.

If you own or manage a building and you believe the building may have exterior cladding, then you have time limits under these new Regulations within which to identify, risk-assess and rectify the building. Penalties apply if the initial checklist and any further required steps under the Cladding Regulations are not completed.

If a building has non-conforming cladding, then a notice to that effect must be displayed in a conspicuous part of the building for so long as the cladding remains in place. Every lot owner and tenant must be given a copy of that notice (including new tenants and new owners).

Sellers of buildings subject to the Cladding Regulations are now required to disclose whether the seller has complied with the relevant provisions of the Regulations and copies of those documents are to be provided to the buyer prior to settlement.

If you are selling a lot in a community titles scheme where cladding is present, you are not required to give disclosure to the buyer, but, you should carefully consider whether you should disclose the existence of combustible cladding in the sale contract, as the non-conforming cladding may be considered by the buyer as a defect in common property which you were aware of (or ought to have been aware of) which may then give rise to the buyer terminating the contract.

If you are a buyer of a lot in a community titles scheme, then you may wish to include a special condition in the contract for a comprehensive search of the body corporate records to be conducted to ascertain whether combustible cladding is present.

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Disclaimer: The information in this brochure is a guide only and is not a detailed explanation of the law. The information should not be used or treated as proper legal advice and you should contact a solicitor before making any decisions concerning the sale or purchase of commercial property in Queensland.

TALK TO US TODAY



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