

Attachment 4- Rangeview Estate

The Rangeview Estate development was a 68 town-house development in Diamond Creek, which was completed in 2010. The development had been the subject of complaints to the Building Practitioners Board and VBA in 2013. The complaints related to the builder's conduct and his non-compliant and defective building work. The main defect primarily related to incomplete fire separation and workmanship. 31 property owners also lodged an application with the Victorian Civil and Administrative Tribunal (VCAT) in 2014 seeking compensation for non-compliant work.

The builder had his registration suspended in 2014 and his building company went into liquidation in 2015. The VCAT deliberation was stayed in 2015 on the basis that the builder's company went into liquidation.

The Private Building Surveyor (PBS) who was the relevant building surveyor (RBS) for this development had failed to carry out his function to inspect and issue orders to fix the work due to his belief that his role ceased upon issuing occupancy certificates in 2010. At the time there were different legal views as to whether a PBS could continue to perform functions after an occupancy permit had been issued.

The VBA formally directed the RBS to take appropriate action in relation to all 68 properties in September 2015 but, again, he has failed to act and was then the subject to a VBA investigation and eventual disciplinary action.

The VBA, following the failure of the RBS to act, requested the MBS in the relevant Nillumbik Shire to inspect and issue enforcement orders on the owners of the properties to fix the works and bring them into compliance. The VBA had no powers to issue these enforcement orders unless appointed as MBS. The VBA provided a Building Inspector, as well as other experts if required, to assist the Nillumbik MBS to inspect the 68 properties.

Nillumbik Shire wrote to the Minister for Planning seeking the Minister to declare the VBA as the MBS for these properties under section 190 of the Act. This section of the Act allows the Minister to appoint the VBA as the MBS when a matter is in the 'public interest'.

The Minister declined to appoint VBA as MBS in respect to the estate.

The Diamond Valley Leader reported that the Shire had been required to foot the bill for the trail of destruction left by the building practitioners at the development. The Municipal Association of Victoria commented that the matter highlighted deficiencies within the building system.

Under the model proposed by VMBSG this type of problem is eliminated because the MBS is already integrated into the structure of the central regulator.