

# A burning issue

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## Combustible cladding issues are not unique to the UK ? there are also problems in Australia and New Zealand

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The tragic Grenfell Tower fire shone a much-needed spotlight on the regulatory and product sectors of fire safety in the UK construction industry.

RICS has been working closely with other countries, helping them understand what is known so far about the Grenfell fire, as well as what has happened since and potential changes to regulation and in other areas. The fire, and particularly combustible cladding, has attracted much attention in other countries, which want to learn from the UK experience.

Combustible rainscreen cladding and insulation has been around for decades (see [Cladding: strengths and weaknesses of different types](#) ). In the UK, the use of combustible cladding and desktop studies in lieu of tests [has been banned](#) since 21 December 2018 for all new and refurbished residential, hospital, care homes, schools with dormitories, and student accommodation buildings more than 18m high.

Australia and New Zealand have used these products extensively, especially in larger cities such as Sydney and Melbourne. The increase of tall towers in many cities has resulted in a proliferation of these cladding systems, which are often not entirely understood. The materials that make up the finished product perform differently when combined with other components, which is why fire testing is necessary to establish exactly how that product behaves.

Working with RICS Sydney, RICS Auckland and other key stakeholders, it has become clear that the different regulatory systems in these countries, together with different demographics and building codes, have still not prevented the possibility of combustible cladding.

### Australia

In the Commonwealth of Australia, the federal states and territories can define their own legislation. This causes a problem for the Federal Government of Australia, and RICS UK engagement with the government building minister and the Building Ministers Forum representing all the states has found different approaches and resolutions. For example, 2 of the main states, Victoria ? covering Melbourne ? and New South Wales ? covering Sydney ? have no unified approach.

The [current requirement](#) is that any measures listed on the building?s fire safety schedule must be inspected within 3 months before issuing an annual statement to the local authority and fire brigade. This means a competent person must assess and verify that the measures installed in the building comply with the original design standards or codes.

In 2014, the Lacrosse building fire in Melbourne spread rapidly due to combustible cladding. Legal arguments have raged since about who is responsible for funding replacement cladding. In Victoria, the state cladding task force proposed a loan scheme attached to the council rates of a property to enable owners to fund remediation works and repay the loan through the tax system.

After Grenfell, each state has been trying to establish how many buildings have aluminium composite panel cladding, which they call ACP ? a better term than aluminium composite materials as it is not easily confused with asbestos-containing materials (ACM).

The Australian regulatory system means that building surveyors, whose role is similar to UK building control surveyors, must be licensed by each state where they practise. A 2-track system of local authority building control and private certifiers came about at the same time as the UK arrangement.

Unfortunately, Australian building surveyors have received a lot of criticism because of the combustible cladding saga, which is reckoned to affect more than 10,000 buildings across the country. As a result, RICS is engaged in developing proposals for the federal government, which will see an improvement in trained, qualified building inspectors in an RICS-regulated scheme that is backed by professional indemnity insurance.

## **New Zealand**

New Zealand is a much smaller country than Australia in terms of population; its cities and buildings are also smaller, as is the problem of combustible cladding.

Although there have been strenuous efforts to identify all buildings with ACP cladding, the building code requirements for sprinklers in all buildings above 3 storeys have meant there is less to do by way of remediation. A walk around the central business district of Auckland, the largest city in New Zealand, quickly reveals there are no really tall towers there, unlike Sydney or Melbourne.

Reviewing the fire risk for the whole building, as RICS recommends, has meant that ? with automatic fire suppression systems installed and other fire safety measures ? cladding removal may not be necessary. Certainly, fire and rescue services in New Zealand are confident of their approach.

The Building Warrant of Fitness (BWOFF) system in New Zealand works reasonably well. A building owner needs to renew a BWOFF every 12 months, signing, issuing and publicly displaying it to prove the building?s life-safety systems ? referred to as specified systems ? have been maintained and inspected. This applies to defined buildings, which includes most but not low-level residential buildings.

Each year, a BWOFF certificate must be issued for existing buildings, based on up to 16 system inspections. Without this, the building would be deemed unuseable and uninsurable; a BWOFF confirms that its specified systems have been inspected and maintained as required under the compliance schedule.

A compliance schedule will be issued by a council in one of the following scenarios:

- with a code compliance certificate, after completion of consented building work, if the building has any specified systems; or

- on application from the building owner, where, for some reason, a compliance schedule was not already issued.

The compliance schedule includes a detailed description of each specified system, performance standards for each and the inspection and maintenance procedures required to ensure they continue to function as intended. Specified systems help ensure a building is safe and healthy for people to enter, occupy or work in.

A building owner must:

- obtain a compliance schedule where one is required under the [Building Act 2004](#) ; failure to do so could result in a fine upwards of NZ\$200,000;
- display a compliance schedule statement in their building for the first 12-month period from its issue by the territorial authority; this states that the specified systems are covered by the schedule and the place where it is held;
- ensure that the inspection, maintenance and reporting procedures for the specified systems stated in the schedule have been carried out, and that they are performing ? and will continue to perform ? to the required standards;
- engage an independent qualified person (IQP) to undertake the inspection, maintenance and reporting procedures listed on the schedule; frequency of inspection varies according to each specified system and might be weekly, monthly, 6-monthly or annually;
- following this, obtain a form 12A certificate from the IQP, verifying compliance with the inspection, maintenance and reporting procedures for each specified system; form 12A can be found in the [Building \(Forms\) Amendment Regulations 2005](#) , and is officially called a ?certificate of compliance with inspection, maintenance, and reporting procedures?;
- provide the BWOFF annually to the local authority, attaching the form 12A certificates from the IQP, and publicly display a copy for the next 12 months; on the anniversary of its issue a new BWOFF will take its place; and
- keep the schedule in the location nominated on the compliance schedule statement and BWOFF to ensure all documents are readily available for inspection by authorised people, such as council inspectors, fire service personnel and IQPs.

Other documents include annual written reports, which must be kept with the compliance schedule for at least 2 years, and logbooks of inspections by owner, tenant, maintenance and inspection personnel, where these are a requirement of the compliance schedule.

The system is not perfect, and we are aware of minor grumbles from local practitioners, but we believe there are nonetheless lessons to be learned from the New Zealand system.

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## Further information

- Related competencies include: [Fire safety](#)
- This feature is taken from the [RICS Built Environment Journal](#) (April/May 2019)
- Related categories: [Fire and life safety](#) , [Building control](#)

## **Fire safety conferences 2020**

These two events will discuss the key fire safety considerations, latest legislation, building regulations, identify best practice and provide expert knowledge to remain at the forefront of your profession. They will be held on 11 February 2020 in [London](#) and on 17 March 2020 in [Manchester](#) .