

SEPARATING THE BIOWOOD FROM THE ACP'S

11 AUGUST 2020 | BUILDING, CONSTRUCTION & PROPERTY

A consideration of the recent decision of the NSW Civil and Administrative Tribunal and subsequent Appeal Panel regarding the use of Biowood cladding on a building in NSW.

While the insurance and construction industries and indeed the public are now familiar with combustible cladding, particularly aluminium composite panels (ACP), the focus to date has largely been on ACPs with a polyethylene core - noting that the NSW Government banned all ACPs containing more than 30% polyethylene core in August 2018.

On 15 November 2019, the NSW Civil and Administrative Tribunal (Tribunal) threw more wood on the fire for the building and construction sector by determining (in *The Owners - Strata Plan No. 92888 v Taylor Construction Group Pty Ltd and Frasers Putney Pty Ltd* [2019] NSWCATCD) that Biowood panels (which according to the Biowood website, are made up of reconstituted timber and PVC), present an undue risk of fire spread and therefore are not fit for purpose. On 4 August 2020, the Appeal Panel subsequently issued its decision upholding the Tribunal's original decision.

We set out below a summary of the Tribunal's and the subsequent Appeal Panel's decisions together with consideration of the potential implications moving forward.

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