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Lacrosse fire engineer says he told others not to use combustible cladding

by [Michael Bleby](#)

Lacrosse building fire engineer Con Nicolas said he bore no responsibility for use of the combustible cladding that caught fire on the Melbourne residential tower because he had instructed all other parties on the project not to use it.

Mr Nicolas, a director of consultancy Tanah Merah, which trades as Thomas Nicolas, said [builder LU Simon](#), architects [Elenberg Fraser](#) and building surveying consultancy Gardner Group failed to follow the instructions he put in a report he made ahead of the residential tower's construction that non-combustible materials were not to be used on external areas including balconies.

"We set design parameters for others to design to," Mr Nicolas told *The Australian Financial Review* outside the hearing on Monday. "It wasn't unreasonable to assume others would pick up our report and read the words 'Non-combustible to the external environment'."

LU Simon, which is being [sued for \\$24 million in damages](#) by the 328 Lacrosse apartment owners, is seeking to shift responsibility for [use of the polyethylene-core cladding](#) on the residential building – in the event that the Victorian Civil and Administrative Tribunal finds it failed to build a building with cladding that complied with the building code – on to its consultants.

Mr Nicolas still faces scrutiny over his role in the chain of events that led to the potentially fatal fire that raced up 13 levels of the 21-storey building in as little as 10 minutes on a night in November 2014, however.

He argued in his witness statement that having specified that the building should not use combustible panels, it was not the usual role for fire engineers to check compliance with the fire engineering report of the materials that were subsequently specified for the project.

"It is not the fire engineer's role to assess whether the architectural design of the facade complied with the [building code] and the requirements of the fire engineering design report," he said in the statement.

In his witness statement, Mr Nicolas also said that he did not consider that LU Simon or Elenberg Fraser would use a combustible product because at least one product existed that complied with the code.

"Since there were BCA-compliant ... ACP products being used on buildings in November 2010, the description of materials 'WP3' and 'V' in the architectural drawings did not cause me to believe that LU Simon and Elenberg Fraser may be proposing to design the balconies using a product that was combustible or in a manner that would be non-compliant with my express design requirements," he said.