



# Guideline

May 2018

Welcome to this update on technical and informative advice for the building and construction industry on issues relating to building controls and good construction practices.

**In this issue:** [Determining material quality](#) • [Smoke detection and decibels](#) • [Timely reminders](#) • [What is a Code Compliance Certificate?](#) • [Unconsented ancillary buildings](#) • [For the builder – wise words to end](#)

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## Determining material quality

### Due diligence

Recent media attention in New Zealand and Australia has focused on the issue of the quality of some of the building products that are being promoted for use in New Zealand. We can be seduced by professional looking websites and claims about a product that, on the surface, sound reasonable. It can be hard for those interested in specifying a product or becoming an installer or those faced with assessing consent applications to sort the real from the spurious.

For example, it is easy for a supplier to imply CodeMark certification for New Zealand on a website or in a brochure. However, the reality may be that the certification for the specific product is only applicable to Australia. CodeMark is a third-party product certification for either New Zealand or Australia. It must be accepted by a building consent authority as evidence of compliance, provided all conditions of the certificate are met.

Here's how to help sort the real from the spurious:

- Check how long the product system has been available and whether there are sufficient examples of successful use.
- Identify the specific New Zealand Building Code clause(s) for which compliance is being claimed.
- Privately commission or request additional testing.
- Consider the potential impact of a failure of the product.
- Sight all available documentation such as certificates and test reports and check:
  - the conditions and exclusions for any testing or certification
  - specific test results such as a smoke-developed indices or whether it simply states the product is fireproof or non-combustible
  - the status (and independence) of the organisation issuing the report
  - whether the testing or certification is relevant to the specific product or system
  - evidence that the product meets the specific performance requirements of the Building Code – simply having overseas test information may not be enough
  - country of origin
  - the degree of risk involved if this product is accepted.
- Do a web search for potential issues around similar products or systems.

## Smoke detection and decibels

### How much noise is required?

In the April issue of *Guideline*, we covered the requirements for smoke alarms in dwellings – type, location and so on. One key aspect is how much noise should they emit. Building Code clause F7 *Warning systems* section 3.3.1(c) requires “that the sound pressure level complies with that specified in NZS 4514”.

The *Build* article [Placing smoke alarms correctly](#) identifies the required decibel rating, which is “a sound pressure level not less than 75 dBA when measured at the sleeping position and not more than 100 dBA when measured at 1.8 m height (in accordance with the freely available [NZS 4514:2009 Interconnected smoke alarms for houses](#))”.

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## Timely reminders

### Action plans needed

We often get so engrossed in what we are doing that some of the simple but essential aspects of building get overlooked. These are some of the things we should always keep in the back of our mind:

- **Memorandum/certificate of design work:** To accompany a building consent application, the designer and/or engineer needs to complete and sign a memorandum/certificate of design work for the work they are designing.
  - **Responding to a request for information (RFI):** Processing of a consent application will be suspended until the consenting authority receives the required information, and the suspension period will not count as part of the 20 days. (It’s sometimes referred to as “stopping the clock”.) Auckland Council allows 20 working days (1 month) to respond to the RFI.
  - **Consented work start dates:** Building work needs to start within 12 months of receiving building consent or the consent will lapse. Building work must be completed within 2 years, starting from the day the consent is granted, unless agreed otherwise with the council.
  - **Records of building work:** If some or all of the project involves restricted building work, it must be carried out or supervised by a licensed building practitioner. They need to give the building owner a completed record of building work when they are finished. The record of building work needs to be included with the Code Compliance Certificate application.
  - **Time limitations for Code Compliance certificates:** From the date the building consent is issued, the owner (or their designated agent) has two years to apply for council sign-off (a Code Compliance Certificate). If this period is exceeded, the council should make contact to find out what stage the project is at.
  - **12-month defect period:** If your client tells you in writing about any defective work before the 12 months are up (typically from practical completion), you must put it right within a reasonable timeframe from receiving notification.
  - **Working without a consent:** You are breaking the law if you carry out building work that is not exempt work and does not have building consent. You may be fined up to \$200,000 and, if work continues, a further fine of up to \$10,000 for each day or part day the offence continues.
  - **Energy work certificates:** The application for a Code Compliance Certificate must include certificates relating to any gas-fitting work or prescribed electrical work.
  - **Public buildings:** If you are building or working on a building intended for public use, you can’t let people access it during building work unless the council confirms it is safe to do so. To get council confirmation, the owner needs to apply for a certificate for public use as well as a Code Compliance Certificate once the building work is completed. If the owner doesn’t have a certificate for public use, the owner could be fined up to \$200,000 and a further \$20,000 for every day or part day the offence continues.
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## What is a Code Compliance Certificate?

It is not a Code **OF** Compliance Certificate

While the term is often misused by media and real estate agents, MBIE states that a Code Compliance Certificate is "a formal statement issued under section 95 of the Building Act 2004, that building work carried out under a building consent complies with that building consent".

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## Unconsented ancillary buildings

Location restrictions apply

An unserviced building (with no water or hygiene facilities) up to 10 m<sup>2</sup> can be built without a consent, but it must be at least its own height away from the fence (boundary).

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## For the builder – wise words to end

From writer and philosopher Ayn Rand

I don't build in order to have clients.

I have clients in order to build.

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