Guideline

November 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.

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Certificate of acceptance

A back-up only

In the September *Guideline*, we looked at two of the requirements that are attached to a certificate of acceptance. A reader regarded our advice as overly limiting the use of a certificate of acceptance, but in essence, the certificate of acceptance is just a path out of a hole. It should not be considered as a preferred or regular path to compliance.

There is a third option in section 96 of the Building Act 2004:

> (1) A territorial authority may, on application, issue a certificate of acceptance for building work already done—
> (a) if—
> (i) the work was done by the owner or any predecessor in title of the owner; and
> (ii) a building consent was required for the work but not obtained …
>
> (2) A territorial authority may issue a certificate of acceptance only if it is satisfied, to the best of its knowledge and belief and on reasonable grounds, that, insofar as it could ascertain, the building work complies with the building code.
>
> (3) This section—
> (a) does not limit section 40 (which provides that a person must not carry out any building work except in accordance with a building consent); and
> (b) accordingly, does not relieve a person from the requirement to obtain a building consent for building work.

Handing over a residential property

Where the rules live

The legal requirements that apply to the handover of a residential property from builder to client are set out in the Building (Residential Consumer Rights and Remedies) Regulations 2014.

Section 9 gives the information and documents that must be supplied to the client. These include:

(a) copy of every policy of insurance—
  (i) that the building contractor holds in relation to the building work; and
  (ii) that is current (i.e. subsisting) on completion; and
(b) a copy of any guarantees or warranties that apply to materials or services that comprise the building work, including information about—
  (i) whether the guarantees or warranties are transferable:
  (ii) how to make claims under the guarantees or warranties:
  (iii) whether the guarantees or warranties need to be signed and returned to the issuers in order to be valid; and
(c) information about the processes and materials that must be used to maintain elements of the building work if—
  (i) maintenance is required to meet the durability requirements of the building code; or
  (ii) the validity of any applicable guarantee or warranty could be affected by how and whether maintenance is carried out.

In addition, this legislation also covers, for residential building contracts, the prescribed:

- minimum price of building work ($30,000 including GST)
- disclosure information
- content for residential building contracts for prescribed minimum price or more
- clauses deemed to be included in oral residential building contracts for prescribed minimum price or more
- clauses deemed to be included in incomplete written residential building contracts for prescribed minimum price or more.

Steps on access routes

It's all in the definition

The BRANZ helpline has recently been asked what is the permitted height of a step within an access route. The key here is the definition of access and accessible routes. A step (or steps) is permitted in an access route but not in an accessible route.

An accessible route is defined in the Building Code as "An access route usable by people with disabilities. It shall be a continuous route that can be negotiated unaided by a wheelchair user."

D1/AS1 gives a maximum riser height of:

- 190 mm for a common and main private stair
- 180 mm for an accessible stair – a stairway having features for use by people with disabilities.

However, a single isolated step is permitted within a single household unit.

Wall cladding cover – base of wall cladding

How far is enough?

At the base of wall cladding, there are minimum cladding cover requirements to foundation walls or subfloor framing that need to be met to comply with the requirements of E2/AS1:

- For a suspended floor, the wall cladding to finish at least 50 mm below the lowest timber framing member (bearer). This is deemed to provide sufficient weather protection to the H1.2 treated subfloor framing allowed by NZS 3602:2003 *Timber and wood-based products for use in building*.
- For a slab edge, the cladding (excepting masonry veneer) to terminate a minimum of 50 mm below the finished floor level.
- For masonry veneer, the base of the veneer slab edge/foundation wall rebate to be 50 mm below the finished floor level.

Flashing selection

Flashing is fun

A key element to building performance is material durability, particularly when it comes to flashing protecting critical junctions that need to remain weathertight. To get it right, the primary reference is E2/AS1 Table 20 Material selection.

Decisions that need to be made include:

- minimum applicable durability period – 5, 15 or 50 years
- location – whether it is exposed, sheltered or hidden or encompasses more than one category (if so, select for the worst case)
- compatibility – check Table 21 for suitability of use for materials in contact
- what run-off it is subject to – Table 22 gives the requirements for materials subject to run-off.

Do all roofs need a gutter?

Drawbacks if omitted

E2/AS1 8.1.6 states: "Gutters, downpipes and spreaders, including eaves gutters/spoutings are required for the drainage of roof water." Where it is proposed to omit gutters, the design would have to be submitted for consent as an alternative method or proposed Alternative Solution. What would need to be addressed in terms of Building Code compliance would include:

- the impact on adjacent building elements (durability, weathertightness) from water draining off the roof and from water splash
- where the water from the roof will drain to.

Other factors that should be considered include:

- the nuisance factor from water dripping off the roof
- moss and lichen growth on the wetted areas
- slippery surfaces around the building
- the potential for the water to accumulate under the building
- formation of ice (for colder parts of the country).

Is a consent required to install roofing to an existing pergola?

No, but it's not quite as simple as it seems

The simple answer is that a consent is not required (under Schedule 1 of the Building Act) to install a roof cladding to an existing pergola provided it has an area of not more than 20 m^2. Adding the roof cladding will increase the wind loads on the pergola structure, because the roof is now an area that can have a windward pressure applied to it. This means that upgrading (and obtaining specialist engineering input) may be required for:

- the connections of the pergola to the existing building
- the anchoring of the pergola posts to the ground
- post-to-beam connections at roof level.

It would also be advisable to check all timber for soundness, particularly at junctions where water may have been trapped, to ensure adequate fixing is available for the roof cladding. Any suspect timber should be replaced.

Selecting timber

Check the labelling

On a recent visit to a timber yard, a vigilant purchaser noted that all of the H3.2 treated timber of a given size had been stored together irrespective of the treatment used.

Although the timber was all H3.2, different fixings may need to be used (depending on the end-use location) to be durable with the type of treatment. Buyers need to be aware of not only the hazard class rating of the timber they select but also the treatment used.

BRANZ Seminars 2018

Passive Fire Protection Risk Assessment

This is repeat of our popular seminar presented in March 2018, after questionable fire and smoke stopping in New Zealand buildings had been widely reported.

Determining the extent of the problem has been difficult. Many components of passive fire protection (PFP) are typically not easy to access or assess. Poor performance of PFP will not be apparent until a fire occurs.

This problem has been brought to a head in buildings currently undergoing extensive weathertightness remediation work. Consent for weathertightness remediation work falls under section 112 of the Building Act 2004, which requires the building to comply as nearly as is reasonably practicable (ANARP) with the Building Code provisions for means of escape from fire. PFP plays a key role in maintaining a safe means of escape during a fire. The cost of making the PFP compliant is significant and on the same order of magnitude as the weathertightness work itself.

This seminar aims to deliver information and tools to make good decisions on what is reasonable and practicable when addressing fire and smoke stopping deficiencies in existing buildings. The seminar will describe the research (including testing) to date to develop a process for assessing whether it is reasonable and practicable to address PFP non-compliance. Examples of a risk analysis tool already used in industry for this purpose will be provided.

You will take away an understanding of the options for determining fire and smoke stopping compliance, what kind of information should be collected and have tools to technically evaluate proposed options.

Presenters

Kevin Frank – BRANZ Fire Research Engineer
Greg North – Fire Engineer, Beca

Remaining dates and venues

Thursday 8 November	Queenstown	Crowne Plaza Queenstown
Friday 9 November	Nelson	Rutherford Hotel Nelson

All seminars are 3 hours and run from 1.00 pm to 4.00 pm.

Online registration is now available.