Guideline

September 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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Retrospective building consents/CCC

Not an option

A building consent cannot be issued retrospectively for building work that has already been completed.

A Code Compliance Certificate (CCC) cannot be issued for any building works that are subject to a Certificate of Acceptance (CoA).

Certificates of Acceptance

Limited application

A CoA may be issued for building works in the following circumstances:

- When urgent work is carried out to protect life or health or prevent serious damage to property and it is not practical to obtain a building consent in advance.
- When a building consent authority (BCA) that is not a territorial authority (TA) or a private building certifier is unable or refuses to issue a Code Compliance Certificate for work carried out under a building consent.

A CoA can only be issued if:

- the BCA is satisfied to the best of its knowledge and belief and on reasonable grounds as far as it has been able to ascertain that the building work complies with the Building Code
- the building works were carried out after 1 July 1992
- a building consent has not been granted by the BCA for the building work in question.

Alternative methods – *Protection from fire*

Guidance offered

MBIE has recently released guidance to help you develop Alternative Solutions for complying with the performance requirements of New Zealand Building Code clauses C1–C6 *Protection from fire* (the fire clauses).

The guidance covers:

- Alternative Solutions and where they fit in the building regulatory system
- what the New Zealand Building Code *Protection from fire* clauses require
- types of Alternative Solution proposals suitable for fire design
- safety margins.

Dates and elapsed times are important

Time can't be rushed

There are a number of time restraints that apply to resource and building consents – the aim is to ensure work is expedited within reasonable periods. The period between 20 December and 10 January every year is classified as "non-working days" under the Building Act 2004.

Applicable timeframes are:

- 10 working days (BCA)
  - MultiProof consent
- 20 working days:
  - non-notified resource consent (TA)
  - PIM (TA)
  - building consent (BCA)
  - building consent amendment (BCA)
  - from receipt of application for CCC issuance (BCA)
  - due date for payment after a payment claim is served under the Construction Contracts Act
- 130 days (TA):
  - notified resource consent (TA)
- 12 months:
  - time within which consented work must start after building consent is granted (building owner or their nominated agent)
  - defect repair period to remedy defects in the building work that emerge within 12 months of the completed build date
  - LBP licence renewal
- 2 years:
  - building consent approval to CCC (unless an extension of time is applied for and granted) (building owner or their nominated agent)
- 10 years:
  - implied warranties applicable to building work such as building work will be done properly, competently and according to the plans and specifications in the approved consent
  - contract document retention.

A notice to fix should set a reasonable timeframe within which the notice must be complied with or may require that all or any building work must cease immediately.

MBIE consultation request

Your chance to be involved – grab it

MBIE is seeking feedback on proposals to amend a number of Acceptable Solutions and Verification Methods and to revoke the Simple House Acceptable Solution SH/AS1. The consultation runs until Friday 21 September 2018.

Changes to the Acceptable Solutions and Verification Methods are intended to update the documents to reflect the latest knowledge and current building practices and make editorial changes for clarity. Amendments are proposed to the following documents:

- Clause B1 *Structure* – B1/VM1
- Clause B2 *Durability* – B2/AS1
- Clause E2 *External moisture* – E2/VM1, E2/AS1
- Clause G12 *Water supplies* – G12/VM1, G12/AS1, G12/AS2
- Clause G13 *Foul water* – G13/AS1, G13/VM2, G13/AS2, G13/AS3.

MBIE announced in BC Update 237 that they will consult on a regular 6-monthly cycle to ensure Acceptable Solutions and Verification Methods are up to date.

Revoking Simple House Acceptable Solution
MBIE is also asking for feedback on the proposal to revoke the Simple House Acceptable Solution SH/AS1. SH/AS1 is now 8 years old and is no longer fit for purpose. It has not been updated in a number of years, meaning current knowledge and practices are not reflected, and it is inconsistent with other Acceptable Solutions.

Anecdotal evidence is that few architects and designers refer to SH/AS1 because of its limitations on floor and roof shapes. SH/AS1 does not contain any information that is not available elsewhere in Acceptable Solutions or New Zealand standards.

View the full proposals and information on how to provide feedback on the MBIE website.

Good plans and specifications do make life easier
Do it right first

A comment from a builder who had just completed a building project where all decisions had been made before tendering (down to identifying doorstops) was how much easier it made his job. In essence, decisions that need to be made during construction related to colours and answering a small number of queries from builder and subbies. (There were a couple of instances where questions should have been asked by subbies and weren't.)

Good detailed plans and concise specifications (not a quick cut and paste of the last one) prepared before tendering provide clarity and certainty to the project and help protect from the risk of time and budget blowout. A designer who provides inadequate plans could add thousands in unexpected costs and time delays during construction. When it comes to design, the old saying applies more than ever: "Good is not cheap and cheap is not good."

The fixed-price myth
Conditions apply to increased costs

While we might consider a tender a fixed price, in reality it isn't. What is able to be claimed as a legitimate variation in a fixed price should be clearly specified in the contract. Examples might include:
- justifiable delays – weather, material unavailability
- BCA requests for information that require amendments to the consented documents where work is priced before consent
- verified material and labour price increases that occur after quoting and acceptance of tender or quote
- unforeseen work – particularly with renovation projects
- insufficient detail in consented drawings for construction
- specified items now unavailable – replacements may be more expensive
- adjustment of included sums
- client changes after contract signed/work has commenced.

Prime cost/sum – provisional sum/allowance
There is a difference

A **provisional sum or allowance** often seen as a 'tag' in a quote is typically an educated guess (some good, some not so) by the builder of the cost of an aspect of work that they believe has not be clearly defined in the contract documents.

A **prime sum or PC allowance** is a designated amount of money to be included in the tender for a specific item such as carpet supply. When the time comes for payment, the sum will be adjusted to reflect the actual cost of the item(s). Documents often include prime costs on the tender documents to give some uniformity between the quotes – although the fewer the better.

Pipe fittings – potential lead contamination
A Perth alert

Around 1,000 brass valve fittings that do not meet Australian standards were installed in the new Perth Children's Hospital. The building has now sat empty for months because of the identification of poisonous lead in the hospital's drinking water. The suspected source of the lead is the brass valve fittings and may result in attention being focused on the quality of plumbing fittings and taps.

Also reported on the Stuff website (August 23) was advice from New Zealand Master Plumbers regarding the potential for lead contamination from dodgy taps based on some random testing.

CodeMark
More inappropriate claims of New Zealand applicability sighted

Recent searches for building products available in New Zealand uncovered a number of examples of claimed CodeMark certification where the certification referred to is only applicable in Australia – it is not applicable for use of the product in New Zealand. Designers and BCAs cannot rely on these certificates as evidence that the products comply with the requirements of the New Zealand Building Code.

While products have not been named here, do check before accepting what is in the advertising as being correct.

BRANZ Maintenance Schedules
Updates occur regularly

On 20 August, we launched a fresh new format and layout for the PDF schedules that you create and provide to your clients at the end of each build or renovation project. The changes:

- allow you to use your logo more prominently (maximum file size 1 MB)
- add a new area at the end of each schedule to list useful resources and tools homeowners can access to help them to correctly maintain their property
- will automatically apply to existing schedules.

This month's quote
From Alvin Toffler

"You've got to think about the big things while you're doing the small things, so that all the small things go in the right direction."

BRANZ Seminars 2018
Talking Timber

This *Talking Timber* seminar will travel along the path of timber as it is prepared for a career in the building industry.

Starting off in the forest, we will explore the influences on timber as it grows and how this will impact on its properties as sawn timber. Once felled, the timber starts its processing journey where it is again subject to many influences.

Once in its sawn forms – framing and wall cladding – we will then traverse the treatment options for the end use, drying, storage (during transport and on site), installation and post-installation care. For timber weatherboard claddings, we will cover the requirements for a good installation including storage and transport, defects, suitable species, treatment, applicable codes and standards, installation and fixing, as well as appropriate coatings for the treatment and finally maintenance.

Topics the seminar will cover will include:

- history of timber use
- timber properties including:
    - influences on growing trees – root stock, pruning, wind, soils
    - sustainability, carbon sequestration
    - log characteristics – compression wood, corewood/outerwood, density, grain
    - moisture in newly sawn timber
    - shrinkage – when it occurs
    - minimising timber variation
    - certification
- applicable Code clauses (B1, B2, E2) and standards (NZS 3604:2011, NZS 3602:2003, NZS 3640:2003)
- framing including:
    - impacts on performance
    - species, durability, treatment options and hazard classes
    - benefits of kiln drying
    - grades and marking
    - moisture content (and correctly measuring this)
    - installation
    - permitted defects
    - care on site
- cladding including:
    - reported cladding issues
    - durability – treatment options and hazard classes
    - species – radiata pine, cedar, redwood
    - profiles and samples
    - vertical versus horizontal
    - finger jointed versus clears
    - moisture content
    - timber surface finishes
    - coating options
    - care and handling on site
    - installation
    - maintenance
- new developments.

Remaining dates and venues

Wed 5 Sep	Timaru	Landing Service Conference Centre
Thu 6 Sep	Christchurch	Addington Events Centre
Fri 7 Sep	Blenheim	Scenic Hotel Marlborough
Wed 12 Sep	Auckland – South	Ellerslie Events Centre
Thu 13 Sep	New Plymouth	TSB Showplace
Fri 14 Sep	Wellington	Museum of New Zealand Te Papa Tongarewa

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

Online registration is now available.