



# Guideline

November 2020

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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## November Building Code changes

### Two new Acceptable Solutions

Earlier this year, the Ministry of Business, Innovation and Employment (MBIE) consulted on proposals to issue two new Acceptable Solutions and amend 12 existing Acceptable Solutions and Verification Methods. On 5 November, [MBIE implemented](#) all but one of the changes (some with minor amendments). Not going ahead is a requirement for full-scale fire testing of cladding systems on buildings 10–25 metres high. BRANZ is contributing additional research in this area.

Changes being implemented apply to Building Code clauses C *Protection from fire* (MBIE has produced an [infographic](#) about these), E1 *Surface water*, E2 *External moisture*, E3 *Internal moisture*, G9 *Electricity* and G13 *Foul water*. Two new Acceptable Solutions are E1/AS2 for stormwater drainage and E3/AS2 for internal wet area membranes.

Existing Acceptable Solutions and Verification Methods will remain in force until 4 November 2021. The next round of Building Code consultation from MBIE opens in April 2021.

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## Revision of NZS 3604:2011 Timber-framed buildings

### Supporting improved efficiency and higher density

The [main standard for the design and construction of timber-framed buildings is being revised](#) to better support higher-density housing and the government's *Building for climate change* programme. Technical experts interested in participating on working groups are invited to register their interest. Publication of the updated standard is planned for 2023.

Specific areas being considered in the revision include:

- facilitating better thermal performance
- extending the scope to 3 full storeys
- foundations on expansive soils and on liquefaction-prone soils
- steel bracing elements for wide openings
- support details for long-span beams and lintels
- framing around internal stairwells

- isolated internal masonry walls
- numerous minor corrections and updates
- bracing.

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## **Update on fire detection and alarm systems**

### **Two standards being updated**

A full technical revision of NZS 4512:2010 *Fire detection and alarm systems in buildings* will supersede the 2010 version when finalised. Changes include:

- expanded specification/guidance around visual alerting devices for the deaf/hard of hearing
- specific provisions for wireless-based detection and alarm technology, networked systems and smoke detectors in ducts
- new requirements for power supplies
- specific requirements for seismic performance
- equipment design to include a greater level of electromagnetic interference and acceptance of short circuits
- various changes to installation practice, including additional fault resistance and greater specification of Type 5 alerting and hush facilities
- additional requirements for commissioning and routine testing, including an expanded process for unresolved system impairments
- significantly expanded requirements for system documentation, commissioning, inspection by accredited bodies and certification.

You can find more information [here](#).

The closing date for comments on DZ 4512:2020 is 3 December 2020

A partial technical revision of NZS 4514:2009 *Interconnected smoke alarms for houses* includes:

- allowance for long-life batteries and wirelessly interconnected smoke alarms
- changes for ceilings with exposed framing members
- simplified testing requirements
- more clarity on the selection and location of smoke alarms
- added provisions for visual/tactile alerting for the deaf/hard of hearing.

Comments closed on 7 October 2020.

Standards New Zealand has produced a sign language translation of the summary of DZ 4514. The draft has been distributed through relevant channels accessible to the deaf community. [A video of the draft is available](#).

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## **Limitations on penetrations in sheet wall bracing**

### **Brace yourself!**

In previous issues of *Guideline*, we have addressed penetrations through framing and cladding, but occasionally we also see oversized or badly located holes through sheet wall bracing. There are strict limits on the size and location of holes you can cut for service penetrations in sheet bracing such as plasterboard, fibre-cement, plywood or MDF. If a hole is too big or too close to the edge of the sheet, the sheet loses its bracing capacity.

It is crucial to follow the requirements from the specific product manufacturer. The figures here show examples from several manufacturers:

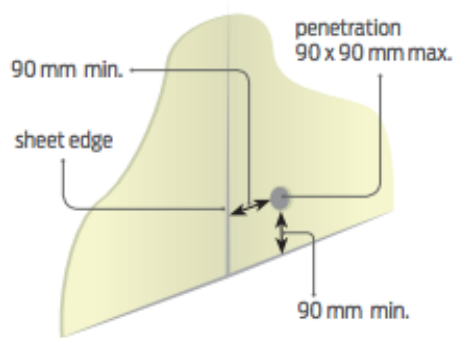


Figure 1. Limits on small penetrations in two plasterboard systems, one MDF system and one plywood system.

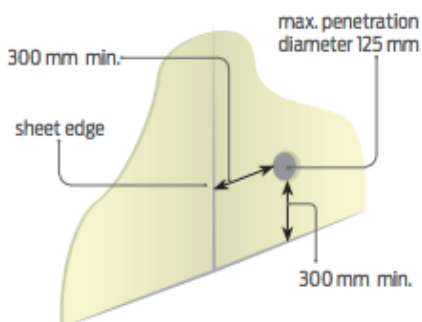


Figure 2. Limits on larger penetrations in one plasterboard system.

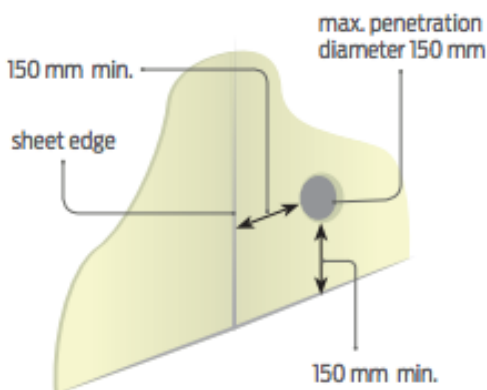


Figure 3. Limits on larger penetrations in one plywood system.

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## Engineered stone safety update

WorkSafe issues new information on accelerated silicosis

[Accelerated silicosis](#) is an aggressive and dangerous lung disease that especially affects people working with engineered stone, producing kitchen benchtops and the like. Workers who have worked with engineered stone benchtops for more than 6 months in the last 10 years should visit their GP. Over 100 New Zealand businesses are known to work with engineered stone.

“WorkSafe recommends businesses consider paying for the GP visit and allow workers time off for it (and future related appointments) during work hours so it is as easy as possible for them to have a health assessment.”

## Time limits for action against faulty building work

### We all have our limits

While Parliament sets time limits for legal action against faulty building work, court findings fine-tune the details. This year, another court decision made one of the rules clearer. These are the main time limits:

#### 12 months

Under the Building Act 2004, from the date that building work is complete, there is an automatic 12-month period for the homeowner to identify defective work. The contractor must remedy any defects notified by the client in writing. This applies to all building work regardless of value.

#### 10 years

(a) The Building Act also allows homeowners to take action if implied warranties set out in the Act (in section 362I) have not been met. The Limitation Act 2010 puts a 10-year limit on this.

(b) Under the Weathertight Homes Resolution Services Act 2006, homeowners can lodge a weathertight claim for a dwelling built or altered within the last 10 years and before 1 January 2012. By lodging a claim, they 'stop the clock' – the claim can continue even after the 10 years has passed.

This weathertightness law is where courts have made important findings:

- In 2014, a court said that the 10 years starts from the date that the Code Compliance Certificate was issued.
- In 2016, a court said that homeowners who had applied to the Weathertight Homes Resolution Service for an assessor's report also stopped the clock.
- This year, a court found that stopping the clock only applies to weathertightness claims and not to claims covering other matters such as structural defects or fire protection issues. For these defects, a 10-year limitation still applies.

If you want to know more about your legal rights and responsibilities, you can find help at the MBIE [Building Performance](#) and [Consumer Protection](#) websites and the [Commerce Commission](#) website.

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## A 6-storey story

### Don't believe everything you read

From time to time, we flag building news that has been badly reported in mainstream media. The government's National Policy Statement on Urban Development (released in August 2020) is the latest example. We've read several news items claiming the policy statement forces city councils to approve developments of 6 storeys or more in areas that have never previously had medium or high-density housing.

This is not quite the case. For Auckland, Hamilton, Tauranga, Wellington and Christchurch, it requires regional policy statements and district plans to **enable** [our emphasis] building heights of at least 6 storeys in metropolitan centres and within a walkable distance of:

- existing/planned stops for rapid transit (frequent, quick, reliable, high-capacity public transport on a permanent route largely separated from other traffic)
- the edge of city centre zones
- the edge of metropolitan centre zones.

Councils can still decline to approve developments that don't meet other requirements set in their policies and district plans.

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## News

- The Building and Construction Industry Training Organisation (BCITO) has signed on a record [5,684 new apprentices](#) since July. It has also had 1,200 new employers register to train apprentices in 2020. BCITO now has a total of 15,400 apprentices in active training.
- The [Building \(Building Products and Methods, Modular Components, and Other Matters\) Amendment Bill](#) (currently in committee) is due to report back to Parliament on 27 November 2020.
- Stats NZ has released a document outlining the content it plans to collect in the [2023 Census of Population and Dwellings](#). Questions about mould and dampness in houses introduced in the 2018 Census will be included. Submissions can be made until 25 November.
- From 1 December 2020, landlords must provide a [statement of compliance with the healthy homes standards](#) with most new or renewed tenancy agreements. (It is not required if the tenancy is for a fixed term that will end before the relevant healthy homes compliance date.)
- EECA has [renewed its licence to deliver the NABERSNZ commercial building rating scheme](#) in New Zealand for another 3 years. NABERSNZ is a government-backed scheme for rating the energy efficiency of office buildings.
- Building consents issued in Auckland in September exceeded \$1 billion – the first time a region has issued more than \$1 billion worth of building consents in a single month, says [Stats NZ](#). More than \$700 million of the consents were for residential projects.
- [EQC and private insurers](#) have agreed a new arrangement where private insurers will manage the full claim following natural disasters. The new model is expected to be in place from the second quarter of 2021.
- ASB Bank After a building firm continued to trade knowing that it could not pay its creditors, the Supreme Court [ordered that the sole director personally pay \\$280,000](#) to creditors. The decision makes very clear the risks of personal liability for directors.

