

straight up

THE MAGAZINE OF THE BUILDING OFFICIALS' INSTITUTE OF NEW ZEALAND

JUNE 2010





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Rob Armstrong's background in the construction industry includes a number of years as a builder and nearly a decade in both metal and membrane roofing.

Rob is available to do his presentation at a time convenient to BOINZ members - during or after normal work hours.

Contact Rob at:

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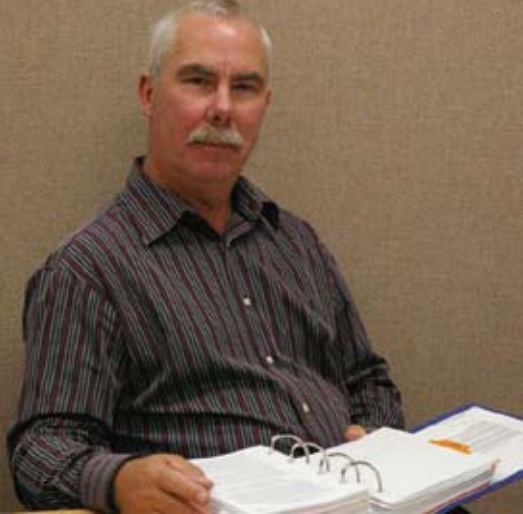
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President's Desk

As announced in May, the Board and I have accepted a letter of resignation from the CEO, Len Clapham. As you all know Len has been a driving force behind the Institute leading it from a branch-led entity in early 2005 to a thriving National Office that advocates on behalf of its members.

During his time as CEO Len has developed a number of products and services for the benefit of members including the Training Academy – a very successful training entity providing expert knowledge and training for its members.

Len has been a passionate and strong leader for the Institute through good times and bad, and has worked tirelessly to ensure the Institute has a good reputation and standing in the building sector. He will be missed by us all.

In the short term Len will assist with the changeover to a new CEO while also spending time with family. The Institute are seeking a replacement and details including position description will be made available within the next week – both on the Institute's website and nationwide.

I know that members will join me in wishing Len well as he moves on to other endeavours!

Phil Saunders, President



Incoming Board



The newly elected board (following the first postal ballot of members) are pictured at the first board meeting held on 14 May 2010. They are: back – from left to right, Bill Irvine, Len Clapham (CEO), Stewart Geddes. Front – left to right, Vice President Norm Barton, President Phil Saunders and Kerry Walsh. Absent: Bob de Leur.

Outgoing Board



The last institute board meeting of branch elected members occurred on 12th February 2010. The board members are from left to right (back) Kerry Walsh of Canterbury Westland Branch, David Waetford of Northland Branch, Rod Jarvis of East Coast Branch, Maurice Murfitt of Auckland Branch, Chris Henry of Central Branch, Rory Medcalf of Nelson/ Marlborough Branch, Stewart Geddes of Southern Branch, In front from left to right, Len Clapham CEO, Ewan Higham President, Norm Barton, Vice-President & Waikato/Bay of Plenty Branch board member.



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Enforcement

by Ross Miller

Waitakere City Council embraced the Building (Infringement Offences, Fees and Forms) Regulations 2007 introduced in 2008 and in the last two years has had compliance with its Notices to fix (Ntf) raised to about 80 percent.

Given that before the introduction of the new regime, the Department of Building and Housing estimated that compliance with NTFs was at best 50 percent, and down to 20 percent in some places, this result is outstanding.

Waitakere's operational compliance team manager Wolfgang Nethe says that in 2008-09, Council staff received 738 building related complaints resulting in around 100 infringement notices.

"Ten percent of those were challenged, and while two were downgraded a little, all were upheld. Only a few had to be withdrawn before being passed to court mainly because of formal errors. The last year has been much the same."

Wolfgang says the deterrent of the new regime has brought the biggest change in attitude towards the Act in 10 years. Filling the space between nothing of great consequence and prosecution which

naturally has a high threshold has been very successful.

"It was so black and white before and court action for minor offences is not productive. Now being in breach of the building act suddenly might have serious consequences, whereas before, parking in the wrong place was regarded by some as a more serious offence than carrying out building work without consent."

LARGE HOLE

There is a hole in the scenario, and it's a large one. Authorities opt into the regime – they are not obliged to adopt it. Wolfgang can understand that it might be a resourcing issue for smaller Councils, but to him it's a case of "why wouldn't you opt in".



Only one-third of the delegates at the recent BOINZ conference indicated their employers had opted in to the regime.

"You have to go at it properly, wholehearted. You need to develop staff training and resources to run it. It is possible to amend existing procedures for other infringement regimes like parking to suit the building infringements. There is no point if you are not going to do it properly, because the infringement notice might fall over if challenged in court. Waitakere runs a training programme for its officers, including input from its in-house legal staff."

Training and systems for administering the infringement regime are available for territorial authorities looking to adopt it. Rosemary Hazlewood of Building Networks says it's a matter of learning the rules and adapting systems that already exist within councils. Think traffic infringement procedures, then instant building infringement fines.

Instant fines funds the activity and evidence shows the initial cost of setting up is more than compensated by the results of compliance.

"However, the first challenge building managers have is that implementing the regime is a political decision by the elected representatives, with all the possible ramifications that go with it," she said. Council must officially adopt the infringement regulations to be enforced.

Councils wishing to opt into the infringement regime must adopt the framework set out in the Building Act 2004, Building (Infringement, Fees, and Forms) Regulations 2007, and Summary Proceedings Act 1957.



TIMING

There are four crucial timing issues with infringement notices, says Wolfgang.

- **Six months.** As with Building Act 2004 prosecutions, infringement notices cannot be issued more than six months after the discovery of the offence (s378). Courts will not enforce payment of infringement fines after the six month period expires.
- **28 days.** Payment of an infringement notice is meant to occur within 28 days of the infringement notice being served (s21 Summary Proceedings Act 1957).
- **56 days.** If payment does not happen within 28 days a reminder notice must be served giving a further 28 days for payment. If payment has not been received after 56 days the notice is passed on to court.
- If an offender wishes to request a hearing, this request must be in writing, signed and served to Council within 28 days of the service of the reminder notice (s21(6) SPA 1957).
- **Four months.** Taking into account the 56 day notice period referred above, the infringement must be issued within four months of the discovery of the offence.

BEST PRACTICE

The Ministry of Building and Housing suggests best practice is to have no surprises in the process. Offenders need to be made aware, verbally or in writing, that an Infringement notice could be issued.

Being fair and consistent is important. Enforcement officers need clear guidelines on when Infringement notices have to be considered. Points to be considered are:

- nature and scale of the offence;
- attitude of the offender;
- deliberateness;
- the need for deterrence;
 - extent of efforts to comply;
 - remorse shown;
 - profits realised;
 - criminal record/evidence of good character.

“Officers need to be enabled to arrive at their decision to issue an infringement notice without fear or favour,” said Wolfgang.

Councils need to develop appropriate systems to assist with a fair assessment

and good decision-making, such as introducing serious breaches reports and/or a prosecution matrix that makes action ‘waterproof’.

Decision making has to be consistent and the investigation process has to be thorough and well documented. Otherwise a lot of money and effort is for nought, with infringement notices being thrown out on technicalities.

“It is important that decisions to issue an infringement notice is not made by individual enforcement officers. Instead councils should institute something like a weekly meeting at which all serious building act breaches are assessed by the team, and then the team leader takes an independent objective overview.

“Most important of all, territorial authorities that opt into the regime need to develop a sound policy and stick to it, then staff knows what is expected, and building owners come to know what it is expected. Then the system works,” said Wolfgang.

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|-------------|--|--|--|--|
| | Top Plate Joint over Stud | Hip Rafter & Ridge Board Joint | Ceiling Joist to Runner | Joist to Beam |
| 3kN | <p>Single Tylok 6T5 Ref. Fig. 8.15 NZS 3604:1999</p> | <p>Pair of Tylok 4T5 Ref. Fig. 10.2 NZS 3604:1999</p> | <p>Single Tylok 6T5 Ref. Fig. 10.5 NZS 3604:1999</p> | <p>Pair of Wire Dogs & 1 x 90mm x 3.15 dia. nail Ref. Table 10.10 NZS 3604:1999</p> |
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| 6kN | <p>Single Tylok 6T5 Ref. Fig. 8.16 NZS 3604:1999</p> | <p>Pair of Tylok 4T5 Ref. Fig. 10.2 NZS 3604:1999</p> | <p>Single Tylok 6T10 Ref. Fig. 8.16 NZS 3604:1999</p> | <p>LUMBERLOK Sheet Brace Strap with 6 x 30mm x 3.15 dia. nails each end Ref. Fig. 10.5 NZS 3604:1999</p> |
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| 12kN | <p>Single Nailon Plate 1mm x 110 x 160mm with 10 x 30mm x 3.15 dia. nails each side of joint Ref. Fig. 6.7 NZS 3604:1999</p> | <p>Single Nailon Plate 1mm x 110 x 160mm with 10 x 30mm x 3.15 dia. nails each end & 4 x 100mm skew nails Ref. Fig. 6.19 NZS 3604:1999</p> | <p>Single Nailon Plate 1mm x 110 x 160mm with 10 x 30mm x 3.15 dia. nails each end & 4 x 100mm skew nails Ref. Fig. 6.19 NZS 3604:1999</p> | <p>JH47 x 120 Joist Hanger with 8 x Type 17-12g x 35mm Screws (2 per flange) Ref. Fig. 7.7 NZS 3604:1999</p> |
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The Building Official “Dinosaur or Dynamo”



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Managing Director
GMA Certification Group Building Surveyors Australia**

The Building Official has a long history in an ever changing world. Is the Building Official open to change or will it be a thing of the past? This paper will look at the history of the Building Official and its professional associations in Australian and New Zealand and explore some opportunities for continued survival.

1. INTRODUCTION

Archaeologists working along the Euphrates River uncovered the building rules for Babylonia dating back to 2000 BC. These rules (modified translation) stated:

- 1) If a builder builds a house for a man and does not make its construction firm and the house which he built collapses and:
 - a. Causes the death of the owner, that builder shall be put to death;
 - b. Causes the death of the son of the owners, they shall put to death the son of the builder;
 - c. Causes the death of a slave of the owner of the house, the builder shall give to the owner of the house a slave of equal value;
 - d. Destroys property, the builder shall restore whatever is destroyed, and because he did not build the house firm he shall rebuild the house which collapsed at his own expense;
- 2) If a builder builds a house for a man and does not make its construction meet the requirements and the wall falls in, the builder will strengthen the wall at his own expense.

Cities in Greece, Rome and pre-industrial Europe imposed controls on buildings specifically designed to minimise fire danger. The unfortunate events in London of Sept 2 1666 which resulted in 80% of the city being destroyed by fire, was the trigger for us as modern day Building Officials. After the fire Charles II issued a proclamation of which the basic principals were;

- 1) The walls of all new buildings were to be constructed of brick or stone
- 2) The streets were to be wide enough to prevent spread of flame
- 3) Existing narrow alleys were to be considerably reduced in number
- 4) A survey to be made of all ruins and ownership be shown of every plot.

In addition to the three Commissioners appointed by the King, there were three surveyors who managed the survey as well as devised the building regulations such as the widths of the streets and the type of house which would be allowed.

Building controls in Australia can be traced back to 1810 when Governor Lachlan Macquarie decreed that houses should include certain

construction requirements and that a plan be submitted with the local constable.

In both countries modern day controls go back to the 1950's- 60' where local governments had bylaws that controlled the physical construction of buildings.

2. THE PROFESSIONAL ASSOCIATIONS

The two principal professional associations represent building officials in Australia and New Zealand, are the Australian Institute of Building Surveyors (AIBS) and the Building Officials Institute of New Zealand (BOINZ). Both organizations have remarkably similar gestations and history, which has resulted in two although distinct entities, two very similar entities.

2.1. Building Officials Institute of New Zealand.

The New Zealand Institute of Building Inspectors was formed in 1967 and BOINZ in its current structure was formed following an amalgamation with the Plumbing and Drainage Institute in 1998. BOINZ incorporated a National Office and employed a Chief Executive officer in 2005. The current structure sees a National Office supported by eight regional branches. BOINZ is a non-profit registered charitable organisation and represents over 1400 members engaged in building controls in both the public and private.

2.2. Australian Institute of Building Surveyors

The AIBS evolved from the Building Inspectors and Surveyors Association which was formed in 1962. The various state associations came together to form the Australian Institute of Building Surveyors in 1983. AIBS formed a National Office and employed a Chief Executive Officer in 1986. The initial structure although under a CEO and National President saw the AIBS running as 6 State administrations controlling their own area and contributing to the National Office. In 2001 a rationalization under a new “non industry” CEO saw an amalgamation of functions and finances to create a true national body. The current structure sees a National Office supported by 6 State Executive committees, of which some have regional branches supporting the State Committees. The AIBS is a limited by Guarantee Company registered with Australian Securities and Investment Commission (ASIC) and represents over 2500 members employed in both public and private employment.

3. EDUCATION

In 2005 I delivered a paper at BOINZ conference in New Plymouth. In that paper I outlined the progression of the “Building Inspector” in Australia from the early 70's to the degree qualified “Building Surveyors” of today. The current educational environment in Australia gives any existing practitioner many available options to further their qualifications as well as catering for new entrants to the profession. Courses on offer range from Diplomas to Undergraduate Degrees, Post graduate studies, Masters Degrees and even Doctorates, all in Building Surveying. There is also available a number of other programs in related fields such as Fire Engineering, Planning etc.

New Zealand now has Diplomas in Small Buildings and Medium/Large Buildings and the requirement under Section 18 for Building Officials to work towards a nationally accredited qualification. Understandably there is reluctance by many of the “non-qualified” existing practitioners as to affect on them of a legislated requirement for qualifications. Transition in to the regulated system is always difficult for existing practitioners. My 2005 paper also addressed this area of transition and it is just appropriate to repeat those comments:

“It is inevitable that with any increase in education standards there will be some who feel that they are being disadvantaged. It should be considered that any alteration to these standards, are for future entrants into the profession. The issue is how do we align existing practitioners to the future? I would assume, that like Australia, you have many Building Officials who have had many years experience, and I would also assume that some of those practitioners whilst having many years experience would only have a limited scope of works. We have members who have been in the profession for over 40 years and have a tremendous amount of experience, but the experience is limited to a narrow scope of works. Through their entire working life and for no other reason but the location in which they have chosen to live, they have never been involved, or likely to be involved, in any major development. It would be unrealistic to think that this person could move to a major metropolitan area and confidently perform on an eighty storey building. This is why it is important to have a flexible accreditation / licensing system that can recognise the particular areas of expertise of the applicants. Most of the Legislative systems in Australia allow existing practitioners certain periods by which to transition into amended requirements, and in some cases it does require additional study to be conducted. Those who have been in industry for a long period of time usually hold significant knowledge which can be transferred into qualifications via Recognition of Current Competence.”

What needs to be developed is a benchmark that sets the basis of a criterion for existing practitioners to transition into any accreditation scheme. The basic pretence has to be that if you are currently working at a particular level and you wish to maintain working at, there should be no requirement to undertake any further study. If however somebody wants to change or advance their standing then they should then be required to undertake the appropriate up skilling. The transitional periods adopted when Australia moved to the regulated qualifications was five (5) years. This period was based on the time it would take a person who is currently working to undertake part time study if necessary to up skill in areas that we found to be deficient in any recognition assessment. The requirement to up skill depended on the time a person was in a particular position and also whether that position was recognised. For example in Queensland all "Building Inspectors" were named in the Government Gazette when appointed to a position (pre private certification era). There was also recognition provided to individuals who were practicing as "Building Surveyors" by a government board call the Building Advisory Committee (BAC). When accreditation was introduced if you were currently working in a Local Government, had been in that position for a number of years, and had been named in the Government Gazette or the BAC then you were granted the equivalent accreditation under the scheme. A person needed to then only continue to hold accreditation which requires participation in a compulsory scheme of Continuing Professional Development (CPD). If you let the accreditation lapse or failed to maintain CPD the requirement for re-accreditation was to have the formal qualification. Those existing practitioners that did not fit into the previous category had to undertake an RCC assessment and in most cases need to complete a number of subjects from the approved courses.

The outstanding success of the BOINZ training academy should not be underestimated. This provides an opportunity for the membership to "creep up" on a qualification. I am given figures that nearly 4500 people have been tutored since its creation in 2006. I see your training academy as the vehicle to achieve the up skilling of the profession and facilitate the transition into a more regulated qualification system.

4. LEGISLATIVE STRUCTURES

The principal documents controlling building development in both counties are very similar in content and structure with only differences in terminology.

4.1. The Building Code of Australia

The Building Code Australia (BCA) contains technical provisions for the design and construction of buildings and other structures, and covers such matters as structure, fire resistance, access and egress, services and equipment, certain aspects of health and amenity and energy efficiency. The BCA is written as a performance document and has a specific structure as shown in Figure 1.



Figure 1 – Structure of the Building Code of Australia.



Figure 2 Structure of the Building Code of New Zealand

The objectives and functional statements are considered Guidance level provisions.

The objectives represent the reason the community wants a matter regulated. They are primarily expressed in general terms, and usually refer to the need to safeguard people and protect adjoining buildings or other property. An example of an objective from the BCA is "The objective is to safeguard the occupants from injury or loss of amenity caused by inadequate height of a room or space."

The functional statements set out in general terms how a building could be expected to satisfy the objectives (or community expectations). An example of a functional statement from the BCA is "A building is to be constructed to provide height in a room or space suitable for the intended use"

The performance requirements outline a suitable level of performance which must be met by building materials, components, design factors, and construction methods in order for a building to meet the relevant functional statements and, in turn, the relevant objectives.

The performance requirements are the core of the BCA and are the only parts of the code with which compliance is mandatory. An example of a performance requirement in the BCA is "A room or space must be of a height that does not unduly interfere with its intended function".

Building solutions set out the means of achieving compliance with the performance requirements. The BCA provides for two methods that can be followed to develop a building solution. These are

- Deemed-to-satisfy provisions. These include examples of materials, components, design factors, and construction methods which,

if used, will result in compliance with the performance requirements of BCA. An example of a deemed-to-satisfy provision in the BCA is "Ceiling heights must be not less than 2.4 metres in a habitable room": and

- Alternative solutions. The key to the performance-based BCA is that there is no obligation to adopt any particular material, component, design factor or construction method. An approval authority may still issue an approval if it differs in whole or in part from deemed-to-satisfy provisions described in the BCA if it can be demonstrated that the design complies with the relevant performance requirement.

4.2. The Building Code of New Zealand

The Building Code of New Zealand (BCNZ) sets out the performance standards that building work must meet and covers aspects such as structural stability, fire safety, access, moisture control, durability, services and facilities, and energy efficiency. As per the BCA the BCNZ is a performance document and has the structure as shown in Figure 2.

The objectives and functional requirements and performance requirements are the mandatory compliance components of the NZBC

The objectives represent the social objective the building must achieve. An example of an objective from the BCNZ is "The objective of this provision is to safeguard people from illness or loss of amenity as a result of undue noise being transmitted between abutting occupancies."

The functional requirements set out what the building must do to satisfy the social objectives. An example of a functional statement from the BCNZ is "Building elements which are common between occupancies, shall be constructed to prevent undue noise transmission from other

occupancies or common spaces, to the habitable spaces of household units.”

The performance criteria. Provide qualitative or quantitative criteria which the building must meet in order to comply. An example of a performance requirement in the BCNZ is “The Sound Transmission Class of walls, floors and ceilings, shall be no less than 55”.

The BCNZ provides for three methods that can be followed show compliance. These are

- Verification Methods: These are a prescriptive test or calculating method that provides one means of compliance. A BCNZ example of a verification method is “An acceptable Verification Method for the measurement of illuminance is contained in NZS 6730 Section 11”, and
- Acceptable Solutions: These are a prescriptive step-by-step solution that provides one means of compliance. An example of an acceptable solution provision in the BCNZ is “To provide a minimum illuminance of 20 lux, the total wattage required per m2 of floor area is shown in Table 1”: and
- An alternative solution is a building design, of all or part of a building that demonstrates compliance with the Building Code. It can include a material, component or construction method that differs completely or partially from those described in the Compliance Documents. It can be a minor variation from a Compliance Document, or a radically different design and construction approach.

4.3. The significant differences

The primary difference between the two documents is the NZBC quantifies performance which is a project currently being undertaken by the Australian Building Codes Board for the BCA. The actual technical aspects within the document are very similar. The other big issue from my perspective is the NZBC is freely available. The Building Code of Australia is only available by paid subscription.

5. APPROVAL SYSTEMS

I have, since the Nelson conference in 2004, been observing the regulatory approval systems that have been implemented in New Zealand. I have commented upon and even had discussions with the Department of Building and Housing in relation to what I see is a fundamental flaw in the process of accrediting the consent authorities and not the consent issuer. The unfortunate situation with the “leaky buildings” which ultimately saw the demise of the “Private Certification” system was I believe a tragic day for the building official. I have delivered presentations at past conferences on the Australian system. The system of approvals in Australia still varies between states but all except Western Australia have now adopted a system of Private Certification. Western Australia is poised to implement its system of private certification.

As discussed in the preamble there are various forms of Certification Regimes in the various States/Territories of Australia. This is due to the various Acts and Regulations in each of the States/Territories that control the Building Process. Each of the certification systems has a commonality which is a strict code of conduct by which the private practitioners must act.

One of the underlying principals of those codes of conduct is that practitioners must act in the public interest. Another major element is that practitioners must not act outside their level of expertise. This places a regulatory and professional integrity obligation on all those operating in the private sphere. One of the difficulties with our multitude of systems is that not all of the individuals and organisations involved in the building approval process are required to achieve the same level of qualification or expertise. This will be identified in the description of the various systems that follow.

Private Certification was introduced into Australian States from 1993 to 2004. There are various titles given to the practitioners in each state but, basically, they are all responsible to their state government through accreditation, and approval processes. They are responsible for the issue of building approval and occupancy permits and as per the other regimes the plumbing works are covered by separate authorities. Inspections of building work in the ACT are mandatory for both the builders and the building certifier.

In my introduction to this section, I stated how I disagreed with the New Zealand decision to place accreditation on the issuing body rather than the individual. The unfair demise of Private Certifiers has now left the significant market for Building Consents with the Territorial Authorities. The rigour of the requirements for accreditation has created “super” consent authorities that operate as business units to service a number of other TA’s apart from itself. TA amalgamations are also increasing the pressure of performance on consent process. Are TA’s the most appropriate body’s to be operating a commercial operation?

It would appear from current reviews that the current system is not performing to expectations and the government is looking to deregulate the consenting process. I would suggest the BOINZ and its members stress in the strongest terms that deregulation is not the way to go. If Territorial Authorities cannot provide the service, look to put the service elsewhere i.e Privatisation.

There was an article in the latest Straight Up magazine by Malcolm McMillan from DBH in relation to the “Risk smart” program being conducted by Brisbane City Council which is also now being adopted in a number of Local Authorities. Findings from Malcolm’s investigation of Risk Smart appear to be the basis of a number of recommendations being presented in the Building Act Review discussion document “Cost-effective quality: next generation building control in New Zealand.”

Risk Smart is not designed to allow “self certification” of the process. It is a process that ensures that correct consideration to planning codes and documentation is submitted for approval. Similar to the program at Hastings District Council’s “Plan Smart” trusted partitioners whose information can be relied upon receive a speedy progress of assessment. Risk Smart is the precursor to privatisation of the Planning Code Assessment which can currently only be undertaken by a local government. It does not extend to the building consent process. The Queensland Government in its new Sustainable Planning Act set up a process that removed the requirement for planning assessments by Local

Government on houses and duplex’s in most situations. Some local governments saw this as a further erosion of their authority and the Act was changed to allow local governments to opt into the process.

I find it extremely concerning when a Government proposes changes that affect the livelihoods of practitioners but has not included the professional association that represents most of the people who enforce the legislation in the reference group to develop the changes. Building Officials look at buildings every day and are the best placed to advise Government on the enforcement of regulation. Third party review of all building work is the most proven method of ensuring compliance. My opinion is that even for the most minor building work there has to be a approval and inspection process until such time as the actual builders can be trusted to consistently produce complying products. Even a simple patio deck can, and has caused fatalities due to collapse, so how do you determine lowest –risk work.

6. CONCLUSION

Our two organisations have evolved in extremely similar ways. Both organisations are dealing with exactly the same issues. Our Building Codes are similar we even share AS/NZ Standards.

AIBS has done some things very well i.e. Accreditation of Practitioners, BOINZ have done some things very well i.e. Training Academy. Both organisations share similar goals even our visions are similar. There is still much we can learn from each other. Both organisations can make a considerable contribution to the built environment.

Why do we continue to go down the same path and reinvent the same wheel?

Why do we not grow from each other’s strengths?

Why do we not learn from each other’s mistakes?

My vision as I stepped down as the National President of AIBS in 2002 was to form an international forum of building control officers. Is it not time now to consider a small step in this vision and combine the collective efforts of AIBS and BOINZ? Is it not time now to also consider who is also a Building Official?

Look to the International Code Council in the US and ask why have we not embraced Fire Brigade Officers into our folds? Why have we not embraced Fire Safety Designers into our Folds? Why have we not embraced Access Consultants into our Folds? Why have we not embraced Energy efficiency and sustainability assessors into our folds?

Why do we continue to do what we have always done before?

In 1958 a journalist for the New York Times - Alfred Arthur Perlman wrote:

“After you’ve done a thing the same way for two years, look at it carefully. After five years, look at it with suspicion, and after 10 years throw it away and start all over”

We must evolve or like the dinosaur we will become extinct.

We must adapt and be a dynamo and be leaders in the construction industry.

The blame game

There has been too much talk about the leaky homes problem and not enough about the solution.

The worst feature of the present system centres around joint and several Liability regimes which allow the claimant to recover all the damages for alleged culpability from any of the defendants, regardless of their individual share of the liability.

Justice is not being done because presumption of innocence does not apply and the quasi-courts surrounding building claims rely on doubtful precedent decisions and an untested Government liability.

The mediation, arbitration and litigation remedy mechanisms are simply not working.

Unlike Australia and many other countries which have proportional liability law, the New Zealand Government has chosen to sit on its hands .

Specialist trade contractors have been caught up in this legal web by being accused of direct and consequential damage having contracted to do \$18,000 worth of work and being sued for \$3million.

This problem really started when the BIA and BRANZ appeared to be excused by the court for their part in the systemic failure highlighted by the Hunn Report in 2002.

The Court of Appeal Judgment (the Attorney General V Body Corporate No. 200200 & Ors 1.12.2005) was that 'all causes of action against the Attorney General are struck out'.

Although all issues were not covered and the real case is yet to be heard, that judgment is being used in a belief that was the end of the matter. That belief is wrong because the Building Control was, and is controlled through the Building Act and Regulations and the Government had a duty of care to all New Zealanders via its quangos, the BIA, BRANZ and FRI.

The profitable new industries that consume time and money without fixing any leaks are the legal and consultant entities who are continuing to "mushroom" the size of the leaky problem by playing the blame game.

Why was, and is the Government culpable?

The Government had been adequately informed by Industry and the BIA about the problem as required by Sec 704 of the 1991 Building Act in spite of the Appeal Judges view to the contrary.

There was ministerial interference with the running of the BIA – the BIA had a duty of care but was prevented from exercising it. They had \$11 million of Building Levy money in the bank but were not allowed to use it without express permission from the Minister. BRANZ as the research Association funded by Government (Building Research Levy Act 1969) knew, or should have known that the requirement to keep untreated framing timber below 18% moisture content when used with directly fixed monolithic cladding and insulated walls that could not breathe, was not possible.

The Forest Research Institute (now SCION) also Government funded knew, or should have known all about *Stachybotrys* and untreated *Pinus Radiata*.

BRANZ and FRI together with timber interests were prominent on the 1995 NZS 3602 Timber Standards Committee that approved kiln dried

untreated *Pinus Radiata*, excused themselves saying " market demand required chemically free timber"!

The evidence against the Government is printed in law.

BUILDING ACT 1991

Functions of the Authority (The BIA)

Part III Section 12(1)(h) Generally taking all such steps.....

To safeguard people from possible injury, illness or loss of amenity in the course of the use of any building.....

Building Regulations 1992

B2 DURABILITY

FUNCTIONAL REQUIREMENT

B2.2 Building materials, components and construction methods shall be sufficiently durable to ensure that the building, without reconstruction or major renovation,, including building elements such as floors and walls which provide structural stability: the life of the building being not less than 50 years.

SECTION 49 Any document prepared or approved by the Authority shall be accepted for the purposes of this Act as establishing compliance

The BIA (aka the Government) was negligent because of its citing of NZS 3602: 1995 as a means of compliance. When warned by members of the Standards Committee that they had made an error of judgment and in spite of public warnings, the BIA did not withdraw untreated timber from remaining compliant or warn of any inherent danger.

Sufficient has been written about the lead up to the inevitable result of buildings that were designed to fail. There were many contributing factors, monolithic cladding, lack of skills, poor design but the real culprit was the use of untreated timber that could not dry out because of insulation regulations and sealants used to gunk up joints.

The inexcusable delay by successive Governments to stomp up threatens to become an even greater scandal than the problem. There seems to be widespread belief even in Government circles that somehow the policeman (the local authority) is to blame because he did not catch the culprit!

The 2002 Building Industry Summit on Weathertightness was attended by myself and by 80 'experts' to try and solve the known problem when the Hon George Hawkins, Minister of Internal Affairs, unconvincingly read a speech prepared by one of his lackeys without believing one word of it. Like his Prime Minister who said she had not taken much notice of the Herald's coverage of rotting homes because the newspaper "was well known for "banging on" about issues of no substance". (26th November 2002).

The present Minister of Building and Construction the Hon Maurice Williamson chose to call it "an elephant sitting in the room" and remarked that his Government says "Well I just don't know how to do this".

It has taken a decade to get exactly nowhere. The Government was told in 2002 the immediate way forward. We provide suspensory loans for our

students why not for the deserving?

Instead the Government invented the WHRS Weathertight Homes Resolution Service but with an administration cost of \$100 million in five years it has an abysmal track record. In desperation many people have chosen the mediation route which should be a cheap, straight forward, across the table, good will settlement but has become an expensive game lawyers play with other people's money. It has become a quasi-court with confrontation, long hours and tears where justice is not being done.

Often legal and consultant fees exceed the cost of repair, and even with a settlement there is insufficient repair money, when bulldozing is the only answer.

If you try to settle a dispute by mediation you had better learn the 'rules'.

- Find out if the plaintiff has sufficient cash to sue.
- If he hasn't then don't turn up at mediation because then you don't have to pay – mediation is voluntary
- Even if you were not a wrongdoer you will still have to pay your 'allocation' -what all the lawyers in the room think you (or your insurers) can pay. It's called the 'deep pocket' or 'Robin Hood' rule
- If there is settlement, it is confidential so the industry really never knows what or who caused the problem
- If you know you are guilty, then take the advice of many QC's and liquidate your company pronto
- If you are a director or a proprietor never admit you had any day to day dealings with the job or they will come at you personally

The long term answer to the problem was also ignored. The Government must be feeling a little guilty because recently they have offered 10% which public opinion threw back at them.

My stab at the blame game is:

- 50% NZ Government
- 10% Designer
- 10% Building Consent Authority
- 10% Builder
- 10% Specialist trade contractors
- 10% Suppliers

With four of these players likely to have gone to ground or to Brazil, the shortfall should come from indemnity insurance.

- A Government backed, compulsory building indemnity insurance, similar to A.C.C.(but better)
- A lawyer free, blame-free payout for the unfortunate paid for by the building levy.
- A payout only after being determined by arbitration (paid for by the Crown) but unlikely to represent the cost of repair.

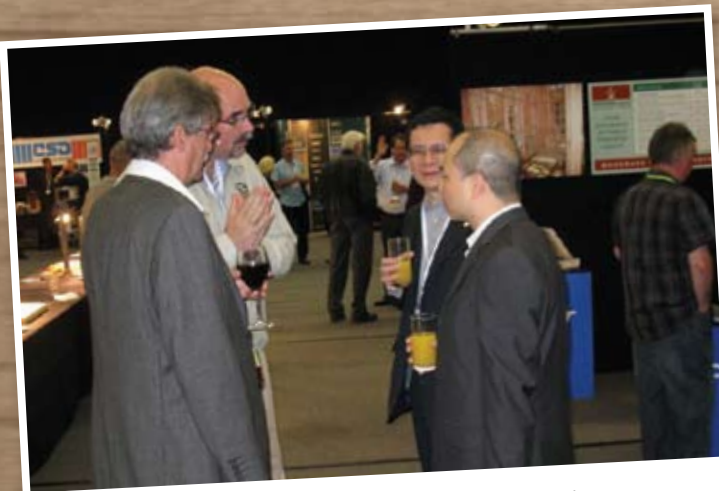
The Government has been told about such solutions but are they listening?

Stuart Thomson is a practicing building consultant and is the author of the *New Zealand Metal Roof and Wall Cladding Code of Practice*.

Annual Conference 2010



The official party for conference opening – from left to right: President Ewan Higham; President-elect Phil Saunders; Craig Hill, Dept of Building and Housing; Steve Bramich, President of AIBS; Peter Gomm, CEO of Mainzeal; Mayor of Rotorua Kevin Winters JP and Len Clapham, CEO of Building Officials Institute.



The internationals in conversation - Geoff Mitchell and Kevin Skauge (left) from Australian Institute of Building Surveyors and Edwin Tang and Robin Leung (The Hong Kong Institute of Surveyors)



NZ Ready Mixed Concrete Assn expo stand – awarded for being first stand up, and looking very professional!.



Conference expo.



Staff dressing up for the Rock n Roll themed conference dinner



The Best Expo Stand for 2010 - Pryda



The Building Officials Institute team on the job – from left to right: Louise Townsend, Ainsley Button, Gina Weinberger and Lorraine McKay

Thousands of Auckland homes built with shoddy wood

Thousands of Auckland homes were built using shoddy timber which was falsely sold as a higher-grade product.

The sub-grade timber was unwittingly sold by Placemakers and Bunnings, which have paid out \$550,000 in tests and remedial work so far.

The Commerce Commission estimated the wood had been used in between 4000 and 7000 homes, garages and extensions mostly in the greater Auckland area.

Company director Larry Roger Binns, 47, was fined \$15,000 in the Auckland District Court this week after pleading guilty to 36 charges under the Fair Trading Act.

The commission said Binns, through his company Total Frame and Truss, listed the timber on invoices as a premium grade, suitable for bearing structural loads. It was a cheaper, lower-grade timber and not strong enough to support major loads.

Tests have not shown any structural problems with the buildings, though Placemakers and Bunnings have paid to fix about 200 at a cost of \$550,000.

Greg Allan, the commission's fair trading manager, said customers couldn't have known they were receiving the wrong timber, and should have been able to trust the supplier.

He said expert advice indicated there was no risk of the frames or trusses failing, but some may bend under extreme conditions.

Wood Processing Association chief executive Peter Bodeker said the case related to a "rogue operator".

He said the association was pushing to make the timber grade markings larger, and for third-party auditing of all frame and truss manufacturers.

Binns' company supplied the sub-grade wall frames and roof trusses between April 2007 and October 2008. The lesser grade timber would have been identified with red or gray dye, but Binns removed the markings in a process known as "defecting", court documents said.



Binns' lawyer, Warren Woodd, said he'd followed the process for 23 years, which involved cutting out visual defects to make the timber suitable.

Woodd said Binns was unaware of a change in standard in 2007 which meant he could no longer use the practice.

In October 2008 a building inspector noticed red markings on the timber frames and reported the problem.

In her judgment, Judge Allison Sinclair said Binns accepted immediate responsibility and travelled around Auckland and Northland with "volunteer builder friends" to carry out tests on affected houses.

Binns' business went into voluntary liquidation in 2008 owing \$1.29 million to creditors, and Binns was now making a living as a truck driver.

The court was told the stress of the case had contributed to the breakdown of his

marriage and his financial position was not strong. Binns declined to comment yesterday.

Home Owners and Buyers Association president John Gray said the court decision sent a strong message that directors couldn't escape responsibility by liquidating their company.

"It's a very clear message to the industry that they need to lift their game and take these matters really seriously."

In 2006, Carter Holt Harvey was fined \$900,000 for breaching the Fair Trading Act by mislabelling timber as a higher grade. The commission said at the time the timber was unlikely to be a safety issue, but may lead to performance defects such as squeaky floors.

By Heather McCracken

Article published in the New Zealand Herald, May 2010

Peter Boedeker, CEO of the Wood Processors Assn spoke at an Auckland branch meeting a couple of years ago and warned that officials and others needed to be extra vigilant in identifying graded timber and its end use/location. Unfortunately the downside is the question of: how many of these buildings that now been built, issued a CCC and may not last for the 50 year durability period. This type of practice is a good example of where the training academy deserves a bouquet as its training enhances a member's technical capability through its various programmes and installs a confident mindset in the official to ask the "hard questions" on site with an assurance that verification / documentation will need to be provided for further assessment before approval.

(This article and comment provided to the Institute by member, Rangji Johnson.)

BACKFLOW

The New Zealand Water Backflow Group has undergone some new and exiting changes for 2010. Richard Aitken, Chairman of the group has set about re modeling the structure of the backflow committee based on our American counterparts. All of the main committee members have an active involvement within the backflow industry, as well as having a genuine interest to ensure we can all drink water safely from the potable water supply, without any harmful contaminants in it.

The main members of the committee are:

| | |
|----------------------------------|--|
| Chairman/Finance | Richard Aitken raitken@allaboutplumbing.co.nz |
| Publicity/Communication | Aaron Buckley aaron@hydroflow.co.nz |
| Conference/Admin Protocol | Graeme Mills graeme.mills@tauranga.govt.nz |
| Projects | Diana Staveley diana.staveley@awtwater.com |
| Training and Education | Kevin Healy khealy@relianceworldwide.co.nz |

Objectives 2010

*** Creation of a New Zealand backflow testing standard**

After voting not to accept the standard put forward by the WS023 Standards Committee in Australia, New Zealand will instead be creating its own standard.

The committee has been given a mandate to create a specific NZ backflow testing standard to replace the current standard ASNZ2845.2 and ASNZ2845.3

Our plan is to have this in place by the end of 2010.

*** National IQP Register**

New Zealand Water Backflow Group chairman Richard Aitken is on the Interim Governance Board, which is currently overseeing the creation and implementation of the National IQP Register. The groups objective is to establish, set and maintain entry criteria to be accepted onto the register. The first priority being the backflow testers register, with surveying to follow. Our goal is to have this achieved also by the end of 2010.

*** Backflow and Cross Connection Surveying Standard**

The same industry working group which is preparing the backflow testing standard, is also laying the groundwork for the creation of a Backflow and Cross Connection Surveying Standard. One of the main issues within the backflow industry is not understanding or recognising the importance of valves being installed in the correct location. With the implementation of this standard, we can be sure that our water is being protected in the best possible way, knowing that valves are being installed correctly, whether it be boundary, zoned or individual protection.

*** Increase membership and extend training/education**

We plan on achieving this by holding backflow education forums throughout the country. These will be designed to provide information and answers to practioners, whilst also raising the profile of the New Zealand Backflow Group.

Should you have any comments on any of the subjects in this article, or anything of relevance you would like to make aware to our group, please feel free to contact the Backflow SIG liaison Hannah Dawson at Water New Zealand on DDI 04 495 0894 or hannah.dawson@waternz

ROCKCOTE

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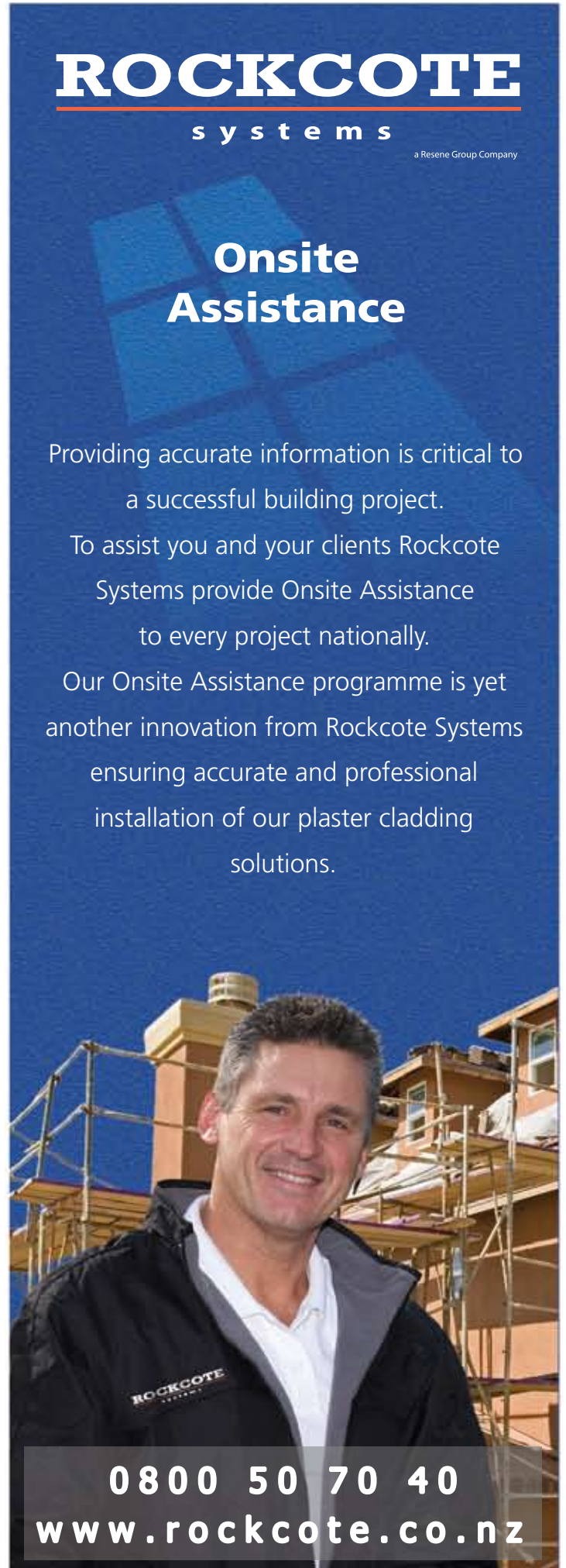
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BCRS provides a cost-effective technical review service of building materials, products, systems, and components from manufacturers, suppliers and importers. The

review is undertaken by independent and impartial, highly experienced subject-matter specialists and engineers, based on specific and comprehensive analysis of the submitted technical data.

The review culminates with the provision of technical reports that will be freely available via www.productspec.net, New Zealand's national product database.

As the reports directly address the issue of code compliance they are extremely useful to Building Control Authorities, Architects, Designers, Engineers, Consumers, Product Manufacturers and the whole building and construction sector.

[Find out more about BCRS here](#)

For further information please contact jon@productspec.net or len@boinz.co.nz

WHERE'S BOB?

For a bit of fun and to test your geographical knowledge, be the first to name the building that Bob is pictured in front of, and the name of the place where the building is, and be in to win a \$50 voucher from Whitcoulls.

Drop us an email with your details and your answer to office@boinz.org.nz by 18 June. The first correct response is the winner!!!



You are the last line of defence... what will you do?

In the dying moments of a tense test match, have you ever watched as a high ball is punted right under the posts? The only player back is the fullback.

The opposition are storming down on this lonely figure, hoping for a mistake, hoping he will crumble under the pressure. This is the last play of the game. Will he take it cleanly, mark the ball and then kick for touch? Will he close out the game and watch the crowd go crazy. Victory or bitter defeat? Which will it be?

Everyone hopes the ball will be safely handled and bundled into touch. What if it isn't though?

I have that sort of apprehension at the moment, but it is not a test match that concerns me. It is what is happening in the building industry, especially to the regulatory framework? There is a ball in the air and it must be caught or there will be a disaster.

I see Building Control Officers and Inspectors as the last stand. The fullback who must perform or we will all suffer an unforgettable and perhaps unforgivable defeat.

The review of the Building Act by the DBH and government has come up with a dangerous "bomb" at the close of play. The ball has to be caught and kicked into touch.

Since we have had undeniable failure with inspection processes (along with other systemic failure) the government and the DBH have in their wisdom decided that the best thing they can do to avoid leaky homes in the future is to wait for it... have no inspections at all!

The biggest thrust in the proposed changes to the Act seem to be:

1. the removal or reduction of Compliance costs by reducing or removing the safety of the Building Consent Process.
2. Removal of inspections by the Territorial Authority. (Imagine the cost of this "saving" when it all goes ugly).
3. The licensing of builders who will self regulate. (People always do the right thing, even if it costs them. Sounds like a Tui advertisement.

Building Officials are the GUARDIANS OF THE BUILDING INDUSTRY. You are. You are the last line of defence and the crowd is depending

Simple House Acceptable Solution

Published by the Department of Building and Housing

This Compliance Document is prepared by the Department of Building and Housing. The Department of Building and Housing is a Government Department established under the State Sector Act 1988.

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on you to take the high ball. There is no one else left. You are it!

What is the point of reducing Compliance costs by a few hundred or thousand dollars if it will certainly result in a raft of failed buildings? How in the name of reason can no inspections and no Building Consent advance the cause of Best Building Practice? How? There is never enough time or money to do it right in the first place but amazingly there is always enough time to argue it out in court when it inevitably goes wrong and always enough money to fix it and pay for the litigation. How can this model be promoted? Why would you weaken the process and safety of the Consent and Inspection Processes and expect to move toward Best Practice building?

The minister and DBH apparently see this approach as the answer. To me it is the end of the game. The fullback gets thumped in a gang tackle. The ball is spilled from his grasp, snatched up by the opposition s who score under the posts. Game over! The entire team have their heads down and the fullback is stretched from the field This is worse than a world cup exit. This is a disgrace.

The licensed builder scheme is supposedly going to fix everything along with no inspections, self regulation and incorrect and unworkable drawings in the Code. More about that in a moment.

There are reportedly 2000 members in CBANZ and 3000 in the RMBF. I am informed there are between 75 – 80,000 "builders" in the trade in good times. That means that if every member



of both Associations support the LBP scheme and sign up, there will be 94% of builders who do not. This will solve the major issues we are now encountering with poor building practice, extreme lack of skill, sloppy work and leaky buildings? The current estimate to fix the leaky home crises calculated by Price Waterhouse Cooper is \$23 Billion. That is 4 times the annual value of new residential building starts in NZ!

I am not against the LBP scheme. It is a good idea but without an industry lead, government funded, coal-face training scheme that produces knowledgeable, skilled tradesmen nothing will change.

One thing that government is brilliant at

is producing volumes of paper in a never ending flurry of useless activity that increases stress but very little clarity or direction. I keep harping on about training those who build buildings but the deluge of paper just continues unabated. We know that builders do not read much. That is not a criticism it is an observation. Why then do we keep bombarding them with more paper? Paper that never reaches them and which they never even know about? Give them drawings. Drawings in 3D so they can understand them and prove to the designer and to themselves that these designs can actually be built. Does the government and DBH listen?

One of the latest publications is the "Simple House Acceptable Solution" It is so simple it only has 202 pages... and drawings that have never worked. Pages and drawings from NZ Standards abound. Here is more opportunity for error. It is hard enough to keep up with changes to one document let alone cross check it with several when changes are made. Bad idea. Check out the attached drawing (same applies to a window) and see where the support is. There is none. I wrote about this last year. I advised DBH. Did they take any notice? This drawing is contrary to the required installation of windows and doors. Is this what we have to look forward to in the NEW GENERATION BUILDING CONTROL?

The changes promoted by the government and DBH seem to be more interested in liability dodging than in Best Practice or in advancing Consumer Protection. There is no

concrete move in any direction toward Best Practice and away from Minimal Standards. In fact there appears to be a complete abdication of responsibility by the law makers.

If Building Inspectors and Building Control Officers blew the whistle, called foul play and sent the players from the field, at least we would not have to watch a spectacle bound to disappoint.

If Building Inspectors were to say "enough is enough". "We are GUARDIANS OF THE BUILDING INDUSTRY and we are the last line of defence". Then we would get somewhere.

If Building Inspectors were to blow their whistles and say "...This is not acceptable. This does not comply" and closed the job down. Then We would see some action. Changes occur when wallets are emptied and owners and clients want to know why work has stopped.

You are equipped with that power. That is why your job was created. You were charged with the responsibility of being GUARDIANS OF THE BUILDING INDUSTRY. You have a vital job and function. You know the rules and must interpret them for the good of all building owners and users. You will make mistakes. You will be called for that but...you will be doing a noble job.

The ball is in the air...it has to be caught. The crowd is depending on the fullback. You are the fullback. What will you do?

Mike Anticich
Director Flashman Flashing Systems Ltd.

ADVERTISEMENT

Large Head Bracing Clouts losing their Clout?

How many times have you seen large head fixings degrade the finish of a plasterboard wall? Possibly they damaged the paper. Maybe the core of the board itself was damaged while trying to make the fixings flush. Or perhaps the opposite happened and they were sticking proud. Whatever the reason, chances are those fixings not only took much longer to install than small head fixings, they also negatively affected the finish.

The use of large head fixings for bracing purposes has often been considered a 'necessary evil' for builders. Let's also not forget the all-important cost factor; the difference between large and small head fixings has small head fixings about 60% lower, as well as around 3 times faster to drive in, and all without the finishing issues!

One Board Does All

Wall bracing elements and their correct installation can be a cause for discrepancies and delays in the inspection and building process. Incorrect board installation, wrong board type fixed in the bracing element, wrong fixing patterns or fixing type, or elements simply removed or adjusted are all issues builders and building inspectors face.

What is needed is a simplification of these systems. Proprietary systems that will give designers and engineers the option to use only one board type in order to satisfy the bracing demand (e.g. 10mm Elephant Standard Plasterboard). One board should be able to satisfy most, if not all of these demands for both walls and ceilings, without

the need for expensive high density bracing sheets or the need to use large head fixings.

Furthermore, this could allow more use of the Horizontal fixing method, another aspect of plasterboard installation that is becoming increasingly popular with owners and builders due to the reduced joints, longer sheets, and ease of construction, which all contribute to achieving a high grade finish.

Reduced logistics costs, faster and easier take offs and increased flexibility are the outcomes of such changes for the owner and builder.

Less heartache, time and money at those pre and post line inspections.

These have been recent innovations from Elephant Plasterboards new Elephant Quickbrace Systems

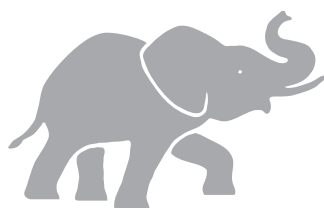
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STRENGTH WITH STYLE

Focus on improving building consent documentation

By Malcolm MacMillan, Manager, Dept of Building & Housing

It is important that building consent authorities (BCAs) have sound systems and procedures at the front counter when receiving and vetting building consent applications. Designers, builders and other consent applicants need to supply good quality consent documentation, with adequate detail and information to establish Building Code compliance.

The quality of building consent documentation directly affects the timeliness of consent processing, and the quality and rigour of the compliance checking that follows. Incomplete or substandard documentation fed into a BCA's system usually results in delays and complications for processing staff. That can lead to time-consuming requests for further information. While timelines are important, the greatest risk to a BCA and, ultimately to the building owner, is if the BCA accepts and approves substandard or incomplete building consent documentation. The BCA needs clear and concise information to make an informed decision about whether to grant and issue a building consent.

More compliance focus at the consent processing stage

The Building Act 2004 introduced a change to the building consenting and inspection process from the former Building Act 1991. The 2004 Act places a greater focus on ensuring Building Code compliance is achieved at the design and building consent processing stages, before building work is approved and begins.

This means BCAs need to pay more attention to the detailed content and quality of the plans, specifications and documentation submitted with a building consent application. In light of past performance issues in the sector, this improvement was and continues to be necessary.

Section 45 of the Building Act 2004 sets out in broad terms what an application for a building consent must contain. However, the Act does not define the form, content or quality of the plans and specifications or other information needed to support an application.

The bottom line is that BCAs need the right amount of information with the right level of detail to help them make informed compliance decisions.

Under the Act, BCAs can only grant a building consent if they are satisfied on reasonable grounds that the Building Code's provisions would be met if the work is properly completed according to the plans and specifications that came with the consent application (section 49 of the Act refers).

The Act allows each BCA to determine what plans, specifications and other information it reasonably requires. This allows for differences between jurisdictions to be managed locally. This situation has pros and cons. Local environmental differences (e.g. ground conditions, sea spray or geothermal corrosion, high earthquake or wind zones, or different effluent and storm water disposal requirements) can require different compliance requirements. However, we risk losing some of the consistency and standardisation that a national Building Code and Act aim to achieve.

In recent years, many BCAs have strengthened their consent processing systems. They are now more conscious of ensuring the consent documentation is thorough. The BCA accreditation scheme has been a catalyst for some of this work, as have lessons learnt from recent weathertightness failings. The accreditation scheme under the Building Act requires BCAs to have effective systems and processes, as well as comprehensive guidance and consumer information about how they receive and vet consent applications to ensure they comply with the Building Act and Building Regulations (including the Building Code).

Room to improve

Most BCAs have strengthened their consenting systems and continue to do so. The aim now is to ensure such systems are focused on the right issues and risks, and are being effectively implemented.

While carrying out their performance monitoring and accreditation assessment responsibilities, the Department and IANZ

sees many examples of building consent files across the country. Some contain clear and comprehensive building consent plans and specifications, which enables sound and very efficient consent processing and approval. However, many consent files still contain incomplete or substandard information, or applications that are overly reliant on generic information that is not project specific or relevant at all.

Such applications clearly do not fully demonstrate how compliance with the Building Code will be achieved. As such, they make BCAs' compliance checking role more inefficient and harder to fulfil.

The Department have consistently advised that these applications should be rejected at lodgement stage. The applicant should be requested to obtain the required information and re-submit their application again when it is complete. This process is often the most efficient overall.

Some care needs to be taken to ensure valid applications are not rejected. Building officials should clearly communicate what they believe is deficient with the application, why the information is needed, and how it relates to their Building Code compliance decision-making. BCAs also need to make sure they ask only for information it is reasonable to ask for so they can make informed compliance decisions. It is also not a BCA's role to design building work or to assess aesthetics. Rather, its role is to verify/assess that all aspects of a building's design complies with the Building Code.

Additional guidance

As guidance the Department published the Guide to applying for a building consent (simple residential buildings) back in 2007 – which sets out the minimum expectations for building consent documentation – and the Beginner's guide to resource and building consent processes. These and other guides are available online at www.dbh.govt.nz/publications-about-the-building-act-2004

Satisfying the requirements of E3 Internal Moisture.



Internal moisture problems are a huge problem in NZ with the Insurance Council of New Zealand confirming that over 10,000 claims are processed ever year in NZ and payout figures top \$30 million P.A

The true cost of this issue is closer to \$100 million P.A as insurance companies cap the payout amount for a leaky bathroom at \$ 3000.00 with the home owner required to pick up the shortfall.

The Objective, function and performance of E3 require that people are safeguarded against illness, injury or loss of amenity from the accumulation of internal moisture and amongst other things, buildings must be constructed to prevent the passage of moisture behind the wall linings and into concealed spaces such as wall cavities. However there is no *Acceptable Solution* compliance document to demonstrate how this is to be achieved when it comes to the very vulnerable area of penetrations in wet area walls, which poses a few alarming questions when it comes to responsibilities regarding whose role it is to ensure that these requirements of our building code are met.

Recently the DBH published some recommendations around this area and have proposed that a good *Code of Practice* be adopted right across the board from conception to completion from the building industry, when it comes to the successful sealing of wet area penetrations. They suggest that a proprietary flange system be adopted into use by the trade to ensure the passage of moisture will not enter a wall cavity and that access to the body and fittings of a shower mixer or tap be left so servicing or replacement of these fixtures can be achieved without disrupting finished surfaces or seals. This is actually a requirement from all tapware manufacturers and a warranty will not be valid on any shower mixer where it has been installed incorrectly by the tradesman.

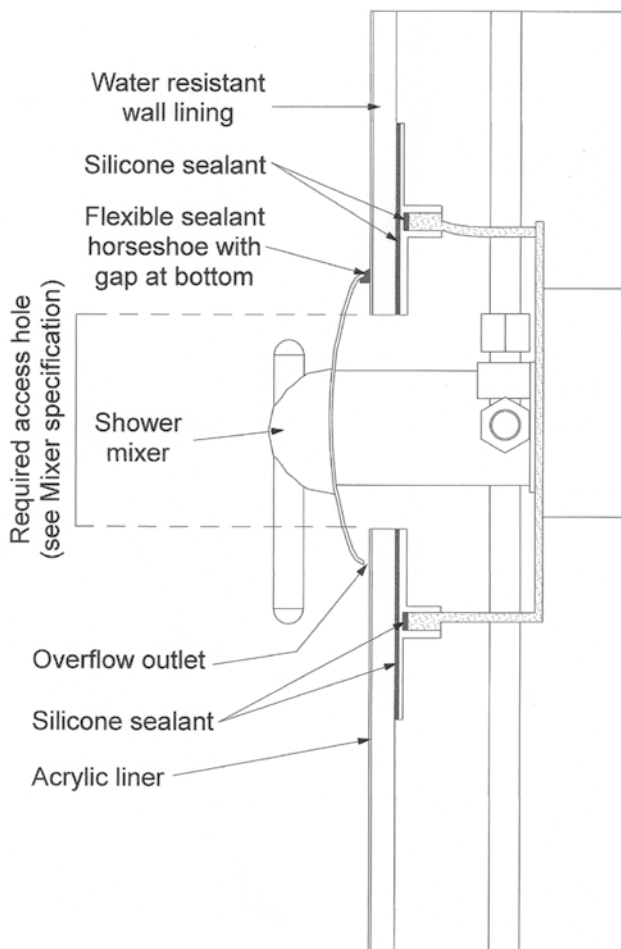
Recently I was horrified to hear from a medium sized Architectural firm based in the middle of NZ that had been specifying the use of a proprietary flange system such as that designed by Aquatite for over two years, but that the plumbing firm had never bothered to install the device's as per what was specified in all of this time, some 50 houses and 300 apartments.

The question was raised as to why this was never picked up by the plumbing inspector when the pre-lining inspection was carried out.

Is this because specifications are not checked when doing a plumbing inspection? The excuse that an alternative solution was used is not a valid one as there is no acceptable solution to begin with, quite simply this very risky area of the building code was simply overlooked by everyone except the architect who incorporated these products into the design to satisfy the area of E3 that asks that moisture will not pass beyond the linings and into the wall cavity and indeed is also part of the integrity of the waterproofing itself.

With there being so much finger pointing around the leaky home issue at the moment, BCA's and TA's need to be aware that this problem of not addressing the area of E3 *Internal Moisture* is another ticking time bomb waiting to explode and from the architects point of view if he has specified a product into a project, especially one that reduces risk to everyone, then it must be installed and signed off as meeting the requirements of E3.

Even if a proprietary flange system has not been specified, asking the question *how are all of the requirements of E3 being met* is not only a good code of practice, it's simple common sense



Wetwall Caddy Detail for Acrylic Lined Applications

EVENT CALENDAR - 2010

JUNE

- 10 June Building Control Processes **ROTORUA**
- 15-17 June Getting Started As A Building Control Official: The Fire Documents C/AS1 **CHRISTCHURCH**
- 16-17 June Getting Started in Residential Weathertightness **ROTORUA**
- 21-23 June Getting Started as a Building Control Official: Building Controls **AUCKLAND**

JULY

- 1 July Timber Truss and Wall Frame Structure and Fixing Seminar **CHRISTCHURCH**
- 14-15 July Getting Started in Residential Weathertightness **AUCKLAND**
- 15 July Timber Truss and Wall Frame Structure and Fixing Seminar **AUCKLAND**
- 26-28 July Getting Started As A Building Control Official: Understanding Building Controls **CHRISTCHURCH**
- 29-30 July Getting Started As A Building Control Official: Plan Processing **CHRISTCHURCH**

AUGUST

- 2-6 August Getting Started As A Building Control Official: Plumbing Inspection **WELLINGTON**
- 5 August Timber Truss and Wall Frame Structure and Fixing Seminar **DUNEDIN**
- 9-10 August Senior building consent officers forum James Cook Hotel Grand Chancellor **WELLINGTON**
- 17-18 August Complex Fire Documents **HAMILTON**
- 30-1 Sept Complex Plumbing: Water Supply and Sanitary Drainage **HAMILTON**

SEPTEMBER

- 8-9 Sept Getting Started in Residential Weathertightness **CHRISTCHURCH**

OCTOBER

- 13-14 October Getting Started in Residential Weathertightness **DUNEDIN**

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UPCOMING BARRIER FREE SEMINARS

2day Barrier Free Seminar

| | | | |
|------------|--------------|--------------|-----------------|
| Hamilton | 16/17 June | Christchurch | 15/16 July |
| Auckland | 19/20 August | Nelson | 16/17 September |
| Wellington | 7/8 October | Napier | 11/12 November |

Seminar attendance: \$550 + GST.

Assessments of Modules 1-4 (optional): \$250 + GST (includes postage as all assessments will be returned)

1-day refreshers

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|--------------|-------------|
| Hamilton | 18 June |
| Christchurch | 14 July |
| Napier | 10 November |

Seminar attendance: \$200 + GST

Module 5 – Becoming a Barrier Free Advisor

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|------------|-------------|
| Auckland | 9 July |
| Wellington | 26 November |

Module 5 seminar attendance: \$280 + GST.

Assessment of Module 5: \$750 + GST

Half-Day Seminar for Architects and Designers

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|----------|--------------|
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| Auckland | 15 October |

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