

# Building Post

## Welcome

Welcome to the June 2019 Building Post. We are halfway through a busy year, although numbers for processing and issuing are down compared to the same time last year. Inspection demand continues to be high and, on average, we are booking three to four days ahead.

A noticeable trend is the steady number of applications we are receiving for Certificates of Acceptance (COAs). The number of applications continues to show that unconsented works are almost always picked up when properties go on the market. By that stage most property owners are desperate to legalise the work. It's not always an easy process. Sometimes, proving compliance requires destructive works, other times a new building consent is required to bring the unconsented works up to Building Code. This process generally takes a lot longer than the contract to sell allows. It's frustrating for everybody.

## Certificate of Acceptance

Talking of COAs, just a reminder to those who prepare documentation for COA applications. The documentation is meant to represent what has been constructed, how it's been constructed and how it meets the requirements of the Building Code. Providing plans that show what should be there to meet the Building Code is not the answer. You should also be providing good photographic evidence, along with plans. If the detail doesn't meet the acceptable solutions you may be able to involve an engineer to show compliance as an alternative solution.

Another point that doesn't seem to be well understood is that a COA is not a retrospective building consent. An issued COA may only cover certain parts of the Building Code and leave the remainder of the structure non-compliant. Where there is serious non-compliance, Building Control, via a Notice to Fix, will require a new building consent to address those portions that don't comply. Such a waste of time. Tell your clients to get a building consent first and avoid all this hassle. We will be able to get consents out the door faster if we aren't spending our time working on COAs.

### *COAs in the Future*

Because of the increase in the number of COAs and the complexity of some of those applications, we are currently reviewing our whole process. I will provide an update when we have completed our review. This will be via an industry wide email or the next Building Post. The review won't be around fees as they are set for another year. It will be the level of information required, from whom, and the format for that information.



## Building Code C/AS2

### Changes to C/AS2

The article below was mailed out to building consent authorities by Dave Robson, Manager Building Performance and Engineering at the Ministry of Business, Innovation and Employment (MBIE). The purpose was to introduce changes to Building Code C/AS2. I am not sure who received this information so I have included it here. If you have already seen it skip to the next article.

*I am pleased to confirm that MBIE will publish a new edition of Fire Acceptable Solution C/AS2 on 27 June 2019. Once published, the current C/AS2-6 can still be used for an implementation period of three months.*

*The new Fire Acceptable Solution C/AS2 for the fire clause of the Building Code is the result of a proposal MBIE released for public consultation in September to November 2018.*

*Changes were proposed after substantial feedback and sector engagement identified issues/problems with the current Acceptable Solution (C/AS 2-6). The new edition merges the six separate fire Acceptable Solution documents, and amends a number of omissions and inconsistencies.*

*In addition to the specific questions we asked, we were pleased to receive over 700 pieces of additional feedback during the consultation, from 38 submissions ranging from government, private consultancies, professional bodies and research agencies.*

*Your suggestions and views have been considered and weighed up against the implications of the proposal. A number of these were taken on board, including editorial issues and clarifications (non-technical changes). As a result the final document will look different to the proposal released for consultation.*

*The majority of submissions supported each of the following technical changes:*

- *Excluding sprinkler dispensation from lowering the separation requirements for certain unprotected external wall areas (Section 5.2.2.a);*
- *Referencing D1/AS1 in Section 3.3.1;*
- *Adjusting cladding height requirements from 7 to 10 metres, and up to 2 levels, building height (Section 5.8.1);*
- *Allowing full height group sleeping area partitions (Section 4.6.2);*
- *Eliminating the shutdown of all HVAC with any smoke detection (Section 4.18.1);*
- *Setting the height restriction for balcony balustrades at 1100mm minimum, not maximum, in line with F4/AS1 (Sections 3.11.5 and 3.11.6);*
- *New Tables 2.2 and 2.3 to determine fire safety system requirements.*

*One proposed change, allowing a WS classified risk group to be compatible with risk group WB (thereby lowering the fire safety requirements) if the storage height was kept low, was not accepted as the majority of submitters did not support this.*

*Additional changes to the new Fire Acceptable Solution (C/AS2) include:*

- *Referencing the current versions of Fire and Emergency and Hazardous Substances legislation.*
- *Sections 3.7.4 - 3.7.10 and 3.7.12 (seating arrangements): adding risk group icons for clarification.*
- *Not including the external cladding guidance, as feedback was conflicted. Incorporating the guidance into the C/AS2 will require further review.*
- *Section 1.1.3: reverting to the current wording from C/AS6 as it did not clarify intent for a stay-in-place evacuation strategy.*
- *Section 1.1.6: reverting the current wording from C/AS6 to ensure hazardous substance regulations not only apply to warehouses.*
- *Tables 2.2b and 2.2c: adding the reference to notes 5 and 6 to allow some fire safety system concessions for risk groups CA and SM, as per the current Acceptable Solutions.*

## Changes to C/AS2 continued...

- Section 3.4.3: removing the dispensation for travel distance extension for intermediate floors in household units, as it was not substantiated.
- Section 3.10.4: removing the new and unsubstantiated requirement for lift landings serving risk group SI.
- Sections 3.13.1 (smoke lobby requirement) and 4.16.12 (requirement for service and delayed evacuation): reinstating these erroneously deleted sections, and the reference to AS/NZS 60598.2.2 for luminaires.
- Section 6.1.2 (fire service vehicle hardstanding): clarifying this section applies to risk group SI only, as per original Acceptable Solutions.
- Section 3.7.15 c) iii): adding "final exits" to clarify where an independent escape route on an intermediate floor may terminate.
- Section 3.10.2 d): removing the floor area restriction for sanitary facilities in exitways, as per the original intent.
- Section 3.15.1.a): clarifying when roller doors may be used as exitways to align with current practice.
- Section 3.15.6.b): clarifying that vision panels are not required in ward bedroom doors, to align with current practice.
- Section 3.15.12: limiting the requirement for panic hardware on doors to align with current practice.

We received some valid suggestions that could not be implemented immediately. These will be followed up with further work and may require a separate consultation process.

Thank you to all submitters for taking the time to provide feedback through the consultation. Training on these changes will be provided – once the details are confirmed we'll let you know.

You can subscribe to the Building Controls Update newsletter on the Building Performance website to keep up-to-date with building regulations and related information.

## Third Step in Digitisation

I am very proud to announce that Building Control has completed its third stage in our digitisation process. The third stage, Datascape, completed our change from using Microsoft Word based processing prompt forms on the computer to a completely digital form. This allows the officer to work online and to complete all applicable compliance checks associated with a particular application. In the past we have had to copy all the different prompt sheets required into the processing folder. From a customer's point of view you will now be able to go to one form in the building file to view all of the processing that was required for an application.

Building Control was supported by the Council's Web Administration team and Datacom to get to the final result. We went through a testing regime and had an external check to ensure that by using this system we would still be meeting the regulations for continued accreditation as a Building Consent Authority. The system has also been designed to provide a consistent approach to confirming compliance, whether by an acceptable solution or an alternative solution. The system allows additional comments to be made to ensure our decision process is clear and easily understandable to a future reader.

We went live with Datascape at the beginning of April, and initially the introduction slowed processing down a bit, until our officers got used to the new system. The system may take fractionally longer but it is producing a better product as it has built in checks along the way. This means that when an officer is about to grant the consent, they can't do that until all stages are completed in full. This feature is especially helpful when there has been a number of requests for further information.

The next stage for digitisation is to bring all applications, such as Certificate of Acceptance and marquees, online. This will mean that deposits and any upfront payments will be able to be completed at time of application.

Thank You  
to  
Submitters

Datascape  
by  
Datacom

## Proposed Changes

# Building System Legislative Reform

The Ministry of Business, Innovation and Employment (MBIE) circulated a discussion paper in April which addresses the proposed changes behind the building law reform. The paper concentrates on five key areas.

1. Building Products and Methods
2. Occupational Regulations
3. Risk and Liability
4. Building Levies
5. Offences, Penalties and Public Notification

As I write, this paper is out for public consultation, but submissions close on 16 June 2019. The Marlborough District Council's Building Control Group will be making a submission. Brendon Robertson (Senior Building Control Officer) attended a forum in Wellington where the paper was discussed in depth.

What will these proposed changes mean to the industry if they are implemented? MBIE's key proposal goes as follows:

### **Building Products and Methods**

1. *Widen the purpose of the Building Act to include the regulation of building products and materials.*
2. *Provide clear definitions of "building products" (the materials) and "building method" (the way materials are used).*
3. *Require product manufacturers and suppliers to supply information about their building products including minimum standards for that information. This will not apply to building methods.*
4. *Clarify responsibilities of manufacturers, suppliers, designers and builders for building products and building methods to ensure products are fit for purpose.*
5. *Give MBIE the power to compel information to support an investigation into a building product or method.*
6. *Strengthen the product certification framework for building products and methods.*
7. *Enable a regulatory framework for modern methods of construction (such as prefabricated products), including off-site manufacture. Currently there is confusion as to whether some modern methods of construction products could be considered both a building product and a building method, resulting in the roles and responsibilities sometimes being unclear. An example is someone building an entire house in factory; are they a product manufacturer, a builder or both? MBIE's proposals include a certification scheme for repeatable manufacture processes and ensuring that multiple consents are not required for the same building work.*

**Just a note here.** Depending on how far the reform goes you may have to really tighten up your process of substituting building products. There is some suggestion in the fine print that every change from the consented documents may require some form of amendment. That raises a heap of issues as technically any change from the consented documents on site is unconsented work and would require a Notice to Fix being issued by the Building Consent Authority. The Notice to Fix would remain in place until the amendment is completed. Potentially this could cause big holdups for everyone.

### **Occupational Regulations**

1. *Broaden the definition of restricted building work to include more complex non residential building work.*
2. *Raise the competence standard for LBPs to enter and remain in the scheme. This would include a tiered licencing system, licenced supervision, simplification of the licence class categories and introduction of behavioural competence requirements.*
3. *Establish a voluntary certification scheme to provide assurance of an engineer's professionalism and competence.*
4. *Restrict who can carry out or supervise safety-critical structural, geotechnical and fire-safety engineering work. This is intended to cover all medium to high complexity work, considering factors such as building size, use and location.*
5. *Establish a new licencing scheme to regulate who can carry out and supervise restricted engineering work.*
6. *Repeal sanitary plumbing exemptions for householders in specified areas and for rural districts.*
7. *Repeal exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision.*

## Building System Legislative Reform *continued...*

### **Risk and Liability**

MBIE has noted that homeowners often are not aware of the risks of the building process. When something goes wrong, homeowners are often faced with a long, expensive and stressful process to get compensation.

1. MBIE proposes to address those concerns by requiring a ten year guarantee and insurance product is put in place for all residential new builds and significant alterations. The liability settings for building consent authorities will remain unchanged. Homeowners can actively opt out.
2. The homeowner will be the policy holder which will allow them to claim directly with the provider. The insurance does not affect the ability to claim for negligence.

MBIE has proposed a two year transition period to put the proposed guarantee and insurance changes into place.

### **Building Levies**

1. The current levies are too high. The escalated building activity has generated a current surplus of \$43 million (as of July 2018) and rising.
2. Different building consent authorities use different thresholds for the building levy.
3. There are limits on the way the levy can be spent by MBIE and does not allow it to be spent on broader stewardship of the building regulatory system.

MBIE proposes to reduce the levy rate (from \$2.01 to \$1.50 per \$1000 of estimated value), standardise the levy threshold at \$20,444 and amend the Building Act to enable MBIE to spend the levy for purposes relating to broader stewardship of the building sector.

The objectives are to reduce the costs of residential and commercial building consents, support MBIE's role as regulator and support a high-performing building regulatory system.

These changes are proposed to take effect from 1 July 2020.

**Note:** Marlborough District Council is already using the threshold of \$20,444

**A personal note from me.** I would rather see the levies stay as they are but see changes in the way MBIE can reinvest that money back into the industry. As a very important industry to the country's development, it requires an increase in stewardship from MBIE. The Marlborough District Council Building Control Group has certainly noticed over recent years a lack of quality guidance from MBIE.

### **Offences, Penalties and Public Notification**

1. Financial penalties may not be fit for purpose.
2. Maximum financial penalties for organisations are the same as for individuals. The penalties may not act as a sufficient deterrent in the case of larger organisations.
3. The Building Act currently has a statutory limitation period of six months to lay a charge which is often insufficient where investigations are complex.
4. Due to the trends in how people now access information, public notifications in newspapers may not be fit for purpose.

MBIE proposes to increase maximum financial penalties, have a different band of financial penalties for organisations (the most serious penalties rising from \$200,000 to \$300,000 for an individual and to \$1.5 million for an organisation) and extend the time to lay a charge to 12 months. MBIE also proposes to modify the definition of "publicly notify" in section 7 of the Building Act by removing the requirement to publish in daily newspapers in the major cities.

So as I said at the beginning of this article, submissions closed on 16 June 2019. Let's hope appropriate decisions are made as a result of those submissions and not more red tape to slow the industry down.

**Comment:** I made a note after "Building Products and Method" about future changes, however, you need to bear in mind all changes to the consented documents now. I have mentioned this issue a number of times in previous newsletters. I understand that your clients do change their minds through a building process. I also understand that changes come about because of supply issues. These situations are all part of the building game, but when you make a change and/or substitution, make sure you consider all of the factors first. Treatment change can create all sorts of problems if it creates compatibility issues. There are many fixings that just can't be used with certain treatment levels. The change may mean that you need to put in a new protective layer between battens and cladding systems.

Consider  
all the  
Factors

## Building System Legislative Reform *continued...*

**Help is at hand.** An easy way to check compatibility is by making the following link a favourite on your phone or computer: <https://www.building.govt.nz/building-code-compliance>

If you then go to the document B2 (durability) you will be able to double check treatment levels for timber components, fixing coating levels and cladding requirements. Then to look at compatibility go to E2 (external moisture) and look at Table 21, Page 174 and Table 2, Page 175. Table 23 on Page 176 has all the properties required for roof and wall underlays. All this is at your fingertips. Using the link could save you making an expensive error when trying to find a substitute component or fixing.

## Facts and Figures – July 2018 - July 2019

As I mentioned at the introduction, the past year has been quite busy. The following facts should help provide a better picture.

**Note:** Figures in yellow are estimated and may differ depending on the June final activity figures.

We  
Are  
Busy

2018/2019		No. of other building consents				
Date / Consents issued	Total no. of building consents issued	No. of new dwellings	Value of building work (millions)	Average no. of consents last year	Average value of consents last year (millions)	Average no. of new dwellings last year
Jul 18	117	11	\$16.91	133.5	16.21	27.0
Aug 18	128	22	\$17.68	133.5	16.21	27.0
Sep 18	121	19	\$13.93	133.5	16.21	27.0
Oct 18	118	18	\$18.45	133.5	16.21	27.0
Nov 18	117	18	\$19.81	133.5	16.21	27.0
Dec 18	87	18	\$12.11	133.5	16.21	27.0
Jan 19	100	18	\$11.54	133.5	16.21	27.0
Feb 19	100	15	\$11.13	133.5	16.21	27.0
Mar 19	161	30	\$15.76	133.5	16.21	27.0
Apr 19	115	25	\$10.32	133.5	16.21	27.0
May 19	170	26	\$23.79	133.5	16.21	27.0
Jun 19	121	20	\$15.58	133.5	16.21	27.0
<b>Total Full year</b>	<b>1455</b>	<b>240</b>	<b>\$187.01</b>			

Estimated from yearly average

2017/2018		No. of other building consents				
Date / Consents issued	Total no. of building consents issued	No. of new dwellings	Value of building work (millions)	Average no. of consents last year	Average value of consents last year (millions)	Average no. of new dwellings last year
Jul 17	114	23	\$12.10	120.0	15.00	22.0
Aug 17	155	28	\$19.47	120.0	15.00	22.0
Sep 17	125	33	\$13.68	120.0	15.00	22.0
Oct 17	130	41	\$23.21	120.0	15.00	22.0
Nov 17	125	29	\$17.20	120.0	15.00	22.0
Dec 17	105	26	\$18.20	120.0	15.00	22.0
Jan 18	90	27	\$17.45	120.0	15.00	22.0
Feb 18	117	19	\$15.73	120.0	15.00	22.0
Mar 18	154	21	\$19.22	120.0	15.00	22.0
Apr 18	182	32	\$15.56	120.0	15.00	22.0
May 18	181	25	\$13.25	120.0	15.00	22.0
Jun 18	123	24	\$9.47	120.0	15.00	22.0
<b>Full year</b>	<b>1601</b>	<b>328</b>	<b>\$194.54</b>			

This compares to actual figures for 2017/2018. You will note the biggest difference between the years is the number of dwellings issued:

2017-2018 = 328 dwellings

2018/2019 = 240 dwellings

# Facts and Figures – July 2018 - July 2019

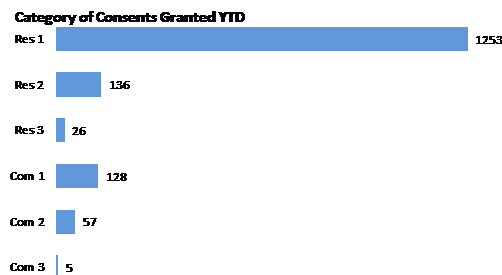
continued...

The list below is the spread of types of structures issued from the start of the financial year 1/07/2018 until 15/07/2019:

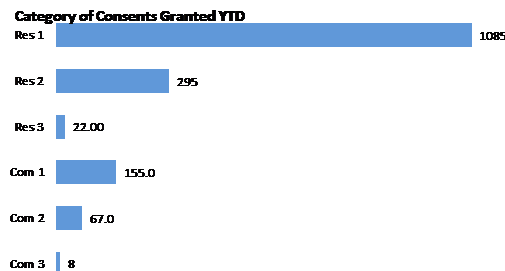
Description	Building Code	Number Of	Total Value
Ancillary	AN	103	\$10,420,037.13
Commercial	CO	34	\$24,429,146.00
Commercial Addition	CAD	69	\$10,000,605.00
Communal Addition Non Residential	CAN	21	\$5,260,900.00
Communal Non Residential	CNR	5	\$815,000.00
Communal Residential Addition	CRA	3	\$199,000.00
Communal Residential New	CR	3	\$8,558,149.25
Drainage	DR	71	\$1,352,793.25
Housing Addition	HA	235	\$13,276,266.04
Housing New	HN	228	\$87,353,176.29
Industrial Addition	INA	1	\$4,000,000.00
Outbuildings	OB	269	\$12,649,660.78
Relocated to this site	RL	18	\$1,167,000.00
Removal and Demolition	RE	7	\$35,800.00
Solid Fuel	SF	336	\$1,553,689.06
		<b>1403</b>	<b>\$181,151,222.80</b>

## Structure Types

Date	Com 3	Com 2	Com 1	Res 3	Res 2	Res 1	Total
July 2017	0	7	12	3	10	84	116
August 2017	0	7	9	2	16	120	154
September 2017	0	3	14	3	12	98	130
October 2017	0	4	11	3	18	88	124
November 2017	1	8	8	1	9	95	122
December 2017	2	4	16	1	8	73	104
January 2018	0	2	12	2	10	71	97
February 2018	1	5	18	2	8	84	118
March 2018	1	10	8	5	8	120	152
April 2018	0	1	7	2	15	163	188
May 2018	0	4	6	1	11	157	179
June 2018	0	2	7	1	11	100	121
<b>Total</b>	<b>5</b>	<b>57</b>	<b>128</b>	<b>26</b>	<b>136</b>	<b>1253</b>	<b>1605</b>



Date	Com 3	Com 2	Com 1	Res 3	Res 2	Res 1	Total
July 2017	1	7	13	2	7	88	118
August 2017	1	6	8	2	9	106	132
September 2017	0	5	15	2	7	90	119
October 2017	2	6	15	1	13	80	117
November 2017	0	8	22	1	8	88	127
December 2017	0	7	15	1	10	53	86
January 2018	0	5	18	1	13	63	100
February 2018	1	4	19	5	6	66	101
March 2018	0	5	9	0	15	130	159
April 2018	1	0	7	1	10	97	116
May 2018	1	8	1	4	172	133	319
June 2018	1	6.0	13.0	2.00	25.0	91.0	138
<b>Total</b>	<b>8</b>	<b>67.0</b>	<b>155.0</b>	<b>22.00</b>	<b>295</b>	<b>1085</b>	<b>1632</b>



estimated from average over year

The biggest difference when comparing the two sets of figures is reduction in the number of Residential 1 dwellings and the increase in Residential 2 this year. Also noted is the lift in commercial activity from 2017/2018.

Residential 1 represents small buildings, which includes garages, outbuildings and simple design dwellings.

Residential 2 represents the more complicated split level or multiple cladding systems.

Residential 3 represents the complicated architectural designs.

The commercial variations follow the same pattern but Com 3 represents the highest importance levels, like schools, theatres and other large public building.

Inspections for the year will be slightly down on last financial year (2017/2018 = 6,090). This year will end with approximately 5,700 inspections.

## Building Control Officer

### Introducing Sonya Shah

Sonya started as a Building Control Officer in March 2019. You probably haven't heard too much from her yet as she is busy learning our systems and processing building consent applications. Here's a wee introduction from Sonya.

*It gives me immense pleasure to introduce myself to the lovely people of Marlborough. I have recently moved from India after marrying my childhood friend (now one of my teammates in Council) last December. I find Marlborough a very beautiful place and people are welcoming and kind.*

*I love everything about buildings. I think the process behind any building being built is amazing and I always wanted to be a part of it, either as an engineer or a construction professional. I have been a part of a wide range of projects as a civil engineer for almost four years, right from estimation and planning of 22 storey township buildings to commercial tender negotiations. The work had a huge sense of accomplishment to make it all worthwhile. It is very satisfying to be able to leave work and see the buildings that you are working on come together piece by piece. Being in the building industry is fun because no two days are the same and there are always new problems that need to be solved, keeping things interesting and exciting.*

*Apart from work I love music, cooking, dancing, yoga, tramping (and the list just keeps on going). It may be a trek at an altitude of 13,000 feet in Himalaya or completing your project research, all you need is an inspiration. My Dad and my partner play the most important part in my life because they have always encouraged me to chase my dreams and are still inspiring me in their own simple ways.*

*I am enjoying the work culture here at Council as a Building Control Officer and understand that it's a big responsibility that comes with it. I am ready to help make our buildings safer to live in and to meet the Building Code requirements.*



## Fees

### Fee Changes

Over April and May my proposal to increase some of our fees has been out in the public arena for consultation. There were no submissions, so the fees will go through as proposed and will take effect on 1 July.

See the enclosure detailing the new fees.



*Keep Warm  
on these  
Frosty  
Mornings*



# MDC

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