

Codewords Issue 80



28 SEPTEMBER 2017

Warmer weather, a lot of rain and an election – must be spring!

As usual, there's a lot going on in the industry – and at MBIE as well. As you may be aware, a recent review showed Building System Performance (BSP) is the regulatory system within MBIE that needs the most attention to improve performance.

Following that review, BSP is being transformed to shape the building regulatory system to meet New Zealand's current and future needs.

The work BSP does matters – building and construction make a significant contribution to our nation's economy and social wellbeing. The whole sector has a role to play in lifting performance, embracing innovation and moving forward. It's important that BSP is focused on the right activities and has the right people and supporting structure to become a world-leading building system regulator.

These changes build on the strong mix of technical and policy expertise that is a unique feature of BSP. And by changing the culture and capability to deliver a higher performing building regulatory system, directed by strategic goals and a good understanding of the building sector, MBIE is making it easier to work with BSP, to provide a more seamless customer experience.

The new structure takes effect from 2 October.

As part of the change, the Determinations team and a new Building System Assurance team have moved into the Market Services group in MBIE – an article outlining these changes is in this issue.

Some quick updates:

- [Schedule 1 guidance: Building work that does not require a consent](https://www.building.govt.nz/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/) (<https://www.building.govt.nz/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/>) has recently been updated to include Exemption 21A Means of restricting access to small heated pools – I'm aware many people print this document, so please make sure you have the latest version. And in this issue of Codewords, Part 3 in our Exempt Building Work series looks at Exemption 1 – general repair, maintenance and replacement. Definitely worth a read.
- MBIE was at the Auckland Home Show earlier this month to promote our consumer protection measures and restricted building work (RBW) campaign messages. With over 50,000 people attending it was a great opportunity to raise awareness of the importance of a contract when building or renovating and in choosing a licensed building practitioner for RBW to help ensure the safety, value and insurability of Kiwi homes. Check out [Why contracts are valuable](https://www.building.govt.nz/projects-and-consents/why-contracts-are-valuable/) (<https://www.building.govt.nz/projects-and-consents/why-contracts-are-valuable/>) for more information and watch our 'Build It Right – consumer protection measures' video.
- [Managing earthquake-prone buildings](https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/users-earthquake-prone-buildings/) (<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/what-earthquake-prone-buildings-system-means-for-you/users-earthquake-prone-buildings/>) continues to be updated on a regular basis – recent additions include new information sheets on substantial alterations, EPB notices and priority buildings. In addition, there is advice on using existing information to identify potentially earthquake-prone buildings. Territorial authorities also recently received a pack including templates for EPB notices – please contact MBIE if you haven't received this yet.

- There are some great articles in this issue including a consultation on B1/VM1 and loop bar connections, poor grouting practice, liquefaction guidance, a Building Practitioner's Board decision and more that I recommend you read.

Like BSP, Codewords has some changes coming up as well. By the time you read this, I'll have moved on from BSP so this is my final issue as the 'face' of Codewords. The next issue will come from BSP General Manager Anna Butler, who is looking forward to ensuring you continue to receive the latest regulatory and related information on the building and construction industry.

I joined what was the then DBH in 2011 and in the last six years we've achieved a lot for the industry that I am very proud of. One of those things was the rebuild of building.govt.nz – we reached a record number of visitors to the website in August this year, which is fantastic.

I've enjoyed my time working on Codewords – and the correspondence that often springs from our articles! I wish you all the very best for the future – I know the industry's in good hands.

Chris

Code and technical changes

Determinations and Building System Assurance teams move to Market Services

MBIE's recent review showed Building System Performance (BSP) is the regulatory system within MBIE that needs the most attention to improve performance. As part of the change, the Determinations team and a new Building System Assurance team have moved into the Market Services group in MBIE.

Market Services specialises in delivering operational regulatory functions across MBIE. It is already home to the licenced building practitioner regime, so is thoroughly experienced in running building-related functions.

From Monday 4 September Determinations became a stand-alone team, which gives this important regulatory function clearer independence from the policy aspects of MBIE's building work. The team will be led by Katie Gordon, who has experience in MBIE working on tenancy issues and more recently in Weathertight Services.

John Gardiner finished at MBIE this month, so if you used to talk to John about determinations issues, please get in touch with Katie. The determinations inbox (determinations@mbie.govt.nz (<https://www.building.govt.nzmailto:determinations@mbie.govt.nz>)) is still active and you will continue to deal with the same staff on determinations and Section 200 complaints.

In addition, from 4 September MBIE's product quality and certification functions (including CodeMark and MultiProof) were combined with our role in BCA accreditation and BCA/TA monitoring to create the new Building System Assurance team. This change combines our external-facing, day-to-day functions into a cohesive whole. We have also boosted capability, adding additional resources to the team.

Melanie Smith, who has recently been leading the engineering team in MBIE, has been appointed acting manager of the Building System Assurance team. Melanie has taken over managing the BCA accreditation and monitoring work from Pete Laurenson and product and certification work from John. The Building System Assurance team still has the same staff you may have dealt with previously and our inbox for product complaints (products@mbie.govt.nz (<https://www.building.govt.nzmailto:products@mbie.govt.nz>)) and BCA accreditation (consentsystem@mbie.govt.nz (<https://www.building.govt.nzmailto:consentsystem@mbie.govt.nz>)) are still available.

John and Pete have made a big contribution to MBIE and to New Zealand's building and construction sector and we wish them well in their future endeavours.

With Determinations and Building System Assurance now in Market Services, BSP General Manager Anna Butler will no longer be responsible for these teams.

If you have any questions or enquiries, do not hesitate to [contact us](#)

[\(https://www.building.govt.nz/contact-us-old/\)](https://www.building.govt.nz/contact-us-old/).

Instances of poor grouting practice of reinforcing bars in Drossbach tubes

The New Zealand Institute of Building Surveyors recently informed MBIE of instances of poor construction practice associated with the grouting of reinforcing steel bars inside Drossbach tubes set within reinforced concrete elements. These instances were investigated and confirmed by professional engineers.

This detail is typically used as a connection between a floor substructure and precast reinforced concrete wall panels. It is also used in precast concrete frame construction, where the projecting starter bars from the previous construction stage are grouted into Drossbach tubes set within precast concrete beam or column segments for the next stage of construction.

The instances reported were with concrete wall panel construction where there was either incomplete penetration of the grout or, in some cases, no grout at all around the reinforcing bars.

If undetected, the resulting loss of the reinforcing bar bond under service loads may at best cause poor performance of the structural element and at worst cause premature collapse of the structural component.

Site personnel, engineers reviewing construction, and building consent authority inspectors should be vigilant to ensure the tubes are effectively end sealed to prevent loss of the wet grout and that grout is injected to avoid air entrapment. Site quality practices such as non-destructive testing (NDT) should be undertaken to verify that the grout fully penetrates around the reinforcing bars.

Consultation opens on B1/VM1 and loop bar connections

Building Controls Update 223

MBIE is seeking your feedback on proposals to amend Verification Method B1/VM1 and to ban loop bar connections of flange-hung double-tee precast flooring. The consultation runs from 27 September to 20 November 2017.

MBIE is proposing to:

- update Verification Method for B1 Structure B1/VM1 to cite the latest version of NZS 3101:2006 Concrete Structures Standard: Part 1–The Design of Concrete Structures, (ie Amendment 3)
- update Verification Method for B1 Structure B1/VM1 to replace sections of NZS 3404 Part 1:1997 Steel Structures Standard to reflect current practice for steel fabrication and construction
- ban the use of the loop bar (also known as ‘pigtail’) connection detail associated with the support of precast concrete flange hung double-tee flooring units.

The proposed amendments are part of MBIE’s response to the investigation into the performance of Statistics House in the 14 November 2016 Hurunui/Kaikōura earthquakes and recommendations from the Canterbury Earthquakes Royal Commission.

Modifications to the referencing of NZS 3404: Part 1:1997 are not related to the Statistics House investigation, but are a timely update that will ensure B1/VM1 remains relevant to the steel industry.

View the proposals and make a submission on the [MBIE Corporate website \(https://www.mbie.govt.nz/have-your-say/building-code-verification-method-b1vm1-update-and-proposed-loop-bar-ban-2017/\)](https://www.mbie.govt.nz/have-your-say/building-code-verification-method-b1vm1-update-and-proposed-loop-bar-ban-2017/)

Subscribe to Building Controls Updates (<https://www.building.govt.nz/subscribe-old/>)

New geotechnical planning and engineering resource published

Building Controls Update 222

On 26 September 2017 MBIE and the Ministry for the Environment published Planning and engineering guidance for potentially liquefaction-prone land.

This guidance will support local authorities and utility owners to make decisions that are based on sound engineering and science, and are legally robust. The consistent planning approach will make it easier for councils to prepare Resource Management Act policies and plans, and to process resource and building consent applications. This will improve investment certainty for developers and property owners. The guidance will assist all parties associated with the use and development of land in potentially liquefaction-prone areas.

A number of significant liquefaction events have occurred in recent years. Land use planning, together with resilient building and infrastructure design that recognises the risks of liquefaction and guides development, has the potential to reduce the consequences of future events.

Climate change, alongside pressure to develop either marginal land or intensify development in potentially liquefaction-prone areas, is increasing the need for local authorities and building infrastructure owners to better understand and manage these risks.

This guidance is being issued for public comment. Planners and engineers are encouraged to make use of these documents and return comments to engineering@mbie.govt.nz (<https://www.building.govt.nzmailto:engineering@mbie.govt.nz>) within six months for consideration by the editorial committee. Comments are also welcome from others working in earthquake engineering or land use planning.

For many local authorities, this is a new approach and there may be uncertainty around implementation. The New Zealand Planning Institute and the Institution of Professional Engineers New Zealand will together run a series of workshops later this year to assist those looking to apply the guidance.

[Planning and engineering guidance for potentially liquefaction-prone land](https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/planning-engineering-liquefaction-land/)
(<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/planning-engineering-liquefaction-land/>)

Subscribe to Building Controls Updates (<https://www.building.govt.nz/subscribe-old/>)

LBP knowledge link

LBP Registrar update (Codewords 80)

Welcome to another edition of LBP Knowledge in Codewords. First up, we have issued our first Practice Note on Supervision. This Practice Note sets out the regulator's expectations on supervision and what you must or must not do.

Paul Hobbs

Paul Hobbs

It is an important read for all LBPs so make sure you take note if you are going to be supervising others.

[LBP Practice Note – Supervision](http://www.lbp.govt.nz/lbp/im-an-lbp/practice-notes) (<http://www.lbp.govt.nz/lbp/im-an-lbp/practice-notes>) is available on the LBP website.

Later in this edition, you'll see the third and final article in our exempt building work series. In our earlier articles in this series we discussed some of the simpler and more common exemptions. Now we're tackling the most common and complex exemption of all – general repair, maintenance and replacement. Make sure you keep on the right side of the law with building consents. If you have any doubts, contact your local building consent authority.

[Know your stuff – Exempt Building Work, Part 3 \(https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-80/exempt-building-work-3/\)](https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-80/exempt-building-work-3/)

In this edition we introduce Building CodeHub. It's a service created by MBIE's Building Systems Performance branch to provide a go-to place for building-related technical resources.

[Building CodeHub website \(https://codehub.building.govt.nz\)](https://codehub.building.govt.nz)

Next month (26–28 October) Architectural Designers New Zealand (ADNZ) will hold its annual national conference at Te Papa in Wellington. This year's focus is on the thriving sector and looking ahead to remain at the forefront of your craft.

Designers and other interested parties can find out more on the [ADNZ website \(http://adnzconference.co.nz\)](http://adnzconference.co.nz)

In other news, an LBP carpenter recently had his license cancelled by the Building Practitioners Board for undertaking work that was non-compliant and of poor quality. The article in this issue provides a good steer on the Board's expectations in relation to building quality, rework and LBP responsibility.

Finally, MBIE's business.govt.nz website just launched a new section specifically for contractors and sole traders. It will help this group better understand the advantages and obligations of being in business, and succeeding as a small business in New Zealand. Well worth a look if you're a contractor or sole trader.

[Going contracting \(https://www.business.govt.nz/going-contracting/\)](https://www.business.govt.nz/going-contracting/) on MBIE's Business website has more information.

Paul Hobbs

Registrar Building Practitioner Licensing

Know your stuff – Exempt Building Work, Part 3

Parts 1 and 2 of this series covered off several examples of exempt building work (building work that does not require a building consent) and some of the measurable exemptions. This part, the third and final in our series, will look at exemption 1. This exemption often comes down to interpretation as opposed to an exact measurement.



As a brief recap from our previous articles, all building work requires a building consent, except for work covered by Schedule 1 of the Building Act 2004. MBIE has issued guidance on Schedule 1 with helpful and practical examples.

[Building work that does not require a building consent \(https://www.building.govt.nz/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/\)](https://www.building.govt.nz/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/) has further information.

Don't forget to check if you need a building consent by reading the guidance and contacting your local building consent authority. This will help you avoid fines from councils or penalties from the Building Practitioners Board (the Board).

The Board has considered a number of complaints that relate to work undertaken using Schedule 1 and has offered up the following advice for practitioners:

Licensed building practitioners have to be cautious when making enquiries as to whether a building consent is required or not. It is recommended that if they are to rely on such advice, that they:

- a. disclose the full extent of the building work to be undertaken;

- b. seek to obtain the advice in writing so that they have a means of verifying it or, if written advice cannot be obtained, that they make a contemporaneous record of the enquiry and verbal response received; and
- c. if in doubt seek professional advice as well from an engineer or similarly qualified person.

Exemption 1 – General repair, maintenance and replacement

Exemption 1 allows you to repair, maintain or replace building elements without needing to obtain a building consent provided a series of conditions is met. You cannot use this exemption on work that is sanitary plumbing work as this is covered by exemptions 32–38.

Condition 1

The repair and maintenance of any element incorporated in or associated with a building is exempt building work provided that comparable materials are used.

This covers general repair and maintenance but does not cover repair or replacement of an element that has failed its durability requirement under the Building Code. This may include a failure to comply with the external moisture requirements of the Building Code (such as in a leaky building). At a very high level, the Building Code Clause B2 durability requirements are:

- Easy to access and replace elements such as coatings (paint) and light fittings must last a minimum of five years.
- Moderately difficult to access and replace elements such as interior wall linings, claddings or windows must last a minimum of 15 years.
- Difficult to access and replace elements, or critical components of a building, such as structural wall framing or foundations must last a minimum of 50 years.

[Building Code Clause B2 Durability \(https://www.building.govt.nz/building-code-compliance/b-stability/b2-durability/\)](https://www.building.govt.nz/building-code-compliance/b-stability/b2-durability/) has further information.

Condition 2

Replacement of any element incorporated in or associated with a building is exempt building work provided that a comparable element is used and the replacement is in the same position.

This is commonly referred to as a ‘like-for-like’ replacement but this is not technically correct. You are able to use a comparable element (not necessarily the same type of element) provided it is in the same position.

Some older products might meet the ‘comparable’ test, but may not comply with the current Building Code, eg you would not replace asbestos cladding with asbestos cladding as you would breach Clause F2 Hazardous Building Materials. The modern-day substitute is fibre-cement based sheet. If you are in any doubt a useful test is provided in Verification Method B2/AS1. The assessment of comparability is about the level of performance for a product or element.

You cannot use this exemption if you are replacing an element that is substantially contributing to the structural behaviour or fire safety properties, or most or all of a specified system (such as emergency lighting). You are also not able to use this exemption for replacement work that has failed its durability test as discussed above.

What does this actually mean?

This means that you can do a lot of repair, replacement or maintenance work without needing to obtain a building consent. It is a judgement call sometimes on whether your material is comparable or whether the element you are replacing has failed its durability requirements under the Building Code. You’ll need to do some thinking before you use this exemption.

If you have any questions about using this exemption on-site because it can be a little tough to come to a clear decision, we recommend that you either seek an ‘exemption 2’ from the council or you apply for a building consent rather than risk it. You can also check out the helpful examples in MBIE’s guidance document.

Real world learnings

In addition to this, an example of a roof replacement was recently brought to MBIE’s attention. In this instance, the roofer in question elected to reroof over an existing roof cladding, but did not do a

Building Code-compliant or quality job.

Exemption 1 in Schedule 1 was utilised in this instance, but the building work failed to meet the performance requirements of the Building Code. The LBP was disciplined by the Building Practitioners Board and had his licence cancelled, however the Board decided not to publicly name the practitioner in this instance.

Reroofing over existing cladding with thin timber battens and inadequate fixings

Reroof: fixing over existing cladding with thin timber battens and inadequate fixings.

Poor finishing of flashings and inappropriate use of sealant

Roof detailing: poor finishing of flashings and excessive and inappropriate use of sealant.

Quiz

1) What kind of building work is covered by exemption 1?

- a. New builds and repairs.
- b. Additions and alterations.
- c. Garages and maintenance.
- d. Repairs, replacements and maintenance.

2) In terms of Schedule 1, what else do I need to consider when replacing something with a similar component?

- a. The value of the work.
- b. Whether the new component will be Building Code compliant and will be in the same position.
- c. Whether I hold the right kind of LBP licence.

3) If my house has 30-year-old timber weatherboards that are beginning to degrade, can I replace them with new timber weatherboards without a building consent?

- a. Yes, it's covered by exemption 1.
- b. No, you need a building consent regardless of anything else.

4) Do I need a building consent to install a new long-run corrugated metal roof to replace my leaking 12-year-old waterproof membrane roof?

- a. No, because it involves replacing a roof cladding with another roof cladding.
- b. No, because the replacement roof cladding is in the same position.
- c. Yes, because the existing roof cladding has failed its 15-year durability requirement.

Check your answers (<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-80/exempt-building-work-3/quiz-answers/>)

Building CodeHub: Finding and accessing resources is now easier

MBIE's new building-specific search engine Building CodeHub is now available online. The search engine makes it easy to access all the resources you need to design and construct buildings that comply with the New Zealand Building Code.



By centralising access to regulatory and non-regulatory resources Building CodeHub offers a single platform that you can use to search and filter results to quickly find the resources you need.

Resources on Building CodeHub include building legislation, the Building Code, MultiProof certificates, CodeMark certificates and more. MBIE will continue to load more resources, Standards, and BRANZ information, so your searches will find more documents over time.

Go to the Building CodeHub website (<https://codehub.building.govt.nz/>)

Building CodeHub homepage

<https://codehub.building.govt.nz>

You can filter your search by Building Code clause, building category and information type.

What Building CodeHub offers

Building CodeHub is a great tool to help ensure you keep up to date with relevant technical changes relating to your licence class.

It's online, current and is a source for all compliance resources (including on the Building Code). You can also request an update informing you when a Standard or regulation changes.

While Building CodeHub holds information about resources, it does not hold copies of the resources themselves. Information may include:

- the type of resource, the organisation that provides it, the date it was published and/or came into force, and its version history
- information about the resource's content, including a brief description, its scope and table of contents
- a link to where the resource lives on its provider's website and, where available, a link that enables you to open it directly. (If the resource needs to be paid for, you'll be taken to the relevant page where it can be purchased)
- if the resource is part of a citation pathway in an Acceptable Solution or Verification Method, the resources that it cites, and the resources that cite it.

How to use Building CodeHub

Building CodeHub finds what you need and directs you to the most current resource. Simply search for content you want by keyword. You can filter your search by Building Code clause, building category and information type. When you find what you're seeking, click 'View on Information Provider website' to gain access to the content.

Using Building CodeHub, you can:

- trust the Building Code resources you are searching for are authoritative and current
- if cited, be assured that the references made in your plans comply with the Building Code
- have confidence that industry professionals are referring to the correct resources, if cited
- save time by having a single access point for all current Building Code resources.

Using Building CodeHub is free, but some resources you can find (such as copyrighted material) may require payment or subscription.

If you have questions or feedback, please tell us what you think on Building CodeHub's [Feedback page \(https://codehub.building.govt.nz/feedback\)](https://codehub.building.govt.nz/feedback)

Next steps for Building CodeHub

Information will continue to be added so Building CodeHub becomes a truly comprehensive resource.

[Latest updates \(https://codehub.building.govt.nz/latest-updates\)](https://codehub.building.govt.nz/latest-updates) to Building CodeHub website has

further information.

Quiz

1) What is Building CodeHub?

- a. A place to chat to your friends about the Building Code.
- b. MBIE's Building Systems Performance main website.
- c. A place to find all the relevant resources related to building and construction compliance.

2) Can I find information on how to fix my car on Building CodeHub?

- a. No, it's for building and construction compliance information.
- b. Yes, it's a great place to find information on cars and yachts.

3) Which statement best describes Building CodeHub?

- a. Building CodeHub contains all the relevant resources you need to design and construct a building.
- b. Building CodeHub is free and easy to use.
- c. Building CodeHub is online and will continue to be updated regularly.
- d. All of the above

Check your answers (<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-80/find-building-resources-building-codehub/quiz-answers/>)

LBP drawing on his talent

Back in high school, David Prosser's skill and passion for technical drawing led him into architectural draughting.

David Prosser

David Prosser

Now, as an LBP and owner/director of his own architectural design business, David has a busy schedule that still involves a lot of hands-on design work.

David's role in his business, which he started in 2009, includes managing current and new projects and queries from councils about building consents being processed. It also includes liaising with current and potential clients, fee proposals and time management.

An average day at work includes juggling the business and all it entails, with sketching and computer drawing in the mix.

"A big part of my role is the design work, which mainly involves alterations and additions but this can be more tricky and complex than you think. Sometimes even more so than a new house, because with a new house you have a clean slate," says David.

David's been in the industry since the eighties and has clocked up around 30 years in his field. "I had a four-year break overseas during a global financial downturn that hit the construction industry in New Zealand pretty hard."

Having been an LBP for five years, David believes that this brings value to his business, and to himself.

"It says we are good enough to handle and manage your housing projects. I think it gives credibility and respectability to the company or person who is registered."

David has some sound advice for LBPs.

"The construction industry is very word-of-mouth. Respect your clients and the LBP community you're in.

"Keep using the tools for learning and do a good job. Communicate effectively with your customers and you'll keep enjoying the LBP status.

“Lastly, set and keep realistic timeframes. What’s the old saying? Under-promise and over-deliver.”

Licensed building practitioner held to account for poor work

In a recent decision, the Building Practitioners Board (the Board) found a licensed building practitioner (LBP) guilty of poor quality work.

The LBP had his carpentry licence cancelled, his name removed from the LBP register and he was ordered to pay costs of \$2,000. The LBP was also barred from reapplying for a new licence for a period of 12 months following cancellation of his licence.

The Board’s action followed a complaint being laid against the LBP for negligent and/or incompetent work and carrying out, or supervising, work that didn’t comply with a building consent.

The complaint related to various quality and compliance issues associated with building work undertaken at a residential site. Of concern was that much of the non-compliant building work related to the building’s primary structure, ie its wall framing, roof trusses and some proprietary beams. Weathertightness issues were another area of concern.

The Board found that the LBP failed to meet the expected competencies for an LBP and also failed to understand the potential ramifications of his poor conduct and decision-making that led to the complaint. The Board found that, “The building work carried out by the Respondent fell well short of what is to be expected of a competent licensed building practitioner. The Board considers the Respondent was not only negligent by displaying a lack of reasonably expected care but also incompetent in that he has not demonstrated the required level of ability and skill required of a licensed person.”

The Board further commented that, “In this instance the non-compliance was very serious and there were multiple instances. They were not identified by the Respondent who was focused on speed, not quality, and the work had passed the point where they could be easily rectified.”

The Board considered that cancellation of the LBP’s licence would ensure his competence as a carpenter would be reassessed if he decided to reapply for a new licence once the 12-month stand-down period had expired.

LBP Registrar Paul Hobbs says, “A critical part of the scheme’s overall success relies on licensed individuals playing by the rules and consistently producing quality and Building Code-compliant work, while also being held to account when their performance is suboptimal.”

[Complaints to the Building Practitioners Board \(http://www.lbp.govt.nz/lbp/complaints/complaints-to-the-building-practitioners-board\)](http://www.lbp.govt.nz/lbp/complaints/complaints-to-the-building-practitioners-board) on the LBP website has further information about making a complaint about a licensed building practitioner.

Searching for LBPs online just got faster

MBIE has launched a new way for councils and large businesses to search the LBP register by using an API (Application Programming Interface).

LBP public register

LBP public register

APIs are a way for two software products to ‘talk’ to each other. The LBP search API connects directly to the LBP register to search for LBPs and get their licence and history details. This means you don’t have to visit the LBP website to search for LBPs – if you have the name or number of a practitioner in your system the API can automatically search to find their registration status and full details, cutting down on time and errors.

The API makes it easy to carry out high volumes of register searches, reducing administration and removing the need to copy and paste information between your system and the LBP website.

There is no cost to use this service, though some initial software development is required. Talk to your IT department or software provider to find out how the API can work for you.

[Licensed Building Practitioners API \(https://api.business.govt.nz/api/apis/info?name=Licensed-Building-Practitioners&version=v1&provider=mbiecreator\)](https://api.business.govt.nz/api/apis/info?name=Licensed-Building-Practitioners&version=v1&provider=mbiecreator) on MBIE's API Explorer website has more information.

Recent determinations

Determination 2017/045 – Summary

Determination 2017/045 discusses swimming pool barrier compliance, and section 162C of the Building Act 2004.

Background

In 1986 a building permit was issued for a swimming pool and barrier. These were inspected in 1999, which confirmed that the fencing complied with the Fencing of Swimming Pools Act 1987 (FOSP). The physical barrier to the pool includes the external wall of the house, which incorporates a ranchslider (with a cat door). In 2011 the council issued a building consent to install a spa pool in the immediate pool area and a bifold window over a kitchen servery. In 2014 a code compliance certificate was issued for the building work.

On 1 January 2017 the Building Act was amended by the Building (Pools) Amendment Act 2016. The Building Act requires councils to inspect residential pool barriers at least once every three years. In 2017, the council's pool inspector carried out an inspection that 'failed' because the barrier did not meet the requirements of section 162C of the Building Act. The matters concerned a cat door in the ranchslider, the bifold window, clips on the spa pool cover, and a garden chess set located in the immediate pool area.

Discussion

Section 162C(2) requires the means of restricting access to a pool to comply with the Building Code requirements:

- a. that are in force; or
- b. that were in force when the pool was constructed, erected or installed...and in respect of which a building consent, code compliance certificate, or certificate of acceptance was issued (in relation to the means of restricting access to the pool).

The intention is that pool barriers must continue to perform at the standard that was in place when they were installed, and are not required to be upgraded if there are later changes to the requirements in the Building Code that are more onerous.

Section 162C(2)(b) applies to existing pools that were constructed after 1 September 1987 through approval by way of a building consent, or where a code compliance certificate or certificate of acceptance has been issued.

Section 450B applies to existing pools constructed before 1 January 2017, and provides that the barriers are deemed to comply with section 162C if the barriers complied and continue to comply with the Schedule of FOSP that was in force immediately before 1 January 2017. Section 162C(2)(a) provides owners with the option to comply with the Building Code currently in force – meaning that if the current requirements are more onerous the owner may elect to upgrade the pool barrier.

In this case, given that the barrier was altered some years after the pool was installed, the determination considered the interpretation of the phrase "when the pool was constructed" in section 162C(2)(b). The determination noted there will be situations where the pool and the barrier are constructed at different times, or the barrier to the pool is altered sometime after construction of the pool. When this occurs, the phrase "when the pool was constructed" means the requirements of the Building Code in force at the time the barrier to the pool was constructed or altered.

Therefore, the alterations to the barrier were required to comply with the Building Code requirements that were in force in 2011, which was Clause F4 Safety from falling.

The determination concluded that the cat door and the alterations to the barrier did not comply with the requirements of the Building Code (Clause F4) that was in force when the cat door was installed and the barrier altered.

The determination concluded that the garden chess set is a type of entertainment activity that may be carried out within the immediate pool area either in conjunction with or independently of the use of the pool, and that as the spa pool is located within the immediate pool area the damaged clips to the spa pool cover were an item of maintenance.

Decision

The determination stated the barrier to the pool does not comply to the extent required by section 162C of the Building Act in respect of the cat door in the ranchslider and the kitchen bifold window.

Determination 2017/045 (<https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/determination-2017-045/>) in full.

Previous determinations (<https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/>) is a register of all previous determinations.

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