

## Codewords Issue 92

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18 OCTOBER 2019

Last Friday, the Minister for Building and Construction announced the Government's first decisions on the proposed building reforms. You can find out more by visiting our website.

The announcement is the result of a huge amount of collaborative work over the last 18 months. Thank you to all the individuals and organisations who have helped identify the issues facing the sector and develop practical proposals to address them.

The reforms will speed up consenting, simplify choosing the right products and installing them in the way intended, and make it cheaper and faster to use innovative building methods, such as prefabrication. Subsequently, people will save time and money from consenting delays and have confidence that the right products are being used. Roles and responsibilities for manufacturers, suppliers and builders will also be made more clear so the right person can be held to account if things go wrong.

We are now working on the details for each proposal so a draft Bill can be introduced to Parliament in the first half of 2020. We are also continuing to develop options for strengthening occupational regulation and working through issues to address risk and liability. Announcements on these are expected in 2020.

The changes proposed through the reforms will be phased to come into effect over time. This will allow us to work with the sector to get the details right and ensure the changes are applied effectively.

Another big piece of work is the Building Code improvements being published at the end of November. We've considered all the feedback we received from the public consultation in September, and made the appropriate changes to selected Acceptable Solutions and Verification Methods – [find out more on the MBIE website \(https://www.mbie.govt.nz/have-your-say/building-code-update-consultation-november-2019/\)](https://www.mbie.govt.nz/have-your-say/building-code-update-consultation-november-2019/).

Until next time,

Anna Butler  
GM Building System Performance (BSP)  
Ministry of Business, Innovation and Employment



Anna Butler  
GM, Building System Performance

## Building system updates

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### Interested in medium-density housing?

An introduction to medium-density housing for developers, builders and project managers has been published by the Ministry of Business, Innovation and Employment.

It can be found on the [Building Performance website \(https://www.building.govt.nz/building-code-compliance/introduction-to-medium-density-housing/\)](https://www.building.govt.nz/building-code-compliance/introduction-to-medium-density-housing/).

This content takes you through what you need to know before beginning a medium-density housing (MDH) development, and is part of the wider higher-density housing initiative led by MBIE.

The new content includes three case studies which reflect real-world scenarios of MDH projects. Each case study focuses on one of the three main categories of MDH, which range from one-storey attached houses to six-storey apartments.

Further information on the eight Building Code clauses that are most relevant to higher-density housing (collectively known as the HD8) can be found in [issue 89 of Codewords \(https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-89/the-higher-density-eight/\)](https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-89/the-higher-density-eight/).

### Improving C/AS2 Fire Acceptable Solution

On 27 June 2019 MBIE released a technical update to Acceptable Solution C/AS2, to provide an updated pathway for compliance with the Building Code provisions relating to protection from fire.

The updated C/AS2 (<https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/>) combines six previously separate Acceptable Solutions into a single compliance document. This means C/AS2 now applies across all building risk groups with the exception of small residential buildings and outbuildings, which are covered by C/AS1, and complex buildings which are out of scope for an Acceptable Solution.

MBIE has received a lot of feedback from the sector on further potential improvements to C/AS2. We are currently analysing this feedback and are likely to make amendments to C/AS2 as a result. We expect to issue a public consultation document in March 2020 to support this work, as part of the [biannual Building Code update programme \(https://www.mbie.govt.nz/have-your-say/building-code-update-consultation-november-2019/\)](https://www.mbie.govt.nz/have-your-say/building-code-update-consultation-november-2019/).

Changes to C/AS2 resulting from this consultation will come into effect in June 2020.

### Updates to the Building Code coming soon

Public consultation on the Building Code closed on 13 September, and the proposed changes to the Acceptable Solutions and Verification Methods will soon be finalised.

Thank you to all those who submitted – your feedback is valued and is currently being considered. In total we received 72 submissions.

This Building Code consultation is part of a wider biannual update programme geared at continuously improving New Zealand's building stock and compliance pathways.

To support the Government's objectives, the changes put forward during this latest consultation focused on facilitating higher-density housing and safer solutions for liquefaction-prone ground.

Keep an eye out for these Building Code amendments being published on 28 November, and further

opportunities to engage with us in 2020.

The original consultation document can be found on the [MBIE website \(https://www.mbie.govt.nz/have-your-say/building-code-update-consultation-november-2019/\)](https://www.mbie.govt.nz/have-your-say/building-code-update-consultation-november-2019/).

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## LBP knowledge link

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### Free building Standards

Over 120 building Standards used for Building Code compliance have been funded for free download thanks to a collaboration between the Ministry of Business, Innovation and Employment and Standards New Zealand.



Article is relevant to LBP licence classes: All

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This is great news for the building and construction sector as it will reduce financial barriers to achieving Building Code compliance.

As the building system regulator, MBIE has chosen to fund these specific Standards as they are primary references for Building Code compliance. New Zealand is one of the few countries in the world to sponsor free access to building Standards, which has been made possible through the use of the building levy.

This initiative is a follow-up to the highly successful pilot launched in December 2017, when MBIE sponsored six building Standards for free download. In the past 18 months, those Standards have been downloaded over 15,000 times. The newly funded 120 Standards, released in July 2019, were downloaded 60,000 times in the first month.

### Benefits of using Standards

Standards are an accepted method for standardising the way things are done. They provide consistency and certainty about methods for manufacture and testing. Standards are used across the construction industry to enhance products and services, improve safety and quality, set industry best practice and support international trade.

Standards New Zealand uses expert technical committees to develop Standards. This is often done in partnership with other organisations such as Standards Australia or the International Organization for Standardization (ISO).

### Key funded Standards

The MBIE-funded Standards were selected because they are referenced in Acceptable Solutions and Verification Methods that enable compliance with the Building Code. International and joint Standards (such as AS/NZS) are not included in the sponsorship agreement as copyright for these documents isn't owned by Standards New Zealand. MBIE is continuing to work with Standards New Zealand to find options to extend the number of sponsored Standards available for free download.

### Timber-framed construction

*NZS 3604:2011 Timber-framed buildings* is a key document for many Licensed Building Practitioners (LBPs). When read in conjunction with Acceptable Solution B1/AS1, it describes Building Code compliance methods for the design and construction of timber framing in buildings up to three storeys high.

Other funded Standards relevant to timber-framed buildings include *NZS 3602:2003 Timber and wood-based products for use in building* and *NZS 3640:2003 Chemical preservation of round and sawn timber*, which, when read in conjunction with Acceptable Solution B2/AS1, are used to select appropriately treated timber for building work.

## Concrete and masonry work

A companion Standard to NZS 3604:2011 is *NZS 4229:2013 Concrete masonry buildings not requiring specific engineering design*, which describes methods for the design and construction of concrete masonry in buildings up to three storeys. It should be read in conjunction with Acceptable Solution B1/AS1.

Also being funded are *NZS 3109:1997 Concrete construction*, *NZS 4210:2001 Masonry construction: Materials and workmanship*, *NZS 4230:2004 Design of reinforced concrete masonry structures* and *SNZ HB 4236:2002 Masonry veneer wall cladding*.

## Contract template

When undertaking building work valued at \$30,000 or more, it is mandatory to have a written contract. This is made easier with the template building contract provided by *NZS 3902:2004 Housing, alterations and small buildings contract*.

## Energy efficiency

Another Standard that will continue to be available for free download is *NZS 4218:2009 Thermal insulation – Housing and small buildings*. When read in conjunction with Acceptable Solution H1/AS1, it provides a way of complying with the New Zealand Building Code for the thermal insulation of houses for energy efficiency.

Download these and other funded building Standards on the [Standards New Zealand website \(https://www.standards.govt.nz/sponsored-standards/building-standards/\)](https://www.standards.govt.nz/sponsored-standards/building-standards/).

## Quiz

- Where can you download free building-related standards?
  - standards.govt.nz.
  - lbp.govt.nz.
  - mbie.govt.nz.
  - building.govt.nz
- Why has MBIE funded building-related Standards so they can be downloaded for free?
  - Standards are overpriced.
  - To reduce the cost of using Standards, so that people are more likely to use them, leading to better outcomes in the construction industry.
  - To encourage using the digital versions of Standards.
- How are Standards developed?
  - They are dictated by what the government regulates.
  - They are developed by expert technical committees.
  - They are developed by manufacturers to specify how to use their products.

Check answers (<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-92/free-building-standards/quiz-answers-free-building-standards/>)

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## Tips on LBP ID cards

Anyone can ask to see evidence of your LBP licence at any time so it pays to keep the photo current and always carry your LBP ID card with you when on the job.

Under the Building Act, licensed building practitioners (LBPs) must produce evidence of being licensed when asked. Identification (ID) cards are a simple way to verify your identity as an LBP. You can also use your licensing confirmation letter from the Registrar as evidence,

but this is less practical when working on site.



Article is relevant to LBP licence classes: All

## ID cards provide easy proof

Anyone is entitled to ask to see evidence of your licence. It is an offence to fail to produce this evidence, so make sure you have a way of demonstrating your licence status.

If someone asks to see your licence, they may just be doing their due diligence, so there is no need to be offended or worry that they doubt your ability as a tradesperson.

## Replace lost, stolen or damaged cards

To replace your card, you will need to complete a Personal Details and Replacement ID form. The charge for a replacement card is \$50.

[Personal Details and Replacement ID form \(PDF\)](https://www.lbp.govt.nz/for-lbps/your-licence/licence-id-cards/) (<https://www.lbp.govt.nz/for-lbps/your-licence/licence-id-cards/>) on the LBP website.

You will also automatically receive a new licence card when you relicense.

## Update your ID photo occasionally

Currently, there is no time limit for how long you can keep your ID photo. When you relicense, we will automatically use the photo from your last licence. However, it's important that your photo still looks like you, so you may want to update it from time to time.

The best time to update your photo is prior to relicensing, as when you relicense, a new ID card is automatically printed using the photo we have on file.

If you are relicensing using a paper application, you can attach a physical photo to the application form and send them in together.

When relicensing online, you will need to email or post the photo to us before you relicense online – allowing 10 working days for processing.

If you want a new ID card with a new photo before your annual relicensing round, you will need to pay the \$50 replacement fee. If you combine updating your photo with relicensing, there is no extra charge as a new ID card is included.

## Make sure the ID photo is right

The photo you provide needs to meet a range of requirements. We recommend aiming for the same standard as a passport photo to ensure it will be accepted. Some of the requirements include:

- high quality in colour – black and white photos are not acceptable
- ratio of 3:4 – width to height
- sized between 45–50 mm high and 35–40 mm wide for printed photos
- between 50 KB and 5 MB in size and JPEG or JPG file format for digital photos
- taken with a clear, light-coloured background
- even lighting so that there are no shadows on your face
- undamaged – no ink, staples, pins, paper clips or folds
- showing your face, head and shoulders looking directly at the camera
- no hat, sunglasses or other accessories that obscure your face
- no signs of alteration.

Pharmacies, PostShops and photograph printers may offer ID or passport photo services where they take your photo and provide you with printed and emailed copies. These services may be helpful if you are unsure how to take a photo that will meet the requirements. A passport quality photo will meet all the requirements for an LBP ID.

## A digital photo is fine

You can send in a digital photo to use on your ID card as long as it meets the requirements above. Currently, there is no facility to upload a photo when relicensing through the online portal. To update the photo we have on file, [email it to us \(https://www.building.govt.nzmailto:info@lbp.govt.nz\)](mailto:info@lbp.govt.nz).

Ensure you include your LBP number and a request to update your photo. You will need to allow time for your email to be processed before you relicense to ensure the photo on file is updated before your next ID card is printed.

### Tell us if your name changes

If your name has changed it will need to be updated on your ID card and in the public register. To notify us that your name has changed, please fill in the Personal Details and Replacement ID form. We may require certified legal documentation that your name has been changed.

[Personal Details and Replacement ID form \(PDF\) \(https://www.lbp.govt.nz/for-lbps/your-licence/update-your-profile/\)](https://www.lbp.govt.nz/for-lbps/your-licence/update-your-profile/) on the LBP website.

### Quiz

1. Which document is NOT suitable to prove you are a licensed building practitioner?
  - a. LBP ID card.
  - b. Letter from the Registrar confirming your licence.
  - c. Driver licence.
2. Who can ask to see evidence of your licence?
  - a. Potential employers.
  - b. The homeowner.
  - c. Council inspectors.
  - d. Anyone.
3. Do you need to notify MBIE if you legally change your name?
  - a. Yes, it needs to be updated on the public register and your ID card.
  - b. No, MBIE will automatically know if your name has been changed.
4. What kind of photo can you use for your LBP ID card?
  - a. A selfie.
  - b. A passport-quality photo, printed or digital.
  - c. An airbrushed photo.

[Check answers \(https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-92/tips-on-lbp-id-cards/quiz-answers-tips-on-lbp-id-cards/\)](https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-92/tips-on-lbp-id-cards/quiz-answers-tips-on-lbp-id-cards/)

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### Licence cancelled after working outside licence class

The Building Practitioners Board handed down a significant sanction against carpenter White Bai, of Auckland (BP126975).

The Board has chosen to publish the details of the matter due to the seriousness of the offending and the strong penalty. It is important that LBPs are aware of the consequences of the failure in this circumstance and avoid similar outcomes.

### Decision against White Bai (C2-01648)

Mr Bai was found to have:

- carried out restricted building work that he is not licensed to do;
- carried out building work in a negligent or incompetent manner;
- failed to comply with a building consent.

The Board heard evidence that Mr Bai carried out brickwork as part of an extension to an existing dwelling under a building consent.

At the time, Mr Bai was licensed in Carpentry and not in Bricklaying and Blocklaying. Mr Bai had applied for a Bricklaying and Blocklaying licence and been declined, as he did not display the required competencies to hold the licence.

The brickwork Mr Bai undertook had a number of defects, including that it failed a half-height inspection and was obviously out of alignment both vertically and horizontally. The bricks were also not well blended as they were laid.

The Board cancelled Mr Bai's LBP Carpentry licence with a stand-down period of six months before he can reapply for licensing. The Board also ordered Mr Bai to pay some costs towards the inquiry and that this decision would be publicised.

### What we can learn from this decision

Carrying out work he was not competent to do, working outside of his licence class and a lack of understanding of consented plans led Mr Bai to be disciplined by the Board.

Mr Bai worked outside his licence class, because as an LBP with a Carpentry licence he cannot carry out or supervise restricted building work that relates to brick or blocklaying. The work he carried out also failed an inspection and had to be remediated by another contractor.

LBP's need to understand their regulatory obligations. Being an LBP comes with a responsibility to only undertake work you are competent and licensed to perform. Stepping outside your limits can result in poor outcomes for all involved, and like Mr Bai you could risk losing your licence.

This decision and other past decisions can be read in full on the [LBP website \(https://www.lbp.govt.nz/\)](https://www.lbp.govt.nz/).

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## Recent determinations

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### Do first use fit-outs need to comply with the Building Code under section 17?

A recent determination looked at whether a first use fit-out of a building is considered an alteration to an existing building, or if it needs to comply with the Building Code under section 17.

#### Background

Section 17 of the Building Act states that all building work must comply with the Building Code to the extent required by the Building Act.

Section 112 of the Act sets the requirements for alterations to existing buildings. It states that, after the building work has been completed, an existing building (or part of a building) needs to comply as nearly as is reasonably practicable with certain clauses of the Building Code that relate to means of escape from fire, and access and facilities for persons with disabilities.

Determination 2018/055 considered the case where the building consent authority (BCA) issued a building consent for a new warehouse building in 2015. The building owner subsequently installed a racking system and mezzanine in the building as part of the 'first fit-out', which was not included in the building consent.

A building consent was required for the installation of the racking system and mezzanine and the owner applied for a [certificate of acceptance \(https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/certificate-of-acceptance/\)](https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/certificate-of-acceptance/). The building owner engaged a fire engineer to provide a report on the compliance of the mezzanine and racking system as part of the application for the certificate of acceptance. The fire engineer considered the installation of the racking system and mezzanine to be an alteration to the existing building that would therefore fall under section 112 of the Act.

#### Discussion

The determination disagreed that a 'first use fit-out' within a new building could be treated as an alteration to that building under section 112. It referenced Determination 2004/05, which considered whether the various stages of construction were alterations to an existing building or part of the construction of the new building. That determination stated:

"...the fit-out of a particular area in the shell of a building to suit the needs of the first tenant is part of the construction of the building and cannot be treated as an alteration of an existing building."

The 2004/05 determination noted that a building is to be treated as a new building under construction until all of it is actually completed and ready for use. The fit-out for the first tenant was considered part of the construction of the new building.

A Code compliance certificate was issued for the construction of the new building, the warehouse, later in 2015. However, the building was not ready for use as a warehouse without the racking system and mezzanine fit-out. Because of this, the determination decided that the racking system and mezzanine fit-out was part of the first use fit-out of the building and not an alteration to an existing building.

### The decision

The determination maintained the view set out in Determination 2004/05. The fit-out needed to comply with the Building Code under section 17.

[Determination 2018/055 in full \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/determination-2018-055/\)](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/determination-2018-055/).

[Determination 2004/05 in full \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/determination-2004-05/\)](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/determination-2004-05/).

You can read previous determinations in the [determinations register \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/\)](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/).

## Previous issues

Codewords issues are available for two years after their publish date. If the issue you are looking for is older, please [contact us \(https://www.building.govt.nz/about-building-performance/contact-us/\)](https://www.building.govt.nz/about-building-performance/contact-us/).

### Issues for 2019



#### Codewords Issue 93

4 DECEMBER 2019

For our last issue of 2019, we look back on what has been a hugely productive year for the building regulatory system, and gear up for the release of the Construction Sector Accord Transformation Plan.

[\(https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-93/\)](https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-93/)



#### Codewords Issue 92

18 OCTOBER 2019

In the latest issue, we update you on the building law reforms recently announced by the Government. Another round of Building Code updates is coming up in November, following public consultation on selected Acceptable Solutions and Verification Methods.

[\(https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-92/\)](https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-92/)

[updates/codewords/codewords-issue-92/](#)

## Issues for 2018



### Codewords Issue 87

4 DECEMBER 2018

This issue includes recent LBP disciplinary decisions, technical knowledge on built-up members in place of solid timber, lessons learned from the demolition of Statistics House, and recent determinations.

(<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-87/>)



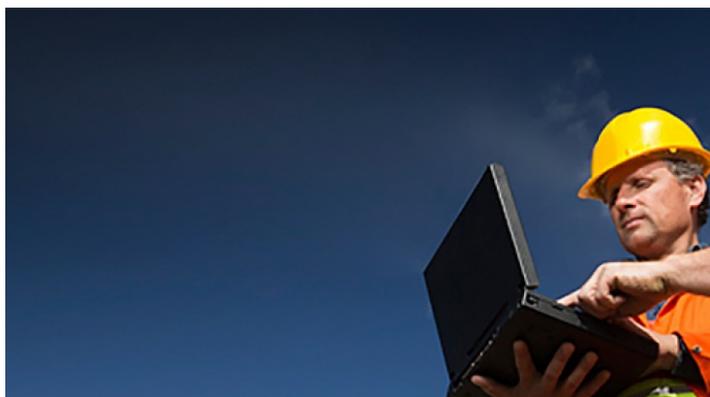
### Codewords Issue 86

28 SEPTEMBER 2018

This issue looks at recent LBP disciplinary decisions, immediate pool areas, technical knowledge on top plate connections, how quantity surveying principles can help with pricing jobs, a new risk advisory group, and technical reviews of councils.

(<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-86/>)

## Issues for 2017

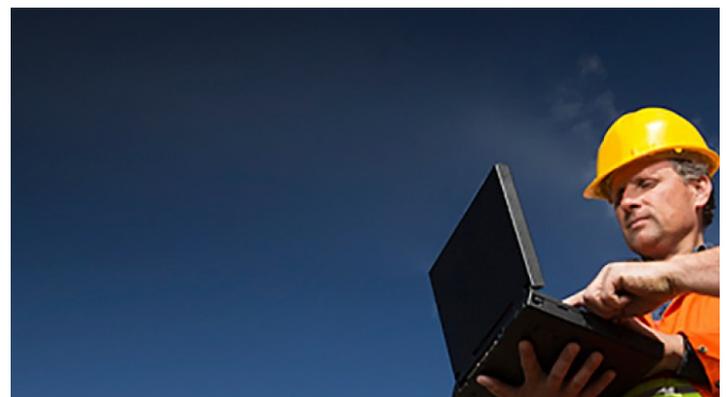


### Codewords Issue 81

28 NOVEMBER 2017

This edition covers rapid land assessment workshops, builders' responsibilities and records of work. It also recaps two recent BC Updates on updated unreinforced masonry guidance and a revised scope for C/VM2.

(<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-81/>)



### Codewords Issue 80

28 SEPTEMBER 2017

Information on the teams moving from BSP to Market Services and reports of poor grouting practice. Also includes Part 3 in the exempt building work series and a recent Building Practitioners Board decision.

(<https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-80/>)

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- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weathertight Services claim, it is published under section 12 of the Weathertight Homes Resolution Services Act 2006.