

Determination 2005/146

Addendum to Determination 2005/05

Second refusal of a code compliance certificate for a house with a monolithic cladding system at 123A Ireland Road, Panmure

Applicant: Mr D. and Mrs. N. Page (the owners)

Territorial authority: Auckland City Council

Site address: 123A Ireland Road, Panmure, Auckland

1. The matter to be determined

1.1 This is a Determination under Part 3 Sub part 1 of the Building Act 2004 (“the Act”), made under due authorisation by me, John Gardiner, Determinations Manager, Department of Building and Housing, for and on behalf of the Chief Executive of that Department. The application for Determination arises because the territorial authority has refused to issue a code compliance certificate for this house. This house has been the subject of an earlier Determination, Determination 2005/05 (“the first Determination”). Subsequently, the owner has carried out work recommended in that Determination. I must determine whether, in light of the work that has been carried out, the house now complies with clauses E2 and B2 of the New Zealand Building Code.

2. Sequence of events

2.1 On 1 February 2005 the Department issued the first Determination, which identified faults in the building, and confirmed the territorial authority’s refusal to issue a code compliance certificate.

2.2 On 21 February 2005 the territorial authority issued a notice to rectify, which provided a list of defects to be remedied. The owner submits that all remedial work has since been completed.

- 2.3 On 31 March 2005 the owner applied for this Determination. Included with the owner's submission was a description and photographs of some remedial work undertaken in response to the notice to rectify of 21 February 2005.
- 2.4 On 5 May 2005 the territorial authority acknowledged the owner's application, but made no submission in response. Consequently the Department had to write to the owner requesting evidence that the territorial authority had refused to issue a code compliance certificate since the remedial work had been carried out.
- 2.5 The territorial authority wrote to the owner on 12 May 2005, apparently unaware that remedial work had been undertaken, and noted that:
- Council is required to re-issue a Notice to Fix. In order to prepare this notice, Council will need to undertake another inspection of all work...

3. The expert's report

- 3.1 The Department commissioned the expert engaged for the first Determination to inspect the disputed items. Following completion of some building work by the owner the expert inspected these on 1 September 2005 and 15 September 2005 and furnished an addendum report that was completed on 22 September 2005.
- 3.2 In regard to the faults identified in the first Determination, the expert noted that the following work had been satisfactorily completed:
- 20 mm clearance has been provided from all timber decking to the wall cladding
 - the cladding behind guttering to bedroom 3 and the bathroom has been painted
 - the attached fence post and deck balusters are now well clear of the cladding
 - although not flashed, the meter box has been well sealed and painted
 - the ground levels around the garage have been lowered and a concrete mowing strip added. Concrete that was formerly against the wall cladding has been cut back
 - a secondary stormwater outlet has been added to the entrance canopy roof
 - the down pipes discharging onto membrane roofs have been fitted with elbows, to direct water clear of the cladding
 - the fascia to cladding junctions have been sealed and painted
 - the window sill flashings have been modified to extend past the cladding face
 - a flashing has been installed to weatherproof the end of the fascia where it abuts the wall at the front entry.

- 3.3 In regard to clearances from the cladding to the entry paving, the expert noted that this area is well drained and sheltered by the canopy above. The expert took invasive moisture readings in the bottom plate of the adjacent wall framing and confirmed that no moisture penetration had occurred, with readings ranging from 14.2% to 16.2%.
- 3.4 Copies of the expert's report were provided to each of the parties.

4. Discussion

- 4.1 I note the expert's findings on the clearance of the cladding to the entry paving, and accept that this area is well drained and sheltered. Although the paving levels do not comply with E2/AS1, there is no evidence of moisture penetration into the wall framing after more than four years. The clearances provided therefore appear to provide adequate weathertightness and meet the code requirements as alternative solutions.
- 4.2 I note the expert's comments on the other faults identified in the first Determination, and accept that the remedial work undertaken has provided adequate weathertightness.

5. The decision

- 5.1 In accordance with section 20 of the Act, I hereby determine that this cladding now complies with clause E2 and clause B2 of the Building Code.
- 5.2 I therefore direct the territorial authority to issue the code compliance certificate.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing
on 11 November 2005

John Gardiner

Determinations Manager