



Determination 2010/094

Refusal to issue a code compliance certificate for a 15-year-old hostel building at 15 Kings Road, Paihia



1. The matters to be determined

- 1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004¹ (“the Act”) made under due authorisation by me, John Gardiner, Manager Determinations, Department of Building and Housing (“the Department”), for and on behalf of the Chief Executive of that Department. The applicant is the owner, the AJ and M Simmonds Family Trust (“the applicant”) acting through a planning consultant. The other party is the Far North District Council (“the authority”), carrying out its duties as a territorial authority or building consent authority.
- 1.2 This determination arises from the decision of the authority to refuse to issue a code compliance certificate for the building because it was not satisfied that the building complied with certain clauses² of the Building Code (First Schedule, Building Regulations 1992). The authority’s primary concerns about the compliance of the building relate to its age and to the lack of inspection records for the construction of the building.
- 1.3 The matter to be determined³ is therefore whether the authority was correct in its decision to refuse to issue the code compliance certificate. In deciding this, I must consider:

¹ The Building Act, Building Code, Compliance documents, past determinations and guidance documents issued by the Department are all available at www.dbh.govt.nz or by contacting the Department on 0800 242 243.

² In this determination, unless otherwise stated, references to “sections” are to sections of the Act and references to “clauses” are to clauses of the Building Code.

³ Under sections 177(b)(i) of the Act (prior to 7 July 2010)

1.3.1 Matter 1: The external envelope

Whether the external claddings to the building (“the claddings”) comply with Clause B2 Durability and Clause E2 External Moisture of the Building Code. The claddings include the components of the systems (such as the wall cladding, the windows, the deck floors, the roof claddings and the flashings), as well as the way the components have been installed and work together. I consider this matter in paragraph 6.

1.3.2 Matter 2: The other relevant Building Code requirements

Whether various other elements in the building work comply with Clauses B1 Structure, E3 Internal Moisture, and F4 Safety from falling of the Building Code. I consider this matter in paragraph 7.

1.3.3 Matter 3: The durability considerations

Whether the elements that make up the building work comply with Building Code Clause B2 Durability, taking into account the age of the building. I consider this matter in paragraph 8.

1.4 Following discussions with the authority it was agreed that the determination need only consider the clauses referred to in paragraphs 1.3.1 and 1.3.2 above, and that the authority could verify compliance with other code clauses by carrying out the necessary inspections as remedial work proceeds. In addition the determination does not consider other disputed matters that come under the jurisdiction of the Resource Management Act.

1.5 In making my decision, I have considered the submissions of the parties, the report of the property inspection company engaged by the applicant (“the inspection company”), the report of the expert commissioned by the Department to advise on this dispute (“the expert”) and the other evidence in this matter.

2. The building work

2.1 The building work consists of a detached two-storey backpackers’ hostel situated on a gently sloping site in a high wind zone for the purposes of NZS 3604⁴. Construction is generally conventional light timber frame, with stepped concrete foundations and floor slabs, concrete block retaining walls to the west end, uPVC weatherboard cladding, aluminium windows and doors and profiled metal roof cladding. The building is fairly simple in plan and form, and is assessed as having a moderate weathertightness risk.

2.2 The 35° pitched hipped roof has no eaves projections and reduces to 10° pitch at the north and east; providing first floor verandas to part of these elevations. The roof of the north veranda continues down over an open staircase, and additional 10° roofs over single-storey projections form lean-tos against the north wall. A timber pergola to the north is covered in clear plastic roofing.

2.3 The floors to the upper level veranda decks are covered in a liquid-applied fibreglass-reinforced acrylic membrane installed over compressed fibre-cement substrate, with the deck and stair soffits lined with tongue and groove timber boards. The deck at the western end is situated over the ground floor laundry. The decks and stairs have

⁴ New Zealand Standard NZS 3604:1999 Timber Framed Buildings

open timber balustrades, except at the west end of the north verandah where the balustrade is clad in weatherboard with a timber capping to the top.

- 2.4 The walls of the building are clad in horizontal pre-finished uPVC weatherboards fixed through the building wrap directly to the framing timbers. The proprietary weatherboards have a bevel-backed profile and incorporate an interlocking weather seal between boards. The manufacturer provides moulded corner soakers, flat soakers and various other mouldings. The weatherboard system is appraised by BRANZ⁵ as suitable for direct-fixing to framing for buildings with a low or moderate weathertightness risk rating.
- 2.5 The expert noted that the building was constructed prior to the use of untreated timber framing, and laboratory testing of samples confirmed that the framing is treated. Given the probable date of construction in 1995 to 1996 and the other evidence, I consider that the external wall framing was treated.

3. Background

- 3.1 The authority issued a building consent for the building (No BC 950190) on 19 October 1994 under the Building Act 1991. There are no records of any inspections or correspondence during construction of the building, although the original owners advised the applicant that the authority had carried out satisfactory inspections of the earthworks, drainage and building work (see paragraph 3.4).
- 3.2 In a letter to the authority dated 16 April 1998, the original owner mentioned a visit by an authority inspector ‘to check that we were in a position to be signed off’. The original owner noted delays in completing fire service connections for fire protection and also the question of car parking provision for the hostel. There is no record of any response or further correspondence.
- 3.3 The applicant purchased the property in 2001 and leased the hostel business operations. At that stage, the applicant was apparently unaware of the lack of a code compliance certificate for the building as a valuer’s report had:
- ...included a LIM report dated 25th February 1998, a copy of a Building Statement of Fitness dated 31st March 1997 and a compliance schedule dated 7th March 1997.
- 3.4 I have seen no records of inspections or correspondence until the applicant’s lessees wished to sell the hostel business in 2007 and a prospective purchaser found no record that a code compliance certificate had been issued. The applicant then sought copies of records from the original owners, who advised him that inspections had been carried out but all records had since been discarded.
- 3.5 The applicant requested a final inspection, which the authority carried out on 4 October 2007. In a letter to the applicant dated 19 October 2007, the authority identified 18 outstanding items to be completed before its next inspection. Apart from the requirements to waterproof the upper decks and to provide a building report on code compliance, all other work was apparently completed, although no re-inspection was carried out.

⁵ BRANZ Appraisal Certificate No. 490 (2005)

3.6 The authority's refusal to issue a CCC

3.6.1 In 2009, the applicant again sought a code compliance certificate and the authority responded on 25 June 2009; stating that, under Section 436 of the Act, an authority can only issue a code compliance certificate if it is satisfied that the building work 'complies with the building code that applied as the time the building consent was granted'.

3.6.2 The authority explained the durability requirements of the Building Code and its concerns regarding the 15 years elapsed since the building consent was issued. The authority also noted that, apart from the final inspection on 4 October 2007, it:

...holds no recorded evidence of any other notifiable inspections having been completed and that several elements of the building are not able to be cost effectively inspected.

3.6.3 The authority concluded that it:

...cannot be satisfied that the building work complies with the minimum standard of the Building Code and accordingly refuses to issue a Code Compliance Certificate for the building work.

3.7 Further correspondence followed between the applicant's lawyer and the authority. The lawyer maintained that, given the authority had lost the inspection records, it was possible that a code compliance certificate had been issued but then lost. The authority reviewed the situation and a file note dated 12 February 2010 records that the authority re-visited the building on 3 February 2010. The file note states:

Building was found to be in good order. All building elements were well maintained and kept in a well presented and durable state.

3.7.1 Notwithstanding the above, the authority maintained its refusal in a letter to the applicant dated 16 February 2010; noting that it could not rely on a letter from the original owner as evidence of code compliance (see paragraph 3.2) and stating:

Council is not satisfied that the building complies with the Building Code, due to there being no record of inspections other than a final inspection which was carried out in 2007. This final inspection detailed outstanding remedial work that needed to be addressed. Due to the lack of information available, Council would be in breach of its duty of care if it issued a Code Compliance Certificate.

3.8 The inspection company's report

3.8.1 In order to satisfy the outstanding items from the final inspection (see paragraph 3.5), the applicant engaged the inspection company, which inspected the building and provided a 'Condition Assessment Report' on the building dated 20 April 2010. The report was limited to assessing compliance with Clauses B1, E1, E2 and E3 of the Building Code and was based on visual inspection and non-invasive moisture testing.

3.8.2 The report noted that no significant problems were identified in regard to Clauses B1 Structure and E1 Surface Water. However the report noted various defects in the building envelope related to:

- some window sills
- some pipe and rafter penetrations through the cladding
- the deck membrane floors:

- the junctions with the walls
 - the clearances to interior floor levels
 - the lack of fall of the deck floors
 - the penetrations by veranda posts through the deck membrane
 - the lack of drip edges to the edges of the deck floors
 - the history of leaks into the laundry below the west deck
 - the deck balustrade junctions with the cladding
 - the moisture marks on timber soffits to decks and the underside of the stairs
 - the junction of the exterior block wall with the cladding
 - the clearances below the bottom weatherboards to the adjacent paving
 - the lack of spreaders onto the lower roofs
 - the lack of flashings at the changes in the roof pitches.
- 3.8.3 The inspection company also noted high moisture levels and moisture damage adjacent to showers in some of the units; and concluded that the building did not comply with Clauses B2, E2 and E3.
- 3.9 The Department received an application for a determination on 12 May 2010.

4. The submissions

- 4.1 On behalf of the applicant, the planning consultant described the background to the situation and stated:
- The applicant states that the building has proved its integrity with thirteen trouble-free years of use. Standard of maintenance has been very good. The only problem has been cracking of the fibreglass covering fibrolite decking due to expansion and contraction of the fibrolite due to temperature. This has been resolved with a flexible jointing system.
- 4.2 The applicant forwarded copies of:
- some consent documentation
 - some correspondence with the authority
 - the authority's file noted dated 12 February 2010
 - the inspection company's report dated 20 April 2010
 - various other producer statements, certificates and information.
- 4.3 The draft determination was issued to the parties for comment on 25 August 2010.
- 4.4 The applicant responded to the draft in a letter to the Department dated 30 September 2010. The applicants said they did not accept the draft saying, in summary:
- Despite the lack of authority inspection records, such inspections had been carried out. The submission referred to advice from the previous owner about the completion of the final inspection which noted two outstanding items.

- It was not uncommon to find the defects noted herein in any building of this age. The building was 'in as good or better condition as others of similar age'.
- The applicants were willing to rectify the defects in the cladding identified by the expert.
- The applicants sought to have the code compliance certificate issued with the durability periods 'backdated to 1998'.

4.5 In response I consider the expert's findings reflect construction defects rather than items requiring maintenance. The likelihood that the inspections were undertaken has little bearing on the presence of the identified defects.

4.6 The authority responded to the draft determination in an email dated 5 October 2010. The authority said that the draft was accepted although it only covered some Building Code clauses (refer paragraph 1.4).

5. The expert's report

5.1 As mentioned in paragraph 1.5, I engaged an independent expert to assist me. The expert is a member of the New Zealand Institute of Building Surveyors. The expert inspected the building on 20 and 21 July 2010 and completed a report on 30 July 2010. The expert noted some minor variations from the consent drawings; mainly related to interior layout changes to the hostel units and bathrooms.

5.2 Moisture levels

5.2.1 The expert inspected the interior of the building and noted some obvious signs of moisture penetration at:

- some walls adjoining upper bathrooms
- beside some full length upper windows
- to the ceiling of the west laundry under the deck
- damaged skirtings in some other areas.

5.2.2 The expert took invasive and non-invasive moisture readings through interior linings and exterior claddings into the timber framing; removing small sections of skirtings to take samples where very high moisture levels were apparent. Readings included:

General

- over 40% in the bottom plate below the junction of the concrete block wall with the north wall (with obvious decay in the timber when exposed)
- 17% to 40% in the framing beneath pipe penetrations on the south wall

The bottom of the cladding

- 23% and over 40% in bottom plates at steps in the concrete foundation walls to north and south elevations (with decay confirmed in sample 3)
- over 40% in the bottom plate of the east wall of Unit 9 (with decay confirmed in sample 6)

the windows and doors

- over 40% in the bottom plate beside the full height window to the south wall of Unit 3 (with decay confirmed in sample 4)
- over 40% and 32% in the bottom plates beside the full height window to the south wall of Unit 9 (with decay confirmed in sample 5)
- 18% below the jamb to sill junction of a south window

The upper east and north decks

- 32% below the deck edge to wall junction of the north deck
- over 40% in the bottom plate to Unit 5 under the north deck to wall junction
- 19% under the clad balustrade to wall junction of the north deck
- 30% in the deck framing beside the verandah posts to the north deck and over 40% at the east deck corner post (with incipient decay confirmed in sample 1)
- 20% in the wall adjoining the stairs to the north deck

The west (laundry) deck

- 30% at the top of the wall to the outside of the west deck
- 18% and 23% beside the doors to the west deck
- 32% below the deck edge to wall junction of the west deck, with 23% and soft skirting in the laundry wall under the junction
- wet ceiling lining to the laundry and decay in the joists of the west deck confirmed in sample 2

5.2.3 I note that moisture levels above 18% generally indicate that external moisture is entering the structure and further investigation is required and that readings over 40% indicate that the timber is saturated and decay will be inevitable over time.

5.3 Cladding cut-outs and decay analysis

5.3.1 Where moisture levels above 40% were recorded, the expert removed sections of wall, ceiling or soffit linings (“cut-outs”) from some areas to inspect the condition of the framing timber and to take timber samples.

5.3.2 Cut-outs were made at the following areas:

- Cut-out 1: the timber soffit to the east end deck to expose the deck framing beside the verandah post (sample 1)
- Cut-out 2: the ceiling lining to the laundry area to expose the west deck joists above (sample 2)
- Cut-out 3: the skirting behind the stepped foundation to the north wall of Unit 6 to expose the bottom plate behind (sample 3)
- Cut-out 4: the skirting beside the sill of a full height window to the south wall of Unit 3 to expose the bottom plate behind (sample 4)
- Cut-out 5: the skirting beside the sill of a full height window to the south wall of Unit 9 to expose the bottom plate behind (sample 5)

- Cut-out 6: the skirting below a roof leak to the east wall of Unit 9 to expose the framing behind (sample 6)

5.3.3 The samples were forwarded to a testing laboratory for decay and preservative analysis. The laboratory's report dated 25 July 2010 noted that two samples were tested for preservative, with CCA treatment detected in sample 1 (the deck framing) and boron in sample 5 (a bottom plate). However the level of boron detected was low, indicating leaching had occurred due to moisture. The report also noted that:

- sample 1(CCA-treated) had 'incipient light brown rot' and would require replacement if moisture levels were not promptly reduced, with further investigation needed to establish the limits, extent and causes of damage
- samples 2 to 6 (boron-treated) contained 'moderate brown rot' and the timber 'would have lost structural integrity due to fungal decay and should be replaced'.

5.4 Commenting specifically on the external envelope, the expert noted that:

General

- some junctions are not weatherproof, with unplugged gaps and ill-fitting scribes apparent at internal corners and deck soffit junctions
- some areas lack sufficient clearance from the cladding to the paving
- some areas lack sufficient step up from the exterior paving or deck floor to the interior floor levels
- there are high moisture levels in bottom plates at the steps in the foundation wall on the north and south elevations, and further investigation is needed
- some penetrations through the cladding for plumbing pipes, vents and fan grilles are unsealed or inadequately sealed
- some beams penetrate the cladding, relying on sealant for weatherproofing
- some window jambs and ends of head flashings are unsealed or inadequately sealed, and there are large gaps at some sill flanges
- the mitres in some aluminium windows have opened, likely to have lead to the high moisture levels and decay at the jamb to sill junctions of some windows
- destructive investigation is needed, including removing claddings, deck membranes and deck substrates to establish all of the causes of moisture penetration into the deck and wall framing and the extent of timber damage

The north and east veranda decks

- deck floors lack fall and drip edges; and the membrane has deteriorated, with joint and junction cracks, damage from nail popping, and water marks on the timber soffits below
- junctions of the deck floors with the walls lack upstands or flashings, and there are high moisture levels in some adjoining and lower walls
- balustrade uprights are fixed through the cladding and junctions of deck edges with walls lack saddle flashings, with very high moisture levels apparent

- veranda posts penetrate the deck membranes without flashings and moisture has penetrated into the junctions, with very high moisture levels and decay apparent in some of the deck framing
- the fibre-cement substrate is likely to have deteriorated from the past and present moisture penetration, and requires further investigation
- the junction of the clad balustrade at the end of the north deck with the wall lacks a saddle flashing and relies on sealant for weathertightness

The west (laundry) deck

- the west deck membrane is damaged above an unsupported substrate joint, membrane upstands have gaps at the corner junction and cracks under door sills, with obvious moisture and decay in the ceiling joists above the laundry
- the junctions of the deck edges with the walls lack saddle flashings, and very high moisture levels are apparent in the walls below
- the sills to the deck doors are not weatherproof, with very high moisture levels in the adjacent bottom plates

The roof

- the change in roof pitch over the verandas lack flashings
- the downpipe from the upper roof discharges onto a lower roof without a spreader
- there are large gaps at the bottom of the roof glazing above the mezzanine
- a roof fixing above the east wall appears to have caused the very high moisture levels in the top and bottom plates of the east wall to Unit 9.

5.5 Compliance with the other relevant code clauses

5.5.1 The expert assessed the building for compliance with some of the relevant clauses of the Building Code and made the following comments. I have expanded on these comments where appropriate.

5.5.2 B1 Structure

- There are no joist hangers or bolted connections to the west deck structure.
- The north deck posts and beams lack bolted connections.
- The rafter ends to the pergola are nail-fixed only and there are no ties between the rafters and supporting beams.
- There are no fixings at the ends of the clear roof sheets to the pergola.
- The bottoms of the veranda posts are set into the ground, and the timber is starting to soften.
- Decay to some deck joists and wall framing will have reduced the structural strength of the timbers, which needs investigation.

5.5.3 E3 Internal moisture

- There are internal leaks associated with the showers to Units 9 and 12, and moisture levels in adjacent walls are very high, with damaged flooring apparent.

5.5.4 F4 Safety from falling

- The west stair handrail to the concrete block wall is incomplete.

5.6 A copy of the expert's report was provided to the parties on 5 August 2010.

Matter 1: The external envelope

6. Weathertightness

6.1 The evaluation of building work for compliance with the Building Code and the risk factors considered in regards to weathertightness have been described in numerous previous determinations (for example, Determination 2004/1).

6.2 Weathertightness risk

6.2.1 The building has the following environmental and design features which influence its weathertightness risk profile:

Increasing risk

- the building is two-storeys high and is in a high wind zone
- the walls have no eaves to shelter the cladding
- the walls have uPVC weatherboards fixed directly to the framing
- there are three enclosed decks attached to the upper levels, with one deck situated above a lower room

Decreasing risk

- some walls are sheltered by deep verandah roofs
- the building is fairly simple in plan and form
- the external wall framing to the building is treated to a level that provides some resistance to decay if it absorbs and retains moisture.

6.2.2 When evaluated using the E2/AS1 risk matrix, these features show that all elevations of the building demonstrate a moderate weathertightness risk rating. I note that the uPVC weatherboards are beyond the scope of the current E2/AS1 but have been appraised by BRANZ as suitable for direct-fixing to the framing of walls with a moderate weathertightness risk rating (see paragraph 2.4).

6.3 Weathertightness performance

6.3.1 It is clear from the expert's report that the external envelope is unsatisfactory in terms of its weathertightness performance, resulting in high levels of moisture

penetration and decay to some of the framing. Taking into account the expert's report, I conclude that the areas outlined in paragraph 5.4 require rectification.

- 6.3.2 Considerable work is required to make the external envelope weathertight and durable. Further investigation is necessary, including the systematic survey of all risk locations, to determine causes and full extent of moisture penetration, timber damage and the repairs required.

6.4 Weathertightness conclusion

- 6.4.1 I consider the expert's report establishes that the current performance of the external envelope is not adequate because it is allowing water penetration through some areas of the claddings at present. Consequently, I am satisfied that the building work does not comply with Clause E2 of the Building Code.
- 6.4.2 In addition, the building work is also required to comply with the durability requirements of Clause B2. Clause B2 requires that a building continues to satisfy all the objectives of the Building Code throughout its effective life, and that includes the requirement for the building to remain weathertight. Because the cladding faults on the building are likely to allow the ingress of moisture in the future, the building work does not comply with the durability requirements of Clause B2.
- 6.4.3 I consider that final decisions on whether code compliance can be achieved by either remediation or re-cladding, or a combination of both, can only be made after a more thorough investigation of the cladding, the decks and the condition of the underlying timber framing. This will require a careful analysis by an appropriately qualified expert, and should include a full investigation of the extent, level and significance of the timber decay to the framing. Once that decision is made, the chosen remedial option should be submitted to the authority for its approval.
- 6.4.4 I note that the Department has produced a guidance document on weathertightness remediation⁶. I consider that this guide will assist the owner in understanding the issues and processes involved in remediation work to the cladding and decks, and in exploring various options that may be available when considering the upcoming work required to the building.

Matter 2: Other relevant clause requirements

7. Discussion

- 7.1 In paragraph 1.4 I clarified what matters the determination would include. I consider that the authority will be able to assess the remaining relevant Building Code clauses including Clauses C, D1, F6, F7, G4, G12, and G13. In addition, the likely remedial work required to the cladding, etc, will provide the authority with the opportunity to cost effectively confirm compliance with Clause B1, as well as specific items listed in paragraph 7.3.

⁶ External moisture – A guide to weathertightness remediation. This guide is available on the Department's website, or in hard copy by phoning 0800 242 243

- 7.2 I consider that despite the loss of inspection records, the advice from the first owner (refer paragraph 3.1) and the final inspection records carried out in 2007 (refer paragraphs 3.4 and 3.5) provide reasonable grounds to form the view that some inspections were completed by the authority. Further inspections completed during the course of the likely remedial work will enable the authority to verify the compliance of the hidden building elements.
- 7.3 Taking account of the expert's report, I conclude that the following items in the building require attention (the associated Building Code clauses are shown in brackets):
- Investigation and/or repairs (in regard to Clause B1) to:
 - the inadequate connections in the floor structure of the west deck
 - the inadequate connections between posts and beams of the north deck
 - the bottom of the deck posts
 - the decay in deck joists and wall framing
 - the inadequate connections in the pergola structure.
 - Apparent moisture problems around showers to Units 9 and 12 (Clause E3)
 - The inadequate handrail to the stairs to the west deck (Clause F4).
- 7.4 I note that the expert has identified decay to some framing in the first floor decks, and I draw this to the authority's attention for investigation into the safety of these decks.

Matter 3: The durability considerations

8. Discussion

- 8.1 The authority has concerns about the durability, and hence the compliance with the Building Code, of certain elements of the building taking into consideration the completion of the building sometime f 1996 and 1998.
- 8.2 The relevant provision of Clause B2 of the Building Code requires that building elements must, with only normal maintenance, continue to satisfy the performance requirements of the Building Code for certain periods ("durability periods") "from the time of issue of the applicable code compliance certificate" (Clause B2.3.1).
- 8.3 In previous determinations (for example Determination 2006/85) I have taken the view that a modification of this requirement can be granted if I can be satisfied that the building complied with the durability requirements at a date earlier than the date of issue of the code compliance certificate, that is agreed to by the parties and that, if there are matters that are required to be fixed, they are discrete in nature.
- 8.4 Because of the extent of further investigation required into the timber framing and therefore the building's structure, and the potential impact of such an investigation on the external envelope, I am not satisfied that there is sufficient information on which to make a decision about this matter at this time.

9. What is to be done now?

- 9.1 A notice to fix should be issued that requires the owner to bring the building into compliance with the Building Code, including the defects identified in paragraph 5.4 and paragraph 7.3, but not specifying how those defects are to be fixed. It is not for the notice to fix to specify how the defects are to be remedied and the building brought to compliance with the Building Code. That is a matter for the owners to propose and for the authority to accept or reject.
- 9.2 In addition, the notice to fix should include the requirement for a full investigation into the extent and the causes of decay in the timber framing of the walls and the decks, referring also to the need for laboratory testing of framing samples to establish the full extent, levels and structural significance of decay to the framing.
- 9.3 I suggest that the parties adopt the following process to meet the requirements of paragraph 9.1. Initially, the authority should issue the notice to fix. The applicant should then produce a response to this in the form of a detailed proposal, produced in conjunction with a competent and suitably qualified person, as to the investigation and rectification or otherwise of the specified matters. Any outstanding items of disagreement can then be referred to the Chief Executive for a further binding determination.

10. The decision

- 10.1 In accordance with section 188 of the Building Act 2004, I hereby determine that:
- the external building envelope does not comply with Building Code Clauses E2 and B2 (insofar as it applies to E2)
 - the damaged timber framing does not comply with Building Code Clauses B1 and B2 (insofar as it applies to B1)
 - the deck and pergola connections do not comply with Building Code Clause B1
 - various other elements outlined in paragraph 7.1 of this determination do not comply with Building Code Clauses E3 and F4.

and accordingly, I confirm the authority's decision to refuse to issue a code compliance certificate for the building.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 11 October 2010.

John Gardiner
Manager Determinations