



Determination 2012/020

Adequacy of documentation in respect of remedial work proposed to window heads to a house at 723 Glenmark Drive, Waipara

(to be read in conjunction with Determination 2012/003)

Applicant: G Herbert (the owner)
The authority: Hurunui District Council

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.

1.2 I have previously described certain building matters regarding this house in Determination 2012/003 (“the first determination”). This second determination arises because the authority is not satisfied that the remedial work proposed for some of the window heads complies with certain clauses² of the Building Code based on the documentation provided.

1.3 The matter to be determined³ is therefore whether, based on the documentation provided to the authority, there is sufficient information to establish on reasonable grounds that the proposed alteration to the exposed window heads (“the proposal”) will comply with Clause E2 External Moisture and Clause B2 Durability.

1.4 Matters outside this determination

1.4.1 The first determination issued on 25 January 2012 described certain building matters regarding the cladding system to this house. As a result of the first determination, the authority issued a notice to fix dated 2 February 2012, which listed those matters requiring remediation.

1.4.2 It appears that other items in the notice are in the process of being resolved and the applicant has limited the application for this determination to his proposal, which

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 clauses are to clauses of the Building Code.

³ Under section 177(1)(a) of the Act

was submitted to the authority in response to Item 1 of the notice to fix. This determination is therefore limited to Item 1 of the Notice to Fix No. NF0057.

- 1.5 In making my decision, I have considered the submissions of the parties and the other evidence in this matter.

2. The building work

- 2.1 The building is a detached house on a flat site, with conventional light timber framing, a concrete slab and foundations, aluminium windows, monolithic claddings, and pressed metal tile roofs. Upper level bedrooms are accommodated within the steep-pitched roof, with parapet walls to dormers, the stairwell and one gable end.

2.2 The subject windows

- 2.2.1 The aluminium windows are recessed by the thickness of the monolithic cladding, which is a proprietary EIFS⁴ system consisting of 40mm polystyrene backing sheets fixed directly to the framing over the building wrap and finished with a proprietary plaster system. The EIFS system includes purpose-made flashings to windows.

- 2.2.2 Most windows and doors are sheltered beneath deep roof overhangs and the first determination found the joinery heads were adequate in those locations. Windows and doors considered in this determination are therefore limited to the exposed joinery installed within parapet walls (“the subject joinery”).

2.3 The proposal

- 2.3.1 The proposal is to install drip edges and metal flashings to the head junction of the subject joinery. Based on the applicant’s rough sketch and limited description of the proposed alterations, my interpretation of what the applicant appears to propose is shown in Figure 1:

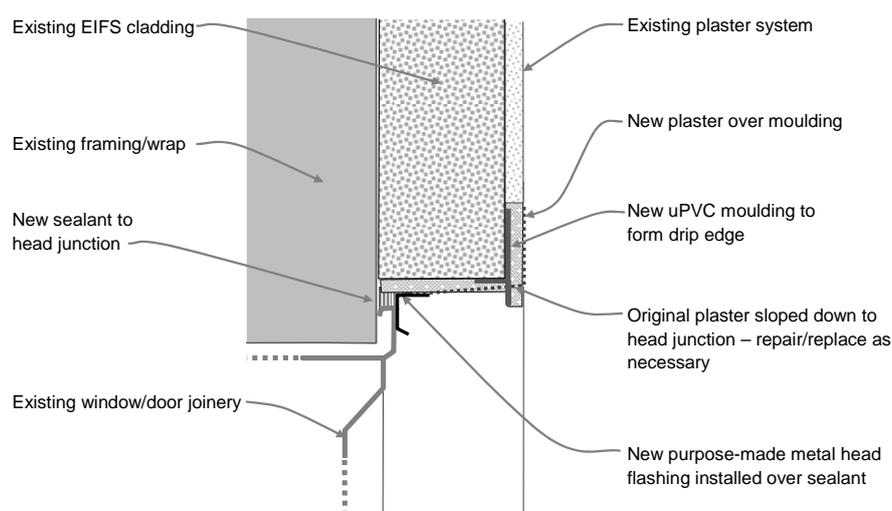


Figure 1: Interpretation of proposed head detail as submitted by applicant

⁴ Exterior Insulation and Finish System

3. Background

- 3.1 The house has been the subject of a previous determination as a result of the authority refusing to issue a code compliance certificate. The first determination, after identifying certain defects, found that the house did not comply with Clauses B2 and E2 of the Building Code and accordingly confirmed the authority's refusal to issue a code compliance certificate. The defects included the lack of head flashings and drip edges to the exposed windows.
- 3.2 Based on the first determination, the authority issued a notice to fix (No. NF0057) on 2 February 2012, which identified 'cladding non-compliance as per DBH determination 2012/003' and listed nine items to be remedied, including (as Item 1) 'Drip edges to be formed in the cladding above the tops of window/door openings.'

3.3 The applicant's proposals

- 3.3.1 The applicant discussed the window head with a representative of a proprietary EIFS system, who suggested adapting a standard uPVC moulding and gluing this with a waterproof adhesive against the existing head junction and reveal.
- 3.3.2 According to the applicant, he met with the authority to discuss items identified in the notice to fix and generally resolved work to be completed for items 2 to 9. However no agreement was reached on the work required to the subject joinery.
- 3.3.3 A second proposal was then submitted to the authority and the parties failed to reach agreement in a series of emails on 3 February 2012; with the authority stating that
- [if an acceptable weathertightness expert]... were to submit me a robust design [the authority] would consider it. The only way to get a properly designed solution is if it comes from a suitably qualified person, they are the ones that are expert in this area of weathertightness ... [The authority required] a design statement from them to confirm that their proposal complies with the code along with drawings.
- 3.4 The Department received an application for a determination on 3 February 2012.
- 3.5 On 9 February 2012 the authority wrote to the applicant reiterating that the proposals it had received so far had not been acceptable, and advised the applicant seek assistance from 'a weathertightness expert' such as 'a member of the New Zealand Institute of Building Surveyors', to assist in submitting an detailed proposal.

4. The submissions

4.1 The applicant's submission

- 4.1.1 In a statement to the Department accompanying the application, the applicant described the situation, explaining that although two "weathertightness experts" had generally agreed with the proposal in principle, he had been unable to comply with the authority's requirement for an expert's drawing.

- 4.1.2 The applicant provided facsimile copies of:
- a rough sketch of the proposal (of 3 February 2012)
 - the initial sketched proposal from the EIFS representative
 - the email correspondence with the authority dated 3 February 2012
 - various other statements and information.
- 4.2 The authority did not receive a copy of the determination application and so did not provide a submission in response.
- 4.3 The applicant provided further sketches to the Department, on 14 and 16 February 2012 of proposed head flashing details. The detail submitted on 16 February showed the addition of a moulding applied to the EIFS immediately above the window.
- 4.4 A draft determination was issued to the parties for comment on 27 February 2012.
- 4.5 The authority responded to the draft in a letter to the Department dated 28 February 2012. The authority submitted (in summary) that:
- it understands the applicant's two "weathertightness experts" were representatives of a flashing manufacturer and a polystyrene cladding company
 - it is satisfied with plans from any competent person but recommends they be familiar with weathertightness issues
 - the reference to a 'design statement' (refer paragraph 3.3.3) was not intended as a reference to the requirement for certification of Restricted Building Work
 - it accepts the proposal as shown in figure 1 (noting that this had never been presented to the authority) subject to information around the plastering repair technique where the new head flashing is being installed.
- The authority accepted the draft determination and the decision in principle.
- 4.6 I note that the draft determination contained a typographical error in the decision (paragraph 6.1) which inferred that the information provided was sufficient (as opposed to insufficient). I am of the view that the discussion in paragraph 5 of the draft clearly established that insufficient information was provided to the authority. I have amended the determination as appropriate.
- 4.7 The applicant accepted the draft in a response received on 5 March 2012. The response included a photo of the moulding that the applicant proposed using. (I note here that the applicant is still required to provide the necessary drawings and details to the authority; refer paragraph 5.5.)

5. Discussion

- 5.1 It appears from the correspondence between the parties that the authority considers that the documentation supplied in support of the proposals to remediate the window heads was insufficient to allow it to be satisfied on reasonable grounds that the proposed work would comply with the Building Code if built in accordance with the plans and specifications submitted.
- 5.2 The applicant's sketch of the proposal is unclear and Figure 1 in paragraph 2.3.1 is my interpretation of what the applicant appears to propose. Providing Figure 1 accurately reflects the proposal, I make the following observations in regard to its compliance with Clauses E2 and B2:
- The proposal addresses the lack of drip edges and head flashings in the exposed windows and doors by:
 - removing the slope of the plaster towards the vulnerable head junction
 - providing a drip edge to prevent water tracking over the head reveal
 - adding protection to the head junction with a face-fixed metal head flashing.
 - Providing the above work is satisfactorily completed, additional shelter is afforded the window heads by the EIFS reveal.
 - Although there is no visible evidence of existing head flashings, some original underlying protection of the head junction is likely to have been provided as part of the original proprietary EIFS system.
- 5.3 The sketch submitted to the authority in support of the proposal is not sufficient to clearly demonstrate compliance with the Building Code, and I have had to infer my view of its compliance as above. The details of the proposal therefore need to be clarified to the satisfaction of the authority (see also paragraph 4.5, fourth bullet point). In addition any proposal needs to show how the proposed remedial head flashing abuts the existing jamb flashing and/or reveal detail.
- 5.4 The authority is entitled to set minimum requirements to ensure that proposed building work is clearly documented, and to require the applicant to clarify any matter that it considers to be unclear. I note that the Department has also provided guidance information on how to apply for a building consent which includes information on the preparation of drawings⁵. Equally, I also note that the authority is not entitled to require the applicant provide a design solution from a 'weathertightness expert' as any competent person should be able to develop and adequately document a head flashing solution that will be code-compliant.
- 5.5 The applicant provided a sketch of another proposal to the Department on 15 February 2012. The onus is on the applicant to properly document a single proposal, completed in conjunction with a competent person, and submit this to the authority for approval.

⁵ Guide to applying for a building consent (simple residential buildings): Department of Building and Housing, January 2007

6. The decision

- 6.1 In accordance with section 188 of the Building Act 2004, I hereby determine that based on the documentation provided to the authority, there is insufficient information to establish on reasonable grounds that the proposed alteration to the exposed window heads will comply with Building Code Clauses B2 Durability and E2 External Moisture.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 9 March 2012.

John Gardiner
Manager Determinations