



Determination 2017/086

Regarding the refusal to grant exemption from the requirement to obtain a building consent for recladding a house at 30 Nairn Street, Spreydon, Christchurch



Summary

This determination considers whether the authority was correct to refuse to grant an exemption under Schedule 1(2) for work to reclad a house. The determination also discusses whether the cladding was likely to be exempt from the requirement for a building consent under Schedule 1(1).

1. The matter 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, Katie Gordon, Manager Determinations, Ministry of Business, Innovation and Employment (“the Ministry”), for and on behalf of the Chief Executive of the Ministry.
- 1.2 The parties to the determination are:
 - the owners of the building, M Reed and J Poole (“the applicants”)
 - Christchurch City Council (“the authority”), carrying out its duties as a territorial authority or building consent authority.
- 1.3 I have provided a copy of this determination to the cladding supplier (“the cladding supplier”) for their information.
- 1.4 This determination arises from the decision of the authority to refuse to issue an exemption from the requirement to obtain a building consent under Schedule 1(2) for the recladding of the applicants’ house. The refusal arose because the authority was

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

not satisfied that there was sufficient information to establish that the proposed building work met the criterion described in Schedule 1(2)(a) of the Act.

- 1.5 The matter to be determined² is the authority's exercise of its power of decision in refusing to grant an exemption from building consent requirements under Schedule 1(2). In deciding this matter, I must consider whether there was adequate evidence supplied to establish that the proposed building work when completed was likely to comply with the Building Code.
- 1.6 I note that the building work that is considered in this determination has been carried out. This determination considers the authority's decision at the time it refused to grant an exemption and also discusses whether the recladding, before the work was carried out, is "comparable" in terms of exempt work provided for in Schedule 1(1). The determination does not consider the compliance of the completed work.
- 1.7 In making my decision, I have considered the submissions of the parties, and the other evidence in this matter.

2. The building work and background

- 2.1 The building work that the applicants sought a discretionary exemption for is the removal of direct-fixed timber weatherboards on the timber-framed single storey house and recladding with insulated vinyl weatherboard cladding. The house was built around 1905 and the framing is likely to be rimu³. The house is located within a low wind zone.
- 2.2 The building work for which the exemption was sought is as follows:
- removal of existing direct-fixed timber weatherboard cladding to the entire house
 - removal and replacement of door and windows along southern elevation with timber joinery units
 - new building wrap and insulation to be installed to the external walls
 - installation of new vinyl cladding.
- 2.3 The cladding system includes the vinyl cladding, PVC flashing and accessories. The vinyl cladding is described by the applicants as "bevelback weatherboards 1.14mm thick with a 20mm thick polystyrene foam backing". The cladding system has a BRANZ appraisal for the cladding installed over a ventilated cavity and with aluminium joinery.
- 2.4 I note that the building work was later carried out without an exemption granted under Schedule 1(2) of the Act or a building consent. The building work installed consisted of the vinyl cladding direct-fixed and installed over a cavity on one wall, the building wrap, and replacement of doors and windows. It is not clear if the insulation was installed.

² Under sections 177 (1)(b) and 177(3)(c) of the Act

³ <https://www.renovate.org.nz/villa/walls-and-cladding/wall-framing-original-details/>

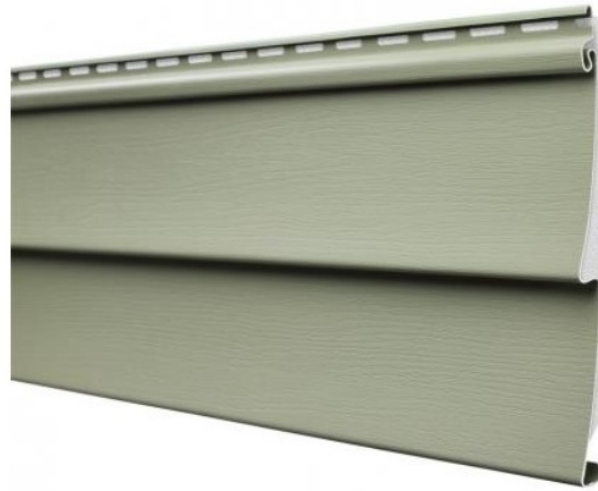


Figure 1: The vinyl cladding

2.5 The application for exemption from building consent

2.5.1 The applicants applied for a discretionary exemption under Schedule 1(2) of the Act on 31 January 2017 for the “Removal of timber cladding, installation of insulation to exterior walls and weatherboard replacement with vinyl weatherboards”.

2.5.2 The application included the manufacturer’s details for the cladding installed over a cavity and the manufacturer’s installation manual. The application also stated that the cladding is a “like for like replacement”.

2.5.3 On 1 February 2017 the authority sent out a request for information letter (“RFI”) requesting a report on the existing building and the proposed building work, including:

- site-specific details for walls, windows and doors
- clarification of the existing cladding
- confirmation of the condition of the existing building wrap and whether it is being replaced
- clarification of the means of compliance with Building Code Clauses
- clarification of who is carrying out the work and whether they are approved installers
- information regarding the quality assurance and the inspection/monitoring regime.

The RFI letter also stated the authority was of the view that the proposed work was not a replacement with a comparable component or assembly.

2.5.4 No response was received by the authority, and the RFI was resent in an email dated 15 February 2017.

2.6 Applicant’s response to the request for information

2.6.1 The applicants responded in a letter dated 16 February 2017, clarifying the building work as removing the existing direct-fix timber weatherboard cladding and “water damaged” timber door and windows along the southern elevation, replacing timber joinery units and repainting other windows, external doors, soffits, replacing the

timber weatherboards with vinyl cladding, installing new wall insulation into the external walls, and rewiring.

- 2.6.2 In regard to the vinyl cladding system, the applicants noted that it has a bevel back profile and would be direct-fixed because the timber weatherboards were direct-fixed. Prior to new building wrap being installed, the existing timber framing would be treated in situ with a timber preservative product that would provide a “water resistant finish”. The vinyl cladding is manufactured to AS/NZS 4256.4⁴ and would be supplied and installed by “specialist vinyl cladding installers... [who are] experienced and certified”.
- 2.6.3 The applicants listed the construction team including the main contractor, cladding installer, electrician, joiner and painter. The applicants noted that the main contractor is a licensed building practitioner and would provide a guarantee, and a record of works at completion confirming the building work had been undertaken in accordance with the manufacturer’s specification. The cladding supplier will provide certification that the cladding was installed in accordance with the manufacturer’s specifications.
- 2.6.4 The applicants provided photographs of the existing building, BRANZ appraisal and direct-fixed vinyl cladding details including:
- joinery head, jamb, and sill
 - internal corner, external corner, cladding base, and at soffit level
 - head, jamb, and sill junctions to electrical meter box.

(These details show direct-fixed rusticated-profile vinyl insulated cladding and aluminium window joinery.)

2.7 The refusal to grant an exemption

- 2.7.1 In an email dated 18 April 2017 the authority stated that it could not find information regarding direct-fixing of the vinyl cladding system in the documents provided by the applicant or elsewhere and that amended details would need to be supplied unless further information was provided to verify the use of the direct-fixed cladding.
- 2.7.2 No further information to verify the use of direct-fixed cladding was provided to the authority, and on 8 May 2017 the authority refused to grant an exemption under Schedule 1(2)(a).
- 2.7.3 On 10 May 2017 the authority wrote to the applicant giving the reasons for refusing to grant the exemption, as follows:
- The proposed reclad is not a comparable system.
 - There are a number of details that have not been provided.
 - No floor plans or details on the external insulation were provided.
 - While direct-fixed details were provided, the BRANZ appraisal does not cover the use of the vinyl cladding when direct-fixed.
- 2.7.4 There was further email correspondence during 8 – 11 May 2017 between the parties regarding the refusal of the exemption.

⁴ AS/NZS Standard 4256.1:1995 Plastic roof and wall cladding materials – Unplasticized polyvinyl chloride (uPVC) wall cladding boards

- 2.7.5 In an email dated 15 May 2017 to the authority, the cladding supplier set out its view that the vinyl cladding is comparable with the original cladding.
- 2.7.6 The authority responded to the cladding supplier on 17 May 2017 stating that the exemption is discretionary under Schedule 1(2), and the authority was not satisfied that adequate information had been provided to show the proposed work will comply with the Building Code.
- 2.7.7 The building work was completed without the applicants first obtaining building consent.
- 2.7.8 The Ministry received an application for a determination on 16 June 2017.

3. The submissions

3.1 The initial submissions

3.1.1 The applicants provided a submission in support of the application (in summary):

- The vinyl cladding is comparable with timber weatherboard and exempt building work under Schedule 1(1) but the applicants decided to apply for a discretionary exemption under Schedule 1(2).
- E2/AS1⁵ permits the use of direct-fixed timber and fibre-cement weatherboards when a building has a risk score⁶ of 6 or less.
- The BRANZ appraisal indicates the vinyl weatherboard cladding is equivalent to timber weatherboards, so in the applicants' opinion it is "logical" if the cladding is direct fixed it would be "E2/AS1 compliant".
- There are no substantive differences in the direct-fix details between the vinyl cladding and E2/AS1 construction details.
- The information submitted was reasonable and sufficient in the circumstances.

3.1.2 The applicants included copies of the following:

- Their response to the authority's RFI, dated 16 February 2017.
- Photographs of the original building.
- Direct-fixed vinyl cladding details.
- The BRANZ appraisal for the vinyl cladding.
- Hand-drawn detail showing the width of the eaves in relation to the wall construction.
- E2/AS1 weathertightness risk scores for all four elevations.
- Correspondence between the parties.

3.1.3 The authority acknowledged the determination application on 21 June 2017 and provided a submission on 18 July 2017 saying (in summary):

- With reference to its guidance document⁷ for exemptions under Schedule 1(2) ("the authority's guidance document"), the key issues considered are:

⁵ Acceptable Solution E2/AS1 External moisture

⁶ In E2/AS1 risk scores are calculated using a risk matrix and specified criteria

⁷ *Information for building owners & building practitioners: Building work that does not require a building consent*

- the building work is carried out by a suitably qualified, and experienced person with a proven record of competence in similar work, and
- clear understanding of the Act and Building Code is demonstrated in the application, and
- assurances are given as to how compliance with the Building Code will be achieved.

In this case none of the above was demonstrated.

- Based on consideration of the factors in Determination 2013/071⁸ the authority considers the vinyl cladding system is not comparable with timber weatherboards.
- The original application indicated that traditional weatherboards were to be replaced with “foam backed PVC weatherboards on a cavity system”, which the authority views as “dissimilar materials and configuration, and the complexity of construction is somewhat different to traditional weatherboards”.
- The revised information raised further issues regarding whether the building work was likely to comply with the Building Code:
 - While the product has a BRANZ appraisal, the cladding as proposed was outside the scope of the appraisal, and becomes an alternative solution proposal with no supporting evidence provided.
 - The authority was not provided with any “proven record of competence” for the installer.
- A further RFI letter was sent, but no response was received and the authority subsequently declined the application because it was not satisfied that the work was likely to comply with the Building Code.
- If the determination concludes the work is not exempt under Schedule 1(1), the authority will require an application for a certificate of acceptance for the building work

3.2 The draft determination and the responses received

3.2.1 A draft determination was issued to the parties for comment on 28 August 2017.

3.2.2 The authority responded on 29 August 2017, accepting the decision of the draft determination.

3.2.3 On 8 September 2017 the applicants responded to the draft determination stating that they did not accept part of the decision, making a further submission as follows:

- The applicants accepted the draft’s decision regarding the Schedule 1(2) exemption. However, they did not accept the draft determination’s commentary regarding whether the recladding was exempt building work under Schedule 1(1).
- The delays from the authority and “failure” to carry out its duties while not a matter for determination was a “major contributory” factor that led to the applicant installing the vinyl cladding without an exemption. The weatherboard

⁸ Determination 2013/071 The compliance of proposed repairs to an earthquake-damaged foundation including partial replacement of a concrete perimeter foundation wall, at 130 St Martins Road, St Martins, Christchurch (Ministry of Business, Innovation and Employment) 15 November 2013

cladding had been removed and the building wrap had been installed, and the applicants were not prepared to leave the structure exposed for an extended period of time (I note that the exemption included the removal of the cladding and installation of the building wrap, so this work was also undertaken without waiting for the exemption).

- The timber weatherboards and vinyl cladding are similar materials, with the foam backing providing the additional thickness in the vinyl cladding. The applicant has stated that E2/AS1 allows the use of fibre-cement weatherboards, which are materially different than timber weatherboards and thinner, in the same low weathertightness risk situations.
- In regard to the complexity of the finished assembly, the applicant stated the cladding was installed under the direction and supervision of the cladding supplier.
- The house has a low risk envelope, which has not been taken account of in the draft determination.

3.3 The applicants included copies of the following:

- memorandum of design work from the builder for the restricted building work
- cladding supplier's quality inspection form for the two cladding inspections that he carried out.

3.4 On 11 September 2017 the applicants provided another submission that included photographs of the various stages of the cladding installation. The applicants stated a timber facing board was installed over the PVC trim that abuts the window and door framing.

3.5 The authority responded to the applicants' 8 September 2017 submission stating there is no specified timeframe for a building consent authority to make a decision on an exemption under the Act. It does not consider that the delayed response is justification for work to proceed without the exemption decision having been made. The authority also reiterated it accepts the draft determination decision in regard to whether the cladding is exempt under Schedule 1(1).

3.6 On 21 September 2017 the applicants requested a hearing.

4. The hearing and site visit

4.1 The hearing

4.1.1 On 31 October 2017, a hearing was held in Christchurch at the applicants' request. This was attended by the following people:

- one of the applicants, M Reed
- the cladding supplier (for part of the hearing)
- two officers of the authority and the authority's solicitor
- myself accompanied by two officers of the Ministry

4.1.2 All attendees spoke at the hearing and were of assistance to me in preparing this determination.

4.1.3 The applicant and the authority both agreed that the authority was correct to refuse to issue a discretionary exemption under Schedule 1(2). The discussion turned to whether the vinyl cladding was comparable with timber bevelback weatherboards.

4.1.4 The applicant stated the following (in summary):

- He had received advice that installing the new vinyl cladding was a “like for like” replacement for the original weatherboards.
- Schedule 1 is intended to allow low risk work to be carried out without requiring a building consent and he viewed his building work as low risk.
- In regard to the draft determination he did not believe the low risk structure of their house was taken into consideration. There was not enough “weighting” on the low risk envelope against the intent of Schedule 1.
- The applicant also had concerns regarding the compatibility and complexity analysis of the vinyl cladding. He noted that the draft determination stated it was simpler to install the vinyl cladding than timber but yet it was deemed to be more complex.
- He reiterated his previous view that the cladding materials in E2/AS1 risk matrix table were all comparable.

4.1.5 The authority stated the following (in summary):

- The application for the discretionary exemption under Schedule 1(2) was insufficient. Part of the decision regarding whether or not to grant the exemption is based upon whether the people carrying out the work are qualified and have adequate experience.
- In regard to the comparability, the authority did not view the two cladding materials as comparable. The vinyl weatherboards perform differently with respect to moisture, behaves differently in the heat, and are installed in a different manner to typical bevelback weatherboards.
- No evidence has been provided that it would be appropriate for the vinyl cladding to be direct fixed. The authority highlighted that the foam-backed plastic would perform differently with respect to moisture than timber weatherboards.
- In response to the applicant’s view regarding the low risk intent of Schedule 1, it noted that the wording does not include “low risk” in Schedule 1(1).

4.1.6 The cladding supplier stated there are condensation holes every 300-400mm at the bottom of the cladding panels, which are not shown in the technical specification and drawings.

4.1.7 The cladding supplier also provided a letter from the cladding manufacturing company in regard to the “specialist installer” wording on the BRANZ appraisal. The letter stated:

[The Australian supplier] initiated the BRANZ certification and has trained [the New Zealand cladding supplier]. [The New Zealand cladding supplier] as the New Zealand distributor, has the authority to train on behalf their installers

We recommend that only NZ LBP (licensed building practitioner) installs our Vinyl products to meet [the] New Zealand building Code.

All Vinyl cladding products are to be installed as per installation Instructions supplied by [the New Zealand cladding supplier].

4.2 The site visit

- 4.2.1 A site visit to the property was undertaken at the conclusion of the hearing. The invitation to visit the site was extended to all attendees at the hearing, and all chose to attend. The site visit included a visual assessment of the cladding.
- 4.2.2 During the site visit, the cladding supplier described how the cladding was installed and answered questions the authority had regarding the head flashing.

5. Discussion

5.1 The application for an exemption under Schedule 1(2) of the Act

- 5.1.1 The applicants initially applied for an exemption under Schedule 1(2), which is a discretionary exemption for the authority to determine whether to exempt proposed building work from the requirement to obtain a building consent in the circumstances specified:

2 Territorial and regional authority discretionary exemptions

Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that—

- (a) the completed building work is likely to comply with the Building Code or
 - (b) if the completed building work does not comply with the Building Code, it is unlikely to endanger people or any building, whether on the same land or on other property.
- 5.1.2 The intent of Schedule 1 is to exempt building work that is low risk from requiring a building consent, because the costs associated with obtaining consent are likely to outweigh any benefits that requiring a building consent may offer.
- 5.1.3 Schedule 1(2) is the only exemption that requires a decision from a territorial authority. This exemption allows the authority to use their discretion in exempting any type of building work from requiring a building consent, provided the authority considers that the building work is likely to comply with the Building Code, or, if not, that it is unlikely to endanger other people or any building.
- 5.1.4 In this case the applicant's submission supporting the determination application indicates the exemption is being sought under Schedule 1(2)(a). In the following paragraphs I consider the information that was before the authority at the time that it made its decision and whether there were reasonable grounds to form a view that the building work was likely to comply with the Building Code.
- 5.1.5 The information provided with the application for the exemption included:
- Two photos of the existing house; these indicate and/or show:
 - the house is a timber villa with timber exterior joinery (windows and doors) on a flat site
 - the house has a concrete perimeter foundation
 - the existing cladding is shown terminating at decorative mouldings and brackets under the eaves
 - timber brackets are also shown under the timber windows.
 - The details for the proposed recladding, which show:
 - the wall framing bolted to a concrete floor

- the windows as aluminium
- the wall cladding terminating under a flat eaves soffit.

5.1.6 Supplementary information provided to the authority included:

- a rough sketch of the eaves junction shows the termination of the cladding at a 'j-trim channel'; the sketch provides little or no detail of this junction
- an evaluation of the weathertightness risk for the house that allows for direct-fixed bevelback weatherboards to be proposed using E2/AS1
- the evaluation of the weathertightness risk also says the cladding would be installed over 'cavity battens' to the north-east elevation.

5.1.7 As the building work has been carried out, to elaborate on the areas where information was missing from the applicant's submission to the authority, I make the following comments in regard to the variation between the submitted details and the as-built work:

- there is a purpose-made flashing required and provided to the perimeter foundation as the outer face of the foundation is well forward of the line of the exterior wall above
- head flashings are planted on the building wrap and building wrap is not lapped over the flashing upstand
- the 'j-trim channel' used to terminate the cladding butts into the jamb facings to the exterior joinery, and the horizontal decorative mouldings to the eaves. It is not known how these junctions are sealed
- it is not known how the cladding is sealed to and around the sill brackets to the timber window that project down below the sill
- a window to the north-east elevation has a sloping re-entrant sill. There are no details provided for this junction (this cladding to this wall has been installed over a cavity).

5.1.8 The Ministry's guide on exempt building work⁹ suggests authorities take into account the following when considering a discretionary exemption:

- any substantial prior demonstration of competence in similar work
- the complexity of the work relative to that competence
- any independent quality assurance systems that will be applied.

5.1.9 In regard to the information provided to the authority, I note:

- The application was supported with the BRANZ appraisal for the product but the proposed largely direct-fixed installation was not in accordance with that appraisal.
- The application for exemption stated certification would be provided to establish the cladding system was installed in accordance with the manufacturer's specification. However, the proposed direct-fixed cladding departed from that specification.
- The BRANZ appraisal states that the system 'must be installed by trained installers licensed by [the Australian manufacturer]'. The application referred

⁹ *Building work that does not require a building consent* (Third edition 2014 – amended June 2016)

the installer as being ‘experienced and certified’ in the installation of the product but did not provide a copy of the relevant certificate or the license issued by the Australian manufacturer to support this statement. (I note that a letter from the Australian manufacturer was later presented at the hearing that authorised the cladding supplier to train licensed building practitioners on how to install the cladding).

- The construction details were generic and they did not:
 - address the fact that the timber joinery was to be retained
 - take account of the existing eaves detail
 - take into account the existing concrete perimeter foundation
 - address the fact some cladding was to be installed over a cavity.
 (I note also that the authority’s guidance for exemptions under Schedule 1(2) state that site-specific details are required).
- Although the application for the exemption included a list of personnel who would be involved in the building work, it was unclear that the personnel had experience in installing the system and that the junctions with remaining building features would be suitably detailed.

5.1.10 I note here that applying for an exemption under Schedule 1(2) does not necessarily mean that less information is required to be presented to the authority than would be required for a building consent.

5.1.11 For the reasons discussed above, I consider that insufficient evidence was provided by the applicants to establish that the building work was likely to comply with Clause B2 and Clause E2. Because the application had insufficient information to satisfy the authority that the building work would likely be constructed to comply with the Building Code, I conclude the authority was correct to refuse to grant the exemption.

5.2 Is the building work exempt under Schedule 1(1)?

5.2.1 While the determination is about the authority’s refusal to grant an exemption under Schedule 1(2), owners are able to conduct certain building work without a building consent under Schedule 1(1). Having concluded that the authority was correct to refuse to grant the exemption under Schedule 1(2), I offer the following comments on whether the recladding was exempt under Schedule 1(1) to the parties. The authority and applicants have different views on whether the reclad is “comparable” and if this exemption applies.

5.2.2 Schedule 1(1) provides for the following building work to be carried out without obtaining a building consent:

1) The repair and maintenance of any component or assembly incorporated in or associated with a building, provided that comparable materials are used.

(2) Replacement of any component or assembly incorporated in or associated with a building, provided that—

(a) a comparable component or assembly is used; and

(b) the replacement is in the same position...

5.2.3 In Determination 2013/071 I considered a number of factors that could be used to determine whether a component or assembly was comparable, including:

- whether the replacement is in the same position

- whether the replacement performs a similar function
- the compatibility between materials
- complexity of the finished assembly.

- 5.2.4 In this instance the recladding is largely in the same position, with the exception of where it is installed over a cavity, and the cladding performs the same function in terms of providing weather protection to the building envelope. However, there is a difference in systems that will impact on the installation details, such as the thickness of the cladding and the fixing methods. While the cladding may be a simpler system to install, it requires specific experience of the proprietary system and its components.
- 5.2.5 I note direct-fixed claddings have less potential for drainage to occur behind the cladding. The bevelback weatherboards allowed air to enter and water to drain or dry. However, the vinyl cladding as installed will create a flat surface with a high percentage of the foam backing in contact with the building wrap, limiting any drainage or drying. While the vinyl cladding panels have condensation holes every 300mm to 400mm, they appeared to be too small¹⁰ to allow water to drain.
- 5.2.6 In addition, the proposed detailing of the junctions where the cladding abuts existing building elements differs from the existing timber weatherboard junctions. In regard to this I note that where the proposed cladding is installed without a cavity, close attention will be required to the perimeter details and those details were lacking in the information provided. There is also a difference in how the two materials behave in terms of environmental conditions (heat with PVC and moisture content with timber weatherboards).
- 5.2.7 Taking the above into account, I am of the view that it is likely the replacement cladding system is not comparable with the bevelback weatherboards.
- 5.2.8 I acknowledge that on most elevations, the house has a low risk envelope. While a factor when considering whether the authority was correct to refuse to grant the exemption, it is not a factor when considering whether one cladding material is comparable to another cladding material.
- 5.2.9 I have concluded that the authority was correct in its decision to refuse to grant a discretionary exemption under Schedule 1(2) when a building consent was required. The building work is not likely to be comparable and unlikely to be exempt under Schedule 1(1), and it follows that a building consent was required. As the building work has been carried out without building consent first being obtained, the applicants would now need to apply for a certificate of acceptance if they wished to regularise the building work.

5.3 Installing thermal insulation

- 5.3.1 Schedule 1(13) of the Act provides for the following building work to be carried out without building consent:

Building work in connection with the installation of thermal insulation in an existing building other than in:

- (a) an external wall of the building; or
- (b) an internal wall of the building that is a fire separation wall (also known as a firewall).

¹⁰ To allow water to drain out, the holes need to be at least 6mm in size, to prevent capillary action, which did not appear to be the case.

- 5.3.2 The applicants proposed to install insulation to the external walls, which is not exempt building work. The Schedule 1 guidance states that installing insulation into external walls is specifically excluded because it could have weathertightness implications. In this instance, the applicants correctly included this work within the application for an exemption under Schedule 1(2).
- 5.3.3 The building has been reclad but the photographs provided by the applicant do not show the installation of the insulation. However, there are references within the documentation provided by the cladding supplier that the insulation was installed. A building consent for the installation of the insulation is required. If the applicants have installed the insulation they would now need to apply for a certificate of acceptance if they wished to regularise the work

6. The decision

- 6.1 In accordance with section 188 of the Building Act 2004, I hereby determine that the authority correctly exercised its powers of decision in refusing to grant an exemption under Schedule 1(2) and I confirm that decision.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 1 December 2017.

Katie Gordon
Manager Determinations