



BUILDING CODE TECHNICAL RISK ADVISORY GROUP (BCTRAG)

27 NOVEMBER 2019

MEETING MINUTES

FINAL

BCTRAG members	<u>Attendee</u>	<u>Representing</u>	<u>Attendee</u>	<u>Representing</u>
	Bryce Keogh	BCA	Matt Gerstenberger	GNS Science
	Peter Laurenson	BCA	Paul O'Brien	NZ Construction Industry Council
	Neil McLeod	BCA	Ross Roberts	NZ Geotechnical Society
	Ian McCauley	BCA	Bruce Curtain	NZ Institute of Architects
	Lynda Amitrano	BRANZ	David Whittaker	NZ Society for Earthquake Engineering
	Eleanor Laban	Engineering NZ	Michael James	Society for Fire Protection Engineering
	Tania Williams	Engineering NZ	Paul Campbell	Structural Engineering Society
	Simon Davis	Fire & Emergency NZ	Mike Kerr	MBIE (Chair)
	Dave Robson	MBIE	Richard London	MBIE
	Helen McGregor	MBIE	Jonna Morris	MBIE
	Jenni Tipler	MBIE		
Apologies	Jayson Ellis	Building Officials Institute NZ		
Guest Attendees	Anna Butler	MBIE (Partial)	Laura Furneaux	MBIE
	Matt McDermott	MBIE (Partial)	Jennifer Critchley	MBIE (Partial)
			David Young	MBIE (Partial)

FOLLOW UP FROM LAST MEETING

After welcoming the group, and thanking them for their contribution over the last year, the General Manager Building System Performance updated the group on some of the core branch projects of 2019 including:

- Building System Legislative Reform Project
- Construction Sector Accord
- Bi-Annual Building Code update
- Built environment impact on climate change

The Chair subsequently presented an update on actions taken since the last meeting, highlighting how feedback from the group has influenced BSP's work including the:

- Building code 101 Training program that is still under development.
- Ongoing work to scope the revisions to NZS3604 (an update to be provided at next meeting).
- Revisions to the fire work programme.

BUSINESS UPDATE

The Manager, Building Performance and Engineering (BPE) highlighted the importance of BCTRAG, noting that decision-makers from management up to the Minister routinely ask whether the BCTRAG has provided views when presented with initiatives or advice.

The Manager BPE then presented a business update of achievements and projects since the last meeting including:

- The Legislative Reform package (BSLRP). Focuses on the Product, Process and People elements of the Building System. The Manager highlighted these elements work alongside the Performance element (including the Building Code) to contribute to the outcomes of the wider building system.
- The Climate Change work programme to support the Carbon Zero Bill has commenced;
 - To give effect to the Act and surrounding policies BPE expect significant adaptation, mitigation and embodied carbon changes to be required.
 - Innovative approaches and supporting research will be required on all aspects of building design, life and demolition.
 - BPE will be collaborating with other ministries and industry bodies as required e.g. Ministry for the Environment, and Climate Change Commission.
 - The BPE Manager confirmed that, at this time, the product work within BSLRP does not have in scope the climate impact of products.
 - The group discussed the Building Act and Code expectations regarding durability and building life. The Manager BPE confirmed that multiple Ministers are jointly discussing building resilience and the roles of various sector players. The BSP branch is providing insights and guidance focusing on balancing life safety, durability and resilience.
- Higher Density Housing work plan. Deliverables will be over the next 4-5 years primarily through the Bi-Annual Building Code update with policy support where additional regulation is required. The group sought more visibility regarding the connection between higher density housing and Code Clause changes, as the programme is rolled out.
 - The group asked for clarity about the performance changes which were being considered in each of the code clauses to give visibility about what new buildings

would be required to perform to. The Manager BPE will consider incorporating this in subsequent bi-annual Building Code updates.

- Other topics being thought about beyond BSLRP, Higher Density Housing and Climate Change included:
 - tiny homes
 - accessibility requirements
 - plumbing requirements
 - scoping options to amend the range of building classifications (including potential update to change of use regulations) and
 - further identifying where the minimum requirements in the Building Code should be raised.
- November 2019 Bi-annual Building Code update. Includes a new Acceptable Solution for steel framing and updates to liquefaction prone ground, including a two year transition time and a planned awareness programme of the implications.
 - The group asked if the liquefaction change will impact the definition of natural hazard and it was confirmed this will not change and that only the application of the Acceptable Solution is being amended.
- June 2020 Bi-annual Building Code update. Is in progress and includes updating rainfall maps, a new Acceptable Solution for water drainage systems and updates on overflow, web-membrane solution and façade testing solutions. Note: The group cautioned that piecemeal, incremental updates to the Building Code (compliance documents) could cause unintended impacts on other areas of the Code and that it was very important to identify links and dependencies- otherwise the result may be a platform for non-compliance.
- The National Seismic Hazard Model will be updated in the next 18-24 months.

BUILDING SYSTEM LEGISLATIVE REFORM PROGRAMME UPDATE

Matthew McDermott and David Young presented an update on the Building System Legislative Reform Programme Bills One and Two.

Bill One

- Commenced in 2018. Included a two month public consultation process that resulted in nearly 500 submissions. You can see the summary of submissions on the MBIE website.
- The Bill is set to progress through parliament next year, the Act will be enabling and associated regulation will also need to be designed.
- Further work is underway to develop a new manufacturer certification scheme.
- The group sought clarification on the role of the BCA in relation to any new manufacturer certification scheme, and noted the importance of a robust audit system.
- The group also commented that a strong education programme will be needed.
- A discussion also occurred regarding the building levy and the intent to enable broader use of the levy, which is currently limited in scope. The group asked how this fits with proposals to reduce the levy and indicated it was their view that the levy should not be dropped but instead invested in sector education and training. BSP clarified that the

setting of the levy will continue to be reviewed every three years, taking into account best practice advice, and any changes to the scope of its application.

- Feedback was provided from the BCA representatives that in their view the Manufacturing Certificate should be a compliance document (similar to Codemark) used within a complete building consent. The end consumer market wants the overall comfort of a building consent process, and sees difficulty in splitting out just the manufacturing components without considering the building as a whole.

Bill Two

The Minister has agreed the scope for Bill Two (mid-late next year) is to review the Licenced Building Practitioner scheme for both technical and behavioural competency standards and to amend the professional engineering scheme.

The group:

- Inquired if further consultation on the occupational regulation changes will occur before legislation is finalised and it was confirmed this will occur.
- Queried if there was a level of crossover from an LBP to a Manufacturers Certification. BSP confirmed more work is needed, with draft materials highlighting that a separate set of skills are probably needed for each scheme.
- Inquired if the risk and liability programme was still part of the programme. BSP confirmed that this area is not being progressed in Bill 2 and needs further work. It will progress on a different timeframe.
- The group discussed that the risk based consenting provisions which had been added into the Building Act in 2012 (but had not come into force) should either be enacted in part or in full, or removed from the Act. There is confusion in the industry about these provisions and that parts of it would be useful including moving to the Consent Completion Certificate.

USE OF STANDARDS VS INTERNAL DOCUMENT DEVELOPMENT

BPE outlined the range of available documents for disseminating information and how they relate to, and support, compliance with the Building Code.

BPE then led a discussion regarding the potential (including risks, costs and benefits) for MBIE to develop documents internally for citing.

The group commented that MBIE developed documents may be appropriate, provided:

- A robust and consistent framework for document development is implemented including a quality assurance process that would provide checks and balances, recognising the assurance provided by the Standards NZ processes.
- Documents retain consistency and clarity in look, feel and language.
- The documents show clear compliance outcomes.

The group also commented that transparency should be provided regarding how BPE decide to cite a document, and consideration should be given to implementing a consistent document format if we cite other organisations documents.

The group suggested that the BCTRAG could be used to assist in determining when a standard or internal document may be more appropriate and could play a role in the assurance process.

Policy Settings

BPE led a discussion regarding if BPE should move technical policy settings out of standards and into Acceptable Solutions or Verification Methods e.g. probability settings, importance levels.

The group provided general support but noted that there would need to be some guidance or criteria on what to move. Caution also needs to be taken to have performance levels set at Code level as opposed to in the non-mandatory compliance documents.

RISK DISCUSSION

Five risks were discussed with the conversation on climate change (risk one and two) forming one conversation.

Risk Identified	Conversation	Insights for MBIE
Alignment of design standards with building life & changes in loading from climate change	<ul style="list-style-type: none"> • Building Code does not get reviewed frequently enough. • Extend the Building Code to account for whole of building life including routine maintenance and increase the minimum standards for some building typologies. • It's likely that existing buildings will have the biggest impact on achieving targets, and will be a key question for approach. 	<ul style="list-style-type: none"> • Focus on adaptation and adaptability. • Ensure scope of work considers extreme weather events. • Support a phased approach based on building typology commencing with new buildings.
Climate change and making our Building Code climate change ready	<ul style="list-style-type: none"> • Focus on: <ul style="list-style-type: none"> ○ Adaptation and adaptability. ○ Whole of building life ○ Requirements around building maintenance • Existing work regarding Earthquake Prone Buildings and Tenancy Act may show some precedents for climate change actions in existing buildings. • Are there areas of New Zealand where we should discourage building if we can predict areas with high impact. • Consider if a new building should have a project information memo before the building consent to better align resource consent with building consent. 	<ul style="list-style-type: none"> • Review the potential for a tiered or new minimum level performance system. • Important to engage early with the insurance council. • Consider the role of District planning, BCA's and the BWoF programme.

Risk Identified	Conversation	Insights for MBIE
	<ul style="list-style-type: none"> • Consider a tiered system for minimum performance standards. • Looking beyond New Zealand for data. • Increase modelling into the 50-100 year range. • Consider including climate elements in the BWoF programme and/or greater focus on maintenance. 	
Tiny home compliance pathways	<ul style="list-style-type: none"> • Tiny Home trend is not decreasing. • Determinations and court appeals are not an efficient way of handling this growing trend. • Definition and compliance clarity is needed in the Building Act with support in the performance requirements. • There is no clear compliance pathway for owners and manufacturers highlighting requirements from design through delivery. • Urgency is needed, primarily for the benefit of owners and designers, to allow for clear consenting decisions. • Look at Canadian and Norway regulations for insights. • Consider if clarity could be provided in the MMC work. 	<ul style="list-style-type: none"> • Develop a clear compliance pathway. • Provide education and awareness on the pathway. • Link into the District Plan and the Resource Management Act requirements.
Independent Qualified Person's not being able to identify performance standards	<ul style="list-style-type: none"> • Intent is to drive consistent BCA behaviour however IANZ feedback is inconsistent between BCA on similar matters. • The framework should result in consistent cross-industry BCA messages to stakeholders. • There is no feedback loop or forum to challenge the results. 	This is a broader MBIE discussion regarding consistency of decision making in the building system assurance audit/review function (BSA team).
Review of the Building Code	<ul style="list-style-type: none"> • How agile should the Building Code be and options for further agility if needed. • Where should settings sit in the building code framework to support agility. • Guidance on determining if a setting is mandatory or not. 	<ul style="list-style-type: none"> • Ensure consistent use of terminology. • Better clarity between updates to the Building Code clauses and update to compliance

Risk Identified	Conversation	Insights for MBIE
	<ul style="list-style-type: none"> • What are the roles of the Building System participants regarding education and awareness. 	<p>documents.</p> <ul style="list-style-type: none"> • Care is required with regard to where performance requirements sit within the Building Code. • Clarify the role of the Building System participants in education

Emerging risks

The Chair asked the group if there were key changes happening on the ground that MBIE should be aware of more generally, to support early identification of issues. The group noted the following potential areas:

- Offshore construction
- Rise of Airbnb
- Communal living/ co-housing
- Increased number of people living in garages

The Chair thanked all members and closed the meeting at 2.30pm.

ACTION ITEMS

The secretariat will:

- Distribute draft minutes from this meeting for comments.
- With the final minutes distribute the meeting presentation.

Next Meeting

- BPE will consider presenting the topics below for advice at future meetings;
 - The strategy for education and implementation by the central regulator
 - Update on the 3604 revision scoping
 - Proposed fire revisions in the June 2020 update
 - Share early thinking on amending Building Categorisation and uses.
 - HD8 project timelines and work plan update.
 - Code clauses where minimum performance expectations are being considered for review
 - Further update on BSLRP and occupational regulation programme of work.
 - A thought pieced regarding on options for a new approach to technical policy settings in the Building Code.
 - An update on Climate change (with an option for topic specific discussion if required)

Date:	Friday 21 st February 2020	Time:	9.30 am – 3.30 pm
Venue:	MBIE, 15 Stout Street, Wellington		