

New Zealand

Status

The national performance-based New Zealand building code (“the building code”) has been in force since 1 January 1993.

Mandatory requirements

The building code was introduced as part of a new building control system established by an Act of Parliament, namely the Building Act 1991 (“the Act”). The Act requires all new building work to satisfy the performance criteria specified in the building code. The building code was made, and is amended from time to time, by Cabinet on the recommendation of the Building Industry Authority (“the Authority”). The Authority was established under the Act to provide the central focus for the building control system. The Act is enforced by local territorial authorities (city and district councils). Private sector building certifiers approved by the Authority compete with territorial authorities for the tasks of checking and inspection of building work. The territorial authority is the office of record, required to keep all relevant plans and specifications and other documents available for public inspection for the life of the building. Doubts and disputes about whether particular building work complies with the building code (usually arising out of technical decisions by territorial authorities and building certifiers) may be submitted to the Authority for binding determinations. The Authority also issues accreditations of proprietary items.

The building code itself is part of mandatory regulations, namely the First Schedule to the Building Regulations 1992. The building code covers stability, durability, fire safety, access, moisture, safety of users, services and facilities (including electricity, gas, plumbing, and drainage), energy efficiency, and access and facilities for use by people with disabilities.

Structure

The building code contains two general clauses and 35 technical clauses. Each technical clause covers a specific topic and sets out “objectives” (which correspond to the purposes and principles specified in the Act), “functional requirements” (based on the “user requirement categories” of ISO 6241-1984E), and the mandatory “performance criteria” specified mainly, but not entirely, in qualitative terms.

Supporting material

The Act provides that certain documents issued or approved by the Authority are to be accepted by territorial authorities and building certifiers as establishing compliance with the building code. However, those documents are not the only ways of establishing compliance.

There are 35 “Approved Documents” (one for each functional requirement) that specify “acceptable solutions” and “verification methods” either directly or by reference to other documents, mainly New Zealand Standards. In effect, the acceptable solutions are simple “cook-book” specifications suitable for use without specific engineering design, whereas the

verification methods consist of design Standards and the like suitable for use by qualified professionals.

Other documents issued by the Authority that must be accepted as establishing compliance with the building code are accreditations of proprietary products and determinations of matters of doubt or dispute.

An accreditation is granted on the basis of an appraisal by a competent independent organisation, but there is no provision for any general approval of such organisations themselves. A product that complies with an accreditation must also be accepted as complying with the building code.

Determinations of technical doubts and disputes amount to “case law” about the application of the building code.

Innovative products or systems

The Act requires territorial authorities and building certifiers to be “satisfied on reasonable grounds” that building work complies with the building code. Usually, that means being satisfied on reasonable grounds that the work complies with the Approved Documents.

However, complying with such a document is not the only way of complying with the building code. Other ways are referred to as “alternative solutions”. A territorial authority or building certifier presented with a proposal that does not comply with the Approved Documents, must decide whether the proposal complies with the building code. In doing so, they must have due regard to various matters listed in the Act. Reasonable grounds for such a decision might include:

- Comparison with the Approved Documents.
- Expert opinions, including peer reviews and appraisals.
- A history of successful use.
- Compliance with overseas Standards or the like.
- Tests.
- Any other grounds that are reasonable in the circumstances.

NEW ZEALAND BUILDING CONTROL DOCUMENTS

THE LAW mandatory

THE BUILDING ACT 1991

Legal provisions:

Definitions.
Purposes and principles.
Functions etc of the Building Industry Authority.
Functions etc of territorial authorities.
Building work: building consents and code compliance certificates.
Maintenance of certain systems and features in buildings: compliance schedules, building warrants of fitness.
National building code.
Documents for establishing compliance with the building code.
Building certifiers.
Accreditations.
Dangerous and insanitary buildings
Legal proceedings: offences, civil actions against the Authority, territorial authorities, and building certifiers.

THE BUILDING REGULATIONS 1992

Administrative provisions:

Application of building code.
Inspections.

First Schedule: The building code

Classified uses
Definitions
Technical clauses
Objectives (descriptive)
Functional requirements (descriptive)
Performance criteria (mandatory)

Second Schedule: Forms

the mandatory line

DOCUMENTS FOR ESTABLISHING COMPLIANCE WITH THE BUILDING CODE non-mandatory

THE APPROVED DOCUMENTS

numerous references to Standards and similar documents

Acceptable solutions.
Verification methods.

ACCREDITATIONS

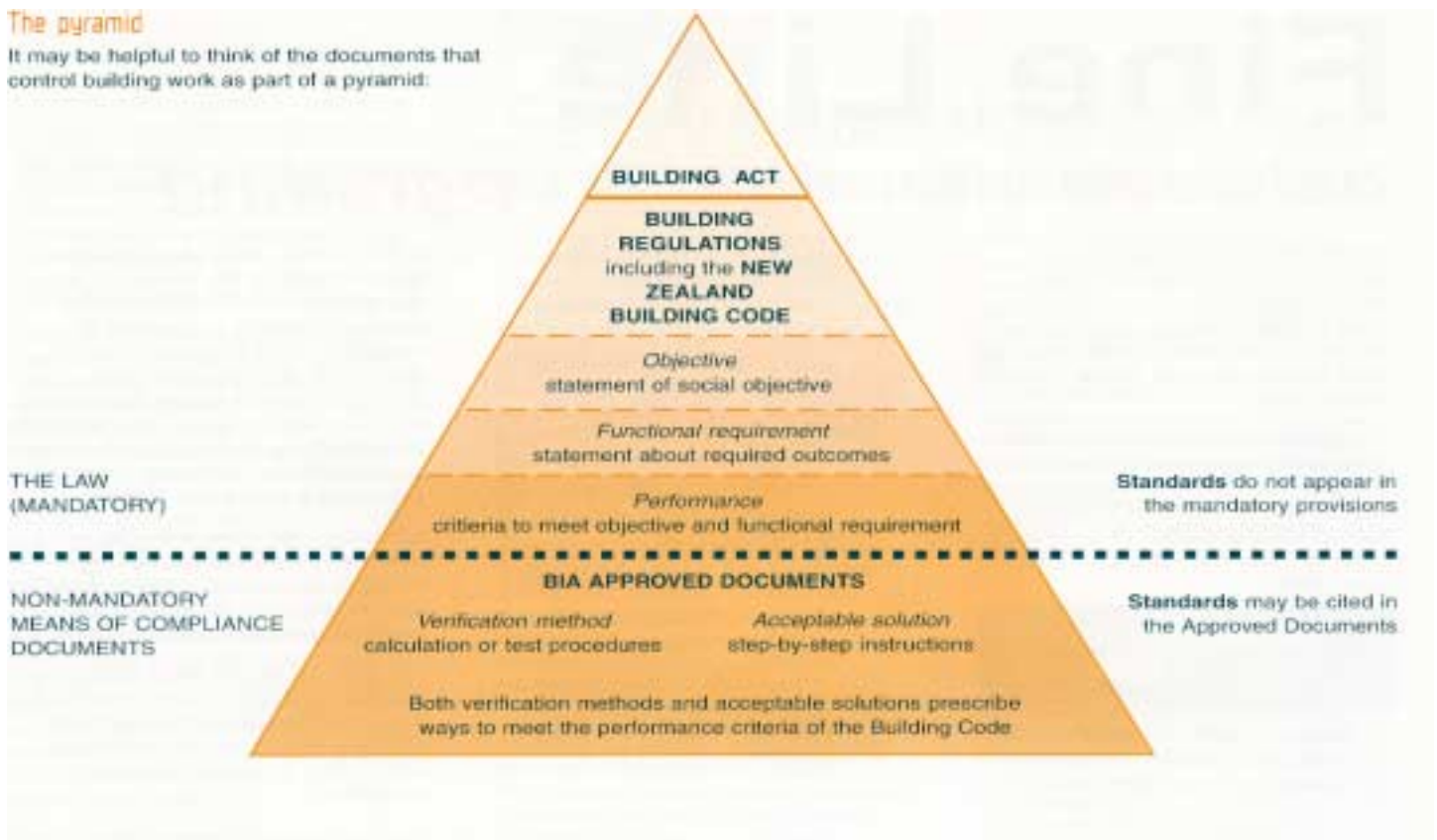
Proprietary items:
Materials
Methods of construction
Designs
Components

DETERMINATIONS

Doubts and disputes about whether certain building work complies with the building code.

The pyramid

It may be helpful to think of the documents that control building work as part of a pyramid:



EXAMPLE: NEW ZEALAND BUILDING CODE CLAUSE G8 ARTIFICIAL LIGHT

A standard is cited in the non-mandatory verification method that is provided in G8/VM1 of Approved Document G8.

MANDATORY

CLAUSE G8 ARTIFICIAL LIGHT

OBJECTIVE

G8.1 The objective of this provision is to safeguard people from injury due to lack of adequate lighting.

FUNCTIONAL REQUIREMENT

G8.2 Spaces within buildings used by people shall be provided with adequate artificial lighting which, when activated in the absence of sufficient natural light, will enable safe movement.

PERFORMANCE

G8.3 Illuminance at floor level shall be no less than 20 lux.

NON MANDATORY

VERIFICATION METHOD G8/VM1

1.0 ILLUMINANCE

1.0.1 An acceptable verification method for the measurement of illuminance is contained in NZS 6703 Section 11.

Paragraphs 1.0.2 to 1.0.5 continue