



BUILDING CODE TECHNICAL RISK ADVISORY GROUP (BCTRAG)

05 JUNE 2019 MEETING

MINUTES

FINAL

BCTRAG members	<u>Attendee</u>	<u>Representing</u>	<u>Attendee</u>	<u>Representing</u>
	Bryce Keogh	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
	Jayson Ellis	Building Officials Institute NZ	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
	James Firestone	Fire & Emergency NZ	Mike Kerr	MBIE (<i>Chair</i>)
	Dave Robson	MBIE	Jenni Tipler	MBIE
	Helen McGregor	MBIE	Jonna Morris	MBIE
	Richard London	MBIE	Reza Sedgh	MBIE - (partial attendance)
Apologies	Lynda Armitrano	BRANZ	Matt Gerstenberger	GNS Science

INTRODUCTIONS

After welcoming the group the Chair invited the members to introduce themselves to the three BCA representatives joining the BCTRAG.

BUSINESS UPDATE

Dave Robson presented a business update discussion, including:

- Highlights of the second update in the regular Bi-Annual Building Code update programme launching June 2019, some changes proposed in the latest update were held back following robust industry feedback. This update contains larger and more significant changes than the November 2018 Update, including:
 - **Supporting housing densification in mid-rise buildings** - A new Verification Method (E2/VM2) extending current compliance pathways and introduces a new test method for confirming the ability of wall cladding systems to keep water out of the building, for buildings up to 25 metres in height (approx. 8 storeys).



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- **Alignment with Healthy Homes standard** – Amend G4/AS1 to require extract fans in rooms containing showers, baths and cooktops in housing, when following the most commonly used compliance pathway for ventilation design. Addresses moisture problems and removes the option to rely on occupants opening windows.
 - **Supporting housing densification by increasing construction material solutions** – Citation in an existing acceptable solution E2/AS4 of the NASH standard for light steel framing in low rise buildings. Providing a compliance pathway and more construction options for housing and small commercial buildings.
 - Improving clarity, consistency and certainty in fire documents. C/AS2 (fire) work is ongoing to merge the six acceptable solutions into a single source of information to make the compliance pathways easier. This is being rolled out with a supporting webinar-based education program.
 - The Building Performance and Engineering (BPE) team are developing a multi-year work plan to optimise the Building Code for medium density housing including solution options across code clauses.
 - In conjunction with Standards NZ a process was implemented to prioritise which standards should be updated. This has led to the funding of seven high priority standards in the 2019 / 2020 year with the intent to add approximately 7 standards for the 2020/2021 year.

We are working with Standards NZ regarding project planning for these standards.

- The programme manager overseeing the joint BPE and ENZ programme of work was acknowledged and the programme discussed. This includes Geotech considerations within the building code and low damage design work which the group commented is an opportunity to define a common language.
- A suite of online education tools are being developed with the intent of providing Building Code 101 education to a wide audience.
- BPE commenced developing an Operating Model to provide transparency on the building code process including sector stakeholders and interactions
- BPE are developing a Risk Framework to identify and manage the risks and harms present in the Building Code
- With the release of E2/VM2 BPE will be trialling a modernised layout and improved readability.

During the business update the membership advised:

- More content like roadshows, webinars or short learning modules on a MBIE website would be useful to build awareness on changes and new methods of work.
- They could assist with providing links to the MBIE content to their membership groups through existing online forums.



- They are seeing the concept of SLS2 (design limit that requires business continuity to be maintained following an event) becoming more prevalent in new buildings, not just IL3 and above. This concept is worth further consideration.

There are potentially a number of insurance impacts arising from several items currently under discussion. The group advised there would be benefits from engaging with the Insurance Council.

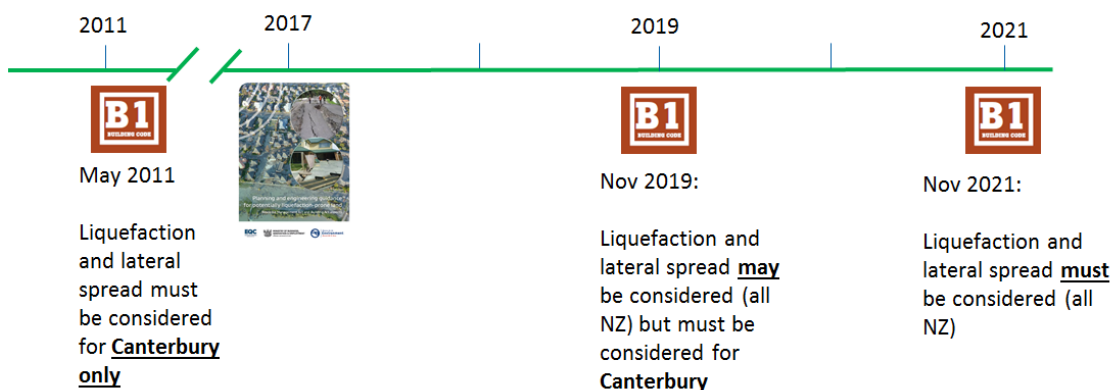
The members queried regarding the usefulness of the submissions received in the Bi-annual consultation period and it was confirmed that these provide valuable insights to the team regarding the impact of the changes on industry and that these are used to determine the final changes.

Other comments being actioned will extend the submission period and reviewing options for increasing communications.

“GOOD GROUND” IN THE BUILDING CODE

Jenni Tipler presented an overview of the evolution of BPE’s regulatory position regarding ‘good ground’ and the requirement to consider the potential for liquefaction/lateral spread in the Building Code.

Jenni then led a discussion regarding BPE’s *concept* to modify the good ground definition to include provisions for liquefaction and lateral spreading across all NZ and not just Canterbury. This change could commence with the November 2019 Bi-Annual Building Code update and follow the draft timelines below.



The BCA members commented that some guidance has been introduced already, primarily by councils, without significant sector complaints.

Overall the membership supported the change from a technical perspective but considerations need to be given to:

- Impact on the cost to build including the requirement for specific geotechnical advice



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- Insurance implications for existing buildings
 - Commercial implications on time and costs in an era where people are trying to build low cost homes
 - Transitional timeline for councils to map liquefaction
 - New requirements becoming the defacto performance during any transition period
 - Clarification regarding what level of ground shaking is to be used
 - Implications of how council liquefaction maps may change over the life of a building
 - Consider options around rolling out based on a seismic zone.
 - Expanding to include expansive soil
 - Developing an Acceptable Solution for waffle slabs

RISK SUBMISSION DISCUSSIONS

The Chair led a discussion regarding the effectiveness of the existing risk submission and prioritisation process. The group concluded that going forward:

- The risk submission forms will continue to be utilised
- All risk submission forms will be pre-communicated to the permanent members who will be asked to respond regarding discussion order
- For the risks that will be discussed, the submitter will be asked to prepare a short presentation/brief to the group to focus the discussion
- Although the discussion may start at a technical risk level, and some advice provided for the technical risk, the group will focus on the strategic context (risk and opportunities) presented where possible using the building system framework of Performance, People, Processes and Products
- The group will summarise and align on advice provided during the meeting.
- BPE will:
 - Work on how to provide a feedback loop for the advice provided
 - Develop and circulate a log showing all submitted risks for trend review.
 - Investigate setting up a webpage on Building.govt to host BCTRAG documents
 - Discuss a presentation in the next BCTRAG meeting re climate change targets
 - Adjust so that the submission forms have a place for cost and benefit



RISK DISCUSSION

Five risks were submitted and all were discussed.

Risk Identified	Conversation	Insights for MBIE
Post Event Business Continuity Planning (BCP) planning, Functionality, Damage control and Building reparability	<ul style="list-style-type: none"> Some confusion exists regarding the definition of amenity. This could be clarified. The group identified a strategic risk regarding if the objectives of the building act are being met regarding building resilience. Should the minimum standard address building continuity as well as life safety High density resilience considerations may differ due to complex design and the consequence of failure on multiple family units. Consider the implication of the building code basing resilience on a building however events outcomes impact the community Should consideration be given to incentivise development above the minimum standards? Is the current practice of the market defaulting to Standards requirements, the appropriate mechanism to drive above minimum? 	<ul style="list-style-type: none"> Opportunity to lift the focus of B1 and amenity to support building resilience, economic outcomes and link to climate change and building sustainability. Clarify or extend the definition of amenity to all Building Code clauses.
Data is not being collected regarding performance to allow compliance assessments and identify area of best practice and concern	<ul style="list-style-type: none"> Group identified that it's not just about collecting data on building performance in a narrow technical scope, but the strategic risk is that there is no feedback loop, based on consistent, reliable, qualitative data, to inform what is going on in the industry, or with buildings, to guide strategy and subsequently measure the success of initiatives. 	<ul style="list-style-type: none"> BPE commented that the BSP Strategy and Performance team is working up a strategy on how to measure performance of the Building System. Once this is developed they will bring them in to present to the group.
Participation on the AS4678 review project for the Australian	<ul style="list-style-type: none"> The group determined there is a risk related to how we are funding and managing standards, the update timelines, access costs and if the 	<ul style="list-style-type: none"> Once the Geotechnical five year plan has been developed table for discussion with the BCTRAG for advice.



Risk Identified	Conversation	Insights for MBIE
standard earth retaining structures	<p>Australian standard is suitable for the NZ environment.</p> <ul style="list-style-type: none">• BPE advised that we are reviewing the pathways used for deploying information including where a standard is the appropriate vehicle given its place in the Building Code System.• Jenni Tipler also provided a verbal overview to the geotechnical 5 year plan currently being developed including geotechnical specific compliance pathways and work projects. Overall the group aligned the plan sounds reasonable.	
Circumventing the Building Code	<ul style="list-style-type: none">• The group commented that some 'off-site' consenting risks in the submission may be fixed with the current consultation through the Modern Methods of Construction topic• The group discussed two related strategic risks:<ol style="list-style-type: none">1) That ambiguity exists at a number of points in the building lifecycle regarding change of use and risk ownership, specifically affecting BCA's ability to intervene i.e. Garage conversions, Airbnb, unable to issue notice to fix for work undertaken by a previous owner.2) That the Building Act definitions of building is causing challenges with modern trends of building i.e. construction in one area and relocating, tiny house, building off-shore.• The group specifically discussed the risk around buildings built in one district and brought into a second district as 'existing buildings' and that in these instances there are limits to the territorial authority and / or BCA powers (current options are Notice to fix and Certificate of Acceptance) – Section 112 is the	<ul style="list-style-type: none">• After the regulatory reform consultation is completed, the building code impacts could be discussed at the BCTRAG.• There are gaps in the compliance tools offered to TA/BCA's through the Building Act, especially in the area of Dangerous, insanitary buildings, and those that 'move' between BCA's• Another example is Notices to Fix can't be transferred to new owners in some circumstances, including Dams



Risk Identified	Conversation	Insights for MBIE
	<p>primary mechanism available but is limited in scope and application as compliance is on an 'as near as is reasonably practicable' basis.</p> <ul style="list-style-type: none">• An opportunity exists to provide clarity and additional tools to the council to aid in dealing with ambiguity.	
Building Categorisation	<ul style="list-style-type: none">• There are multiple ways of categorising a building through the Building Act and Code• The group agreed there is a strategic risk around industry confusion on which categorisation to apply which exacerbates design vs actual use decisions.• Need to increase transparency on how the building classifications inter-relate.	<ul style="list-style-type: none">• Consider harmonising terms, re-clarify as needed, and remove where the categorisation is no longer used or add new categorisations.• Consider developing a relationship matrix.• Noted that creating another categorisation system to support occupational regulation proposals is likely to compound the issue.

Other comments

Other comments echoed by multiple members, throughout the day that impacted multiple risk discussions included:

- A broader concern is how to divorce doing the right thing by new builds from the existing stock, we need to progress the building code without penalising existing buildings or significantly increasing their costs for insurance or compliance.
- What is the branch's plans on climate change and what insights into the issue do we have to date
- Defining the overall relationship with Standards New Zealand.

ACTION ITEMS

The secretariat will:

- Distribute minutes from this meeting for comments
- With the final minutes distribute the meeting presentation
- Develop and distribute the summary
- Work on how to provide a feedback loop for the advice provided
- Develop and circulate a log showing all submitted risks.



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- Investigate setting up a webpage on Building.Govt to host BCTRAG documents

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

Next Meeting

Date:	Thursday 29 August, 2019	Time:	9.30 am – 2.30 pm
Venue:	MBIE, 15 Stout Street, Wellington		