

9. REVIEW OF THE BUILDING CODE

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PURPOSE OF REPORT

1. The purpose of this report is to present to the Council a submission paper derived from an earlier seminar on the Review of the Building Code (Building for the 21st Century).

EXECUTIVE SUMMARY

2. The Building Act 2004 requires the Chief Executive of the Department of Building and Housing (DBH) to review the Building Code and to prepare a report for the Minister.
3. The DBH has prepared a discussion document and has called for submissions on the proposals. A seminar was held for Councillors on 8 August 2006 and a draft submission has been prepared (attached). Agreement is sought for the submission to be sent to the DBH.

FINANCIAL AND LEGAL CONSIDERATIONS

4. When the detailed requirements are finally implemented there may be some slight increase in processing times. However, we will have the opportunity to comment on this impact during the next phase of the consultation process.
5. The submission reinforces the views expressed by Councillors at the seminar, that the changes must be affordable, practical and sensible.

STAFF RECOMMENDATION

It is recommended that the Council approve the draft submission on the Review of the Building Code to be sent to the Department of Building and Housing.

BACKGROUND ON REVIEW OF THE BUILDING CODE

6. The discussion document identifies areas for consideration and groups them under four main themes based on the "Purpose" section of the Building Act 2004 (BA04). The themes are Safety, Health, Wellbeing and Sustainable Development. The discussion is focussed on the new things being proposed, as the current Building Code already addresses many performance requirements for buildings.
7. The objectives of the proposals are to:
 - (a) Address new directions for the performance of buildings.
 - (b) Present a new structure for the code.
 - (c) Create clear performance standards and make the code easier to use.
8. A seminar for Councillors was held on 8 August 2006 and the discussion document and the proposed changes were discussed. Councillors considered the new performance items being proposed and made comments.
9. It is important to understand that the document is concerned with the scope and content of the code and to identify features of building works that the code should be addressing in order to meet the requirements set out under the purpose and principles of the BA04.
10. At this stage performance requirements are not being set. The performance requirements will be developed in the next phase of the review. A second discussion document with proposed performance requirements will be published in 2007.
11. The discussion document points out that the performance requirements need to balance quality and affordability.
12. A new principle of the Building Act is that the costs of a building over the whole of its life, including maintenance costs, should be taken into consideration when applying the Act. Setting higher minimum requirements can result in lower whole-of-life costs, with consequent economic and social benefits through greater resilience to natural disasters, better health outcomes for the population and greater protection of the natural environment.
13. However, setting higher minimum standards may also incur a greater cost of construction. This can create an affordability barrier, particularly for housing for people on low incomes (either through ownership or through rental). It can also impose an unnecessary economic burden on the nation's economic development. A balance is required between achieving quality standards and the cost of new requirements, including enforcement.
14. The discussion document also points out that while the Building Code is a national regulation, this does not mean performance requirements will have to be the same throughout the country. The Building Act 2004 (section 400) states that the functional requirements and performance criteria in the Building Code may apply generally:
 - Throughout New Zealand or in particular regions of New Zealand only
 - Over a range of circumstances or in particular circumstances only.
15. The Building Code already has different requirements for insulation in colder parts of the country and design requirements for earthquakes recognise the different seismicity in different areas of the country.
16. The City Water and Waste Unit and the Strategy and Planning Unit have provided comments which have been incorporated in the submission.