

BUILDING AMENDMENT BILL (NO 2)

SUBMISSION TO THE LOCAL GOVERNMENT AND ENVIRONMENT SELECT COMMITTEE

9 APRIL 2009

BACKGROUND TO IPENZ

The Institution of Professional Engineers New Zealand (IPENZ) is the lead national professional body representing the engineering profession in New Zealand. It has approximately 10,000 Members, including a cross-section from engineering students to practising engineers to senior Members in positions of responsibility in business. IPENZ is non-aligned and seeks to contribute to the community in matters of national interest giving a learned view on important issues, independent of any commercial interest.

CONSULTATION

IPENZ consulted with key interested Members during the preparation of this submission.

EXECUTIVE SUMMARY

IPENZ generally supports the reduction in compliance costs and measures that reduce unnecessary costs or delays, without unreasonably compromising the quality of building outcomes. We support the majority of the amendments in this Amendment Bill, particularly the issuing of national multiple-use approvals for dwellings and buildings to be replicated on a substantial scale.

STRUCTURE OF THE SUBMISSION

This submission provides feedback on each of the overall changes proposed by the Amendment Bill.

SUBMISSION

Clause 9 (National multiple-use approvals)

Support for intentions of the Amendment

IPENZ supports the amendments to enable the Department of Building and Housing (DBH) to issue national multiple-use approvals for dwellings and buildings that are to be replicated on a substantial scale. IPENZ is aware of individual companies producing 100-150 light commercial buildings per week that are all similar in design. These buildings all require building consent and we expect they would be eligible for national multiple-use approvals. Use of these approvals would be very beneficial for companies in this competitive market.

IPENZ is also aware of companies mass-producing residential buildings which they pre-erect in their yards before selling those buildings. IPENZ considers that building consents should not be required for the pre-erection of these buildings. If a building consent is required for pre-erection then these buildings should also be eligible for multiple use approvals.

It is IPENZ's understanding that multi-use approvals are not a substitute for building consents, and an individual consent is still required for every building relative to its location. IPENZ notes and supports this approach to ensure robustness of the national multiple-use approvals process.

Every site is unique.

While every building might be identical, every site is unique. Unique conditions include:

- The site topography – the slope of the site, and the proximity of cuts and batters.
- Foundation conditions – natural ground, or filled ground and the bearing capacity of the foundation. Many foundation failures are related to the presence of builder's fill – uncompacted fill placed by the builder in the process of providing a building platform.
- Wind and snow conditions imposing different loads on the building.
- The configuration of water, wastewater and stormwater services. This includes the suitability of the site for septic tanks and soakage fields.

Thus it is important that site-specific building consents continue to be required. The way IPENZ envisages Section 30 F operating is that as part of the building consent application, the builder will submit the multi-use approval which may include conditions under Section 30F (2) (b) with specific conditions relating to say climate – e.g. .wind load.

In issuing a building consent the consent authority will confine their approval to the site-related issues above, and set conditions accordingly. This has the advantage that the applicant will not be faced with differing conditions for the same building design from differing consent authorities. They will, however, have to meet specific conditions relating to the site.

Inspections

This multi-use approval mechanism would apply to both buildings pre-fabricated off site, and buildings constructed on site to a standard design. For buildings pre-fabricated off site, it is presumed that company seeking multiple-use approval is responsible and accountable for the quality of construction, and there is no independent check that the building has been constructed according to the design – e.g. there is no pre-lining inspection. In order for the Chief Executive to exercise their powers under Section 30H, some form of monitoring will be required of the standard of construction, and that the building has been constructed according to the design. For these pre-fabricated buildings, without some form of independent checking the liability of the Crown for quality of construction will be in the hands of building companies.

For buildings constructed on site, the consent authority will be responsible for the pre-lining inspection as normal (the independent check), and the Crown's liability will be confined to design issues.

Consent fees

Most council building consent fees are related to the value of the building and the number of inspections. Therefore the ability for the council to reduce consent fees is related to the reduced processing time and the smaller number of inspections. In the view of IPENZ, the processing time will not be significantly reduced and for pre-fabricated buildings only one inspection will be eliminated – the pre-lining inspection. Therefore the scope to reduce building consent fees will be relatively limited.

Many Kiwis want to customise standard buildings

An IPENZ Member with experience in providing semi-standard designs for a national building company has pointed out that many New Zealanders want to vary standard designs to put their personal stamp on the building.

However, even small changes can have significant impacts on the strength of the building. For example, increasing the size of a kitchen window, or changing the position of a ranch-slider will affect the bracing calculations. The national company will either have to refuse to modify the design, or alternatively the multiple-use design will need to be designed either for the worst situation, thus increasing the cost to almost all buyers, or will be designed for the expected market, thus increasing the cost for those who want a customised design.

We would expect that any accommodation of variations on a theme (in essence, standardised variations) would be covered by the provisions in Section 30F.

Fall back provisions

IPENZ supports the fall back mechanisms provided:

- In Section 30G – the ability of the Chief Executive to refuse multi-use approvals.
- In Section 30H – the ability for the Chief Executive of DBH to suspend or revoke a national multiple use approval.
- In Clause 25 – the ability for an applicant to appeal to the District Court against a decision of the Chief Executive of DBH to refuse to issue a national multiple use approval.

Clause 10 (Obtaining project information memorandum from a building consent authority that is a territorial authority to be voluntary)

IPENZ has no comments on this amendment.

Clause 16 (Differentiation between major variations and minor variations to consented building work)

IPENZ notes the amended process for obtaining approval for a minor variation to a building consent. IPENZ notes that minor is in relation to a building consent and means “a minor modification, addition or variation, permitted by regulations made under section 402(1)(kc)” which is provided in Clause 30. IPENZ welcomes the opportunity to comment on those regulations that will define “minor variations” when they are available.

Clause 17 (Reduction in statutory timeframe for processing a building consent application where the application includes a national multiple-use approval)

IPENZ notes the proposed amendments to reduce the statutory timeframe for processing a building consent from 20 working days to 10 working days where the application includes a national multiple-use approval. IPENZ supports the concept of this amendment.

Clause 29 (Building consent authority not liable)

Clause 29 amends section 392(1) so that the consent authority is not liable if it relies on a national multiple-use approval. If the consent authority does not have the responsibility for approving the building itself under a multiple-use approval, and their interests are confined to site-related issues, presumably the Chief Executive (i.e. the Crown) is liable for any claims relating to the building design and the multiple use approval.

CONCLUSION

We do not wish to speak to our submission.

IPENZ appreciates the opportunity to make this submission and is able to provide further clarification if required.

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