
Proposed Building Product Assurance Framework

Submission to the Department of Building and Housing (DBH)
30 November 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 11,000 Members, including a cross-section of the engineering community from students to senior Fellows in management or governance positions in important design or construction organisations. 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.

In making these comments IPENZ has drawn particularly on the knowledge of its Members who work in building products, or are otherwise aware of the issues.

Executive Summary

IPENZ thanks the Department of Building and Housing for the opportunity to comment on the proposed “Using the Product Assurance Framework to Support Building Code Compliance” guide. We note DBH’s desire that this guide will provide users, especially manufacturers, with suggestions for meeting their responsibilities in providing building products that are fit for purpose.

IPENZ supports the general thrust of DBH’s proposed guide, and makes the following recommendations that may make it more useful and correct minor errors.

Submission

The following recommendations and comments are numbered in correspondence with the consultation draft.

2. The Building Regulatory Environment Building Consent Authorities

“All building work requires consent unless...”

Other reasons for building without a consent exist. See, for example, Building Act (BA) Schedule 1 (k)(i) and (ii), both of which have been used for industrial

structures that would be dangerous or prohibitively expensive for council building inspectors to visit. BA s41 gives other circumstances in which consent is not necessary.

“...work in the approved consent.” There either is a consent or there is not. The BA does not recognise an “approved consent”, but requires Building Consent Authorities to either grant consent or refuse consent.

IPENZ finds the side box about variations to consented building work to be useful. We recommend adding a note on documenting the process for authorised variations, as there are differences of opinion on which variations authorised by the engineer need an amendment to the building consent.

The Building Consent Process

The diagram implies that “designers” have no role to play in on-site inspections. IPENZ does not use the term “inspections” for reasons founded in case law, but strongly encourages building designers to offer “construction monitoring” to their clients, and similarly encourages BCAs to make construction monitoring a condition of consent. There are circumstances in which it is appropriate for the designer to delegate construction monitoring to another engineer, but these are the exception rather than the norm. If the diagram is meant to illustrate part of the role of building designers, then IPENZ recommends using the term “construction monitoring” and showing that building designers are responsible for this.

It is possible that DBH had product designers, rather than building designers, in mind when constructing the diagram. If so we recommend that the word “designer” be replaced with “product designer”. IPENZ has in mind the situation in which a proprietary building product fails at a later date and the failure is misconstrued by other parties as the building design engineer’s fault. IPENZ holds that it is the manufacturer’s role to guarantee the performance of a product, as its details may be beyond the building design engineer’s expertise and scope of professional service.

4. Product assurance

A product cannot comply as an acceptable solution. A product may be part of an acceptable solution, or part of an alternative solution.

For example, an M12 class 4.6 galvanised bolt may be part of an acceptable solution in timber construction, or it may be specified as a result of verification method calculations, or from alternative solution calculations.

IPENZ recommends replacing “When your product does not fully comply as an acceptable solution...” with “Unless your product is specified in an acceptable solution...”

9. Non-Compliance

On page 26, IPENZ presumes DBH meant to write Chartered Professional Engineer, not Certified Professional Engineer.

“The department”. This term is used within DBH, but is not helpful elsewhere, as it may be confused with other departments of government. IPENZ recommends DBH spells it out in full, or uses a helpful abbreviation.

10.2 Durability

DBH has provided a helpful discussion here. The question of producer statements for durability has been discussed recently, with:

- Some BCAs demanding that B2 Durability be included on producer statements dealing with B1 Structure.
- Some structural engineers see this demand as anomalous, as the methods for demonstrating compliance with B2 are quite different from those for B1.
- Other structural engineers wish to limit the demand for producer statements, as each one becomes a potential source of liability.