

# Building products and methods

## Fit for purpose building products and methods are central to the safety and durability of New Zealand buildings.

Regulations for building products and methods should help people choose the right products or methods for the job.

In New Zealand's performance-based building code, a product can be used in multiple ways. This makes it challenging to take a risk-based approach to regulating building products, as how the product is used in building work will determine the level of risk.

The current regulatory settings for building products and methods has gaps and disincentives that make the building regulatory system less efficient.

There are an estimated **600,000 building products** available on the **New Zealand market.**

## MBIE wants your feedback on three sets of proposals

- 1 Improve information and accountability for building products and methods.
- 2 Strengthen the framework for product certification. This applies to both products and methods.
- 3 Make consenting easier for modern methods of construction, including off-site manufacturing.



# 1. Improve information and accountability for building products and methods



## Proposals

- Include the following definitions in the *Building Act 2004*:
  - A ‘building product’ is any component or system that could be reasonably expected to be incorporated into building work. A system is a set of at least two components supplied and intended to be used together to be incorporated into building work.
  - A ‘building method’ is a specific way of using a product or system in building work.
- Require product manufacturers and suppliers (including importers) to supply publicly accessible information about their building products. This would apply to building products only, not building methods. This information would include:
  - a description of the product
  - details of the manufacturer/supplier, including contact details
  - scope and limitations of the product’s use
  - design and installation requirements
  - maintenance requirements
  - a declaration if a product is subject to a warning or ban.
- Clarify the responsibilities of manufacturers, suppliers, designers and builders for building products and building methods:
  - create an explicit responsibility on manufacturers and suppliers to ensure that a building product is fit for its intended purpose
  - clarify that buildings cannot use a different building product or method to the product or method in the building consent without an appropriate variation to the consent
  - clarify that it is the responsibility of builders and designers to ensure that the building products and methods specified or used will result in building work that complies with the code.
- For building products and methods, provide MBIE’s chief executive with the power to require a person, by written notice, to provide information, documents or both if:
  - the chief executive has cause to consider issuing a warning or ban under section 26 of the *Building Act 2004*
  - the information is necessary to make that decision
  - the information to inform this decision is not readily or publicly accessible.

Designers and builders rely on good product information when making design and installation decisions. Building consent authorities (BCAs) rely on product information to understand the performance of the building product when assessing it against building code requirements.

Currently, product information lacks important details and can slow down the consent process.

Under the *Building Act*, there are no regulations that require building product manufacturers and suppliers to provide information about their building products. There are also disincentives for manufacturers and suppliers to provide information due to the *Fair Trading Act 1986*.

**When BCAs need further information about products specified, building consents are placed on hold for 21 days on average while further information is provided<sup>1</sup>.**

These proposals will ensure that people are able to carry out their roles and responsibilities and ensure work is code compliant because:

- they have access to necessary product information
- they understand their roles and responsibilities
- MBIE can confidently ban or warn about products or methods when required.

MBIE is interested in your feedback about the appropriate threshold for a variation to a building consent and the process for applying for one.

To be effective, these proposals will need to strike a balance between the efficiency gains from improved confidence about products and methods and easier access to information, against increased costs for manufacturers and suppliers and increased obligations on the sector.

## Tell us what you think



What would be the impact of these proposals to improve information and increase accountability for building products and methods?

Would improving the amount of information that is made publicly accessible about building products help people to carry out their jobs?

What type of information should be made publicly accessible for all building products to support better decision-making?

Is the current threshold and process for variations appropriate for all circumstances?

<sup>1</sup>Data based on a small sample of Building Consent Authorities.

## 2. Strengthen the framework for product certification



### Proposals

- Allow for regulations to set requirements on product certification bodies and for the accreditation and registration of product certification bodies.
- Allow for regulations to set out the process and requirements for registering a product certificate.
- Allow MBIE to set rules for the interactions between participants in the product certification scheme.
- Provide MBIE with the powers needed to administer the registers of product certification bodies and product certificates.

Product certification plays an important role in the building regulatory system by providing a compliance pathway for new and innovative building products and methods. Product certification relies on product certification bodies to evaluate and certify building products and methods against the requirements of New Zealand's building code. A product certification accreditation body accredits and audits the product certification bodies against standards and criteria set in regulation.

However, under the current legislative framework, MBIE's powers are too narrow and passive to provide effective oversight of product certification schemes. As a result, the sector does not always have confidence that certified products and methods will meet the performance requirements of the building code as stated on their certificates.

These proposals would make sure things go right the first time by ensuring there is trusted information available for certified products and methods. It would also improve efficiency by making sure that BCAs have the information available for certified products and methods they need to efficiently consent and inspect.

### Tell us what you think



Would these changes improve your confidence in product certification?

Would these changes mean product certification is a more attractive option for providing assurance?

### 3. Make consenting easier for modern methods of construction (MMC), including off-site manufacture



#### Proposals

Amend the *Building Act* to enable a regulatory framework that would future-proof the building regulatory system for MMC. Features of this framework include:

- enabling a manufacturer certification scheme for repeatable manufacture processes used to produce building work
- clarifying what roles and responsibilities for MMC will be when the new framework is in place
- minimising duplication of effort by:
  - not requiring two consents for the same building work
  - considering whether to require BCAs to accept each other's consents and Code Compliance Certificates.

The building industry is innovating by making use of manufacturing technology and processes to increase its productivity. MMC processes use automation, technology and assembly-line methodology to efficiently produce building work. MMC includes activities like off-site manufacturing of panels or whole buildings. It can also include manufacturing processes that happen on a building site, like using a brick-laying robot or a 3D printer.

As MMC can be repeatable and consistent like manufacturing, the system should treat it that way, not like traditional building work. We need the building regulatory system to be clear about how MMC should be treated, and make it easier to consent, where possible.

Clarifying how MMC should be treated by the consenting system, and introducing a tailored way for manufacturers to demonstrate compliance, would make consenting more consistent and certain – this would make it more feasible for the sector to use MMC to increase their productivity. Clarifying roles and responsibilities would also cause people to take appropriate responsibility for their work. Some manufacturers report that two building consents are being required where a building is made in one region and installed in another – clarifying that only one building consent is required would save people using MMC time and money.

#### Tell us what you think



Are these the correct features for a future-proofed regulatory framework for MMC?

What would be the impact of such a regulatory framework for MMC?

If you are a manufacturer of MMC, including off-site, would you use the manufacturer certification scheme, and how would it need to be designed to work for you?

For BCAs, what would be the impact of a requirement for BCAs to accept one another's consents and Code Compliance Certificates?



#### Have your say

Find out more about the building products and methods proposals and have your say at:

[www.MBIE.govt.nz/building-reform](http://www.MBIE.govt.nz/building-reform)



**Submissions close  
on 16 June 2019**