

1. Purpose

When applying for a building consent, the plans and specifications submitted need to demonstrate how the proposed building work, once completed, will comply with the Building Code (the Code).

This practice note has been developed to assist applicants to ensure that their plans and specifications will establish code compliance of building work.

2. Definition of an Alternative Solution

A design or construction solution, which differs wholly or partly from the acceptable solutions given in the Code. By being performance-based, the Code allows for innovation and uniqueness. It enables designers the freedom to come up with a proposal for an innovative solution that provides the best outcome for the project.

Not everyone wants a 'one size fits all' building solution. A building owner may want something that looks different or performs better, or is cheaper to build, or to overcome a specific site problem. Whatever the reason, a non-generic approach to building design and construction is sometimes desired or required.

Alternative solutions generally fall into two categories:-

- those that are similar to an acceptable solution and have been modified slightly; or
- those that are so unique that they cannot be compared to an acceptable solution (e.g. specific design)

3. Legislative requirements

Changes introduced in November 2013 to the Building Act 2004 now include the provision of sections 14D and 14G.

14D Responsibilities of the Designer

S14D(2) establishes that the designer is responsible for ensuring that the plans and specifications are sufficient to result in the building work complying with the Code, if the building work was completed in accordance with the plans and specifications.

14G Responsibilities of product manufacturer or supplier

Section 14G(2) establishes that a manufacturer or supplier is responsible for ensuring that the product will, if installed in accordance with the technical data, plans, specifications, and advice prescribed by the manufacturer, comply with the relevant provisions of the Code.

Suppliers and manufacturers of building products should refer to www.dbh.govt.nz/product-assurance for advice on how to meet s14G obligations.

4. Methods deemed to comply with the Code

Methods automatically deemed to comply with the Code are:-

- **Acceptable Solutions and Verification Methods** (proven methods of compliance, which can be found in the Code)

- **NZ CodeMark** a product certification system administered by the Ministry of Business Innovation and Employment (MBIE) which must be accepted by Council so long as the product or system is designed and used within the scope of the CodeMark certificate
- **Determinations** although, these will only be accepted on a case-by-case basis so long as it can be proven that the method establishes compliance with the Code

Other methods which may establish compliance with the Code are:-

- **Product Appraisals** independent assessment of compliance by a recognised NZ Body e.g. BRANZ or BEAL appraisals; the assessment body must be independent of the product manufacturer or supplier and the use of the product or system specified must fit within the scope of approval
- **Product Technical Statements (PTS)**¹ a statement from the manufacturer or supplier of a product or system stating that the product will, if installed in accordance with the technical data, plans, specifications, and advice prescribed by the manufacturer, comply with the relevant provisions of the Code, refer to s.14G(1)

Note: International CodeMark Certificates and Product Appraisals can be used to help establish compliance but will not be accepted without an assessment against the relevant provisions of the Code by a recognised NZ Body or suitably qualified subject matter expert. This is due to physical and environmental differences between countries, which may render a building method or product unsuitable for NZ conditions.

5. Product Appraisals and CodeMark Certificate

If your application includes an alternative solution, which is supported by a NZ CodeMark Certificate or Product Appraisal issued by a recognised NZ Body, Council staff will merely check to ensure that the use of the product or system fits within the scope of the appraisal and does not have any limitations that apply.



Note that the application must be supported with a PTS, specifications and drawings to help builders and tradespeople install the product or system.

The above documents are accepted by Council because they have been independently assessed; have test results, expert opinions, calculations and adequate technical information behind them.

This satisfies Council on reasonable grounds that compliance with the Code has been established.

6. Products and systems that do not have a Product Appraisal or CodeMark Certificate

If your application includes an alternative solution which is not supported by a NZ CodeMark Certificate or Product Appraisal issued by a recognised NZ Body you must do some background work and provide the relevant information to us in a format that we can readily and easily digest.

The Ministry of Business Innovation and Employment (MBIE) have produced some guidance information and useful tools to walk applicants through the process of determining compliance.

- The Product Assurance Framework to Support Building Code Compliance – A Guide for Manufacturers and Suppliers of Building Products; and
- Product Assurance Decision Tool – Decision making tree and worksheets to help you present your information and show how the product or system will comply with the Code.

¹ A PTS will not on its own merit be accepted as establishing compliance with the Code

If applying for an Alternative Solution which does not have a CodeMark or Product Appraisal, applicants must provide completed worksheets and a risk analysis to Council, together with a product technical statement, all technical information, test results, expert opinion and drawings to prove compliance. Failure to provide this information may result in a building consent being refused.

Refer to MBIE website for the above documents <http://www.dbh.govt.nz/product-assurance>

7. Further assistance

If you are planning to use a building product or method, which is quite unique, we recommend that a pre-application meeting take place with our technical experts. During this meeting Council staff will advise what information is required to satisfy consent requirements before the consent is lodged. Further information can be sought from the Policy Team, Building Control.

8. References

New Zealand Building Act 2004

New Zealand Building Code

MBIE guidance

- Product Assurance Decision Tool
- Product Assurance Framework to Support Building Code Compliance – A Guide for Manufacturers and Suppliers of Building Products

For information relating to the preparation of a PTS refer to <http://www.dbh.govt.nz/product-assurance>