Consultation submission form

Building Code fire safety review

Issues in the Building Code regulations

October 2024

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# Seeking feedback

## How to submit this form

This form is used to give feedback on the Building Code fire safety review discussion document.

When completing this submission form, it helps if you add comments and reasons explaining your choices. Your feedback is valuable as it informs decisions about fire safety proposals for the Building Code.

MBIE needs your feedback on the Building Code fire safety review by 5:00 pm on Friday, 6 December 2024.

* Email: building@mbie.govt.nz, with subject line Building Code Fire Safety review
* Post:

Building Code Fire Safety review
Building System Performance
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140

## Next steps

Your feedback on this document will be collated and analysed along with all the other responses.

Following consideration of the submissions, MBIE will develop potential options for improvements to fire safety provisions in the Building Code.

MBIE will seek feedback on these potential options for change through a further round of public consultation. Timelines for the review will depend on the information received in this year’s consultation and any new or emerging issues along the way.

## Use of information

### Release of information on MBIE website

MBIE may publish copies or excerpts of submissions. MBIE will consider you to have consented to this when you submitted your feedback unless you clearly stated otherwise in your submission.

If your submission contains any information that is confidential which you do not want published, please:

* state this at the start of your submission, with any confidential information clearly marked within your feedback text
* provide a separate version, with your confidential information removed, for publication on the MBIE website.

### Release of information under the Official Information Act

Once submitted, your feedback becomes official information, and can be requested under the Official Information Act 1982 (OIA).

An OIA request asks for information to be made available unless there are sufficient grounds for withholding it. If some or all of your submission falls within the scope of any request for information received by MBIE, they cannot guarantee that your feedback will not be made public. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

[Get help from the ombudsman](https://www.ombudsman.parliament.nz/get-help-public) – Ombudsman New Zealand

If you do not want your submission feedback released as part of an OIA request, please say so in your submission feedback together with the reasons why (for example, privacy or commercial sensitivity).

MBIE will take your reasons into account when responding to OIA requests.

### Personal information

The Privacy Act 2020 contains principles on how various agencies, including MBIE, collect, use and disclose information provided by individuals.

Any personal information you supply to MBIE in the course of providing your submission feedback is only:

* used for the purpose of assisting in the development of advice in relation to this consultation, or
* for contacting you about your submission.

MBIE may also use your personal information for other reasons permitted under the Privacy Act 2020 (for example, with your consent, for a directly related purpose, or where the law permits or requires it).

Please state clearly in your submission feedback if you do not want your name, or other personal information, included in any summary of submissions that MBIE may publish.

MBIE will only keep your personal information for as long as it is needed for the purposes for which the information may lawfully be used.

Where any information provided (which may include personal information) constitutes public records, it will be kept to the extent required by the Public Records Act 2005.

MBIE may also be required to disclose information under the Official Information Act 1982, to a Parliamentary Select Committee or Parliament in response to a Parliamentary Question.

You have rights of access to, and correction of, your personal information. Go to MBIE's privacy web page for more information.

<www.mbie.govt.nz/Privacy>

# Your information

MBIE would appreciate it if you would provide some information about yourself. This helps MBIE understand the impact their proposals may have on different occupational groups. Any information you provide will be stored securely.

1. About you

|  |  |
| --- | --- |
| Name: |  |

|  |  |
| --- | --- |
| Email address: |  |

1. Can MBIE contact you if they have questions about your submission?

[ ]  Yes [ ]  No

1. Are you making this submission on behalf of a business or organisation?

[ ]  Yes [ ]  No

If yes, please add the name of your company or organisation.

|  |
| --- |
| [Please add name here] |

1. Select your role or the best way to describe your organisation:

|  |  |
| --- | --- |
| [ ]  Architect  | [ ]  Engineer (please specify below)  |
| [ ]  BCA / TA / Building Consent Officer | [ ]  Evacuation specialist |
| [ ]  Builder or tradesperson (please specify below) | [ ]  Fire and Emergency NZ |
| [ ]  Building product manufacturer or supplier (please specify the type of product below) | [ ]  Independent Qualified Person (IQP) |
| [ ]  Building resident, occupant or user (please specify below)  | [ ]  Residential building owner |
| [ ]  Commercial building owner | [ ]  Other (please specify below) |
| [ ]  Designer (please specify below)  | [ ]  Prefer not to say |
| [Please specify here] |

1. Personal information

The Privacy Act 2020 applies to feedback provided in all submissions.

|  |  |
| --- | --- |
| [ ]   | Please tick the box if you do **not** want your name or other personal information included in any information that MBIE may publish. |

1. Publishing information

|  |  |
| --- | --- |
| [ ]   | MBIE may upload submissions, parts of submissions, or a summary of submissions received to its website. If you do **not** want part or all of your submission uploaded, please tick the box and say what you do not want uploaded and why below. |

If you have ticked this box, please tell us what part(s) of your submission you do not want uploaded on MBIE’s website and why.

|  |
| --- |
| [Please insert here] |

1. Official information

The Official Information Act 1982 applies to all submissions received by MBIE.

|  |  |
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| [ ]   | If you would like your submission (or parts of your submission) kept confidential please tick the box and **state** your reasons and ground(s) under sections 6, 7 and/or 9 of the Official Information Act that you believe apply, for consideration by MBIE. |

If you have ticked this box, please tell us what parts of your submission you would like to be kept confidential, your reasons for this, and any grounds under the Official Information Act that you believe apply.

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| [Please insert here] |

# Outcomes of the review

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| This section covers the outcomes that MBIE wants to achieve with its Building Code fire safety review. These outcomes provide areas of focus for the issues MBIE wants to resolve. |

## Questions for the consultation

1. MBIE has identified outcomes they would like to achieve for fire safety in the Building Code. Please select whether you agree or disagree with these outcomes.

| **Outcome** | **Strongly disagree** | **Disagree** | **Neither agree nor disagree** | **Agree** | **Strongly agree** | **Don’t know or not applicable** |
| --- | --- | --- | --- | --- | --- | --- |
| Building Code requirements need to be clear on protection levels based on building types and their users. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Fire safety provisions in the Building Code need to keep up with changes in urban design, modern construction methods, and the different ways buildings are being used. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Ensure fire safety regulatory requirements in the Building Code are fit for purpose and cost-effective. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Minimise gaps and inconsistencies in fire safety regulation to provide certainty, clarity, and consistency. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

2. How well do you think the fire regulations in the Building Code are currently performing against these suggested outcomes? Please provide evidence if you can.

| **Not at all well** | **Not very well** | **Somewhat well** | **Very well** | **Don’t know** |
| --- | --- | --- | --- | --- |
| [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

|  |
| --- |
| [Please provide evidence here] |

3. Are there other outcomes MBIE should consider for the review?

[ ]  Yes [ ]  No

|  |
| --- |
| [If yes, please explain here] |

4. Would you like to provide feedback on your answers, please tell us.

[ ]  Yes [ ]  No

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| --- |
| [If yes, please explain here] |

# Effectiveness of fire safety measures in the Building Code

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| These questions relate to the effectiveness of the fire safety measures in the Building Code. An effective Building Code supports the purposes and principles of the Act, to make sure that:* People who use buildings can do so safely and without endangering their health.
* People who use a building can escape from the building if it is on fire.
* People entering a building to carry out rescue operations or firefighting are protected from injury.
* Protection is provided to limit the spread of fire and its effects.
 |

## Questions for the consultation

5. MBIE have identified the following issues related to the effectiveness of the fire safety provisions in the Building Code. Please select whether you agree or disagree with the following statements.

| **Statement** | **Strongly disagree** | **Disagree** | **Neither agree nor disagree** | **Agree** | **Strongly agree** | **Don’t know or not applicable** |
| --- | --- | --- | --- | --- | --- | --- |
| Insufficient consideration is given to the evacuation needs of different occupants in a building, such as vulnerable occupants. This means that some people could be at greater risk in a fire. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The Building Code fire safety provisions do not adequately consider the specific hazards, such as building height, building importance, building use, or other factors. This means that the requirements may not be cost-effective for all building owners. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The fire safety objectives in the Building Code focus on keeping people safe and protection of other property. It does not address protecting owners’ investments. This can leave gaps in the protection of buildings and increases the risk for responding firefighters. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The Building Code does not provide comprehensive measures for firefighters responding to fires or other emergencies. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The Building Codes does not provide sufficient consideration on maintenance over the life of a building including during construction. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

6. Are there any other issues MBIE should consider on the effectiveness of the fire safety measures in the Building Code?

[ ]  Yes [ ]  No

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| --- |
| [If yes, please explain here] |

7. Would you like to provide any other comments or feedback on the effectiveness of the fire safety measures in the Building Code?

[ ]  Yes [ ]  No

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| [If yes, please explain here] |

# Keeping pace with new technologies and new fire challenges

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| These questions are on improvements in building materials and the technologies used for fire safety systems in buildings. New technologies, urban design and methods of construction have grown rapidly since the last review of the fire safety regulations in 2011. The Building Code should enable the use of innovative technologies and provide adequate protection from new fire risks. |

## Questions for the consultation

8. MBIE has identified the following issues where the Building Code has not kept pace with new technologies and new fire challenges. Please select whether you agree or disagree with the following statements.

| **Statement** | **Strongly disagree** | **Disagree** | **Neither agree nor disagree** | **Agree** | **Strongly agree** | **Don’t know or not applicable** |
| --- | --- | --- | --- | --- | --- | --- |
| The Building Code fire safety provisions create barriers to the use of overseas products. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The Building Code fire safety provisions do not enable mass timber construction and other modern construction methods to be used safely and efficiently. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The Building Code is not flexible enough to address fire hazards from emerging technologies such as electric vehicles, solar panels, and battery storage systems.  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Further consideration is required in the Building Code for modern housing such as fire spread and access for firefighters.  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| There are barriers in the Building Code to using new fire safety systems or technologies as part of a design.  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

9. Are there any other issues related to keeping pace with new technologies and new fire challenges MBIE should consider?

[ ]  Yes [ ]  No

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| [If yes, please explain here] |

10. Do you have any other comments or feedback on the ability of the Building Code to keep pace with new technologies and new fire challenges?

[ ]  Yes [ ]  No

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| --- |
| [If yes, please explain here] |

# Certainty, clarity, and consistency

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| These questions are on the certainty, clarity, and consistency of the fire safety provisions in the Building Code. These provisions should be clear enough to support consistent decisions on whether a building complies with the Building Code.  |

## Questions for the consultation

11. MBIE has identified the following issues where the fire safety provisions do not support certainty, clarity, and consistency in building design and consenting. Please select whether you agree or disagree with the following statements.

| **Statement** | **Strongly disagree** | **Disagree** | **Neither agree nor disagree** | **Agree** | **Strongly agree** | **Don’t know or not applicable** |
| --- | --- | --- | --- | --- | --- | --- |
| Gaps in regulation have created a complex system to work with. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The multiple ways to classify buildings can cause confusion on what is required. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| Unclear language in the fire safety provisions can lead to inconsistent decision making. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |
| The fire safety provisions in the Building Code are inconsistent with other legislation and regulations. | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  | [ ]  |

12. Are there any other issues related to certainty, clarity and consistency MBIE should consider?

[ ]  Yes [ ]  No

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| --- |
| [If yes, please explain here] |

13. Do you have any other comments or feedback on the certainty, clarity and consistency of fire safety provisions in the Building Code?

[ ]  Yes [ ]  No

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| [Please type here] |

# General questions

14. What do you think are the most important issues MBIE should consider in the review?

|  |
| --- |
| [Please type here] |

15. If you have any other commentson this review, please say.

|  |
| --- |
| [Please type here] |

16. If you have anything else you would like to tell MBIE about fire safety in the Building Code, please leave your feedback below.

|  |
| --- |
| [Please type here] |

# Thank you

Thank you for your feedback. MBIE really appreciate your insight because it helps them identify the needs of New Zealanders and their thoughts on fire safety in buildings.