



COMPLIANCE PATHS – PART 2

After the overview in the last Build, we now get into the detail of how designers can use the nine main compliance paths to show Building Code compliance.

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Compliance paths – Part 1 explained the difference between Acceptable Solutions and Alternative Solutions for building design (see *Build 113* August/September 2009, page 29). It also identified the compliance paths that can be used to provide supporting evidence to the Building Consent Authority (BCA) to prove Building Code compliance of alternative methods.

When preparing information to be submitted with a building consent application, a designer needs to clearly identify aspects of the proposed building design that fall outside the scope of an Acceptable Solution. These will be processed by the BCA as Alternative Solutions.

The designer will need to ensure that the alternatives are actually Building Code compliant and, if so, what type of information must be provided to the BCA to prove this.

They will also need to select the most relevant compliance path, or combination of paths, to provide sufficient evidence at building consent stage for the BCA to accurately assess the solution and prove compliance or otherwise.

So how can designers use the nine main compliance paths as a methodology to show Building Code compliance?

Comparison with a compliance document

This is when the proposed alternative is based on and similar to an Acceptable Solution, with only minor variations. The compliance criteria of the Acceptable Solution are used as a comparison to those of the proposed alternative.

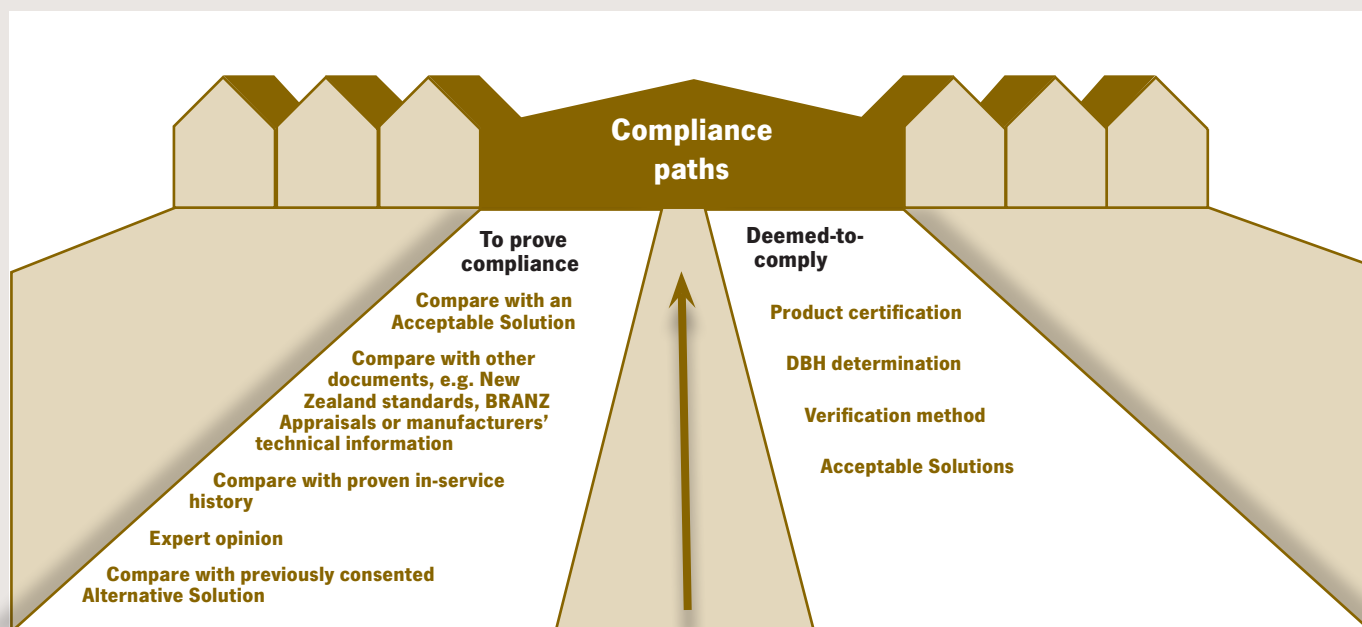
The comparison must prove that the alternative is similar in performance to the Acceptable Solution, is at least as Code compliant and that

the use is within the limits set by the Acceptable Solution, for example, for weathertightness, that the building fits within E2/AS1 height and wind zone limits.

Comparison to other documents

In this situation, the designer will use relevant documents to support compliance. These could be New Zealand standards, BRANZ Appraisals or manufacturers' technical information that refer to the proposed alternative and offer enough support for compliance to be assessed.

The support documentation must be relevant to the proposed design and must be from a reputable source. The documentation cannot be used to support product substitution, and it must refer exactly to the products and systems proposed by the designer.



Comparison with proven in-service history

When a designer proposes to use an alternative that has a credible and documented in-service history, they can use this compliance path to provide sufficient evidence of this historical performance.

Again, the comparison must be directly relevant to the proposed design, with the materials used and the environment in which the building is proposed to be built directly comparable to the history of use.

Expert opinion

The designer can use documented support from a credible expert person or organisation to prove compliance of an alternative design. This could consist of peer review opinions, producer statements or BRANZ Appraisals, where the expert opinion provided is directly relevant to the proposal.

The BCA has the right to challenge the expert's credentials and may not accept the opinion or may only accept it for some aspects of the alternative proposal.

Comparison with a previously consented Alternative Solution

In this situation, an Alternative Solution that has been previously accepted as Code compliant by a BCA may be used in support of the proposed, directly relevant and comparable solution.

However, the designer will need to confirm that the previously accepted Alternative Solution is performing in-service, as previous acceptance by a BCA is not always a guarantee of performance. It would be unacceptable to repeat the solution if it wasn't proving to be Code compliant in practice.

Product certification

The Joint Accreditation System of Australia and New Zealand (JAS-ANZ) is a joint venture

between the New Zealand Department of Building and Housing (DBH) and the Australian Building Codes Board (ABCB). It is appointing Product Certification Bodies (PCBs) that are responsible for issuing 'Codemark' product certification for products and systems that have passed the relevant testing criteria.

Use of Codemark products or systems as part of an Alternative Solution is a deemed-to-comply means of Code compliance – as long as the use falls within the scope of the certification, the BCA is obliged to accept it as being Building Code compliant.

DBH determination

Applications can be made to the DBH asking them to provide a specific determination on whether or not the proposed alternative design will be Building Code compliant. Such applications must follow a clearly defined process and be accompanied by a set fee payment.

The DBH will review the application and provide a legally binding opinion on compliance. If it is confirmed that the proposal is Code compliant and therefore is an Alternative Solution, use of the solution is again a deemed-to-comply means of compliance and must be accepted by the BCA.

However, parties involved in the determination process have a right to challenge the findings of the DBH.

Verification Method

Verification Methods are specific test procedures or calculation methods incorporated in compliance documents that are used to prove Code compliance – but not all Building Code clauses have relevant Verification Methods.

A positive Verification Method result confirms Code compliance, and use of the complying design is again a deemed-to-comply means of compliance.

Acceptable Solutions

Acceptable Solutions are incorporated in compliance documents and provide a non-mandatory means for Code compliance. Directly following these solutions is a deemed-to-comply means of compliance, and the BCA is obliged to accept them.

Use one or several compliance paths

Designers can use any of these compliance paths, individually or in combination, to prove compliance of a proposed design. However, the evidence provided must always be relevant to the proposal and also must support a clear summation of compliance.

The BCA will assess the alternative proposal against the relevant performance requirements of the Building Code, in a fair and reasonable manner – they do not have to accept an alternative, unless it is an Alternative Solution supported by a deemed-to-comply means of compliance.

What if it doesn't comply?

If the BCA confirms that a proposed alternative is not Code compliant, they must clearly identify areas of non-compliance and say why they believe it is not compliant and cannot be accepted as an Alternative Solution.

Non-acceptance of an Alternative Solution leaves the designer with three main options for proving compliance and gaining a building consent, which are:

- providing further evidence (perhaps using another compliance path)
- seeking a DBH determination to prove compliance of the original proposal
- redesigning the proposal to make it Code compliant.

The BRANZ Compliance paths seminar is available to watch for \$85 via webstreaming, see www.branz.co.nz/webstreams. ◀