



28 November 2012

WG
fyi-request-656-07f99d01@requests.fyi.org.nz

Dear WG

Thank you for your email of 5 November 2012 concerning an Official Information Act request. You asked eight questions about group dwellings in New Zealand.

As I advised you on 15 November 2012, I transferred questions 1-4 to Statistics New Zealand.

I have responded to the remaining questions 5, 6, 7, and 8 below.

5. Please give examples of fire standards used in group dwellings that are neither a commune nor a marae.

The Ministry does not have examples of 'fire standards' used in group dwellings. Information held by the Ministry that has some relevance to fire standards in group dwellings is set out in the following publicly available documents:

- Determination 2011/069, which relates to a group dwelling – paragraphs 7.27 to 7.33 of the determination contain some information about fire safety requirements for group dwellings.
- The Building Code – all new building work in New Zealand must comply with the Building Code. The Code sets out performance standards that building work must meet, and covers aspects such as fire safety. The Building Code does not prescribe detailed requirements for design and construction, but states how completed building work, and its components, must perform.
- The Verification Method C/VM2 – a design method that can be used for the specific fire safety design of any building.
- The Acceptable Solutions C/AS1 to C/AS7 – detail one way to comply with the relevant part of the Building Code.

6. When does a large house become a group dwelling? What are the criterion used to judge in cases that the house is neither a commune nor a marae?

7. Does the difference between a single household unit and a group dwelling depend on the size of the house? Does it depend on the numbers living in the house (single household unit) or multiple groups of people (in a group dwelling)?

8. How do you define multiple groups of people in a group dwelling as opposed to a single household. Couples frequently live in a single household units so that cannot apply. How many people is a multiple group of people for the purpose of a group dwelling? A family? What are the characteristics of the "groups of people" in a group dwelling?

Paragraphs 6.6 to 6.8 of Determination 2011/069, which relates to a group dwelling, contain factors that were considered in coming to a decision in that case. This is relevant to your questions 6 to 8 about criterion and differences. While the information in the determination is about a particular situation, it includes some relevant factors that could be used as guidance for considering Building Code requirements and changes of use to existing buildings. In respect of your question 7, I note the Determination considers a range of factors, and these are not mutually exclusive.

There are no definitions in the Building Act or Building Code for the terms you request in question 8. The Ministry does not hold more detailed information than that which is set out in the Building Code, Verification Methods and Acceptable Solutions, and in the Determination referred to above. One of the reasons for this is that New Zealand has a performance-based building regulatory system. This means the Building Code sets out how a building and its components must perform, as opposed to describing how a building must be designed and constructed. The requirements for particular buildings are case specific, and depend on a range of factors including use.

We, therefore, refuse your request for information under sections 18(d) and (g) of the Official Information Act 1982, on the basis that information that responds to your request is already publicly available, and any more detailed information is not held by the Ministry.

You have the right under section 28(3) of the Act to ask the Ombudsman to investigate and review my decision to decline your request. The relevant contact details are as follows:

The Ombudsman
Office of the Ombudsmen
PO Box 10 152
WELLINGTON 6143

Ph 0800 802 602
www.ombudsmen.parliament.nz.

This fully covers the information you requested.

For your information, Determination 2011/069 is available online at <http://www.dbh.govt.nz/UserFiles/File/Building/Determinations/2011/2011-069.pdf> and the Building Code and information about the Building Code is available online at <http://www.dbh.govt.nz/bcr-about-the-building-code>.

Yours sincerely



Adrian Regnault
Deputy Chief Executive, Building Quality