

Mr. Derek Baxter
Manager, Building Systems Controls
Ministry of Business Innovation & Employment
PO Box 1473
Wellington 6110

11 November 2014

via email: derek.baxter@mbie.govt.nz

Dear Mr. Baxter,

New Zealand Building Code – Acceptable Solution C/AS3

I write on behalf of both our members (community housing providers) as well as Housing New Zealand Corporation. As you are aware, these parties are concerned about the effect of revised Acceptable Solution C/AS3 on the supply of social housing for people receiving support to live in the community.

We acknowledge that the Ministry of Business Innovation and Employment made a genuine effort to resolve these concerns at the meeting with all sector interests on 28 August. This included acceptance that a sector-driven fire safety standard (approved by MBIE) appeared to be the best approach, and should proceed. At the meeting, you indicated that withdrawal of the new C/AS3 will take a significant amount of time to implement, and you proposed interim guidelines on application of the new C/AS3 – which picked up on work that had already been done with representatives of the NZ Disability Support Network.

Community housing providers and Housing New Zealand have subsequently met, and agreed that it would be highly desirable for interim guidelines to be put in place. We take direct responsibility for Building Act compliance and we are concerned that, even if C/AS3 is immediately withdrawn, there will be confusion and poorly-informed interpretation of the requirements of the fire safety Acceptable Solutions until the sector-driven standard is in place – and this standard will take at least a year to develop and obtain approval. We consider MBIE's proposed interim arrangements would be acceptable if further improved upon.

Our representatives have met and agreed a counter-proposal for the interim guidelines, and this is attached. This reflects many years of experience in ensuring fire safety of homes in which varying levels of support are provided to occupants. It uses procedures in which New Zealand Fire Service has had involvement, is based on fire engineering advice, and is based on existing proven arrangements (with further improvements) for the substantial majority of homes affected. We think this approach will assist the transition to the sector-driven standard.

We have discussed this approach with New Zealand Disability Support Network (NZDSN), who represents organisations providing disability support services. We are aware that New Zealand Disability Support Network would want the immediate withdrawal of the new C/AS3 and subsequent introduction of the sector-driven standard, with no interim arrangements. We recognise that this is one way to resolve the current concerns, but do not consider it practical to proceed without some sort of interim arrangement. We understand that NZDSN consider disability advocacy interests need to have a say in outcomes – we agree with this, and consider that this can be done prior to finalisation of the interim guidelines. This will be the position we present at the meeting called on 12 November.

We also suggest that MBIE endorsement of use of *Specific Design Solutions* might be a suitable alternative as an interim arrangement.

It is appropriate to put these matters up for consideration prior to the 12 November meeting that you have called.

We look forward to your consideration and response to our counter proposal.

Kind Regards,

A handwritten signature in blue ink, reading "Scott Figenshow". The signature is fluid and cursive, with the first name "Scott" and last name "Figenshow" clearly distinguishable.

Scott Figenshow
Director
Community Housing Aotearoa

Attachment: Counter Proposal – Interim Solution

Cc: Wendy Becker, President, NZDSN wendy.becker@enrichplus.org.nz.

Claire Teague, Chief Executive, NZDSN clareteague@nzdsn.org.nz

11 November 2013: Interim Solution – Proposed Counter-Proposal from Community Housing Providers:

Representatives of Community Housing Providers agreed that the following counter-proposal should be submitted for the interim solution. Our stance is based on the scope clauses of the current applicable Acceptable Solutions C/AS1 to C/AS3. C/AS3 covers people unable to self-evacuate without assistance, i.e. delayed evacuation (C/AS3/1.1.3). C/AS2 specifically excludes delayed evacuation (C/AS2/1.1.3) thereby requiring “safe, prompt, and efficient evacuation” ⁽¹⁾. The evacuation paragraph (1.1.3) is not applicable to C/AS1.

This counter proposal reflects current fire safety management practices in the majority of homes supplied for use by people with disabilities, and would be a suitable transition for a sector-driven standard:

- C/AS1 applies to homes in which people receiving support own or rent their homes. These homes would have smoke detectors to F7/AS1 or NZS 4514 (*Interconnected Smoke Alarms for Houses*).
- C/AS1 applies to homes operated by support service agencies where all occupants can safely evacuate without needing support to do so. These homes would have smoke detectors to F7/AS1 or NZS 4514.
- C/AS2 would generally apply to homes operated by support services agencies where all people can self-evacuate with a verbal prompt or where the number of people requiring physical evacuation assistance is the same or less than the number of people providing that assistance (including fellow-residents). These homes would have smoke detectors to F7/AS1 or NZS 4514 and possibly a non-monitored manual alarm system.
- C/AS2 would generally apply to homes operated by support services agencies not able to be evacuated within 3 minutes of activation of fire alarm or homes where the number of people requiring physical evacuation assistance is more than the number of people providing that assistance (including fellow-residents). These homes would have smoke detectors to F7/AS1 or NZS 4514, a *non-monitored manual alarm system and a domestic residential fire sprinkler system (NZS 4517 – Fire Sprinkler Systems for Houses)*.
- C/AS3 would generally apply to homes operated by support services agencies where caregivers are expected to provide physical evacuation assistance to most, or all, of the residents who are unable to self-evacuate: These homes would have local alerting smoke detectors to F7/AS1 and NZS 4512 (*Fire Detection and Alarm Systems in Buildings*), a Fire Service connected manual alarm system and a residential fire sprinkler system (*NZS 4515 – Fire Sprinkler Systems for Life Safety in Sleeping Occupancies*) plus smoke separation for bedroom doors.

⁽¹⁾ Clause 6 of the Fire Safety and Evacuation of Buildings Regulations 2006.