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# Technical Review of Hamilton City Council

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→ **Amending compliance schedules  
and the enforcement of the  
building warrant of fitness system**

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October 2014



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

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## **Ministry of Business, Innovation and Employment (MBIE)**

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# 1. Overview

## 1.1 Purpose

This report sets out the key findings and recommendations from a technical review of several territorial authority functions of the Hamilton City Council (the Council) under the *Building Act 2004*. The on-site stage of the review process was undertaken by the Consent System Capability team of the Ministry of Business, Innovation and Employment (the Ministry) on 13-15 March 2013.

The review primarily focused on how the Council was undertaking its statutory responsibilities under the *Building Act 2004* in relation to amending compliance schedules (not captured by the building consent process) and the enforcement of the building warrant of fitness system. This enforcement includes on-site audits, issuing notices to fix and infringement notices.

## 1.2 Reasons for the review

The Ministry undertook the review as part of its on-going performance monitoring function. This aims to help councils across the country strengthen and improve how they are undertaking several of their core territorial authority building control functions under the *Building Act 2004*. The review is topical following the amendments to the *Building Act 2004* (which came into force on 13 March 2012) which made a number of changes to the compliance schedule and building warrant of fitness processes. Subsequently owners, where necessary, are required to apply to councils and have their compliance schedules amended to align with the *Building Act 2004* and associated regulations before the anniversary of the issue of the building's compliance schedule, i.e., when the building warrant of fitness is due.

The review provides an opportunity for the Ministry to assess the quantity and quality of compliance schedules being amended, including the specificity of the amended compliance schedules.

## 1.3 The Council

Hamilton city is situated on the banks of the Waikato River and its Council has jurisdiction over a land area of 98 square kilometres. Hamilton is New Zealand's fourth most populous city with a population of 148,549<sup>1</sup> and the second fastest growing urban area behind Auckland.

Initially an agricultural service centre to the Waikato region, which still remains New Zealand's largest dairying area, Hamilton has a growing and diverse economy. Education (eg University of Waikato, Waikato Institute of Technology) and, research and development (eg Ruakura Research Centre which is responsible for much of New Zealand's innovation in agriculture) play an important part in Hamilton's economy as the city is home to an estimated 40,000 tertiary students and 1,000 PhD-qualified scientists. Many buildings associated with these businesses and institutions (plus other commercial and industrial buildings) have specified systems, which, under the *Building Act 2004*, require these buildings to have compliance schedules.

At the time of the Ministry's review visit in March 2013, there was a team of three full-time staff solely responsible for building warrant of fitness and compliance schedule matters. One was an administration officer, while the other two undertook on-site audits of building warrants of fitness.

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<sup>1</sup> Statistics New Zealand estimate as at 30 June 2012 as reported in Wikipedia.

#### 1.4 Statistical information provided by the Council

In response to the Ministry's questions, the Council provided the following statistical information.

**Figure 1: Statistical information**

#	Subject	Total for the period specified
1	Buildings which have compliance schedules at 31 January 2013	2030
2	Amended compliance schedules issued between 13 March 2012 and 31 January 2013	243
3	On-site building warrant of fitness audits carried out between 13 March 2012 and 31 January 2013	1329
4	Notices to fix in relation to compliance schedule and/or building warrant of fitness matters issued between 31 March 2005 and 12 March 2012	840
5	Notices to fix in relation to compliance schedule and/or building warrant of fitness matters issued between 13 March 2012 and 31 January 2013	113
6	Infringement notices in relation to compliance schedule and/or building warrant of fitness matters issued between 1 July 2008 and 12 March 2012	0
7	Infringement notices in relation to compliance schedule and/or building warrant of fitness matters issued between 13 March 2012 and 31 January 2013	0

## 2. Process

### 2.1 Purpose of technical reviews

Technical reviews are undertaken to monitor the performance of and assist building consent authorities and territorial authorities. The review is a tool that helps such organisations to:

- enhance the performance of their building control activities
- identify appropriate systems, processes, and resources required so they can carry out their building control operations
- effectively fulfil their obligations under the *Building Act 2004* and building regulations.

Technical reviews also examine whether territorial authorities and building consent authorities have the appropriate systems and resources to enable their building control personnel to undertake their work effectively and efficiently.

Technical reviews are not intended to evaluate the performance of individual staff and are not comprehensive audits involving detailed examinations of all aspects of a territorial authority's building control operations. Nor do they assess the territorial authority against a particular model.

### 2.2 Legislative basis

This review was initiated under sections 204 and 276 of the *Building Act 2004*. It is a function of the Chief Executive to monitor and review the performance of territorial authorities and building consent authorities to determine whether they have properly exercised their powers and performed their functions<sup>2</sup>.

### 2.3 Method

The Ministry used four broad approaches to gather information about the Council's building control activities. These were:

- observing staff undertaking work
- reviewing written material used and produced by staff (for example, policies, procedures, processing check-lists and records, manuals and approved consent documentation)
- interviewing staff about their use of material and their work
- assessing a random sample of building projects (case studies) that were handled by the territorial authority, just before or during the review visit.

For this review, six case studies dealing with on-site building warrant of fitness audits were undertaken to assess compliance with the *Building Act 2004* and its associated regulations. Council records were reviewed to assess the adequacy and effectiveness of the Council's systems.

### 2.4 Acknowledgement

The Ministry would like to thank Hamilton City Council's building control management and staff for their patience, cooperation and assistance during the review.

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<sup>2</sup> The *Building Act 2004* is available at [www.legislation.govt.nz](http://www.legislation.govt.nz).

### 3. Our findings and recommendations

#### 3.1 Purpose

To assess the Council's performance in administering their building warrant of fitness system, including the enforcement of this system, and its processes for amending compliance schedules, which are not captured by the building consent process.

#### 3.2 Background

The following territorial authority functions were considered.

##### ***Amending compliance schedules***

Sections 100-111 of the *Building Act 2004* set out the responsibilities for building owners, building consent authorities and territorial authorities under the compliance schedule and building warrant of fitness systems. All buildings (except single household units that do not have a cable car) containing specified systems, such as fire alarms and lifts, are required to have these systems listed on a compliance schedule. The owner must ensure continued effective operation of the specified systems and confirm on-going inspection and maintenance by publicly displaying a current building warrant of fitness in their building and providing a copy of the building warrant of fitness to the territorial authority.

The amendments to the *Building Act 2004*, which came into effect on 13 March 2012, have resulted in two main changes. The two changes directly relate to each other.

- a) The *Building Act 2004* has been amended to make it clear that compliance schedules must be updated to remain consistent with the *Building Act 2004* and regulations when they change. More specifically, an owner (or owner's agent) must apply for an amendment to their compliance schedule:
  - as a result of an amendment to the *Building Act 2004* or any regulation made under it, where the compliance schedule no longer complies with the requirement of the *Building Act 2004* or any regulation made under it; or
  - where it contains information that is no longer required under the *Building Act 2004* or any regulations made under it (section 106(2)(b) of the *Building Act 2004*).
- b) The *Building Amendment Act 2012* makes two changes to compliance schedule content which all compliance schedules will need to align with as per the above new requirement, these are:
  - compliance schedules must have a description of each specified system in the building, including the type and (if known) make of each specified system (section 103(1)(a) of the *Building Act 2004*).
  - section 103(1)(d) has been removed making it clear that 'passive features' are not required to be listed on the compliance schedule and do not require on-going inspection and maintenance under the compliance schedule regime (except where specifically listed as a specified system in regulations). Passive features include means of escape from fire, safety barriers, handheld hose reels, signs required by the Building Code and means of access and facilities for use by persons with disabilities. If passive features were listed on a compliance schedule, owners (or owner's agents) should apply to have these removed for clarity.

### **Issuing notices to fix**

A notice to fix (sections 163-168 refer) is a statutory notice requiring a person to remedy a breach of the *Building Act 2004* or regulations made under the *Building Act 2004*. It can be issued for all breaches of the *Building Act 2004* (not just for building work). Some important points about notices to fix are:

- A building consent authority or a territorial authority (responsible authority) must issue a notice to fix if it believes on reasonable grounds that there has been any contravention of the *Building Act 2004* or the building regulations. Common examples could include failing to obtain a building consent, not having obtained an appropriate building warrant of fitness, or failing to meet the necessary inspection, maintenance or reporting procedures for a compliance schedule issued by the Council.
- A notice to fix may instruct the owner to apply for a building consent or for an amendment to an existing building consent.
- If a notice to fix relates to building work carried out without a building consent, it can require the owner to apply for a certificate of acceptance.
- If a territorial authority is not satisfied that the requirements of a notice to fix have been complied with (where building work is required), for example, after a follow-up inspection, it must provide written notice of its reasons for refusing to confirm the notice has been complied with and issue a further notice to fix to the specified person.

### **Issuing infringement notices**

Sections 370-374 of the *Building Act 2004* deal with the procedure for infringement offences, including the issue and content of infringement notices and the payment of infringement fees.

The infringement offences and fees are set under Schedule 1 of the *Building (Infringement Offences, Fees, and Forms) Regulations 2007*. Schedule 2 of the Regulations sets out the prescribed form of infringement notice and Schedule 3 sets out the prescribed form for the infringement reminder notice.

## **3.3 Findings**

### **General**

Generally, the Council's compliance schedule and building warrant of fitness policies and processes are adequate. However, a key change brought in by the *Building Amendment Act 2012* was not fully implemented (namely the requirement to have a specified system description, eg specifying the type of emergency warning system or back flow prevention device).

The respective websites of the Council and the Waikato Building Consent Group<sup>3</sup>, in general, contained adequate public information about the compliance schedule and building warrant of fitness regime. It is suggested that these websites could be improved if they included links to two of the Ministry's guidance documents *Owners' responsibilities to ensure their buildings are safe to use*<sup>4</sup> and *Compliance schedule handbook*<sup>5</sup>.

The Ministry had some concerns regarding compliance schedule statements. In many instances there were compliance schedule statements on file that were automatically generated by the Council's IT system when a compliance schedule was being amended. This was somewhat confusing, as compliance schedule statements are only issued to cover the first year of the original compliance schedule. For clarity, it is suggested that Council should ensure it files valid compliance schedule statements only.

### **Amending compliance schedules**

<sup>3</sup> Consists of seven city/district councils or building consent authorities (BCAs) in the Waikato region, i.e., Hamilton CC, Hauraki DC, Matamata-Piako DC, Otorohanga DC, Waikato DC, Waipa DC and Waitomo DC. Note that Hauraki DC and Waitomo DC joined the group after the Ministry's review visit in March 2013.

<sup>4</sup> *Owners' responsibilities to ensure their buildings are safe to use* available at: [www.dbh.govt.nz/building-warrant-of-fitness-guide](http://www.dbh.govt.nz/building-warrant-of-fitness-guide).

<sup>5</sup> *Compliance schedule handbook* available at: [www.dbh.govt.nz/compliance-documents#compliance-schedule](http://www.dbh.govt.nz/compliance-documents#compliance-schedule)

The Council's and the Waikato Building Consent Group's websites contained little public information specifically about amending compliance schedules. However, it is acknowledged that Council has been proactive in formally advising major institutions (eg tertiary education facilities, hospitals) and all independent qualified persons within the Waikato region of the need to amend existing compliance schedules to align with the requirements of the *Building Amendment Act 2012*<sup>6</sup>.

Between 13 March 2012 and 31 January 2013, Council had amended 243 compliance schedules. The Council believed the number of compliance schedules which required amendment (ie deleting the 'passive systems') was in the order of 400. While this is commended, compliance schedules should also be updated to include a clear description of each and every specified system.

Many of the compliance schedules reviewed by the Ministry could be improved by including more site-specific information and details in relation to specified system descriptions, performance standards and location within the building. Attaching relevant drawings, reports and technical data sheets to the compliance schedule can add value to a document that is valid for the life of the building and will assist independent qualified persons (and others) unfamiliar with the building to do their inspection and maintenance role. As at March 2013, the Council was unable to advise what number or percentage of compliance schedules it believed needed to be amended in order to achieve satisfactory descriptions of specified systems.

However, it is acknowledged that since the Ministry's visit (March 2013) there has been a noticeable improvement in the level of site-specific information, including specified system descriptions, provided in some of the amended compliance schedules<sup>7</sup>.

Section 107 of the *Building Act 2004* permits a territorial authority to amend a compliance schedule on its own initiative in certain circumstances. However, at the time of the Ministry's visit, the Council advised its policy only allowed the amending of compliance schedules if it received a completed Form 11 from the building owner or their agent. The Council should reconsider this policy, particularly if it elects to expand its on-site auditing role to include a 'high-level' inspection of the installed specified systems.

#### ***Council's checking of building warrants of fitness and Form 12As***

The Ministry noted several examples of submitted building warrants of fitness where the specified systems on the compliance schedule were listed. While this is not a mandatory requirement of prescribed Form 12 of the *Building (Forms) Regulations 2004*, the Ministry would support the Council's acceptance of the additional information on the form and Council's on-going encouragement of the independent qualified persons to continue the practice. This will help provide useful information to other parties (eg new independent qualified persons or the New Zealand Fire Service) who may inspect the building.

The Council only sends a building warrant of fitness reminder letter to the building owner if it has not received the building warrant of fitness two weeks after the compliance schedule anniversary. In view of the relatively high number of buildings with expired building warrants of fitness, the Council may wish to reconsider its reminder letter practice, and in particular the timing of these. As at 22 February 2013, of the 2030 buildings with compliance schedules, there were 284 or 14 percent without a current building warrant of fitness (80 'high-risk' and 204 'low-risk' buildings).

The building warrants of fitness and Form 12As submitted by the independent qualified persons did not always have all fields populated (eg maximum number of occupants, fire hazard category) and did not all

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<sup>6</sup> Council's letter dated 3 May 2012, following the Ministry's letter to all building control managers (dated 16 April 2012).

<sup>7</sup> For example, in relation to case studies 1, 2, 3, 4 and 6.

align with the compliance schedule. A desk-top check would quickly identify any discrepancies that could be confirmed during an on-site audit.

### ***On-site audits***

Although the Council classified all buildings with compliance schedules as either 'high-risk' or 'low-risk', the Council advised the Ministry that its expectation is to annually inspect and audit all these buildings (2030 as at 31 January 2013), irrespective of the risk classification. In order to maintain the Council's policy goals, each of the two officers would need to conduct, on average, about twenty two on-site audits per week. Between 13 March 2012 and 31 January 2013 (46 weeks), the Council had completed 1329 on-site audits (ie 66 percent). Although the number of on-site audits undertaken by the Council is commendable, the Ministry believes that the frequency of audits of a given building should reflect the use and risk to the occupants of that building if the specified systems did not function as designed in the event of an emergency. To reduce the workload and pressure on its staff, perhaps the Council could consider on-site auditing goals which more closely align with its current 'high-risk' and 'low-risk' categories. For instance, yearly audits for 'high-risk' buildings, while 'low-risk' buildings could be audited every two or three years.

To date, the audits have focused solely on the paper-work and records held on-site (eg compliance schedule, inspection logbook, Form 12As, current building warrant of fitness). There was no visual check to verify the accuracy of the compliance schedule with the installed specified systems. On-site audits provide not only an opportunity to ensure an accurately documented compliance schedule, but a 'high level' visual inspection of the listed specified systems also provides an opportunity to assess the quality and authenticity of the paper-work supplied by the independent qualified persons.

Ministry staff accompanied Council staff on all six on-site audits carried out during the review visit (refer to attached case studies 1 to 6). On each audit, the Ministry identified inconsistencies between the compliance schedule, the building warrant of fitness or the installed specified systems. For example, in two instances, two installed specified systems were omitted from the compliance schedule (SS13/1 - Mechanical smoke control and SS15/1 - Systems for communicating spoken information intended to facilitate evacuation)<sup>8</sup>. This again highlights the need for Council to go beyond paper-based on-site audits.

### ***Issuing notices to fix***

The Council has a documented policy<sup>9</sup> and procedures around issuing notices to fix.

Between the commencement date of the *Building Act 2004* on 31 March 2005 and 31 January 2013, the Council had issued a total of 953 notices to fix in relation to compliance schedule and/or building warrant of fitness matters. Of these, 113 notices to fix were issued between the *Building Amendment Act 2012* coming into effect on 13 March 2012, and 31 January 2013.

The Council's notice to fix form (version dated 26 February 2013) was examined against the prescribed Form 13 of the *Building (Forms) Regulations 2004*. The Council form was consistent with the prescribed form.

The Ministry also examined the content of some of the Council's issued notices to fix. It was noted in several notices to fix that information had not been entered in two of the required fields (i.e., location of building and level/unit number).

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<sup>8</sup> Case studies 1 and 3 refer.

<sup>9</sup> Standard operating procedure: Issuing a notice to fix, Desk file number: PR\_IN\_05, issued 01.03.13 (internal document only).

### **Issuing infringement notices**

The Council has a documented policy<sup>10</sup> and procedures around issuing infringement notices for building offences and this includes compliance schedule and/or building warrant of fitness matters. However, the Council advised the Ministry that in practice it does not issue infringement notices for compliance schedule and/or building warrant of fitness offences, but it has, and will do so, for other offences under the *Building (Infringement Offences, Fees, and Forms) Regulations 2007*.

The Council could look to other councils as to how they are using infringement notices to deal with issues of non-compliance for building warrants of fitness and compliance schedule matters. For example, Wellington City Council<sup>11</sup> tries in the first instance, dependent on the severity of the offence, to gain willing compliance before resorting to the issue of an infringement notice. Where the Wellington City Council identified non-compliance in relation to a building warrant of fitness and/or compliance schedule matter, a notice to fix is issued. This notice to fix requires the owner (or their agent) to provide the necessary building warrant of fitness documentation by a given date. If this first notice to fix is not complied with, a second notice to fix is issued. The second notice to fix will repeat the remedial action of the first notice, with the additional requirement that Council will undertake an on-site building warrant of fitness audit before another given date. This will enable the Council to establish the accuracy of the compliance schedule and, wherever necessary, it will amend it. An infringement notice for failing to comply with the first notice to fix is issued with the second notice to fix.

Wellington City Council has demonstrated that infringement notices, when applied appropriately for compliance schedule and/or building warrant of fitness matters, are a valuable and useful building control tool, which has resulted in prompt compliance at a reasonable cost. The Ministry supports this approach and recommends Hamilton City Council consider adopting a similar policy and process.

Although the Waikato Building Consent Group's website contained public information in relation to infringement notices, it is suggested that the cluster group also include the Ministry's guidance (as per the link provided in footnote 12) on its website.

### **3.4 Conclusion and recommendations**

Although the Council's compliance schedule and building warrant of fitness policies and processes are adequate, the Council has not, to date, fully amended its policies and practices to reflect its obligations under the *Building Amendment Act 2012*, which became effective from 13 March 2012. It is suggested the Council could improve its amending of compliance schedules and the enforcement of the building warrant of fitness system by considering the following recommendations.

<b>The Ministry recommends that the Council:</b>	<b>Response from the Council:</b>
<b>a)</b> Ensure compliance schedules provide a specified system description detailed enough to enable accurate identification of the type of system used along with its position and extent within the building.	The Council advised it had reviewed its compliance schedule template and had identified that certain information was not being captured in order to align with the <i>Building Act 2004</i> . The template has been revised and implemented since the Ministry's review visit.

<sup>10</sup> Standard operating procedure: Issuing an infringement notice, Desk file number: PR\_IN\_06, issued 15.02.13 (internal document only).

<sup>11</sup> Refer to the Ministry's guidance document *Guidance in relation to Schedule 1(k) exemptions and issuing building infringement notices* available at: [www.dbh.govt.nz/technical-reviews#wellington](http://www.dbh.govt.nz/technical-reviews#wellington)

<p><b>b)</b> Include on its website links to two of the Ministry's guidance documents <i>Owners' responsibilities to ensure their buildings are safe to use</i> and <i>Compliance schedule handbook</i>.</p>	<p>The Council advised these two documents are linked to the Waikato Building Consent Group's website. The Council also advised that it will request that the Manager of the Waikato Building Consent Group reviews this area of the website to improve the ease of navigation to these documents.</p>
<p><b>c)</b> Ensure it files valid compliance schedule statements only.</p>	<p>The Council advised that the documented procedure for producing a compliance schedule statement has been reviewed and rectified to ensure only valid statements will be produced.</p>
<p><b>d)</b> Improve the information on its website (and the Waikato Building Consent Group's) about building owners' and independent qualified persons' obligations under the Building Act 2004 in regards to amending compliance schedules.</p>	<p>The Council advised the information for amending compliance schedules is contained within the Ministry's guidance document <i>Owners' responsibilities to ensure their buildings are safe to use</i>. The Council will request that the Manager of the Waikato Building Consent Group reviews and improves the information available on the website relating to amending a compliance schedule.</p>
<p><b>e)</b> Consider amending compliance schedules on its own initiative.</p>	<p>The Council advised it would continue to be proactive in advising independent qualified persons of the need to amend compliance schedules to align with the changes in legislation. The Council will continue to amend compliance schedules on its own initiative, where it is required, to ensure a specified system continues to perform to the performance standard(s) for that system.</p>
<p><b>f)</b> Be proactive in reminding building owners of their building warrant of fitness responsibilities before the compliance schedule anniversary.</p>	<p>The Council considers that owners will become reliant on it notifying the owner, before the owner submits a building warrant of fitness. This will result in additional compliance cost for the 1700 owners who provide this information without reminder letters. The Council advised it will investigate alternative methods of providing this information via email.</p>

<p><b>g)</b> Ensure all fields on the prescribed Form 12,12A and 13 are populated.</p>	<p>The Council advised it would continue to educate owners and independent qualified persons to improve the level of detail submitted on their Form 12 and 12A(s). The notice to fix (Form 13) template has been revised to align with the prescribed form, which will enable the Council to capture all information required.</p>
<p><b>h)</b> Undertake a desk-top check of the submitted building warrant of fitness and Form 12A(s) against the compliance schedule, before conducting an on-site audit.</p>	<p>The Council advised it would continue to carry out a desk-top assessment of the submitted building warrant of fitness and Form 12A(s) against the compliance schedule. It believes there is adequate information held on the premise to carry out a desk-top audit of the building warrant of fitness on site. This on-site audit has proven to be an effective tool to ensure that independent qualified persons complete their inspection and reporting procedures annually. This enables the owners to deliver with confidence their annual building warrant of fitness.</p>
<p><b>i)</b> Consider on-site auditing goals which align with its current 'high-risk' and 'low-risk' categories.</p>	<p>The Council advised it would continue to identify high-risk buildings, in line with its building warrant of fitness policy and aim to complete an annual on-site paper-based audit of these buildings.</p>
<p><b>j)</b> When undertaking on-site audits, carry out a 'high-level' check to ensure the listed specified systems are installed and that all installed specified systems appear on the compliance schedule.</p>	<p>The Council advised that a schedule of 'high-level' checks for high-risk buildings will be incorporated into its building warrant of fitness policy to ensure high-risk buildings are checked on a five yearly frequency.</p>
<p><b>k)</b> Consider issuing infringement notices for compliance schedule and/or building warrant of fitness offences.</p>	<p>The Council advised it would continue to provide a 'customer-centric' service. Generally, it has the tools available, using reminder letters and notice to fix, to achieve compliance with the <i>Building Act 2004</i>. The Council would consider issuing infringement notices on a case-by-case basis.</p>

#### **4. Council's feedback**

The Council thanked the Ministry for its valuable and constructive feedback. Although the Council acknowledged that the Ministry's review staff had to deal with higher priority issues within the sector since the review visit, the Council would have found it helpful if the technical review report had been made available much sooner.

The Council commented that it found the review team's findings and information useful and it generally agreed with the report's recommendations. However, the Council was of the view that some of the suggestions/recommendations were over and above the legislative requirements and were based on good practice rather than strict interpretation of the legislation.

## 5. Case studies – On-site audits

### Case study 1

<b>Building classified use:</b> (layman’s description in brackets)	Communal Residential – Community Service <sup>12</sup> (hotel including bar, restaurant, conference facilities and guest accommodation) and Commercial <sup>13</sup> (four retail tenancies)
<b>Current building warrant of fitness</b>	Expires 07.05.13
<b>Background:</b>	<p>The multi-level hotel has a basement car park, a ground floor reception with bar, restaurant and three conference rooms, with several levels of guest rooms above. There are also four ground floor retail tenancies along the street frontage.</p> <p>The original compliance schedule was issued on 07.05.99 and at 13.03.13, was last amended on 10.05.10.</p>
<b>Specified systems on compliance schedule:</b> (number and description as per documentation provided)	<ul style="list-style-type: none"> <li>• 1 - Automatic systems for fire suppression</li> <li>• 2 - Automatic or manual emergency warning systems for fire or other dangers</li> <li>• 3 - Electromagnetic or automatic doors or windows (for example ones that close on fire alarm activation)</li> <li>• 4 - Emergency lighting systems</li> <li>• 5 - Riser mains for fire service use</li> <li>• 6 - Any automatic back-flow preventer connected to a potable water supply</li> <li>• 7 - Passenger carrying lifts</li> <li>• 8 - Mechanical ventilation or air conditioning systems</li> <li>• 9 - Audio loops or other assistive listening systems</li> <li>• 10 - Emergency power systems for, or signs relating to, a system or feature specified in any of clauses 1 to 13</li> <li>• 11 - Means of escape from fire</li> <li>• 12 - Safety barriers</li> <li>• 13 - Means of access, and facilities for use, by persons with disabilities, that meet the requirements of section 118</li> <li>• 14 - Hand held hose reels for fire fighting</li> <li>• 15 - Any signs that are required by the Building Code or by section 120</li> </ul>
<b>Form 12As provided with the current building warrant of fitness for the following specified systems:</b>	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> <li>- Signs required by Building Code or sec 120</li> <li>- Means of escape from fire</li> <li>- Safety barriers</li> <li>- Access and facilities under sec:118</li> </ul>

<sup>12</sup> Classified Uses – Building Code clause A1.3.0.2 refers.

<sup>13</sup> Classified Uses – Building Code clause A1.5.0.1 refers.

<p>(number and description as per documentation provided)</p>	<ul style="list-style-type: none"> <li>- Emergency power systems for or signs relating to a system or feature specified</li> </ul> <p>Form 12A – (2)</p> <ul style="list-style-type: none"> <li>- Lifts (3 No.)</li> </ul> <p>Form 12A – (3)</p> <ul style="list-style-type: none"> <li>- Automatic sprinkler</li> <li>- Automatic/manual fire alarm</li> <li>- Hose reels</li> <li>- Emergency lighting</li> </ul> <p>Form 12A – (4)</p> <ul style="list-style-type: none"> <li>- Fire riser mains</li> </ul> <p>Form 12A – (5)</p> <ul style="list-style-type: none"> <li>- SS3/1 Automatic doors (3 No.)</li> </ul> <p>Form 12A – (6)</p> <ul style="list-style-type: none"> <li>- Air conditioning systems</li> </ul> <p>Form 12A – (7)</p> <ul style="list-style-type: none"> <li>- Automatic backflow protection connected to the potable water supply (with five test reports that identified make of device, size, model, serial number and location)</li> </ul> <p>Form 12A – (8)</p> <ul style="list-style-type: none"> <li>- Hearing aid loops in 3 conference rooms</li> </ul>
<p><b>Review team observations on site:</b></p>	<p>An audit of this building was carried out on 13.03.13.</p> <p>A Council officer and the hotel’s chief engineer accompanied Ministry staff on an inspection of the premises to verify the installed specified systems against those on the compliance schedule. The Council officer used and completed the Council’s building warrant of fitness (BWoF) audit form. Ordinarily, Council limits its audits to checking the on-site paperwork only.</p> <p>A current BWoF was publicly displayed in the ground floor reception lobby, adjacent to the hotel’s main entrance. Although not a mandatory requirement of the BWoF, the specified systems were listed. However, it was noted some of the BWoF’s fields were not populated, including maximum number of occupants and highest fire hazard category.</p>

	<p>The hotel’s engineer supplied the compliance schedule, inspection records and Form 12As, which were kept at the engineer’s basement office. These documents were reviewed by the Council officer.</p> <p>At the time of the review visit, the compliance schedule contained several building systems or features which are not considered specified systems. These were:</p> <ul style="list-style-type: none"><li>• Means of escape from fire</li><li>• Safety barriers</li><li>• Means of access, and facilities for use, by persons with disabilities, that meet the requirements of section 118</li><li>• Hand held hose reels for fire fighting</li><li>• Any signs that required by the Building Code or by section 120</li></ul> <p>The Council advised it planned to do the necessary amendments to coincide with the due date of the next BWoF.</p> <p>In terms of emergency warning systems, the hotel had a Type 6 (sprinklers with manual call points) with supplementary smoke detection to each of the lift lobbies and on either side of the smoke-stop doors (on electro-magnetic hold-open devices) within the horizontal safe path corridor on each of the guest accommodation floors. There was also localised heat detection to some spaces, for example the lift machine room. None of this site-specific information was included in the compliance schedule.</p> <p>The building contained several types of automatic doors, but this was not reflected in the compliance schedule. A Form 12A was provided by an independent qualified person (IQP) for three automatic doors. So it begs the question – who is responsible for inspecting and maintaining the access-controlled doors and interfaced doors which were sighted by the review team?</p> <p>During the course of the inspection, the review team sighted three backflow preventers which were all located in the basement water room. The hotel engineer advised he believed there were a total of seven backflow preventers in the building and yet the IQP had provided test reports for five only, which included make of device, size, model, serial number and location. None of the IQP’s site-specific information was included in the compliance schedule.</p>
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	<p>The hotel’s engineer advised the lift shafts have a mechanical smoke control system which pressurises the lift shafts when the fire alarm is activated, thereby preventing the spread of smoke, via the lift shafts, to the rest of the building. The roof-mounted air supply inlets and fans were sighted by the Ministry. This specified system (SS13/1 - mechanical smoke control) was not included on the compliance schedule.</p> <p>The hotel’s engineer also advised the hotel’s public address system is used to instruct guests and staff to evacuate the building in an emergency. This specified system (SS15/1) was not included on the compliance schedule.</p> <p>In summary, the compliance schedule needs to be amended to include the following specified systems:</p> <ul style="list-style-type: none"> <li>• SS13/1 Mechanical smoke control</li> <li>• SS15/1 Systems for communicating spoken information intended to facilitate evacuation</li> <li>• SS15/2 Final exits</li> <li>• SS15/3 Fire separations</li> <li>• SS15/4 Signs for communicating information intended to facilitate evacuation</li> <li>• SS15/5 Smoke separations.</li> </ul>
<p><b>Review team conclusions:</b></p>	<p>From the Ministry’s rapid ‘high-level’ audit, it would appear the Council has captured most of the installed specified systems in its compliance schedule (with the exception of SS13/1 - Mechanical smoke control and SS15/1 - Systems for communicating spoken information intended to facilitate evacuation). But the compliance schedule could be enhanced by including more site-specific information and details in relation to specified system descriptions, performance standards and location within the building. Attaching relevant drawings, reports and technical data sheets to the compliance schedule can add value to a document that is valid for the life of the building and will assist IQPs unfamiliar with the building to do their inspection and maintenance role.</p> <p>This building is an excellent example of a building that contains multiple types of a given specified system but this is not reflected in the compliance schedule. The building contained more than one type of a given specified system in the following cases:</p> <ul style="list-style-type: none"> <li>• Emergency warning systems</li> <li>• Electromagnetic or automatic doors or windows</li> <li>• Emergency lighting systems</li> <li>• Automatic backflow preventers.</li> </ul>

<p><b>Follow up action by Council since the Ministry's visit:</b></p>	<p>On 28.05.13, the owner's agent applied to the Council to remove building systems or features which are not considered specified systems from the existing compliance schedule. Council issued the amended compliance schedule on 10.06.13.</p> <p>The amended compliance schedule was reviewed by the Ministry and it was found that the Council had taken the opportunity to include more site-specific information and attaching relevant test reports. However, it was noted that specified systems SS13/1 (mechanical smoke control) and SS15/1 (systems for communicating spoken information intended to facilitate evacuation) had not been included.</p>
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**Photo 1:** Localised smoke detection in lift lobby – not specifically mentioned in compliance schedule

## Case study 2

<b>Building classified use:</b> (layman's description in brackets)	Communal Non-Residential – Assembly Care <sup>14</sup> (primary school)
<b>Current building warrant of fitness</b>	Expires 11.05.13
<b>Background:</b>	<p>The primary school has eight blocks/buildings containing one or more class rooms, a hall and an administration building.</p> <p>Since first being constructed, the school has seen the addition of new blocks and modifications to existing buildings. However, it has largely retained its heritage elements.</p> <p>A fire in the block containing Rooms 7-12 and a computer room resulted in some of the classrooms requiring significant remodelling. Many of the specified systems were upgraded and new systems added.</p> <p>Records show the first compliance schedule was issued 11.05.94.</p> <p>The compliance schedule uses the 'SS' numbering system and has been amended to align with the <i>Building Act 2004</i>, namely to remove the section 103(1)(d) items.</p>
<b>Specified systems on compliance schedule:</b> (number and description as per documentation provided)	<ul style="list-style-type: none"> <li>• 02 - Automatic or manual emergency warning systems for fire or other dangers</li> <li>• 04 - Emergency lighting systems</li> <li>• 14 - Emergency power systems for, or signs relating to, a system or feature specified in any of Clauses 1-13</li> <li>• 15/2 - Final exits</li> <li>• 15/3 - Fire separations</li> <li>• 15/4 - Signs for communicating information</li> <li>• 15/5 - Smoke separations</li> </ul>
<b>Form 12As provided with the current building warrant of fitness for the following specified systems:</b> (number and description as per documentation provided)	Form 12A - (1) <ul style="list-style-type: none"> <li>- CS3/C Emergency warning systems for fire or other dangers (manual and/or automatic)</li> <li>- CS4/D Emergency lighting</li> <li>- CS12/L Such signs as required by the building code for systems and features</li> <li>- CS13/M Means of escape from fire or other dangers</li> <li>- CS14/N Safety barriers</li> <li>- CS15/0 Means of access and facilities for people with disabilities</li> <li>- CS17/Q Signs required for people with disabilities</li> </ul>

<sup>14</sup> Classified Uses – Building Code clause A1.4.0.3 refers.

<p><b>Review team observations on site:</b></p>	<p>An audit of the school building's specified systems was carried out by Ministry and Council staff on 13.03.13.</p> <p>The Council's policy is to only do paper-based audits. However, for this case study a walk around the building was conducted.</p> <p>Council staff completed the Council's building warrant of fitness (BWoF) audit form on site.</p> <p>The BWoF was displayed in a public place (in the main reception area).</p> <p><u>Emergency warning systems</u></p> <p>Two fire alarm panels were sighted. The original panel controls the majority of the buildings and a separate one located in the fourth block (where the earlier-mentioned fire occurred) controls the systems in that block.</p> <p>The first block (Rooms 1-3) contained:</p> <ul style="list-style-type: none"> <li>• Smokes/security system</li> <li>• Manual call points.</li> </ul> <p>The second block (Room 4) contained:</p> <ul style="list-style-type: none"> <li>• Smokes/security system (including a mix of old and new smoke detectors)</li> <li>• Manual call points.</li> </ul> <p>The third block (Rooms 5-6) contained:</p> <ul style="list-style-type: none"> <li>• Smokes/security system</li> <li>• Manual call points.</li> </ul> <p>The fourth block (Rooms 7-12) contained:</p> <ul style="list-style-type: none"> <li>• Fire panel (foyer)</li> <li>• Manual call points</li> <li>• Smokes/security system (including a mix of old and new smoke detectors)</li> <li>• Heat detectors (in some rooms and on the verandas)</li> <li>• Voice communication for evacuation.</li> </ul> <p>The fifth block (Room 13 and library) contained:</p> <ul style="list-style-type: none"> <li>• Smokes/security system.</li> </ul> <p>The sixth block (Rooms 14-16 and resource room) contained:</p> <ul style="list-style-type: none"> <li>• Smokes/security system</li> <li>• Manual call points.</li> </ul> <p>The seventh block (hall) contained:</p> <ul style="list-style-type: none"> <li>• Manual call points only.</li> </ul> <p>The eighth block (administration) contained:</p> <ul style="list-style-type: none"> <li>• Manual call points</li> <li>• Smokes/security system.</li> </ul>
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	<p>The caretaker informed the Ministry that the means of warning occupants in the event of an emergency was not an alarm, but a loud speaker voice communication system (SS15/1). This specified system had been omitted from the compliance schedule.</p> <p><u>Emergency lighting systems</u> All of the emergency lighting systems were located in the fourth block containing rooms 7-12.</p> <p>The fourth block contained:</p> <ul style="list-style-type: none"> <li>• Illuminated exit signs – in the foyer, in some rooms and the corridor</li> <li>• ‘Spit Fire’ emergency lighting in the corridor</li> <li>• Dedicated emergency lighting above the stairs to the mezzanine floor in the computer room.</li> </ul> <p><u>Signs</u> All blocks contained non-illuminated exit signs.</p> <p>Manual call points contained signage pertaining to them.</p>
<p><b>Review team conclusions:</b></p>	<p>Council staff should physically inspect the building to locate the specified systems. It is essential in establishing the compliance schedule aligns with the building and vice versa.</p> <p>Audits are a great way of checking that the information on the compliance schedule for the building is accurate. Not only may there be systems in the building not on the compliance schedule (in this case, SS15/1 system for communicating spoken information to facilitate evacuation) but also where there are systems on the compliance schedule that are not in the building – so the owner might be paying for inspections of a system that is non-existent.</p> <p>This school is an example where there are multiple types of a given specified system. For example, the compliance schedule had the generic description of ‘automatic or manual emergency warning system’, but in the complex there was a smoke detection system integrated into the security system, a heat detection system and a manual alarm system. Information gained in the audits can then be used to ensure all types of a given specified system are listed and relevant details are documented in the compliance schedule.</p>
<p><b>Follow up action by Council since the Ministry’s visit:</b></p>	<p>On 19.04.13 and 03.05.13, the owner’s agent applied to the Council to amend the compliance schedule by removing fire (SS15/3) and smoke separations (SS15/5), and adding heat or smoke detectors linked to the security system under emergency warning system (SS2) respectively. The Council issued the amended compliance schedule on 12.06.13.</p>

	<p>The amended compliance schedule was reviewed by the Ministry and it was found that the Council had taken the opportunity to include some site-specific information. However, it was noted that, despite the application from the owner's agent, there was no mention of 'heat or smoke detectors linked to the security system' in the amended compliance schedule. Furthermore, the system for communicating spoken information to facilitate evacuation (SS15/1) had not been included and the opportunity had been missed to state the installed specified systems in each block of the school complex.</p>
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### Case study 3

<b>Building classified use:</b> (layman's description in brackets)	Commercial <sup>15</sup> (shopping mall)
<b>Current building warrant of fitness</b>	Expires 26.04.13
<b>Background:</b>	<p>There are almost 100 retail tenancies in the shopping mall. Tenants include a wide range of retailers, a food court, dining lane and cinemas - all serviced by integrated multi-storey car parking for more than 600 vehicles.</p> <p>The majority of the building consists of retail outlets over two floors in a mezzanine-type layout which opens onto an atrium.</p> <p>As at 14.03.13, the most recent amended compliance schedule was issued on 26.04.12.</p> <p>The compliance schedule has been amended to align with the <i>Building Act 2004</i>, namely to remove the section 103(1)(d) items. It does not appear an application has been received to add system descriptions.</p>
<b>Specified systems on compliance schedule:</b> (number and description as per documentation provided)	<ul style="list-style-type: none"> <li>• 01 - Automatic sprinkler systems or other form of fire protection</li> <li>• 02 - Emergency warning systems for fire or other dangers</li> <li>• 03/1 - Automatic, revolving, doors</li> <li>• 03/3 - Automatic interfaced fire or smoke doors</li> <li>• 04 - Emergency lighting systems</li> <li>• 08/1 - Passenger carrying lifts</li> <li>• 08/3 - Escalators and moving walks</li> <li>• 09 - Mechanical ventilation or air conditioning systems</li> <li>• 14/2 - Signs relating to a system or feature specified in any of clauses 1-13</li> <li>• 15/2 - Final exits</li> <li>• 15/3 - Fire separation (as defined by the Building Code)</li> <li>• 15/4 - Signs for communicating information intended to facilitate evacuation</li> <li>• 15/5 - Smoke separation</li> </ul>

<sup>15</sup> Classified Uses – Building Code clause A1.5.0.1 refers.

<p><b>Form 12As provided with the current building warrant of fitness for the following specified systems:</b></p>	<p>No Form 12As were sighted for this building</p>
<p><b>Review team observations on site:</b></p>	<p>An audit of the building's specified systems was carried out on 14.03.13 by Ministry and Council staff, plus a representative from the mall management office.</p> <p>The Council's policy was to do paper-based audits only. However, for this on-site audit case study, an inspection was made of the building to see and note the installed specified systems.</p> <p>The building warrant of fitness (BWoF) was displayed in the corridor adjacent to the mall administrative offices – this was not a particularly public place, as the majority of building users did not enter this part of the building. It was also noted that the BWoF only covered the previous 2 months – not the previous 12 months as required by the Building Act and Regulations.</p> <p>A log book and the owner's inspection records were kept in the mall management offices on the first floor and were sighted by the review team. The documentation appeared to be in good order.</p> <p><u>Automatic sprinkler system</u> Sprinklers were located throughout the mall complex.</p> <p>As this is a sprinklered building, it is usual to have a backflow preventer to protect the potable water supply from possible cross-contamination caused by the stagnant water within the sprinkler system. The review team were unable to locate any backflow preventer. A sprinkler room was found, but the mall representative was unable to confirm that it serviced the complex and access was not able to be gained. The Council should confirm the existence of any backflow preventers and, if need be, include them on the compliance schedule.</p> <p><u>Emergency warning systems</u> A smoke detection warning system with manual call points was installed throughout the complex.</p> <p>The mall Manager advised the Ministry that a public address system is used to alert customers and staff to evacuate in an emergency. This specified system (SS15/1) was omitted from the compliance schedule.</p> <p><u>Electromagnetic or automatic doors or windows</u> The building contained several types of automatic doors.</p>

	<p>The main entry to the building was via automatic sliding doors.</p> <p>An electromagnetic fire door was located between the retail outlets and the service lifts.</p> <p>Presently there are no access-controlled doors in the complex, but the Ministry were informed that there are future plans to install such doors.</p> <p><u>Emergency lighting systems</u> Illuminated exit signs were throughout the building, mainly at each tenancy exit.</p> <p>‘Spit fire’ and florescent emergency lighting was also found in many areas of the building.</p> <p><u>Lifts, escalators, travelators or similar system(s)</u> The building had the following:</p> <ol style="list-style-type: none"> <li>1. One passenger lift located in the office area</li> <li>2. Passenger lifts between the retail levels and car parks</li> <li>3. One service lift located at the back of the building</li> <li>4. Escalators linking the ground and first floor retail areas.</li> </ol> <p><u>Mechanical ventilation and air conditioning systems</u> Ceiling vents and roof-mounted plant indicated that the building had a mechanical ventilation or air conditioning system.</p> <p>There were also vents/ducts/fans within the atrium that indicated a possible smoke extract system – however this could not be confirmed. The Council should investigate this and if necessary include it as separate item under SS13 on the compliance schedule.</p> <p><u>Emergency power systems for, or signs relating to, a system or feature</u> The illuminated exit signs were connected to a battery back-up which operates in the event of a loss of the primary power source.</p> <p><u>Other fire safety systems or features</u> The building contains final exit doors, inter-floor and inter-tenancy fire separations and smoke stop doors.</p>
<p><b>Review team conclusions:</b></p>	<p>The Council staff should physically inspect the building to locate the installed specified systems. It is essential to verify that the compliance schedule aligns with the building and vice versa. In this case, it was found that there were at least</p>

	<p>two installed specified systems that were not captured in the compliance schedule (SS13 - smoke control and SS15/1 - system for communicating spoken information to facilitate evacuation). Council should confirm the existence of any backflow preventers and, if need be, include them on the compliance schedule.</p> <p>Audits are a great way of checking that the information on the compliance schedule for the building is accurate. Not only may there be systems in the building not on the compliance schedule but also where there are systems on the compliance schedule that are not in the building – so the owner might be paying for inspections of a system that are non-existent.</p> <p>This shopping complex is an excellent example of a building that contains multiple types of a given specified system, but this is not evident on the compliance schedule. The building contained more than one type of a given specified system in the following cases:</p> <ul style="list-style-type: none"> <li>• Emergency warning systems</li> <li>• Electromagnetic or automatic doors or windows</li> <li>• Emergency lighting systems</li> <li>• Lifts, escalators, travelators or similar system(s)</li> <li>• Mechanical ventilation and air conditioning systems.</li> </ul> <p>It is important, that in such cases, details about the different systems are included on the compliance schedule to help ensure that inspection and maintenance of each system is carried out correctly and completely.</p>
<p><b>Follow up action by Council since the Ministry's visit:</b></p>	<p>The compliance schedule has been amended twice since March 2013.</p> <p>Initially, it was amended on 24.05.13 to include specified system descriptions, smoke control systems (SS13), system for communicating spoken information to facilitate evacuation (SS15/1) and other building-specific information.</p> <p>On 20.03.14, it was further amended, as a result of a building consent for an extensive addition to the shopping mall. It was noted that the latest version included automatic backflow preventers connected to a potable water supply (SS7). However, it is unclear why a page dedicated to emergency power systems (SS14/1) is included in the current version, as the 'NA' at the top of the page suggests that this specified system is non-existent.</p>

## Case study 4

<b>Building classified use:</b> (layman's description in brackets)	Industrial <sup>16</sup> (factory)
<b>Current building warrant of fitness</b>	Expires 04.02.14
<b>Background:</b>	<p>The factory building was first constructed in the 1960s.</p> <p>The factory consisted of steel portal framing with a number of different external cladding types. The factory offices were on a mezzanine floor located at the front of the complex, directly above the ground floor cafeteria and toilet facilities for 48 staff.</p> <p>The original compliance schedule was issued on 04.02.97 and it was last amended on 03.02.10. The amended compliance schedule did not reflect the requirement of the Building Act 2004, as it still contained section 103(1)(d) items. It was somewhat confusing to the Ministry that the amended compliance schedule was on a Form 10 (compliance schedule statement). Council staff advised that they were aware of this issue and that they are trying to resolve it with their IT team.</p> <p>The Council advised it had received, with the most recent building warrant of fitness (BWoF), an application to amend the compliance schedule to align with the Building Act 2004. However, the application was not on the prescribed Form 11 and it made no mention of the amended specified systems or the specified system descriptions that needed to be added.</p> <p>The Council advised the Ministry it would only amend a compliance schedule on receiving a properly completed Form 11.</p>
<b>Specified systems on compliance schedule:</b> (number and description as per documentation provided)	<ul style="list-style-type: none"> <li>• 1 - Automatic or manual emergency warning systems for fire or other dangers</li> <li>• 2 - Mechanical ventilation and air conditioning systems</li> <li>• 3 - Emergency power systems for, or signs relating to, a system or feature specified in any of clauses 1 to 13</li> <li>• 4 - Means of escape from fire</li> <li>• 5 - Any signs that are required by the Building Code or by Section 120</li> </ul>

<sup>16</sup> Classified Uses – Building Code clause A1.6.0.1 refers.

<p><b>Form 12As provided with the current building warrant of fitness for the following specified systems:</b> (number and description as per documentation provided)</p>	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> <li>- SS2 Emergency warning systems for fire or other dangers</li> <li>- SS14 Signs relating to, a system or feature specified in any of Clause 1 - 13</li> <li>- SS15/2 Final exits</li> <li>- SS15/4 Signs for communicating information intended to facilitate evacuation</li> </ul> <p>Form 12A – (2)</p> <ul style="list-style-type: none"> <li>- Air conditioning / ventilation</li> </ul>
<p><b>Review team observations on site:</b></p>	<p>An audit of the building’s specified systems was undertaken on 14.03.13.</p> <p>Council officers plus the factory Manager accompanied Ministry staff on an inspection of the premises to verify the installed specified systems against those on the compliance schedule. A Council officer used and completed Council’s building warrant of fitness (BWof) audit form. Typically, the Council limits its audit to checking the on-site paper work only.</p> <p>A current BWof was displayed in a public place located on the mezzanine level by the office door entrance and public counter. Although not a mandatory requirement of the BWof, the specified systems were listed.</p> <p>The factory manager provided the compliance schedule, Form 12As and inspection records. These documents were reviewed by a Council officer and revealed that regular checks of the specified systems were being undertaken.</p> <p>At the time of the review visit, the compliance schedule contained building systems or features which are not considered specified systems. These were:</p> <ul style="list-style-type: none"> <li>• Means of escape from fire</li> <li>• Any signs that are required by the Building Code or by section 120.</li> </ul> <p>A Type 2 manual fire alarm was installed throughout the building.</p> <p>There were signs related to the manual fire alarm, but there appeared to be no emergency power system for specified systems 1-13. At the time of the Ministry’s visit, the compliance schedule indicated that both signs and emergency power could be in the building. This should be clarified.</p>

	<p>The building contained a number of different mechanical ventilation or air conditioning systems (e.g., a ducted ventilation extract system for the removal of toxic machine fumes and an extract system to the spray painting area). However, none of this site-specific information was included in the compliance schedule.</p> <p>The building had exit signage over the final exit doors. However, a designated exit (adjacent to the spray painting area) had an unlocked closed inner steel gate, which would need to be opened before the exit door could be opened. It was suggested by the Council officer to the factory Manager, that this should be checked daily before the start of each business day to ensure it is unlocked and open. This checking should be documented in the factory's site management plan and included in the compliance schedule.</p>
<p><b>Review team conclusions:</b></p>	<p>The Council should verify all installed specified systems are accurately reflected in the compliance schedule. This can be achieved by adding an inspection of the building to its current role when undertaking on-site BWoF audits.</p> <p>Ensure compliance schedules provide a specified system description detailed enough to enable accurate identification of the type of system used along with its location and extent within the building.</p> <p>In this instance, site-specific details about the different mechanical ventilation systems should be included in the compliance schedule, along with the inspection and maintenance requirements.</p>
<p><b>Follow up action by Council since the Ministry's visit:</b></p>	<p>On 04.02.14, the owner's agent applied to the Council to remove building systems or features which are not considered specified systems from the existing compliance schedule. Council issued the amended compliance schedule on 14.03.14.</p> <p>The amended compliance schedule was reviewed by the Ministry and it was found that Council had taken the opportunity to include more building-specific information, but there is still scope for more detail (eg SS9 – Mechanical ventilation and air conditioning systems). The Council confirmed that there was no emergency power system for specified systems 1-13 (SS14/1).</p>



**Photo 1:** Extract systems not specifically mentioned in compliance schedule



**Photo 2:** Designated exit door with inner steel gate

## Case study 5

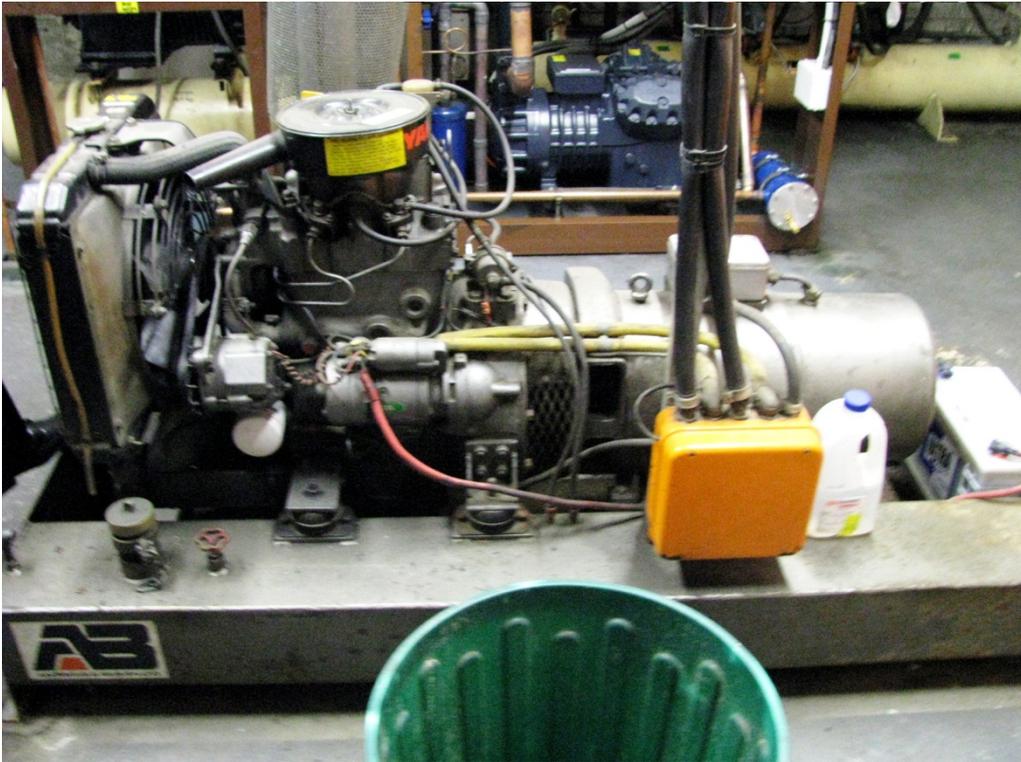
<b>Building classified use:</b> (layman's description in brackets)	Commercial <sup>17</sup> (national chain supermarket)
<b>Current building warrant of fitness</b>	Expires 05.11.13
<b>Background:</b>	<p>Essentially this building is single level, with a six metre stud height, but there are two separate and relatively small mezzanines about the periphery of the expansive retail space.</p> <p>One mezzanine, accommodating three offices, is adjacent to the main entry lobby, and the other above the produce preparation area accommodates the training room, staff tea room, lockers, toilets and various plant rooms.</p> <p>The original compliance schedule was issued 05.11.93 and was last amended 16.11.12 to remove building systems and features which are not specified systems under the Building Act 2004.</p> <p>At the time of the review visit, a new replacement supermarket building was nearing completion at an alternative site. The store manager advised the existing supermarket would cease trading on 08.04.13. It was not known, if the existing building would be reoccupied by another tenant or whether the building would be demolished and the site redeveloped.</p>
<b>Specified systems on compliance schedule:</b> (number and description as per documentation provided)	<ul style="list-style-type: none"> <li>• 01 - Automatic systems for fire suppression</li> <li>• 02 - Automatic or manual emergency warning systems for fire or other dangers</li> <li>• 03/1 – Automatic, revolving, doors</li> <li>• 04 - Emergency lighting systems</li> <li>• 09 - Mechanical ventilation or air conditioning systems (ten systems identified by make and model number)</li> <li>• 14/2 - Signs relating to, a system or feature specified in any of clauses 1 to 13</li> <li>• 15/2 - Final exits</li> <li>• 15/4 - Signs for communicating information intended to facilitate evacuation</li> </ul>
<b>Form 12As provided with the current building warrant of fitness for these following specified systems:</b>	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> <li>- SS1 Automatic systems for fire suppression</li> </ul> <p>Form 12A – (2)</p> <ul style="list-style-type: none"> <li>- SS2 Automatic or manual emergency warning systems for fire or other dangers</li> </ul>

<sup>17</sup> Classified Uses – Building Code clause A1.5.0.1 refers.

<p>(description and number as per documentation provided)</p>	<p>Form 12A – (3)</p> <ul style="list-style-type: none"> <li>- SS3.1 Automatic doors, all types</li> </ul> <p>Form 12A – (4)</p> <ul style="list-style-type: none"> <li>- 4 Emergency lighting systems</li> </ul> <p>Form 12A – (5)</p> <ul style="list-style-type: none"> <li>- Air conditioning systems</li> </ul> <p>Form 12A – (6)</p> <ul style="list-style-type: none"> <li>- 14/2 Signs relating to a system or feature specified in any systems 1 to13</li> <li>- 15/2 Means of escape - Final exits</li> <li>- 15/4 Signs for communicating information intended to facilitate evacuation</li> </ul>
<p><b>Review team observations on site:</b></p>	<p>An audit of this building was carried out on 15.03.13.</p> <p>A Council officer plus the supermarket Manager accompanied Ministry staff on an inspection of the premises to verify the installed specified systems against those on the compliance schedule. The Council officer used and completed the Council’s building warrant of fitness (BWoF) audit form. Ordinarily, the Council limits its audits to checking the on-site paperwork only.</p> <p>A current BWoF was publicly displayed in the main entry lobby. Although not a mandatory requirement of the BWoF, the specified systems were listed (safety barriers were included although no longer on the compliance schedule). However, it was noted some of the BWoF’s fields were not populated, including maximum number of occupants and highest fire hazard category.</p> <p>The supermarket Manager supplied the compliance schedule, inspection records and Form 12As, which were kept in the manager’s mezzanine office. These documents were reviewed by the Council officer and it was found the Form 12As issued in 2012 were not on file.</p> <p>The emergency warning system on the compliance schedule had a generic description only i.e., ‘Automatic or manual emergency warning systems for fire or other dangers’. The building had a Type 6 (sprinklers with manual call points).</p> <p>It was noted that the main public entry had automatic sliding doors, rather than ‘automatic, revolving, doors’ as stated on the compliance schedule. This should be amended.</p>

	<p>There were also access-controlled doors which should be identified as another type of door under specified system 03 (Electromagnetic or automatic doors or windows).</p> <p>The review team noted the following during the course of the on-site inspection which the Council should formally make the owner (or their agent) aware of and take the necessary follow-up action.</p> <ul style="list-style-type: none"> <li>• A generator was found in the mezzanine plant room and no one was able to confirm if it provided back-up power for any of the specified systems (SS14/1). It was suggested its purpose was to run the chillers in the event of a mains power failure.</li> <li>• As this is a sprinklered building, it is usual to have a backflow preventer to protect the potable water supply from possible cross-contamination caused by the stagnant water within the sprinkler system. The review team checked the whole site, including the sprinkler valve room, but were unable to locate any backflow preventer.</li> </ul>
<p><b>Review team conclusions:</b></p>	<p>Rather than undertaking an on-site paper-based audit, the Council should seriously consider expanding its on-site role by verifying all installed specified systems are accurately reflected in the compliance schedule and vice versa.</p> <p>From the Ministry's rapid 'high-level' audit, it would appear the Council has captured most of the installed specified systems in its compliance schedule. But the compliance schedule could be enhanced by including more site-specific information and details in relation to specified system descriptions, performance standards and location within the building. Attaching relevant drawings, reports and technical data sheets to the compliance schedule can add value to a document that is valid for the life of the building.</p>
<p><b>Follow up action by Council since the Ministry's visit:</b></p>	<p>The Council confirmed that copies of the Form 12As issued in 2012 were on its records.</p> <p>Although the building has been closed and unoccupied since April 2013, the Council received a BWoF (dated 05.11.13) from the owner's agent which was accompanied by seven Form 12As from independent qualified persons (IQPs). It was noted that the time periods referred to in three of the Form 12As varied from the prescribed 12 months – these were for periods of 1, 5 and 6 month(s). The Council advised that it was closely monitoring the use of the building and it described the compliance schedule requirements as being 'on hold' as at May 2014.</p>

Where the building is unoccupied, there are two options. 1) IQPs continue to fully comply with the maintenance and inspection requirements of the compliance schedule or, 2) amend the compliance schedule, in the interim, to allow for reduced maintenance and inspections as agreed between the owner and the Council.



**Photo 1:** Possible emergency power system (SS14/1)

## Case study 6

<b>Building classified use:</b> (layman's description in brackets)	Commercial <sup>18</sup> (café and offices)
<b>Current building warrant of fitness</b>	A compliance schedule statement was issued on 18.02.13 (signed and dated on 29.02.13) which expires on 18.02.14.
<b>Background:</b>	<p>This three level building, which includes a part-basement for the storage of office records and files, is constructed with concrete floors and external masonry structural elements on a sloping site and has recently been renovated.</p> <p>The building's original compliance schedule was issued on 06.02.96.</p> <p>The recent renovations were covered by two building consents. One for the café fit-out to part of the ground floor and the other for the office fit-out for the remainder of the building</p> <p>A certificate of public use (CPU) was issued on 02.11.12 for the café fit-out, allowing the public to use the café until 20.02.13 without a code compliance certificate (CCC). The CCC for the café was issued on 23.01.13, while the CCC for the office fit-out was issued on 02.05.13.</p> <p>A new compliance schedule and a compliance schedule statement were issued for the building on 18.02.13 (signed on 29.02.13), almost one month after when the new compliance schedule should have been issued with the CCC. It was noted some of the fields, in both documents, were not populated. Although the new compliance schedule only contained specified systems as per the Regulations, it was still a generic-type document which could be enhanced by including more building-specific information and details (eg specified system descriptions, performance standards).</p>

<sup>18</sup> Classified Uses – Building Code clause A1.5.0.1 refers.

<p><b>Specified systems on compliance schedule:</b> (number and description as per documentation provided)</p>	<ul style="list-style-type: none"> <li>• 02 - Automatic or manual emergency warning systems for fire or other dangers (Type 4)</li> <li>• 03/1 - Automatic, revolving, doors</li> <li>• 03/2 - Access controlled, doors</li> <li>• 04 - Emergency lighting systems</li> <li>• 07 - Any back-flow preventer connected to a potable water supply</li> <li>• 08/1 - Passenger carrying lifts</li> <li>• 09 - Mechanical ventilation or air conditioning systems</li> <li>• 14/2 - Emergency power systems for, or signs relating to, a system or feature specified in any clauses 1 to 13</li> <li>• 15/2 - Final exits</li> <li>• 15/3 - Fire separations (as defined by the Building Code)</li> <li>• 15/4 - Signs for communicating information intended to facilitate evacuation</li> <li>• 15/5 - Smoke separations</li> </ul>
<p><b>Form 12As provided with the current building warrant of fitness for the following specified systems:</b></p>	<p>Nil as under a compliance schedule statement</p>
<p><b>Review team observations on site:</b></p>	<p>An audit inspection of the building was carried out on 15.03.13.</p> <p>While this inspection was mainly focused on the café, the Ministry took the opportunity to sight the installed specified systems in the rest of the building to verify the accuracy of the building's compliance schedule.</p> <p>A Council officer, plus the café and office Managers, accompanied Ministry staff on an inspection of the respective premises. The Council officer used and completed the Council's building warrant of fitness audit form for the café. At the time of this audit, the Council undertook paper-based audits only.</p> <p>The compliance schedule statement was not displayed.</p> <p>The following specified systems were observed in the building:</p> <p><u>Emergency warning systems</u> The building had a smoke detection system (Type 4) with manual call points within the café, offices and office staff kitchenette.</p>

	<p><u>Automatic doors</u> Automatic doors were located in the café and office space. These doors were automatic sliding doors rather than ‘automatic, revolving doors’ as stated on the compliance schedule. This should be amended.</p> <p><u>Automatic backflow preventers</u> The café dishwashing area, located behind the food service section contained two backflow prevention devices which were connected to the mains water supply.</p> <p><u>Emergency lighting systems</u> Illuminated exit signs and ‘Spit Fire’ emergency lighting were installed throughout the building.</p> <p><u>Lifts, escalators, travelators or similar system(s)</u> A passenger lift serviced the office area.</p> <p><u>Mechanical ventilation and air conditioning systems</u> Several mechanical ventilation systems installed throughout the building.</p> <p><u>Other fire safety systems or features</u></p> <ul style="list-style-type: none"> <li>- Exit signage over final exit doors</li> <li>- Access-controlled doors were located in the ground floor office lobby area and on the first floor (access to the computer server room)</li> <li>- Smoke-stop doors within the office stair well.</li> </ul>
<p><b>Review team conclusions:</b></p>	<p>From the Ministry’s rapid on-site audit, it would appear the Council has captured the installed specified systems on the new compliance schedule.</p> <p>However the compliance schedule needs to be enhanced by including more site-specific information and details in relation to specified systems descriptions, performance standards and location within the building. Attaching relevant drawings, reports and technical data sheets to the compliance schedule can add value to a document that is valid for the life of the building.</p> <p>The Council should consider expanding its on-site role by verifying all installed specified systems are accurately reflected in the compliance schedule and vice versa.</p>
<p><b>Follow up action by Council since the Ministry’s visit:</b></p>	<p>Based on the information provided by the independent qualified persons, the Council initiated and issued an amended compliance schedule on 09.04.14.</p>

	<p>The amended compliance schedule was reviewed by the Ministry and it was found that the Council had taken the opportunity to include more building-specific information and attaching relevant documents (eg the café fit-out fire report which had a floor plan showing the fire and smoke separations). It was noted that the backflow preventer in the café kitchen was omitted from the amended compliance schedule.</p>
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