



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

Technical Review of Hutt City Council



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

November 2013



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INNOVATION & EMPLOYMENT**
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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 Hutt 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 30 January to 1 February 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 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 ongoing performance monitoring function. This aims to help councils across the country to 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) and includes 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, ie 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

Hutt City Council has jurisdiction over an area of 377 square kilometres and according to the 2006 census was the tenth largest city in New Zealand by population with 97,701 residents.

Hutt City is home to leading Crown research institutes, such as GNS Science (formerly known as the Institute of Geological and Nuclear Sciences Limited) and Industrial Research Limited along with many other cutting edge research organisations in high-end manufacturing, research and technology. Many of the buildings associated with the previously-mentioned businesses, plus other commercial and industrial buildings have specified systems, which the *Building Act 2004* requires to have compliance schedules.

At the time of the Ministry's review visit (late January 2013), the Council's Building Control group allowed for a total of 14 staff for the administration, processing and inspections of building consents, as well as other building control functions. The Council employed a dedicated compliance schedule and building warrant of fitness officer and had appointed a

fixed-term employee, initially for three months, to undertake building warrant of fitness on-site inspections.

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 that have compliance schedules at 30 November 2012	1138
2	Amended compliance schedules issued between 13 March 2012 and 30 November 2012	157
3	On-site building warrant of fitness audits carried out between 13 March 2012 and 30 November 2012	0
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	0
5	Notices to fix in relation to compliance schedule and/or building warrant of fitness matters issued between 13 March 2012 and 30 November 2012	0
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 30 November 2012	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 its building control activities
- identify appropriate systems, processes, and resources required so it can carry out its building control operations
- effectively fulfil its 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 its building control personnel to do 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 functions¹.

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 (eg policies, procedures, processing check-lists and records, manuals and approved building consent documentation)
- interviewing staff about their use of material and their work
- assessing a random sample of building projects (case studies) which 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.

¹ The *Building Act 2004* is available at www.legislation.govt.nz.

2.4 Acknowledgement

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

3. Our findings and recommendations

3.1 Purpose

To assess the Council's performance in administering its 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 ongoing 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* made 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 ongoing 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, hand-held 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 noted below.

- 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 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 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 had in place sound compliance schedule and building warrant of fitness policies and procedures. It was noted the latest amendment to the *Building Act 2004*, specific to compliance schedules, had been incorporated into its policies and procedures. During the review visit, the office-based building warrant of fitness administrator demonstrated a good understanding and knowledge of the *Building Act 2004* requirements as reflected in the quality of the recently-compiled compliance schedules. However, there was considerable opportunity to improve its performance in other areas, such as undertaking on-site audits, issuing notices to fix, and where necessary, issuing infringement notices.

Amending compliance schedules

The Council's website and front counter contained a limited amount of public information about compliance schedules (new or amended) and building warrants of fitness. The Council's document *Certificates* would benefit from being updated and corrected where necessary. The suggested amendments are as follows:

- The term ‘licensed building practitioners’ should be replaced with ‘independent qualified persons’ (page 3 refers).
- ‘Safety barriers’ should be deleted from the examples of specified systems, as this has not been the case since 2004 (page 3 refers).
- The following text on page 3 should be corrected: ‘If you have resumed use of the building after it has been vacant, you must supply a building warrant of fitness confirming you have resumed the necessary inspection, maintenance and reporting procedures’. Note, the *Building Act 2004* requires all buildings with specified systems to have a compliance schedule and a current building warrant of fitness. This is regardless of whether the building is occupied or not.
- Include links to the Ministry’s guidance documents *Owners’ responsibilities to ensure their buildings are safe to use*² and the *Compliance schedule handbook*³. Members of the public, and especially building owners, may find these publications beneficial to understanding the compliance schedule and building warrant of fitness system. (Note these links could also be incorporated in Council’s building warrant of fitness reminder letters to owners).

Although the sample of amended compliance schedules reviewed by the Ministry was of an adequate standard overall, there were instances (including all six case studies) in which the compliance schedule would be enhanced by providing more site-specific descriptions of the specified system(s). Furthermore, it is recommended the location of specified systems be included in the compliance schedule. There were examples where the owner’s on-site representative had an excellent knowledge of both the type and location of specified systems. Whereas, an independent qualified person entering the building(s) for the first time, would have difficulty knowing the specifics of a given specified system, and where to find that given specified system(s)⁴.

As there have been a number of changes made to the *Building Act 2004* about compliance schedules, building warrant of fitness and owners’ responsibilities, it is important Council provides adequate communication to building owners of these changes⁵. To this end, Council advised it intends to shortly hold three seminars for owners who have buildings with compliance schedules.

Between 13 March and 30 November 2012, Council amended 157 compliance schedules. Council estimated it had amended approximately 95 percent of all the compliance schedules that were required to have ‘passive systems’ deleted from the listed specified systems. While this is commended, compliance schedules should also be updated to include a clear description of each and every specified system. However, it is acknowledged the descriptions of specified systems were improving, but the Council was unable to advise what number or percentage of compliance schedules it believes needed to be amended in order to achieve satisfactory descriptions of specified systems.

² *Owners’ responsibilities to ensure their buildings are safe to use* available at: <http://www.dbh.govt.nz/building-warrant-of-fitness-guide>.

³ *Compliance schedule handbook* available at: <http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Compliance-documents/compliance-schedule-handbook-amendment-2.pdf>.

⁴ Case studies 1, 4 and 6 refer.

⁵ The former Department of Building and Housing (now the Ministry) formally advised all building control managers on 16 April 2012 of the scope of changes due to Parliament passing the *Building Amendment Act 2012*.

In order to encourage and assist building owners and their agents to provide more site-specific information in relation to specified systems, it is suggested Council considers expanding a given specified system on relevant application forms⁶ to capture the various sub-categories and types of that specified system. For instance, specified system SS3 (electromagnetic or automatic doors or windows) could possibly have three sub-categories – SS3/1 (automatic doors), SS3/2 (access-controlled doors) and SS3/3 (interfaced fire or smoke doors or windows)⁷.

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

In previous reviews of other councils, the Ministry has noted many examples of building warrants of fitness listing the specified systems. While this is not a mandatory requirement of prescribed Form 12 of the *Building (Forms) Regulations 2004*, the Ministry would support acceptance of the additional information on the form and Council's ongoing encouragement of the independent qualified persons to undertake or continue the practice. The additional information helps provide useful information to other parties (eg new independent qualified persons or the New Zealand Fire Service) who may inspect the building.

To assist building owners and their agents, Council provides a building warrant of fitness (Form 12) template⁸ on its website which incorporates its logo. In two of the case studies⁹ this template had been used. Therefore, the publicly displayed building warrant of fitness featured the Council's logo. As the building warrant of fitness is a declaration issued by the owner, the review team considers the Council logo should not appear on this form as it is potentially misleading due to it appearing to have been issued by the Council rather than the owner.

Also the following issues were noted regarding the Council's Form 12.

- Currently the form allows for one date only, ie 'BWof Expiry Date'. As the current wording significantly alters the meaning of the prescribed form, particularly when read in association with the statement under the warrant section of the form¹⁰, the wording is required to be amended to read 'BWof Issue Date'.
- The form could continue to have an expiry date, so long as provision is clearly made for the building warrant of fitness issue date (which should be the anniversary of when the original compliance schedule was issued).
- No provision has been made for the footnotes as they appear in the prescribed Form 12.

The building warrants of fitness and Form 12As submitted by the independent qualified persons did not always have all fields populated (eg level/unit number, location of building within site/block number) and did not all align with the specified systems in the compliance schedule¹¹. A desk-top check would quickly identify any discrepancies which could be confirmed during an on-site audit.

⁶ Council's application for compliance schedule (ECW-FORM-419 (May 2012)) and Council's application for building consent and/or project information memorandum (ECB-FORM-256 (January 2013)).

⁷ Refer to pages 22 to 24 of the *Compliance schedule handbook* for guidance.

⁸ Council's document ECW-FORM-417 (December 2011) refers.

⁹ Case studies 1 and 4 refer.

¹⁰ The statement reads: 'The inspection, maintenance, and reporting procedures of the compliance schedule for the above building have been fully complied with during the 12 months prior to the date stated below'.

¹¹ For example, in case study 6 the emergency power generator had a Form 12A but was not on the compliance schedule.

A more thorough checking of Form 12As appears to be warranted. There were two case studies¹² where the review team believe Council did not exercise good practice. This related to it accepting the Form 12A and building warrant of fitness completed by the building warrant of fitness management company, without sighting the multiple Form 12As issued by those independent qualified persons who physically did the inspections and maintenance of the various specified systems. The Council should have put greater emphasis on the Form 12As completed by each independent qualified person, and at the very least accessed the building warrant of fitness management company's website where the Form 12As were available electronically. Council's records system needs to retain, either electronically or in hard copy, all completed Form 12As for the life of the building¹³.

The information provided by Council included several 'in lieu of a Form 12A' reports¹⁴, which were used as supporting documentation for the issue of some building warrants of fitness. Despite such a form having no legal status, there was no evidence that any action had been taken by Council in respect of these¹⁵.

Section 108(1) of the *Building Act 2004* states: 'An owner of a building for which a compliance schedule has been issued must supply to the territorial authority a building warrant of fitness in accordance with subsection (3)'. There was one case study¹⁶ where several building warrants of fitness were issued in relation to a compliance schedule. Although the desired outcome was achieved in this case, that is, the industrial complex's specified systems were inspected and maintained to allow the occupants to safely use the buildings¹⁷; the review team believe this was not the intent of the legislation. In this case, since there was one compliance schedule covering the whole complex, best practice suggests there should have been a single building warrant of fitness, rather than the eight building-specific building warrants of fitness.

There appears to be some confusion in the sector in regards to some installed specified systems. It should be noted that regardless of the reasons for installing a given specified system (eg for insurance or protection of property purposes), once a specified system is installed, it is required to be on the compliance schedule and it is to be inspected and maintained in accordance with the requirements of that compliance schedule¹⁸.

On-site audits

Although the Council had only recently documented a policy and procedures for on-site building warrant of fitness audits, at the time of the review visit, it was not carrying out any. Council advised it had undertaken on-site audits until 2009 and it intended to recommence these audits in the near future, once a newly employed staff member was sufficiently trained. The Building Control Manager advised it was Council's intention to annually audit 35 percent of the buildings with compliances schedules. It is suggested Council should make its on-site

¹² Case studies 3 and 5 refer.

¹³ Section 216(2)(b) of the *Building Act 2004* refers.

¹⁴ Case studies 1, 4 and 5 refer.

¹⁵ For guidance refer to. Determination 2011/089 *The issue of a notice to fix concerning the refusal of a reduced building warrant of fitness for a hotel at 310 Princes Street, Dunedin* – which can be viewed at: <http://www.dbh.govt.nz/UserFiles/File/Building/Determinations/2011/2011-089.pdf>.

¹⁶ Case study 4 refers.

¹⁷ This is one of the purposes of section 3 of the *Building Act 2004*.

¹⁸ An installed sprinkler system in case study 4 refers.

building warrant of fitness audits policy available to the general public and consider notifying building owners directly.

Ministry staff accompanied Council staff on all six on-site audits/inspections 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. In one instance, the building warrant of fitness had expired and was approximately 18 months out of date¹⁹. In another, the building owner had completed all the procedures required and had a current building warrant of fitness on the owner's file, but the expired building warrant of fitness was the one which was publicly displayed²⁰.

It is acknowledged Council have taken steps to address the staffing and on-site audit issue, although the staff resources allocated for on-site inspections had been, at the time of the Ministry's visit, allocated on a relatively short, fixed-term period (three months). The findings described above should demonstrate and encourage the Council to provide long-term resourcing for on-site inspections. On-site audits, which include a 'high-level' visual inspection of the listed specified systems, provide not only an opportunity to ensure an accurately documented compliance schedule but also provides an opportunity to assess the quality and authenticity of the paper-work supplied by independent qualified persons.

Issuing notices to fix

Although Council still regularly uses notices to fix for breaches of the *Building Act 2004*, it had decided in 2009, not to issue such a notice for breaches in relation to compliance schedule and/or building warrant of fitness matters. At the time of the Ministry's review visit, Council was in the process of developing a documented policy and procedures around issuing notices to fix, specifically in relation to compliance schedule and/or building warrant of fitness matters.

Notices to fix are an effective feature of the building regulatory regime and should be included in the Council's enforcement tool-kit when dealing with compliance schedule and/or building warrant of fitness matters. Appropriate use of notices to fix and infringement notices encourage compliance with the *Building Act 2004* and would avoid the situation of repeated ignoring of Council's building warrant of fitness reminder letters²¹.

The Council had no public information which covered notices to fix.

Issuing infringement notices

To date, the Council has not adopted a policy to issue infringement notices for building offences, including those for compliance schedule and building warrant of fitness matters. However, at the time of the review visit, the Council was in the process of developing a draft documented policy and procedures around issuing infringement notices²².

The Council has been passive in its use of building control enforcement tools, including notices to fix. It could look to other councils as to how they are dealing with issues of non-compliance.

¹⁹ Case study 1 refers.

²⁰ Case study 6 refers.

²¹ Case study 1 refers.

²² Refer to the Ministry's guidance document: *Building infringement scheme guidelines* available at: <http://www.dbh.govt.nz/building-infringement-scheme-guidelines-index>.

For example, Wellington City Council²³, 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, 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 Hutt City Council adopt a similar policy and process.

When Council finalise their policies around notices to fix and infringement notices they should be made available to the general public and additional communication to building owners should be undertaken highlighting Council's policies.

3.4 Conclusion and recommendations

Council's compliance schedule and building warrant of fitness policies and processes, where completed, are adequate. At the time of the Ministry's review visit, Council had knowledgeable in-house expertise and most compliance schedules were of a reasonably high standard, but could be enhanced by implementing some of the recommendations below. The enforcement of the compliance schedule and building warrant of fitness system could be considerably strengthened by reinstating on-site audits, issuing notices to fix and, whenever necessary, infringement notices.

The Ministry recommends that the Council:	Response from the Council:
<p>a) Include information on Council's website which informs building owners and independent qualified persons what their obligations are under the <i>Building Act 2004</i>, particularly the amendments that came into force 13 March 2012</p>	<p>Council advised its web master is restructuring the website so that the information, templates and guidance documents are easier to find. As at 18 June 2013, the Council advised it expected this work would take about 2 months.</p>
<p>b) Update and correct Council's document <i>Certificates</i> which is available on its website and consider providing links to useful guidance documents on the</p>	<p>Council advised the restructure of its website would include useful links.</p>

²³ Refer to the Ministry's guidance document *Guidance in relation to Schedule 1(k) exemptions and issuing building infringement notices* available at: <http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Technical-reviews/2012-wellington-technical-review.pdf>.

Ministry's website	
c) 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 and consider attaching other relevant information (eg drawings showing the details and location of specified systems, fire reports, technical data sheets)	Council advised it has established better communication with existing building owners (and their agents) and new building owners and designers. Council has created information sheets setting out compliance schedule requirements
d) Amend the Council's Form 12 by removing the Council's logo, including a building warrant fitness issue date and the footnotes as prescribed in the <i>Building (Forms) Regulations 2004</i>	Council advised its logo has been removed and the form redesigned to capture all the requirements of Form 12 prescribed in the <i>Building (Forms) Regulations 2004</i> .
e) Consider expanding a given specified system on its application forms to capture the various sub-categories and types of that specified system. For instance, specified system SS3 (electromagnetic or automatic doors or windows) could possibly have three sub-categories – SS3/1 (automatic doors), SS3/2 (access-controlled doors) and SS3/3 (interfaced fire or smoke doors or windows)	Council advised a new form has been developed and included in the building consent application packets.
f) Be more thorough in its checking of Form 12As, particularly when completed by building warrant of fitness management companies, and make sure all Form 12As issued by those independent qualified persons who physically did the inspections and maintenance are stored in the Council's records system, either electronically or hard copy, for the life of the building	Council advised a new procedure has been written to capture this issue.
g) Ensure it returns all 'in lieu of a Form 12A' reports and take all appropriate	Council advised a procedure has been put in place where 'in lieu of a Form 12A' reports will not be accepted unless a valid reason is

actions to rectify the situation with the independent qualified person and/or building owner	provided (eg change of independent qualified person during the previous 12 months).
h) Ensure only one building warrant of fitness is issued by the owner, or the owner's agent, against the compliance schedule (section 108(1) of the <i>Building Act 2004</i> refers)	Council advised that building owners are being informed of a number of issues in relation to building warrants of fitness/compliance schedules, including this particular issue, via information sheets.
i) Consider a permanent increase in Council resources to undertake on-site auditing of building warrants of fitness	Council advised a building officer with the required competencies is now undertaking this work.
j) When undertaking on-site audits, carry out a high-level check to ensure the listed specified systems are installed or, that all installed specified systems appear on the compliance schedule	Council advised a building officer with the required competencies is undertaking high-level on-site audits of all buildings. Council anticipates this work will take up to two years.
k) Endeavour to complete and implement, as quickly as possible, policy and procedures on notices to fix in relation to compliance schedule and building warrant of fitness matters	Council advised where obligations under the <i>Building Act 2004</i> where not being met, a notice to fix is issued and this procedure has been included in its quality management system document.
l) Endeavour to complete and implement, as quickly as possible, policy and procedures on infringement notices	Council advised that policies and procedures have been implemented.
m) Include notice to fix and infringement notice information on Council's website and notify building owners directly.	Council advised notices to fix and infringement notices will be included in the restructure of the website.

4. Council's feedback

The Council thanked the Ministry for the review visit and it advised such reviews provide an opportunity to improve its customer service and to align, where necessary, with the legislative requirements of the *Building Act 2004*.

The Council made the following comment:

As we are sometimes too close to the work that we undertake, it is sometimes easier 'to go with the flow' rather than ask the tough question: are we doing the minimum that is required, or are we constantly challenging the process to ensure that we are at the maximum that is required?

Council also commented that it found the Ministry's review team to be polite and professional, without being overbearing.

5. Case studies – On-site audits

Case study 1

Building classified use: (layman's description in brackets)	Commercial ²⁴ (bars and restaurant) and Communal Residential – Community Service ²⁵ (guest accommodation)
Current building warrant of fitness	Expired 01.07.11
Background:	<p>The complex consists of two buildings – a hotel with an adjoining shop and a separate guest accommodation block.</p> <p>The hotel, which was the original building on the site, has two bars and a restaurant on the ground floor with several non-serviced bedrooms on the first floor. There are external fire escapes which provide secondary means of escape from the first floor.</p> <p>The guest accommodation block consists of 20 serviced motel units which are fire separated by the suspended concrete floor slab and masonry party walls. Access to the upper units is provided via an elevated external covered walkway with stairs at either end.</p> <p>The original compliance schedule was issued on the 01.07.94 and was last amended on 19.08.10 to remove building systems and features which are not specified systems under the <i>Building Act 2004</i>.</p> <p>Council's records show that four building warrant of fitness (BWoF) reminder letters, dated 17.06.11, 29.09.11, 20.06.12 and 02.11.12, were sent to the owner without achieving the required outcome.</p>
Specified systems on compliance schedule: (number and description as per documentation provided)	<ul style="list-style-type: none"> • SS1 - Fire sprinkler system • SS2 - Automatic fire alarm • SS4 - Emergency lighting systems • SS14 - Signs for systems • SS15/2 - Final exits • SS15/4 - Signs for communicating information intended to facilitate evacuation

²⁴ Classified Uses – Building Code clause A1.5.01 refers.

²⁵ Classified Uses – Building Code clause A1.3.02 refers.

<p>Form 12As provided with the current building warrant of fitness for the following specified systems: (number and description as per documentation provided)</p>	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> - C2 Automatic fire alarm - D Emergency lighting systems - L Signs for building systems - M Means of escape - N Safety barriers - O Access and facilities for people with disabilities - P hand held fire hose reels/ fire extinguishers - Q Signs – sec 118, 120 <i>Building Act 2004</i> <p>It was noted a report ‘in lieu of a 12A’ for the automatic sprinkler system was supplied with the most recent BWoF. The report, dated 15.06.10, advised the reason for not completing a Form 12A was due to the water supply, which needed investigating. A service report from the independent qualified person (IQP) for all the building’s systems and features, dated 23.03.10, was also supplied to Council as a supporting document to the BWoF. (It was noted that another ‘in lieu’ report was issued by the same IQP, for the same specified system on 12.09.08).</p>
<p>Review team observations on site:</p>	<p>An audit of this building was carried out on 30.01.13.</p> <p>A Council officer accompanied Ministry staff on an inspection of the premises to verify the installed specified systems against those on the compliance schedule. Although Council has its own BWoF audit form (ECW-FORM-418), one was not used in this instance.</p> <p>An expired BWoF was publicly displayed at door head height, adjacent to the hotel’s main entrance. The BWoF featured the Council’s logo and the only date provided on the BWoF was the expiry date rather than the issue date. It was noted many of the form’s fields were not populated.</p> <p>The hotel manager was unable to provide the compliance schedule, which, according to the BWoF, is kept at reception. Furthermore, the manager was unable to locate any inspection records or Form 12As.</p> <p>It appeared the sprinklers in the adjoining shop were connected to the hotel system.</p> <p>Since the building has sprinklers, it would be expected that there is at least one automatic back-flow preventer on the premises. The review team checked the whole site but were unable to gain access to the hotel’s sprinkler valve room on the ground floor, so were unable to confirm the presence or otherwise of a back-flow preventer.</p>

	<p>In terms of emergency warning systems, the hotel had a Type 6 (sprinklers with manual call points), while the accommodation block externally had a Type 2 (manual call points only) with Type 1 (domestic smoke alarms) within the motel units. It was noted there were no smoke alarms in the non-serviced bedrooms on the upper floor of the hotel. None of this site-specific information was included in the compliance schedule.</p> <p>There were extraction systems within the hotel kitchen and over the bistro cooking area. Ventilation air supply inlets and return outlets were also sighted in the ceilings to the dining area and both bars. This specified system was not included on the compliance schedule.</p> <p>The means of escape from the upper floor of the hotel was compromised by the following:</p> <ul style="list-style-type: none"> • a labelled smoke-stop door at the top stair landing was wedged open (this was also noted in the IQP’s service reports, dated 31.03.09 and 23.03.10, plus smoke separations are not included in the compliance schedule) • no exit signage provided to the final exit door at the main entrance • a chained and padlocked gate prevents a final exit from the confined ground floor service courtyard for the eastern external fire escape (this was also noted in the IQP’s service reports, dated 31.08.06 and 31.03.09). <p>No provision had been made in the compliance schedule for the fire separations (party walls and suspended concrete floor slab) between the units of the guest accommodation block.</p> <p>In summary, the compliance schedule omitted the following specified systems:</p> <ul style="list-style-type: none"> • SS7 Automatic back-flow preventers (although one not found by the review team, and the IQP has subsequently advised there is not one, there needs to be one on site, otherwise there is a danger of the water contained in the sprinkler system cross-contaminating the potable water supply) • SS9 Mechanical ventilation or air conditioning systems • SS15/3 Fire separations • SS15/5 Smoke separations.
<p>Follow up action by Council:</p>	<p>Following Council discussions with the owner, the Council formally acknowledged receipt of the Form 12A (letter dated 15.02.13) without the current BWoF. Council’s letter advised a copy of the current BWoF was required to be supplied to</p>

	<p>Council by 02.03.13.</p> <p>Council contacted the owner (letter dated 11.03.13) acknowledging receipt of the current BWoF and the letter also pointed out the following issues for attention:</p> <ul style="list-style-type: none"> • Ensure a copy of the compliance schedule is kept on the premises as stated in the BWoF, along with the associated Form 12As • Request for an application for amendment to the compliance schedule to include mechanical ventilation, kitchen extractor and a smoke-stop door • Confirm whether there is a backflow preventer for the sprinkler system. <p>An email to Council (dated 11.03.13) confirmed there was no backflow preventer on the premises.</p> <p>Council advised there was no evidence (plans or documents) supporting the existence of fire separations.</p>
<p>Review team conclusions:</p>	<p>Council should amend the compliance schedule to include all installed specified systems and provide sufficient site-specific detail and information, including the location of specified systems, to enable an IQP unfamiliar with the building to successfully do their inspection and maintenance role.</p> <p>This case study highlights the need for Council to reinstate on-site audits. Audits provide an opportunity to check the accuracy of compliance schedules, plus they provide a gauge on the quality and authenticity of the IQPs' paper-work.</p> <p>Since mid 2011, the building owner has ignored his BWoF responsibilities under the <i>Building Act 2004</i> to ensure the installed specified systems are being inspected and maintained in accordance with the compliance schedule. Furthermore, Council's customer-focused approach to compliance and enforcement has allowed the owner to ignore four reminder letters without any consequences.</p> <p>Council should consider issuing notices to fix (NTFs) for such non-compliance. If, after a reasonable time, the non-compliance has not been fixed, it could elect to issue an infringement notice (if a policy was adopted) for refusing to comply with the NTF.</p>

Case study 2

Building classified use: (layman's description in brackets)	Communal Non-Residential – Assembly Care ²⁶ (school)
Current building warrant of fitness	Expires 30.06.13
Background:	<p>The school grounds contain a series of different 'blocks' which, in most cases, are joined by covered walkways.</p> <p>Since first being constructed, the school has had the addition of new blocks and modifications to existing buildings. Construction has included the installation of some new specified systems.</p> <p>Council's records show the original compliance schedule was issued 30.06.94 and it was most recently amended 03.05.10.</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. However, it appears system information is being added as it is received through other documentation (eg Form 12As).</p>
Specified systems on compliance schedule: (number and description as per documentation provided)	<ul style="list-style-type: none"> • SS2 - Emergency warning systems for fire or other dangers (automatic fire alarm – type 3 – manual call points and heat detection) • SS3 - Electromagnetic or automatic doors or windows (automatic sliding doors) • SS14 - Emergency power systems for, or signs relating to, a system or feature specified above (signs for systems) • SS15 - Other fire safety systems or features – (SS15/2 - Final exits, SS15/3 - Fire separations, SS15/4 - Signs for communicating information intended to facilitate evacuation)
Form 12As provided with the current building warrant of fitness for the following specified systems: (number and description as per	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> - SS2 Emergency warning systems - SS4 Emergency lighting systems <p>Form 12A – (2)</p> <ul style="list-style-type: none"> - SS3.1 Automatic sliding egress doors

²⁶ Classified Uses – Building Code clause A1.4.0.3 refers.

documentation provided)	<p>Form 12A – (3)</p> <ul style="list-style-type: none"> - SS4 Emergency lighting systems - SS14/2 Signs - SS15/2 Final exits - SS15/3 Fire separations - SS15/4 Signs for facilitating evacuation
Review team observations on site:	<p>An audit of this building was carried out on 30.01.13.</p> <p>An audit of the building’s specified systems was done jointly between Ministry and Council staff. Due to Council staff not undertaking audits as part of their policy and procedures, Ministry staff did not visit the site with the purpose of observing Council staff.</p> <p>The building warrant of fitness (BWoF) was publicly displayed in the school’s main reception area.</p> <p><u>Emergency warning systems</u></p> <p>Each block within the school had a mix of different emergency warning systems which reflected the various ages and the modifications to the buildings.</p> <p>The Administration Block contained heat detectors.</p> <p>Block A contained smoke detectors connected to the security system in the classrooms, as well as one heat detector in the corridor/ cloak room area adjoining the class rooms.</p> <p>Block B had smoke detectors connected to the security system.</p> <p>Block C had smoke detectors.</p> <p>Block D had smoke detectors and heat detectors.</p> <p>The outdoor covered walkways between blocks contained heat detectors.</p> <p>Manual call points and sounders could be found throughout all the buildings in the school. The manual call points in Block 6A were installed in 2011.</p> <p>The principal 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>Electromagnetic or automatic doors or windows</u></p> <p>There was an external automatic sliding door from the enclosed walkway between Blocks A and B. This door remains in the open position during school hours.</p> <p>There was also an external automatic swing door from Block A. According to the caretaker, this is not connected to the alarm system and is for ease of accessibility for persons with disabilities. This door is kept locked at night.</p> <p><u>Emergency lighting systems</u></p> <p>An emergency lighting exit sign was installed in Block 6A in 2011 when this particular block was constructed.</p>
<p>Follow up action by Council:</p>	<p>Council emailed the owner’s agent (dated 30.01.13 and 12.03.13) and raised the following issues for their attention:</p> <ul style="list-style-type: none"> • Request for an application for amendment to the compliance schedule to include emergency lighting (SS4) • State the location of the automatic sliding door • Request for information about what emergency warning systems are installed in each block.
<p>Review team conclusions:</p>	<p>Council should add compliance schedule/ BWoF audits to their current functions in relation to enforcing BWoFs.</p> <p>It is understood audits ceased in 2009, but will resume soon with the new staff member contracted for three months to pick this work up again. It is highly recommended a longer-term view be given to this position in the form of a full-time auditor.</p> <p>Audits are an effective 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, SS4 emergency lighting and SS15/1 system for communicating spoken information to facilitate evacuation) but also where there are systems on the compliance schedule that aren’t 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 of where there are multiple types of a given specified system. For example, the compliance schedule may have listed ‘emergency warning system’, but in the building there is a smoke detection system, a heat detection system and another type of system. Information gained in the audits can then be used to ensure all the types of a given specified system are listed and details given about each.</p>



Photo 1: Emergency lighting omitted from the compliance schedule

Case study 3

Building classified use: (layman's description in brackets)	Commercial ²⁷ (shopping complex)
Current building warrant of fitness	Expires 22.03.13
Background:	<p>The building consists of three levels, the ground level which is largely occupied by the car park and two upper levels of retail/shopping. There are multiple retail tenancies which are centred about the atrium which extends the height of the building.</p> <p>The original compliance schedule was issued 22.03.07 and was last amended on 31.03.10.</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. However, it appears system information is being added as it is received through other documentation (eg Form 12As).</p>
Specified systems on compliance schedule: (number and description as per documentation provided)	<ul style="list-style-type: none"> • SS1 - Automatic sprinkler systems or other form of fire protection (fire sprinkler system) • SS2 - Emergency warning systems for fire or other dangers (automatic fire alarm - type 7 - manual call point and smoke detection) • SS3 - Electromagnetic or automatic doors or windows (automatic sliding doors - electromagnetic held-open type release on fire alarm for fire/smoke control door) • SS4 - Emergency lighting systems • SS7 - Automatic backflow preventers connected to a potable water supply • SS8 - Lifts, escalators, travelators or similar system(s) (passenger carrying lifts and service lift) • SS9 - Mechanical ventilation and air conditioning systems • SS10 - Building maintenance units providing access to exterior and interior walls of buildings (ladder - mechanical roof cleaning system) • SS13 - Smoke control systems (extract system) • SS14 - Emergency power systems for, or signs relating to, a system or feature specified above (signs for systems) • SS15 - Other fire safety systems or features (SS15/2 - Final exits, SS15/3 - Fire separation, SS15/4 - Signs for

²⁷ Classified Uses – Building Code clause A1.5.0.1 refers.

	communicating information intended to facilitate evacuation , SS15/4 - Smoke separation)
<p>Form 12As provided with the current building warrant of fitness for the following specified systems: (number and description as per documentation provided)</p>	<p>Form 12A – (1) completed by the building warrant of fitness (BWoF) management company on behalf of the contractors acting as the owner’s independent qualified persons (IQPs) covered:</p> <ul style="list-style-type: none"> - Automatic sprinkler systems or other form of automatic protection - Emergency warning systems for fire or other dangers - Automatic sliding egress doors - Automatic doors which form part of a fire wall and which are designed to shut and remain shut on alarm of fire - Emergency lighting systems - Automatic backflow preventer - Passenger carrying lifts - Service lift - Mechanical ventilation and air conditioning systems - Building maintenance units - Smoke control systems - Emergency power systems for, or signs relating to, a system or feature specified in any clause 1 to 13 - Final exits - Fire separation - Signs for communicating information intended to facilitate evacuation - Smoke separation <p>(Note: the review team checked the Wellington regional register of IQPs which is administered by the Wellington City Council and it was confirmed the IQP who signed the Form 12A for the BWoF management company had the authority to sign off on all the above-listed specified systems).</p> <p>Form 12A – (2)</p> <ul style="list-style-type: none"> - Backflow prevention device <p>Unlike case study 5, the review team did not request Council to access the BWoF management company’s website to provide copies of all the Form 12As issued by the IQPs who physically inspected and maintained the specified systems. It was somewhat surprising to the review team that the Council did not have copies (electronic or hardcopy) of this information in its records.</p>
<p>Review team observations on site:</p>	<p>An audit of this building was carried out on 31.01.13.</p> <p>An audit of the building’s specified systems was done jointly</p>

between Ministry and Council staff. Due to Council staff not undertaking audits as part of their policy and procedures, Ministry staff did not visit the site with the purpose of observing Council staff.

Although the BWoF was displayed in a public area (on level 1 by the office doors) it was not readily visible by the general public/occupants.

Automatic sprinkler system

Sprinklers are located throughout the complex.

In addition to the standard sprinklers, the building contained 'drencher' sprinklers which are designed to saturate the wall between the car park and the entrance to rest of the building, to provide a fire separation.

The sprinkler room is located by the main car park entry.

Emergency warning systems

A smoke detection and manual call point system is installed throughout the building. One visual alarm light was also located in the offices on level 1.

The building's ground level car park contained a carbon monoxide detection system consisting of approximately six units connected directly to an extractor fan at the back of the car park. The Building Manager advised the carbon monoxide detection system was not connected to any alarm system. This should be verified before deciding not to include it on the compliance schedule under emergency warning systems.

Electromagnetic or automatic doors or windows

The building contains several types of automatic doors.

The main building entry from the street and the access from the ground level car park are both via automatic sliding doors.

An access-controlled door was situated between the main shopping area and offices on level 1.

In addition to the previously-mentioned doors, there are 17 interfaced doors. These doors are connected to the emergency warning system.

Emergency lighting systems

Illuminated exit signs can be found throughout the building, mainly found at the exits of each tenancy.

The ground level car park is lit in normal operation by numerous florescent tube lighting. Several rows of these are also used as emergency lighting, evident by a test button located within the fixture.

'Spit fire' emergency lighting was found in the office on level 1.

Automatic backflow preventers

The sprinkler room, located at the car park entrance, contained a backflow preventer for the sprinklers, as well as another backflow preventer on the mains water supply to the building.

Lifts, escalators, travelators or similar system(s)

The building has the following:

1. A single passenger lift located to the north side of the atrium
2. Two large service lifts located in the delivery area to the south side of the car park
3. Two sets of escalators – one from the ground to level 1 and one from level 1 to level 2. Both located in the atrium area.

Mechanical ventilation and air conditioning systems

The building contained three separate mechanical ventilation or air conditioning systems:

1. The main air conditioning system for the air supply to the building (Note this could not be viewed as the air conditioning units were located on the roof)
2. A single ducted unit provides fresh air to the loading/delivery dock in the car park from outside
3. A large extraction fan in the car park which operates in the event the carbon monoxide detectors are activated.

Building maintenance units providing access to exterior and interior walls of buildings

The building contains interior building maintenance units (BMUs) which are located at the top of the atrium and on either side. The BMUs operate on a rail system which runs the length of the atrium.

Smoke control systems

The building has a dedicated smoke extract system located in the atrium. This consists of several vents located on the upper wall sections of the atrium. These operate in the event of a fire.

Note: these can also be used to extract hot air if the temperature becomes too hot in the atrium.

	<p><u>Emergency power systems for, or signs relating to, a system or feature</u></p> <p>The illuminated exit signs are connected to a battery back-up which operates in the event of a loss of the primary power source. There were also signs related to specified systems 1 to 13, such as manual call points for the emergency warning system and release button for the automatic doors.</p> <p><u>Other fire safety systems or features</u></p> <p>The building contains final exit doors, inter-floor and inter-tenancy fire separations and smoke-stop doors.</p> <p><u>Other information</u></p> <p>It is noted that two separate Form 12As cover the inspection, maintenance and reporting procedures for a backflow prevention device.</p>
<p>Follow up action by Council:</p>	<p>Council emailed the owner’s agent (dated 05.02.13) and requested an application to amend the compliance schedule to include the carbon monoxide detectors in the car park and escalators.</p>
<p>Review team conclusions:</p>	<p>Council should add compliance schedule/BWoF audits to their current functions in relation to enforcing BWoFs.</p> <p>It is understood that audits stopped in 2009, but will resume soon with the new staff member contracted for three months to pick this work up again. It is highly recommended a longer term view be given to this position in the form of a full-time auditor.</p> <p>Audits are a good 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 equally there may be systems on the compliance schedule which are not installed – so the owner might be paying for inspections of a non-existent system.</p> <p>This building is an excellent example of a building which 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"> • Emergency warning systems • Electromagnetic or automatic doors or windows • Emergency lighting systems • Automatic backflow preventers • Lifts, escalators, travelators or similar system(s) • Mechanical ventilation and air conditioning systems.

It is important in such cases, that details about the different systems are included on the compliance schedule to ensure the inspection and maintenance of each system is carried out correctly and completely.

Although not directly related to the site audit, it was noted there were two separate Form 12As covering backflow prevention devices. It is recommended that an enquiry be made with the owner/owner's agent to ensure the same inspection is not being carried out by two separate IQPs. It would seem inappropriate for the owner to be paying twice for one required inspection (if this is the case).



Photo 1: Carbon monoxide detector system omitted from compliance schedule

Case study 4

Building classified use: (layman's description in brackets)	Industrial ²⁸ and Commercial ²⁹ (manufacturing plant with laboratories, call centre and administrative offices).
Current building warrant of fitness	Expires 30.11.13
Background:	<p>This complex is primarily industrial which consists of multiple buildings.</p> <p>The original compliance schedule was issued on 30.10.94 and was amended on 21.04.11 to remove building systems and features which are not specified systems under the <i>Building Act 2004</i>.</p> <p>With the redevelopment of the site and the recent completion of a major new building which replaced several older buildings, the opportunity was taken to rationalise the site's compliance schedule regime. Eight buildings are now captured in the one compliance schedule for the site. Each building has its own individual building warrant of fitness (BWoF). The eight buildings are:</p> <ul style="list-style-type: none"> • Finished stock store (FSS) - 100 persons (p) max • Engineering workshop - 20 p • Production plant building - 130 p • Cafeteria ablutions block - 200 p • Administration building - 200 p • Technical services laboratory (TSL) - 57 p • Customer service centre (CSC) - 49 p • Training room - 90 p. <p>Council's records show a BWoF reminder letter, dated 27.11.12, was sent to the owner advising the BWoF was due for renewal on 30.10.11. This suggests the complex did not have a current BWoF for at least 13 months.</p>
Specified systems on compliance schedule: (number and description as per documentation provided)	<ul style="list-style-type: none"> • SS1 - Automatic sprinkler systems or other forms of fire protection (fire sprinkler system) • SS2 - Emergency warning systems for fire or other dangers (automatic fire alarm - smoke and heat detection in some buildings - some buildings have manual fire alarm only) • SS3 - Electromagnetic or automatic doors or windows (controlled access doors - electromagnetic held-open type)

²⁸ Classified Uses – Building Code clause A1.6.0.1 refers.

²⁹ Classified Uses – Building Code clause A1.5.0.1 refers.

	<p>released on fire alarm - fire/smoke control door)</p> <ul style="list-style-type: none"> • SS4 - Emergency lighting systems (pre 1995 installation - new installations) • SS7 - Automatic backflow preventers connected to a potable water supply • SS8 - Lifts, escalators, travelators or similar system(s) (goods lift) • SS9 - Mechanical ventilation or air conditioning systems (mechanical ventilation and air conditioning systems) • SS14 - Emergency power systems for, or signs relating to, a system or feature specified above (signs for systems) • SS15/2 - Final exits • SS15/3 - Fire separations • SS15/4 - Signs for communicating information intended to facilitate evacuation • SS15/5 - Smoke separations
<p>Form 12As provided with the current building warrant of fitness for the following specified systems: (number and description as per documentation provided)</p>	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> - SS2 Emergency warning system - SS4 Emergency lighting systems <p>Form 12A – (2)</p> <ul style="list-style-type: none"> - Fire extinguishers <p>Form 12A – (3)</p> <ul style="list-style-type: none"> - SS3.1 Automatic sliding egress doors (tested to AS5007 standard) - SS3.2 Access controlled egress doors <p>Form 12A – (4)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Wilkins 375 R P - location: treatment plant) <p>Form 12A – (5)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Wilkins 975 - location: south boundary fence) <p>Form 12A – (6)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Wilkins 975 - location: street front inside cage, now car parking entrance) <p>Form 12A – (7)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Watts 009 aus rp - location: high level water based plant)

	<p>Form 12A – (8)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Tyco R P 03 - location: inside bund at tank farm) <p>Form 12A – (9)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Tyco R P 03 - location: exterior south end, water based plant, next to safety shower) <p>Form 12A – (10)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Tyco R P 03 - location: water based plant, ground floor) <p>Form 12A – (11)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Tyco R P 03 - location: water based plant, mezzanine floor) <p>Form 12A – (12)</p> <ul style="list-style-type: none"> - H Lifts, escalators, travelators or similar systems (annual IQP inspection of lift only) <p>Form 12A – (13)</p> <ul style="list-style-type: none"> - SS9 Mechanical ventilation or air conditioning systems <p>Form 12A – (14)</p> <ul style="list-style-type: none"> - SS14 Signs for systems (issued subject to remedial work being carried out) - SS15 Means of escape from fire - SSBA-2 Safety barriers - SSBA-3 Means of access and facilities for the disabled (issued subject to remedial work being carried out) <p>It was noted a report ‘in lieu of a 12A’ for the automatic sprinkler system, dated 29.10.12, was supplied to Council with the Form 12As. The report advised the reason for the independent qualified person (IQP) not completing a Form 12A was due to the owner’s lack of approval to complete the required outstanding maintenance because of pricing issues.</p>
<p>Review team observations on site:</p>	<p>An audit of this building was carried out on 31.01.13.</p> <p>Two Council officers plus the owner’s on-site representative accompanied Ministry staff on an inspection of the premises to verify the installed specified systems against those on the</p>

	<p>compliance schedule. Although Council has its own BWoF audit form (ECW-FORM-418), one was not used in this instance.</p> <p>A current building-specific BWoF was publicly displayed in each of the eight buildings. All the BWoFs featured the Council's logo and the only date provided on the BWoF was the expiry date rather than the issue date.</p> <p>It was noted each BWoF did not identify the installed specified systems. Although this is not mandatory, the Ministry considers this to be good practice.</p> <p>Since there is only one compliance schedule for the complex, good practice suggests there should be one BWoF and not eight different ones for each building. The other option would be to have building-specific compliance schedules for each of the eight buildings and a BWoF would be issued annually against each of the eight buildings.</p> <p>The review team viewed the compliance schedule, the associated IQP written reports and the owner's inspection log book as these were held on-site at the training room building.</p> <p>It was noted the compliance schedule only contained generic information about the installed specified systems. For instance, under 'SS7 - Automatic backflow preventers connected to a potable water supply', there was no detail provided in the specified system description about the number of backflow preventers, make/brand, model number, diameter, serial number, type, purpose of protection and location. Much of this backflow preventer information can be gleaned from the Form 12As supplied by the IQP.</p> <p>Collectively, all the listed specified systems on the compliance schedule were located and accounted for somewhere within the complex; although without a fire report and a marked-up floor plan it was difficult to locate with certainty the fire and smoke separations. It was found on entering a given building that it was impossible to ascertain from the current generic compliance schedule what specified systems were installed in that building.</p> <p>There was one installed specified system which was omitted from the compliance schedule ie SS14/1 Emergency power for a system or feature specified in clauses 1 to 13. This specified system, a battery-powered back-up system, was located in a separate ground floor room in the production plant building.</p> <p>During the course of the inspection the owner's representative</p>
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	<p>made the review team aware of two issues. One, he believed the installed sprinkler system in the finished stock store was not required to be inspected and maintained in accordance with the compliance schedule because this fire suppression system was installed for insurance purposes rather than Building Code compliance. Two, he believed the dust/fume extractor in the production plant building should remain off the compliance schedule as the installation was not a requirement of the building consent.</p> <p>Regardless of the reason, once a specified system is installed in a building, that specified system is required to be included in that building's compliance schedule.</p>
<p>Follow up action by Council:</p>	<p>Council emailed the owner's on-site representative (dated 07.03.13 and 11.03.13) and raised the following issues for the owner's attention:</p> <ul style="list-style-type: none"> • Request for an application for amendment to the compliance schedule to reinstate the dust/fume extractor under mechanical ventilation (SS9) and to include emergency power (SS14/1) • Ensure the fire sprinkler system to the finished stock store is inspected and maintained as per the compliance schedule requirements • Request for information about what specified systems are installed in each of the eight buildings within the complex.
<p>Review team conclusions:</p>	<p>From the Ministry's rapid 'high-level' audit of the complex, it would appear the Council has captured most of the installed specified systems in its compliance schedule.</p> <p>Council should amend the compliance schedule to include SS 14/1 - Emergency power for a system or feature specified in clauses 1 to 13.</p> <p>Although the desired outcome has been achieved, that is, the complex's specified systems have been inspected and maintained to allow the occupants to safely use the buildings, which is one of the purposes of the <i>Building Act 2004</i> (section 3 refers), the review team believes best practice has not been applied. If there is a single compliance schedule for the whole complex, it is expected that there would only be one BWoF.</p> <p>Given the multiple buildings with specified systems and the complexity of the site, the compliance schedule could be improved by including more site-specific information and details in relation to specified system descriptions, performance standards and location within the building(s). Attaching relevant drawings, reports and technical data sheets</p>

to the compliance schedule can add value to the document which will enable an IQP, unfamiliar with the building complex, to successfully do their inspection and maintenance role.



Photo 1: Dust/fume extractor to the production plant building needs to be reinstated in the compliance schedule under mechanical ventilation (SS9)

Case study 5

Building classified use: (layman's description in brackets)	Commercial ³⁰ (restaurant)
Current building warrant of fitness	Expires 24.09.13
Background:	This building is a single-level restaurant. The original compliance schedule was issued 24.09.97 and most recently amended 24.07.07.
Specified systems on compliance schedule: (number and description as per documentation provided)	<ul style="list-style-type: none"> • SS1 - Automatic system for fire suppression (Ansul fire suppression system, manual and automatic - with heat sensitive fusible links inside the cooking vent ducts) • SS2 - Automatic or manual emergency warning systems for fire or other dangers (manual fire alarm - call points and smoke detection) • SS3 - Electromagnetic or automatic doors or windows (automatic sliding doors) • SS4 - Emergency lighting systems • SS7 - Automatic backflow preventers connected to a potable water supply (one identified by model, model number and location) • SS9 - Mechanical ventilation and air conditioning • SS14 - Emergency power systems for, or signs relating to, a system or feature specified above (signs for systems) • SS15 - Other fire safety systems or features <ul style="list-style-type: none"> • Final exits • Smoke separation • Fire separation • Signs for communicating information intended to facilitate evacuation
Form 12As provided with the current building warrant of fitness for the following specified systems: (description as per documentation provided)	Form 12A (provided to Council by the building warrant of fitness (BWoF) management company on behalf of the contractors acting as the owner's independent qualified persons (IQPs)) covered: <ul style="list-style-type: none"> - Automatic sprinkler/gas flood or other automatic fire suppression system - Emergency warning systems for fire or other dangers - Automatic sliding door egress doors - Emergency lighting systems - Automatic backflow preventer - Mechanical ventilation or air conditioning systems

³⁰ Classified Uses – Building Code clause A1.5.0.1 refers.

- Emergency power systems for, or signs relating to specified systems 1-13
- Final exits (means of escape to final exit)
- Fire separations (means of escape to final exits)
- Signs for communicating information intended to facilitate evacuation (means of escape to final exit)
- Smoke separation (means of escape to final exit)

(Note: the review team checked the Wellington regional register of IQPs which is administered by the Wellington City Council and it was confirmed the IQP who signed the Form 12A for the BWoF management company had the authority to sign off on all the above-listed specified systems).

Subsequent to the on-site audit, and at the request of the review team, the Council accessed the BWoF management company's website and provided the review team with a copy of each Form 12A and annual report plus other associated information, issued by the owner's IQPs. It was somewhat surprising to the review team that the Council did not have copies (electronic or hardcopy) of this information in its records. The following Form 12As were supplied by Council:

Form 12A – (1)

- Automatic sprinkler/gas flood or other automatic fire suppression system

Form 12A – (2)

- Emergency warning systems for fire or other dangers

Form 12A – (3)

- Emergency lighting systems

Form 12A – (4)

- SS3.1 Automatic sliding egress doors (tested to AS5007 standard)

Form 12A – (5)

- Automatic backflow preventer

Form 12A – (6)

- Mechanical ventilation or air conditioning systems

It was noted the passive specified systems relating to signs for SS1-13 and means of escape did not have a separate Form 12A. It is presumed the Form 12A supplied by the BWoF management company adequately covered these specified systems that were the responsibility of a single IQP who was not involved in any of the other specified systems on the compliance schedule (according to the BWoF management company's annual IQP

	<p>inspection report).</p> <p>In some instances, there was multiple Form 12As for the same specified systems issued by the same IQP. For example, the owner's IQP issued a single Form 12A, on their own letterhead, on 06.06.12 to cover two specified systems (emergency warning system and emergency lighting), but then on 27.08.12 completed a proforma document (supplied by the BWoF management company) for each of the two specified systems. This proforma document was subdivided into two sections – one section dealt with the annual report, while the other was the Form 12A.</p> <p>It was noted in the BWoF management company's annual IQP inspection report that two IQP contractors were listed against the automatic sliding egress doors. Furthermore, in relation to this particular specified system, there was a completed Form 12A (on the letterhead of one of the nominated IQP contractors) plus, a 'Report in Lieu of Form 12A' (not on letterhead) from a registered IQP, presumably from the other IQP contractor listed on the BWoF management company's annual IQP inspection report.</p> <p>The 'report in lieu of Form 12A' (dated 30.08.12) advised the reason for not completing a Form 12A was there had been a change of IQP contractor during the 12 month period. Therefore, the replacement IQP contractor was quite rightly unable to certify that the maintenance, inspection and reporting procedures of the compliance schedule had been fully complied with during the 12 months prior to the date stated on the form. The 'in lieu report' also advised that at the time of the new IQP's inspection on 23.08.12, the doors were to compliant standard. Although this was probably a pragmatic approach on the new IQP's part, given the situation, it does not get past the fact that such an 'in lieu report' has no legal status. It is not clear if the Council was aware of the existence of the 'in lieu report', but there is no evidence that any action had been taken by Council in respect of this, including any reasons why they accepted it.</p>
<p>Review team observations on site:</p>	<p>An audit of this building was carried out on 01.02.13.</p> <p>Council officers plus the Restaurant Manager accompanied Ministry staff on an inspection of the premises to verify the installed specified systems against those on the compliance schedule. Although Council has its own BWoF audit form (ECW-FORM-418), one was not used in this instance.</p> <p>The on-site log book revealed regular checks of the specified systems were being undertaken. The log book also had photographs showing the location of the building's backflow prevention device. No compliance schedule similar to the one</p>

	<p>provided by Council to the review team was sighted, other than a one page sheet with Council's logo headed 'Compliance Schedule', which had under the heading 'Systems' a generic list of all the specified systems (ie SS 1, SS 2, SS 3, SS 4, SS 7, SS 9, SS 14, SS 15).</p> <p>The review team were advised by the Restaurant Manager that, as he was in his first week of work in the building, he was not aware of where the current version of the Council's compliance schedule was kept.</p> <p>The current BWoF was displayed in a public place and was easily viewable. The BWoF identified the installed specified systems. Although this is not required, the Ministry considers this to be good practice.</p> <p>The restaurant had manual call points located at several positions within the building. There was no sighting of the smoke detection system in relation to the emergency warning system as listed on the compliance schedule.</p> <p>The kitchen area had Ansul fire suppression systems provided to the cooking vats.</p>
<p>Follow up action by Council:</p>	<p>A Council officer revisited the premises on 20.03.13 and confirmed no smoke detection system had been installed. Therefore, this emergency warning system had been incorrectly included in the current compliance schedule and should be amended as necessary.</p>
<p>Review team conclusions:</p>	<p>Council should amend the compliance schedule by deleting reference to smoke detection under 'SS2 – Automatic or manual emergency warning systems for fire or other dangers'.</p> <p>Council needs to be more thorough in its checking of Form 12As. The review team believe Council should not have accepted the Form 12A and BWoF completed by the BWoF management company, without having sighted the multiple Form 12As issued by those IQPs who physically did the inspections and maintenance of the various specified systems. The Council should have put greater emphasis on the Form 12As completed by each of the IQP contractors, and at the very least accessed the BWoF management company's website where the Form 12As were available electronically. Council's records system needs to retain, either electronically or in hard copy, all completed Form 12As for the life of the building.</p>

Case study 6

Building classified use: (layman's description in brackets)	Commercial ³¹ (supermarket)
Current building warrant of fitness	Expires 31.03.13
Background:	<p>Essentially the 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 (where goods are stacked high in a proprietary racking system).</p> <p>One mezzanine, accommodating several offices and meeting rooms, is located over the entry, and the other above the produce and meat preparation area accommodates the staff tea room, lockers, toilets and various plant rooms, including an emergency power generator.</p> <p>The original compliance schedule was issued 31.03.95 and was amended 30.01.09 to remove building systems and features which are not specified systems under the <i>Building Act 2004</i>.</p>
Specified systems on compliance schedule: (number and description as per documentation provided)	<ul style="list-style-type: none"> • SS1 - Automatic sprinkler system or other forms of fire protection (fire sprinkler system) • SS2 - Emergency warning systems for fire or other dangers (automatic fire alarm) • SS3 - Electromagnetic or automatic doors or windows (automatic sliding doors and controlled access doors) • SS4 - Emergency lighting systems (pre 1995 installation) • SS7 - Automatic backflow preventers connected to a potable water supply (two identified by model, model number and location) • SS9 - Mechanical ventilation and air conditioning systems (mechanical ventilation and air conditioning systems) • SS14 - Emergency power systems for, or signs relating to, a system or feature specified above (signs for systems) • SS15/2 - Final exits • SS15/3 - Fire separations • SS15/4 - Signs for communicating information intended to facilitate evacuation • Smoke separations

³¹ Classified Uses – Building Code clause A1.5.0.1 refers.

<p>Form 12As provided with the current building warrant of fitness for the following specified systems: (description as per documentation provided)</p>	<p>Form 12A – (1)</p> <ul style="list-style-type: none"> - SS1 Automatic sprinkler/gas flood or other automatic fire suppression system - SS2 Auto/manual/ emergency warning systems for fire or other dangers <p>Form 12A – (2)</p> <ul style="list-style-type: none"> - D Emergency lighting systems <p>Form 12A – (3)</p> <ul style="list-style-type: none"> - SS3/1 3 being automatic doors with/without access control and/or interfaced fire release <p>Form 12A – (4)</p> <ul style="list-style-type: none"> - SS3/2 The key pad doors have a latch for egress and the door with electronic access provides for free egress <p>Form 12A – (5)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Watts 007M2) <p>Form 12A – (6)</p> <ul style="list-style-type: none"> - Automatic backflow preventer connected to a potable water supply (for Watts 909) <p>Form 12A – (7)</p> <ul style="list-style-type: none"> - SS9 Mechanical ventilation and air conditioning systems <p>Form 12A – (8)</p> <ul style="list-style-type: none"> - SS14/1 (J) Emergency generator <p>Form 12A – (9)</p> <ul style="list-style-type: none"> - 14/2 Signs a system or feature in systems 1 -13 - 15/2 Final exits - 15/3 Fire separation - 15/4 Signs for communicating information intended to facilitate evacuation - 15/5 Smoke separation
<p>Review team observations on site:</p>	<p>An audit of this building was carried out on 01.02.13.</p> <p>Three Council officers 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. Although Council has its own building warrant of fitness (BWof) audit form (ECW-FORM-418), one was not used in this instance.</p>

	<p>A BWoF, which had expired on 31.03.12, was publicly displayed behind the information counter, adjacent to the checkouts. When this was pointed out, the Supermarket Manager advised there was a current BWoF held on file in the mezzanine office. The current BWoF was sighted by the review team and the manager assured the Ministry the displayed one would be replaced.</p> <p>It was noted the BWoF identified the installed specified systems. Although this is not mandatory, the Ministry considers this to be good practice.</p> <p>The review team were unable to view the compliance schedule and the associated written reports, as these were legitimately held off-site at the independent qualified person's (IQP's) office in Lower Hutt, as per the statement in the BWoF. However, the owner's inspection log book was sighted at the time of the on-site visit and this appeared to be satisfactory.</p> <p>The emergency warning system on the compliance schedule had a generic description only ie 'automatic fire alarm'. The building had a Type 6 (sprinklers with manual call points) with supplementary smoke detection and localised heat detection to the wet areas (toilets and cleaner's cupboard).</p> <p>The review team noted the following during the course of the on-site inspection which the Council should formally make the owner aware of and take the necessary follow-up action.</p> <ul style="list-style-type: none"> • Both mezzanine floors had a non-labelled smoke-stop door at the top of the primary stair which was illegally held open with a cabin hook. There were other smoke-stop doors which were not labelled eg the door in the mezzanine meeting room which provides emergency egress to the vertical safe path (secondary stair). • Goods were stored within the vertical safe path which could compromise the means of escape. • Without a fire report and a marked-up floor plan it was difficult to locate the fire and smoke separations. <p>There was one installed specified system which was omitted from the compliance schedule ie SS14/1 Emergency power for a system or feature specified in clauses 1 to 13.</p>
<p>Follow up action by Council:</p>	<p>A Council officer revisited the premises on 22.02.13 and confirmed a current BWoF was publicly displayed in the supermarket and this was acknowledged in the Council's letter to the owner, dated 25.02.13.</p>

	<p>Council emailed the owner’s agent and owner’s on-site representative (dated 26.02.13 and 11.03.13) and raised the following issues for the owner’s attention.</p> <ul style="list-style-type: none"> • Request for an application for amendment to the compliance schedule to include emergency power generator (SS14/1). • Ensure all smoke-stop doors remain closed at all times (unless magnetic hold-open devices are installed). • Ensure escape routes are kept clear and free of obstacles.
<p>Review team conclusions:</p>	<p>Council should verify all installed specified systems are accurately reflected in the compliance schedule. The inspection identified that the emergency power generator (SS14/1) was not captured in the existing compliance schedule. This is somewhat surprising given the IQP has annually provided to Council, since at least 2007, a Form 12A for this specified system.</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. The aim should be to provide a similar level of detail as is currently provided under SS7 (Automatic backflow preventers connected to a potable water supply). 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>



Photo 1: Mezzanine smoke-stop doors held open by cabin hooks

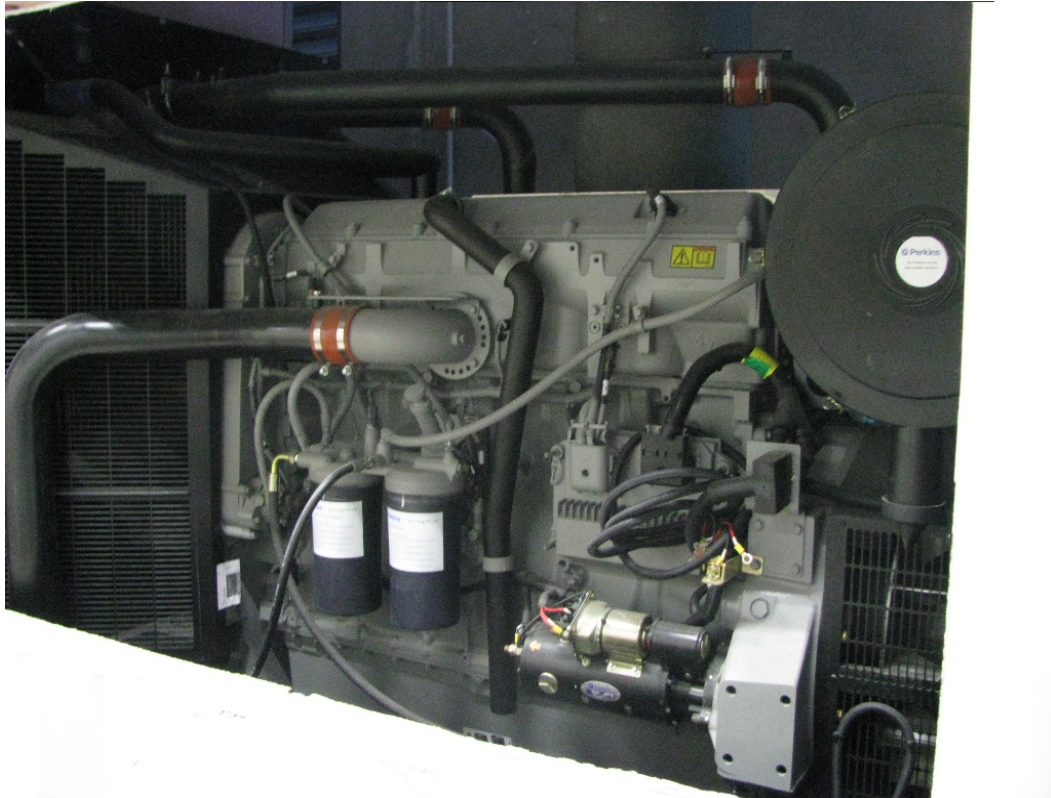


Photo 2: Emergency power generator (SS14/1) omitted from compliance schedule

