Determination No. 2002/2

Alterations to an apartment building's means of escape from fire in response to a "dangerous building" notice

1 THE MATTER TO BE DETERMINED

1.1 The matter before the Authority arises out of a territorial authority's refusal to issue an amendment to a building consent for certain alterations to an existing building. The application for determination says:

> The matter for determination is whether the proposed building work (if the building consent were amended in accordance with the application for amendment) would:
>
> (a) comply with the applicable provisions of the building code [the First Schedule to the Building Regulations 1992]; and
>
> (b) comply with the provisions of the building code to such an extent that after the alteration work the building would comply with the provisions of the building code for means of escape from fire as nearly as is reasonably practicable to the same extent as if it were a new building [as required by section 38 of the Building Act 1991].

1.2 In making its determination the Authority has not considered any other aspects of the Building Act or of the building code.

2 THE PARTIES

2.1 The applicant was the territorial authority acting through a firm of solicitors. The other parties were the body corporate for the building ("the owner"), and the Fire Service.

2.2 The applicant's solicitor informed the Authority that it had arranged for a copy of the application and supporting documents to be provided to the Secretary to the body corporate. The Secretary acknowledged receipt of those documents but declined to sign the form issued by the Authority for that purpose. Subsequent queries from the Authority and additional submissions from the applicant have been sent to the body corporate but have not been acknowledged.

3 THE BUILDING

3.1 General

3.1.1 The unit-titled apartment building was erected in 1969 of concrete and concrete masonry construction. It consists of a 13 storey tower block to which are attached a three storey wing ("the east wing") and a two storey wing ("the west wing").

3.2 The tower block

3.2.1 In the tower block, the ground floor contains an entrance lobby, an office, and a workshop. The ground floor contains two two-bedroom apartments, floors 1 to 10 each contain four two-bedroom apartments. Floor 11 contains two three-bedroom apartments, and floor 12 comprises a single four-bedroom apartment. If one bedroom in each apartment is a "master" or double bedroom, that gives a total of 139 beds in the tower.

3.2.2 Escape from Floors 1 to 11 inclusive can be by way of either of two stairs ("the main stair" and "the secondary stair"). Escape from Floor 12 is by way of the secondary stair only.

3.2.3 The main stair goes down to Floor 1, where it opens into the lift lobby from which there is an open stair to a corridor on the ground floor. There are doors from that corridor to the outside and to the entrance lobby on the ground floor. The corridor is not of fire-rated construction.

3.2.4 The secondary stair goes all the way to the ground floor, where it opens onto an area adjacent to the entrance lobby that is not separated from the lobby, or from the first floor lift lobby, by fire rated construction.

3.3 The wings

3.3.1 The east wing has 3 two-bedroom apartments on each of its three floors, and the west wing has 3 two-bedroom apartments on each of its two floors. If one bedroom in each apartment is a "master" or double bedroom, that gives a total of 27 beds in the east wing and 18 beds in the west wing.

3.3.2 Escape from each apartment on the upper floors of the east wing is by way of an open balcony and external open-riser stair serving that apartment and the upper floor apartment directly above or below it.

3.3.3 Escape from each apartment on the upper floor of the west wing is by way of an open balcony and external open-riser stair serving that apartment only.

3.4 The occupants

3.4.1 Currently, many of the residents of the building are elderly. The Authority has not been informed as to how many of the potential 178 beds in the building's 59 apartments are currently in use, but according to a draft evacuation scheme that the owner submitted to the Fire Service under the Fire Safety and Evacuation of Buildings Regulations, more than 100 current residents could require assistance to escape from a fire.

4 THE SEQUENCE OF EVENTS

4.1 In August 2000 the territorial authority was approached by the Fire Service regarding fire safety concerns with the building. A joint inspection of the building was made by territorial authority and Fire Service officers. As a result of that inspection, the territorial authority issued a "dangerous building" notice under section 65 of the Building Act, and later an amended notice.

4.2 In response to the notice, and after discussions between the owner and its consulting fire engineer ("the owner's consulting engineer"), the territorial authority and the Fire Service, the owner applied for a building consent to upgrade the fire safety features of the building in accordance with a fire report by the owner's engineer. On 5 December 2000 the territorial authority duly issued a building consent for the work described in 5 below.

4.3 That work was commenced, but on 8 June 2001, after further correspondence with the territorial authority and the Fire Service, the owner applied to the territorial authority for a proposed amendment to the building consent. That application was supported by a second fire report from the owner's consulting engineer.

4.4 After receiving advice from the Fire Service and another consulting fire engineer ("the territorial authority's consulting engineer"), the territorial authority advised the owner, on 25 June 2001, that its application for the amendment was refused for the reasons set out in letters to the territorial authority from the Fire Service and from the territorial authority's consulting engineer.

4.5 On 5 September 2001, when it appeared to the territorial authority that the owner had no intention of completing the building work under the building consent, the territorial authority applied for this determination.

5 THE BUILDING CONSENT AND THE PROPOSED AMENDMENT

5.1 The application for the building consent was supported by a detailed fire report from the owner's consulting engineer described as supplementary to a more general report from a fire and security protection firm.

5.2 That general report described the current fire precautions in the building and said that there were two options available to address the danger identified in the notice: To install a sprinkler system and "a reasonable amount" of passive fire rating; or to install a type 4 fire alarm system (automatic system with smoke detectors and manual call points) and "a considerable amount of passive fire rating".

5.3 The detailed report proposed a type 4 alarm system, a stairwell pressurisation system, upgrading of apartment and stairwell doors, sealing of penetrations, the creation of two independent final exits at ground level, and the provision of flame shields as exposure protection on external balconies to the wings. That proposal was changed slightly at the request of the territorial authority, but those changes are not material to this determination.

5.4 The territorial authority subsequently agreed that the fire alarm system that was required under the building consent could be modified, although there appears to have been no formal amendment to the consent. That modified system is an analogue-addressable fire detection and warning system. There are smoke detectors in the tower block lift lobbies, and within each apartment there is a heat detector in the entrance foyer and a smoke detector and sounder in each bedroom. The system as installed can therefore be described as a Type 2 brigade-connected analogue addressable fire alarm system with heat detection in living area and smoke detection in sleeping areas.

5.5 The owner then applied to amend the building consent by omitting the pressurisation system and the flame shields. The territorial authority refused. This determination in effect considers whether that refusal was technically justified.

6 THE SUBMISSIONS

6.1 The territorial authority's submissions consisted essentially of:

(a) A "factual background statement";

(b) The application for building consent and its supporting documents, including the reports by the fire and security protection firm and the first report by the owner's consulting engineer;

(c) The application for the amendment and its supporting documents, including the second report by the owner's consulting engineer;

(d) The territorial authority's letter refusing to grant the amendment to the building consent and its attached letters from the territorial authority's consulting engineer and the Fire Service; and

(e) A formal statement from the territorial authority's consulting engineer.

6.2 The Fire Service submitted formal statements from one of its fire safety officers and from its regional fire safety engineer. Each of those statements incorporated other documents as appendices or attachments.

6.3 The owner made no submissions. However, the documents supporting the application for an amendment to the building consent in effect amount to submissions on behalf of the owner.

6.4 The Authority obtained reports from a fire engineer with another firm of consulting engineers and from a fire engineer with a research establishment. Those reports were copied to the parties, who were given the opportunity to comment on them.

6.5 The territorial authority submitted comments on those reports from itself and its consulting engineer.

6.6 The Fire Service submitted comments on those reports by both its fire safety officer and its regional fire safety engineer.

6.7 The Authority has carefully studied and taken account of all the submissions and reports mentioned above. However, in the following discussion only the reports from the owner's consulting engineer are described in any detail. Material from the other submissions and reports has been incorporated into the discussion without specific acknowledgement. Other material from the submissions and reports has been set aside as being outside the Authority's jurisdiction as mentioned in 7.1 below.

6.8 Because, as mentioned in 6.3 above, the owner made no submissions, a draft of this determination was sent to each of the parties for comment. The owner and the Fire Service approved the draft without comment. The territorial authority approved the draft subject to minor corrections of matters of fact, which were copied to the other parties. This determination is identical to the draft except for this paragraph and except that the errors pointed out by the territorial authority have been corrected.

7 THE AUTHORITY'S JURISDICTION

7.1 The matter to be determined

7.1.1 The Authority takes the view that it may determine a matter of doubt or dispute only if:

(a) The matter is submitted for determination under section 17 by a party as defined in section 16; and

(b) That matter comes within section 18:

> An application to the Authority under section 17 of this Act shall be limited to whether or not, or to what extent, particular building work or proposed building work (including any actual or proposed demolition) complies with all of the provisions, or with any particular provision, of the building code, or to whether or not the exercise by a territorial authority of the powers referred to in section 17(1)(d) of this Act is unreasonable in relation to the provisions of the building code.

7.1.2 In this case, the submission by the territorial authority was for a determination of the matter set out in 1.1 above and relates only to the owner's application for an amendment to the building consent.

7.1.3 The Authority has not been asked to determine whether the building work specified in the building consent would bring the building to compliance with the provisions of the building code for means of escape from fire as nearly as is reasonably practicable. In the absence of a formal application and submissions from the parties, the Authority has not considered the matter.

7.1.4 Similarly, the Authority has not taken into account suggestions for upgrading the fire precautions, comments on whether it would in fact be practicable to install a stairwell pressurisation system, and comments as to whether such a system would be effective.

7.2 "As nearly as is reasonably practicable"

7.2.1 As the building consent is for the alteration of an existing building, the relevant provision of the Building Act is section 38, which requires that after the alteration the building must comply with the provisions of the building code for means of escape from fire "as nearly as is reasonably practicable, to the same extent as if it were a new building". That requirement has been applied in several determinations, and has been considered by the High Court[1], which held that the extent of what was reasonably practicable:

> . . . must be considered in relation to the purpose of the requirement and the problems involved in complying with it, sometimes referred to as "the sacrifice". A weighing exercise is involved. The weight of the considerations will vary according to the circumstances and it is generally accepted that where considerations of human safety are involved, factors which impinge upon those considerations must be given an appropriate weight.

7.2.2 In the same case, the Court held that, in making such a decision, the Authority was entitled to use the acceptable solution set out in the relevant Approved Document as a "guideline or benchmark".

7.2.3 In several previous determinations the Authority has made the following general observations about acceptable solutions and alternative solutions:

(a) Some acceptable solutions cover the worst case so that in less extreme cases they may be modified and the resulting alternative solution will still comply with the building code.

(b) Usually, however, when there is non-compliance with one provision of an acceptable solution it will be necessary to add some other provision to compensate for that in order to comply with the building code.

7.3 Conclusion

7.3.1 The Authority is required to answer the following questions:

(a) Do the balconies without the heat shields comply as nearly as is reasonably practicable with the relevant provisions of the building code.

(b) Do the means of escape from the tower, without stairwell pressurisation, comply as nearly as is reasonably practicable with the relevant provisions of the building code.

7.3.2 Those questions are considered below using the acceptable solution C/AS1 as a guideline or benchmark.

---

[1] *Auckland CC v NZ Fire Service* 19/10/95, Gallen J, HC Wellington AP336/93, partially reported at [1996] 1 NZLR 330.

8 THE HEAT SHIELDS

8.1 General

8.1.1 The balustrades to the balconies in both wings are open, and the stairs to the west wing have open risers. The work under the building consent included fitting "heat shields" to the balustrades. The applicant proposed to omit the heat shields.

8.2 Comparison with acceptable solution C/AS1

8.2.1 The acceptable solution C/AS1[2] allows a dead end open path length of 26.4 m (including an allowance for heat detectors). The proposal was for a length of 10 m. However, the acceptable solution requires flame barriers to any balcony that is a single means of escape and that has a vertical separation of less than 5 m from any lower unprotected area (paragraph 3.14.6(b) of C/AS1). The proposal was to omit the flame barriers.

8.2.2 In other words, the proposal is for an escape route less than half as long as is permitted by the acceptable solution but without the protection of the flame barriers required by the acceptable solution.

8.2.3 The second report by the owner's consulting engineer included the following calculations intended to demonstrate that the proposal provided a level of safety as nearly as is reasonably practicable to the level of safety provided by the acceptable solution:

(a) Calculations of the time it would take for a fire in an apartment to reach flashover;

(b) Calculations that the time it would take for residents to escape was less than the time to flashover; and

(c) Calculations of the danger of exposure to radiation by residents escaping after flashover.

8.3 Calculations of the time to flashover

8.3.1 One set of calculations showed that if a fire occurred in one of the apartments, flashover would occur approximately 400 s after the fire started. Those calculations were described as being made "using [the computer programme] C-Fast Version 3.1.6 based on a 50 m^2 room volume [*sic*, presumably floor area was intended] and a 'fast fire' (furniture)".

8.3.2 Submissions from the other parties pointed out that C-Fast Version 3.1.6 incorporates a number of assumptions and simplifications. No sensitivity analysis was performed to indicate the confidence that could be placed on the calculated 400 s to flashover. One submission claimed that time might in fact vary from 3 to 7 min (180 to 420 s).

[2] The owner's consultant's actually referred to C2/AS1 in his second report. However, that report was dated 8 June 2001, and C2/AS1 was superseded by C/AS1 as from 1 June 2001, having actually been published in December 2000. The relevant requirements of C/AS1 are somewhat more demanding than those of C2/AS1, but the differences are not material to this determination.

8.4 Calculations of the time taken to escape

8.4.1 Another set of calculations showed that "if a person responds normally they can evacuate the apartment in 74 s after the alarm sounds". Those calculations were based on a detector activation time (and therefore delay before the alarm sounds) of 17.5 s, a 40 s delay between the sounding of the alarm and people starting to escape (derived from the second edition of the *Fire Engineering Design Guide* ed. A Buchanan), and a travel time of 8.5 s at an escape speed of 1.2 m/s.

8.4.2 Submissions from the other parties pointed out that the 40 s delay was actually 20 s less than the minimum recommended by the *Fire Engineering Design Guide*, and that the *SFPE handbook of Fire Protection Engineering* cited 1.2 m/s as "full normal mobility speed", which was said to be inappropriate for the more elderly residents of the building concerned.

8.4.3 Doubt was also cast on the calculated 74 s for evacuation by submissions that some elderly people would not be roused by a fire alarm, or would not respond "normally", or would not be able to travel at 1.2 m/s.

8.4.4 Furthermore, it was submitted that when there was a fire in the building in 1990 some residents deliberately ignored the fire alarm and remained in their apartments.

8.4.5 One of the submissions said:

> There is a concern that the level of detection in the East and West Wing apartments is insufficient for certain fire scenarios, and could result in residents evacuating from upper level apartments after flashover has occurred. It is also considered that issuing flames could present an untenable situation for the evacuees without the presence of radiation shields as detailed in the original Building Consent application.

8.5 Calculations of the danger of exposure to radiation

8.5.1 A third set of calculations showed, as the Authority understood it, that even if the fire had reached flashover before someone began to escape, then during the 7 s calculated travel time that person could escape without injury. Although a person walking next to the wall and travelling directly away from the fire would feel pain after 3 s they would receive only 38% of the heat flux required to cause second degree blistering. That heat flux was calculated from the formula used in regulations 79(2) and 84 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.

8.5.2 The Authority notes that regulation 79(2) requires hazardous substances be stored in a controlled zone such that, in the event of unintended ignition, no area beyond that zone shall be exposed to more than a certain heat radiation. Regulation 84 covers

intended ignition and requires in effect that where a hazardous substance is to be burnt, people are to be protected from second or third degree burns.

8.6 Discussion

8.6.1 The residents

8.6.1.1 The Authority considers that in comparing the proposal with the acceptable solution, no account need be taken of the fact that a significant proportion of the current residents are said to be elderly, with some needing assistance to escape. That is a situation that could well occur in any house or apartment building, and the Authority takes the view that section 7(2) of the Building Act means that it must be assumed that the acceptable solution allows for the situation. In fact, as regards the balconies, the residents concerned are unlikely to be severely limited in their abilities to walk and to use stairs because they live in upper floor apartments not served by lifts and use the balconies and stairs whenever they come and go from their apartments. Even if some of them could not travel at more than half the assumed speed, that would only increase the time to escape to approximately 83 s, still well short of the minimum estimated 360 s to flashover.

8.6.1.2 As to residents responding "normally", the Authority notes that an evacuation scheme under the Fire Safety and Evacuation of Buildings Regulations has not yet been approved. When it is, and when the required trial evacuations have been held, then the residents should have had practice in responding "normally". That is what the Authority sees as one of the main purposes of the Fire Safety and Evacuation of Buildings Regulations.

8.6.2 Escape after flashover

8.6.2.1 The Authority notes that the acceptable solution requires external escape routes to be separated from adjacent firecells by distance or by fire rated construction (paragraph 3.14.1 of C/AS1). It also requires vertical distance from unprotected openings. The Authority therefore accepts the relevance of the calculated times to flashover, while noting that other submissions cast some doubt on the actual numbers derived by those calculations.

8.6.2.2 However, the Authority considers that the acceptable solution contemplates that external escape routes will be used after flashover, or at least after flames begin to emerge from unprotected openings. Otherwise there would be no point in requiring flame shields on such routes.

8.6.3 Exposure to radiation

8.6.3.1 The owner's consulting engineer submitted calculations to show that in that situation, but without the protection of flame shields, residents will be exposed to heat flux that will fall well short of causing second degree blistering. In other words, they will be able to escape with pain but without injury. The Authority is not convinced by that argument.

8.6.3.2 The calculations related only to a person "walking directly away from the fire". That would be the case only if the person was escaping from the apartment of fire origin (and therefore

could not be protected by flame shields). If the fire was in another, lower, apartment then the person could well be walking towards, not away from, the emerging flames. However, that person would not necessarily realise that they could in fact escape without being exposed to heat flux that would be injurious as distinct from painful. The point was not raised by any of the commentators, but the Authority considers it unrealistic to expect everyone attempting to escape by way of the balcony to keep on walking into increasing exposure to heat radiation despite increasing pain. Some might, but some might not. Those who do not will be exposed to an unacceptable risk of injury or death.

8.6.4 Conclusion

8.6.4.1 On balance, and for the reasons outlined above, the Authority concludes that the balconies without flame barriers do not comply with the provisions of the building code for means of escape from fire as nearly as is reasonably practicable to the same extent as if it were a new building.

9 THE STAIRWELL PRESSURISATION SYSTEM

9.1 General

9.1.1 The owner's consulting engineer's second report in support of the application to amend the building consent says:

> Stairwell pressurisation was offered in [the first] report in lieu of:
>
> a) Smoke detectors in bedrooms
>
> b) Making good NZS 1900 Ch 5 fire stopping – to present standards
>
> c) NZS 1188 doors without intumescent seals (cold smoke seals had been fitted in 1994)
>
> All 3 items above have been rectified as nearly as reasonably practicable.

9.1.2 The Authority has not seen any other document to the effect that the territorial authority issued the building consent on the basis that the stairwell pressurisation could be omitted if the other three items were attended to. From the details that the Authority has seen of the original consent application, the statement appears to have been made at least partially in error, and it is ignored in the rest of this determination. Furthermore, the Authority takes the view that it may determine only the matter of doubt or dispute submitted to it, see 7.1 above, and therefore can take no account of any such alleged agreement between the owner and the territorial authority.

9.1.3 The second report also says:

> Stairwell pressurisation in accordance with AS 1668 Part 1-1991 cannot be retrofitted in this building and made to operate as required by that standard. Our offer was made before full details of the building construction were known and as an alternative to upgrading other features.

9.1.4 The Authority takes no account of that statement for the reasons set out in 7.1 above.

9.2 The Authority's comparison with acceptable solution C/AS1

9.2.1 The tower comes within purpose group SR, is of 13 storeys, and has a height of 35.4 m. The occupant load (beds per floor) does not exceed 40.

9.2.2 On that basis, the relevant requirements of the acceptable solution C/AS1 are:

(a) Two escape routes (Table 3.1 of C/AS1) each with a minimum width of 1000 mm (paragraph 3.3.2(a) of C/AS1).

In fact, the main stair has a minimum width of 920 mm, the secondary stair has a minimum width of 495 mm (as measured by the fire engineer engaged by the Authority). The penthouse apartment has the secondary stair as its only escape route.

The Authority assumes that the necessary building work has been done to ensure that the stairs are now parts of two appropriately fire rated safe paths leading to two independent final exits at ground level.

(b) An alarm system of Type 7 (automatic fire sprinkler system with smoke detectors and manual call points) or type 5 (automatic fire alarm system with modified smoke/heat detection and manual call points) (Table 4.1 of C/AS1).

In fact, as mentioned in 5.4 above, the building has a Type 2 brigade-connected analogue addressable fire alarm system with heat detection in living areas and smoke detection in sleeping areas.

(c) Fire Service lift control, emergency lighting, and a fire hydrant system (Table 4.1 of C/AS1).

The owner's consulting engineer reports that those fire precautions are in place.

9.2.3 The second report by the owner's consulting engineer included its own comparison with the acceptable solution. That report also included calculations intended to demonstrate that the building, after being upgraded in accordance with the building consent but without the stairway pressurisation system, would provided a level of

safety as nearly as is reasonably practicable to the level of safety provided by the acceptable solution. Those calculations were

(a) Calculations of the time it would take for a fire in an apartment to reach flashover;

(b) Calculations that the time it would take for residents to escape was less than the time to flashover.

9.3 Calculations to demonstrate that stairwell pressurisation is not necessary for safe escape

9.3.1 The owner's consulting engineer calculated, by the method described in 8.3 above, that the time to flashover for a fire within any of the apartments would be 400 s or more.

9.3.2 He then calculated, by the method described in 8.4 above, that the time "to evacuate a Tower apartment to a horizontal safe place (lift foyer)" (presumably "horizontal safe place" should read "horizontal safe path") would be no more than the 75.5 s calculated for escape from the penthouse apartments). He also calculated that "the stairwell was a maximum of 6 m (or 5 sec) from the most remote door to the most remote stairwell" and said "The vertical safe path is the equivalent of a final exit in terms of escape from fire C2/AS1 4.22(b)."

9.3.3 Other submissions disputing the calculations for the wings, see 8.3 and 8.4 above, apply equally to the calculations for the tower, and in particular the fact that the only fire scenario considered was of a fire having certain characteristics occurring within an apartment.

9.4 The owner's comparison with the acceptable solution C2/AS1

9.4.1 The second report by the owner's consulting engineer compared the tower, after the building work under the building consent, but excluding the pressurisation system and with the alarm system modified as described in 5.4 above, with the acceptable solution. In fact, the comparison was with C2/AS1 not C/AS1 which had come into force before the date of the report, but the Authority is satisfied that makes little difference.

9.4.2 However, the Authority disagrees with the comparison for the following reasons:

(a) The building height was taken to be 34 m on the basis that the actual height of 35.4 m was "as nearly as reasonably practicable to 34 m".

The height of a building is not itself a requirement, it is a fact that is relevant to what the requirements of the acceptable solution are.

(b) The minimum width of the secondary stair was taken to be 820 mm, not 495 mm.

(c) The Floor 12 penthouse has only one escape route, instead of the required two.

(d) Neither of the stairs complies with the acceptable solution.

(e) The Authority does not agree that the fire alarm system installed is in fact "as nearly as reasonably practicable" to the Type 7 or Type 5 system required by C/AS1.

9.5 Discussion

9.5.1 The calculations are intended to establish that if a fire broke out in an apartment, people would be able to escape from the tower before the fire reached flashover.

9.5.2 However, the Authority considers that the acceptable solution contemplates that the escape routes will be used after flashover, or at least after flames begin to threaten the open paths to the stairways or the final exits. Otherwise, there would be no point in requiring the stairways to be separated from the rest of the building by fire rated construction. The Authority therefore does not accept that the calculations establish that the tower complies with the provision of the building code for means of escape from fire as nearly as is reasonably practicable to the same extent as if it were a new building.

9.5.3 The owner's comparison with the acceptable solution is flawed, and the Authority's own comparison is far less favourable to the tower. In particular:

(a) The fire alarm system is not of the type required by the acceptable solution;

(b) The penthouse on Floor 12 has only one escape route instead of the two that are required.

(c) Neither of the escape routes from the other floors has the required minimum width. That relates not only to the need for occupants to escape but also to the need for Fire Service personnel to carry out rescue and fire fighting operations.

9.5.4 Thus neither the calculations nor the comparison with the acceptable solution prepared by the owner's consulting engineer are convincing. On balance, therefore, the Authority concludes that the building without stairway pressurisation does not comply with the provisions of the building code for means of escape from fire as nearly as is reasonably practicable to the same extent as if it were a new building.

10 WHAT IS TO BE DONE

10.1 It is not for the Authority to decide how the building is to be altered. That is a matter for the owner to propose and for the territorial authority to accept or reject, with any of the parties entitled to submit doubts or disputes to the Authority for another determination.

11 THE AUTHORITY'S DECISION

11.1 In accordance with section 20 of the Building Act, the Authority hereby determines that the proposed building work (if the building consent were amended in accordance for the application for amendment) would:

(a) Not comply with the applicable provisions of the building code; and

(b) Not comply with the provisions of the building code to such an extent that after the alteration work the building would comply with the provisions of the building code for means of escape from fire as nearly as is reasonably practicable to the same extent as if it were a new building.

Signed for and on behalf of the Building Industry Authority on this 9th day of April 2002

W A Porteous
Chief Executive