

# Building Compliance and Fire Risk Management

Trent Fearnley  
CEO, Association of Building Compliance



# Who is Responsible for the Building?



Owner in relation to any land and any buildings on that land:

a) Means the person who:

- i) Is entitled to the rack rent from the land
- ii) Would be so entitled if the land were let to a tenant at a rack rent; and

b) Includes:

- i) The owner of the fee simple of the land:
- ii) Any person who had agreed in writing, whether conditionally or unconditionally to purchase the land or any leasehold estate or interested in the land, or to take a lease of the land and is bound by the agreement because the agreement is still in force.

| The Owner                        |               |  |
|----------------------------------|---------------|--|
| Name of owner                    |               |  |
| Contact person                   |               |  |
| Mailing address                  |               |  |
| Street address/registered office |               |  |
| Phone number                     | Mobile number |  |
| E-mail address                   | Website       |  |

# Building Act 2004

## Purposes and Principles

- (a) To provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that –
- i. **people who use buildings can do so safely and without endangering their health;** and
  - ii. Buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
  - iii. **People who use a building can escape from the building if it is on fire;** and
  - iv. Buildings are designed, constructed, and able to be used in ways that promote sustainable development:
- (b) To promote the accountability of owners, designers, builders, and building consent authorities





# Building Act 2004

Means of escape from fire, in relation to a building that has a floor area,—

- (a) means continuous unobstructed routes of travel from any part of the floor area of that building to a place of safety.
- (b) includes all active and passive protection features required to warn people of fire and to assist in protecting people from the effects of fire in the course of their escape from the fire

## Building Act 2004

BUILDING  
PERFORMANCE



**17 building work** must comply with building code.

All building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of the building work.



# When is a Building Consent required?

## 40 Building work not to be carried out without consent

(1) A person must not carry out any building work except in accordance with a building consent.

## 41 Building consent not required in certain cases

(1) Despite section 40, a building consent is not required in relation to—

- (a) a Crown building or Crown building work to which, under section 6, this Act does not apply; or
- (b) any building work described in Schedule 1 for which a building consent is not required (see section 42A); or
- (c) any building work in respect of which a building consent cannot practicably be obtained in advance because the building work has to be carried out urgently—
  - (i) for the purpose of saving or protecting life or health or preventing serious damage to property; or
  - (ii) in order to ensure that a specified system in a building that is covered by a compliance schedule, or would be covered if a compliance schedule were issued in respect of the building, is maintained in a safe condition or is made safe;

# Life of Compliance – new build

Architect

Fire Engineer

BCA issued

BCA  
Inspected

BCA issued

Territorial  
Authority  
Issued

Submitted by  
Owner/IQP  
on behalf



Concept

Fire Design

Building Consent  
Issued

Installation of  
Specified  
Systems

BCA

Compliance  
Schedule Written

Code Compliance  
Certificate Issued

Compliance  
Statement Issued

Building Warrant  
of Fitness Issued

Concept  
design-Detail  
design

Details which  
specified  
systems are  
required for  
life safety.  
Other  
specified  
systems by  
others

Draft CS or  
a list of  
Specified  
Systems  
provided  
with  
Consent  
Building.  
Work starts

Specified  
Systems  
Installed and  
inspected,  
producer  
statements  
issued

Building can  
be occupied  
now

Must be  
displayed for  
first year of  
use.  
IQP& Owner  
Inspections  
start

Issued on the  
CS  
anniversary &  
Annually for  
the life of the  
building.



# When is a Building Consent not required?

(1) Despite section 40, subject to the conditions set out in subsection (2) and

whether or not a building consent would otherwise have been required, a building consent is not required for building work in the following categories:

- (a) building work described in Part 1 of Schedule 1; or
- (b) building work described in Part 2 of Schedule 1 that is carried out by an authorised person (*see* subsection (3)); or
- (c) building work described in Part 3 of Schedule 1 if the design of the building work has been carried out or reviewed by a chartered professional engineer and the building work has been carried out in accordance with that design.

(2) Subsection (1) is subject to the following conditions:

(a) **the building work complies with the building code to the extent required by this Act:**

(b) after the building work is completed, the building,—

- (i) **if it complied with the building code immediately before the building work began, continues to comply with the building code; or**
- (ii) **if it did not comply with the building code immediately before the building work began, continues to comply at least to the same extent as it did then comply:**





# When is a Building Consent required in existing buildings?

## 112 Alterations to existing buildings

(1) A building consent authority must not grant a building consent for the alteration of an existing building, or part of an existing building, unless the building consent authority is satisfied that, after the alteration,—

**(a) the building will comply, as nearly as is reasonably practicable, with the provisions of the building code that relate to—**

**(i) means of escape from fire; and**

**(ii) access and facilities for persons with disabilities (if this is a requirement in terms of section 118); and**

**(b) the building will,—**

**(i) if it complied with the other provisions of the building code immediately before the building work began, continue to comply with those provisions; or**

**(ii) if it did not comply with the other provisions of the building code immediately before the building work began, continue to comply at least to the same extent as it did then comply.**



# When is a Building Consent required in existing buildings?

(2) Despite subsection (1), a territorial authority may, by written notice to the owner of a building, allow the alteration of an existing building, or part of an existing building, **without the building complying with provisions of the building code** specified by the territorial authority if the territorial authority is satisfied

that,—

(a) if the building were required to comply with the relevant provisions of the building code, the alteration would not take place; and

(b) the alteration will result in improvements to attributes of the building that relate to—

(i) **means of escape from fire; or**

(ii) access and facilities for persons with disabilities; and

(c) **the improvements referred to in paragraph (b) outweigh any detriment that is likely to arise as a result of the building not complying with the relevant provisions of the building code.**

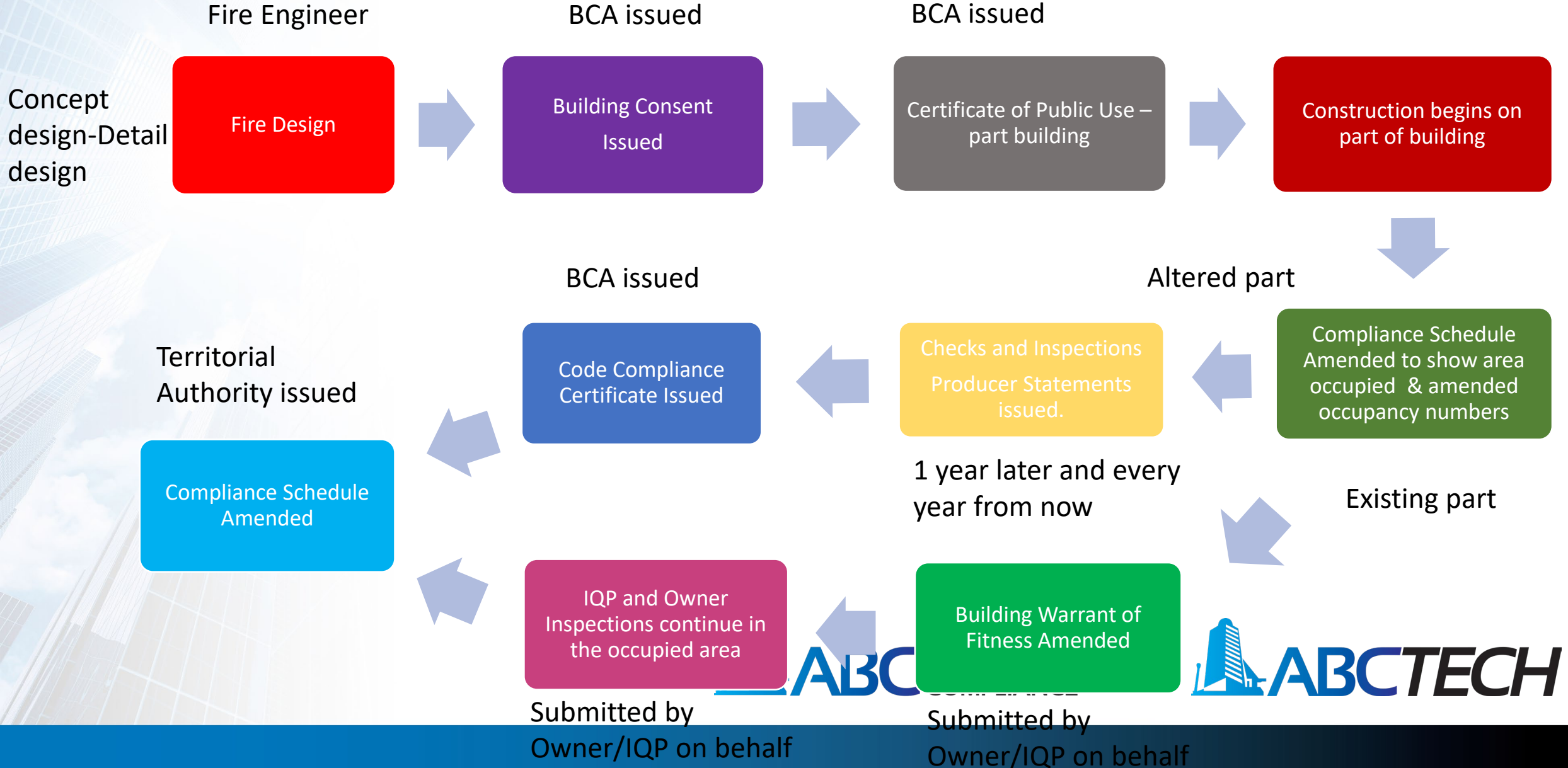


# Life of Compliance – alterations to part of building

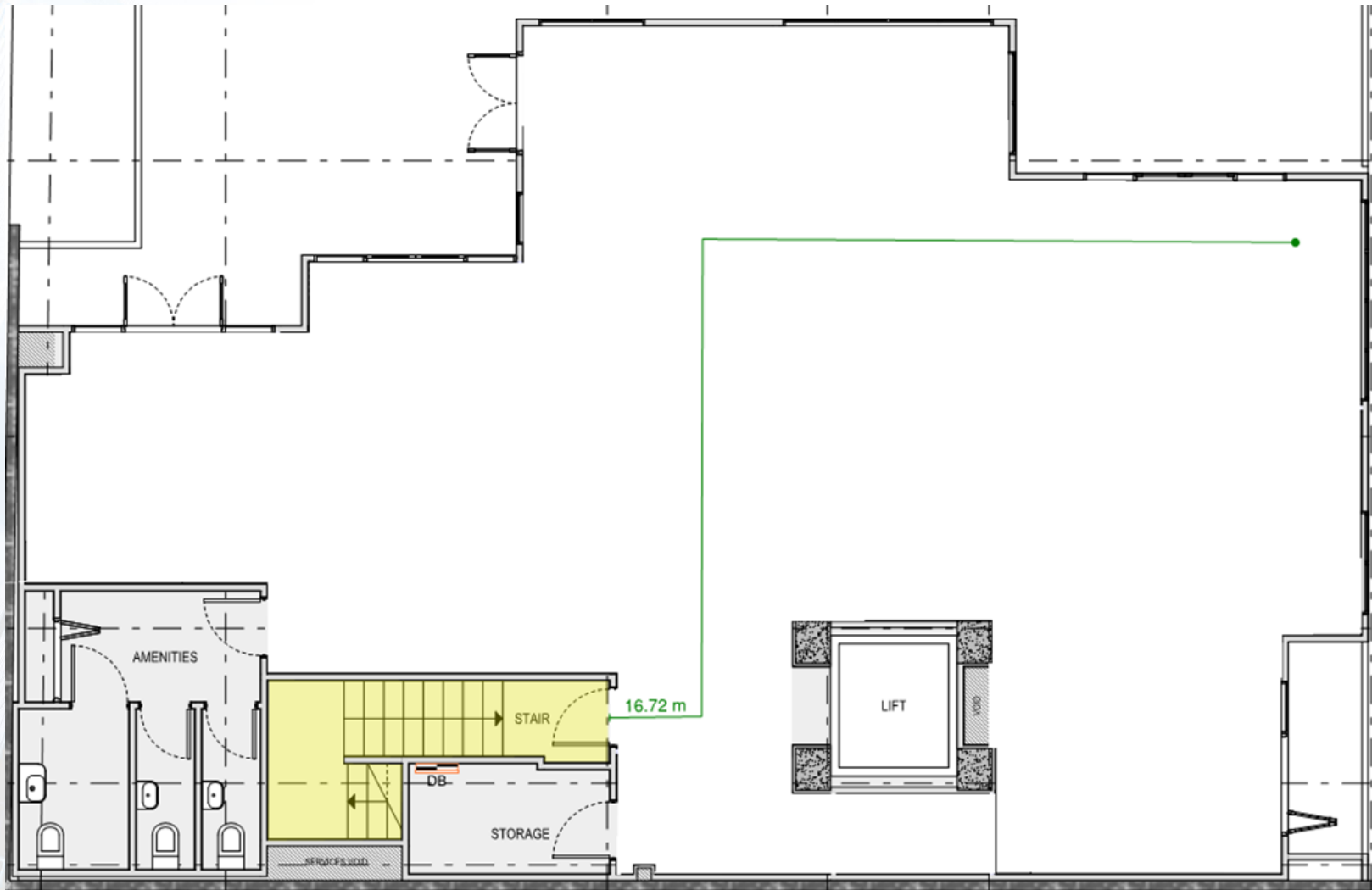




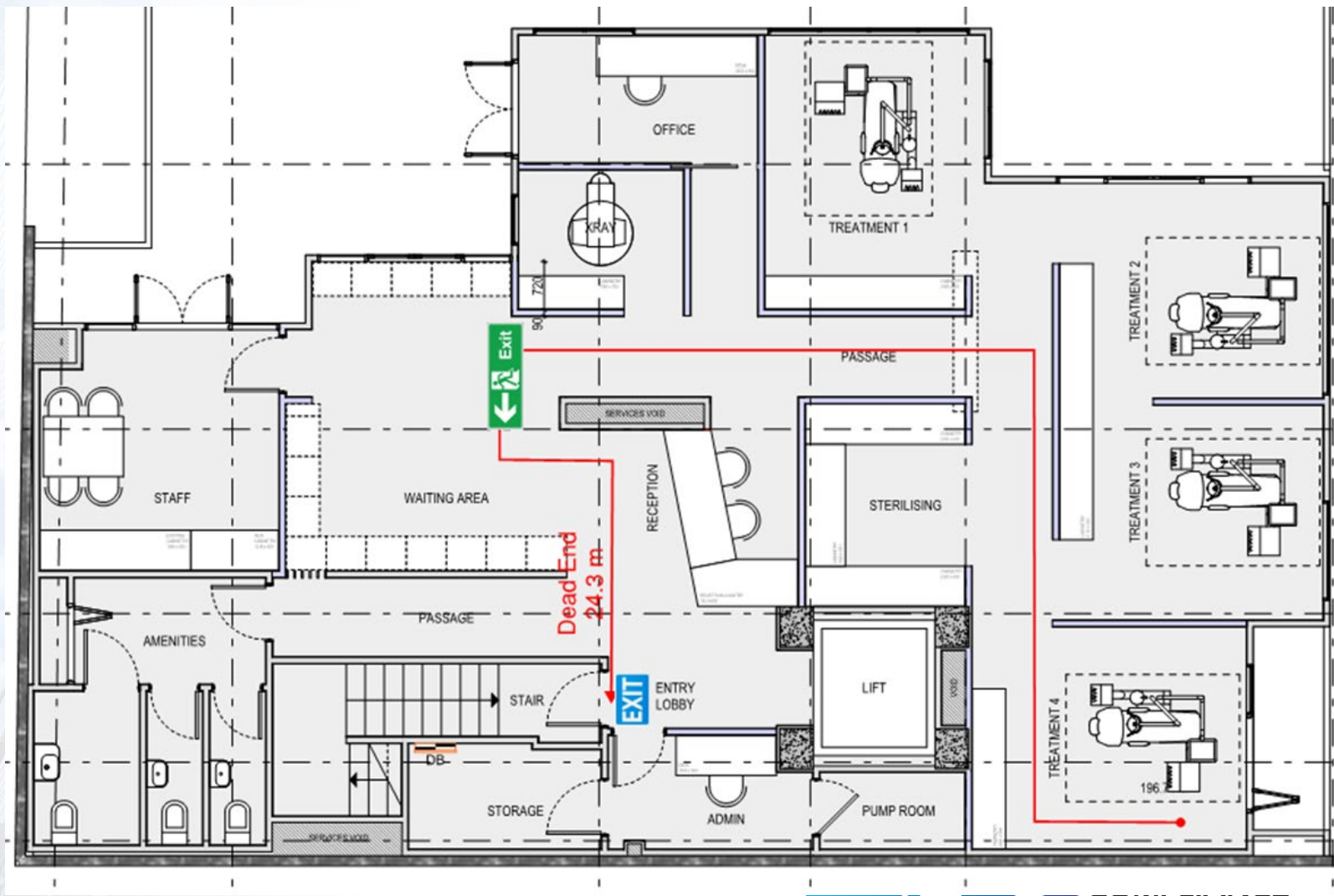
# Life of Compliance – alterations part of building



# Emergency Lighting Requirements (post 2012)

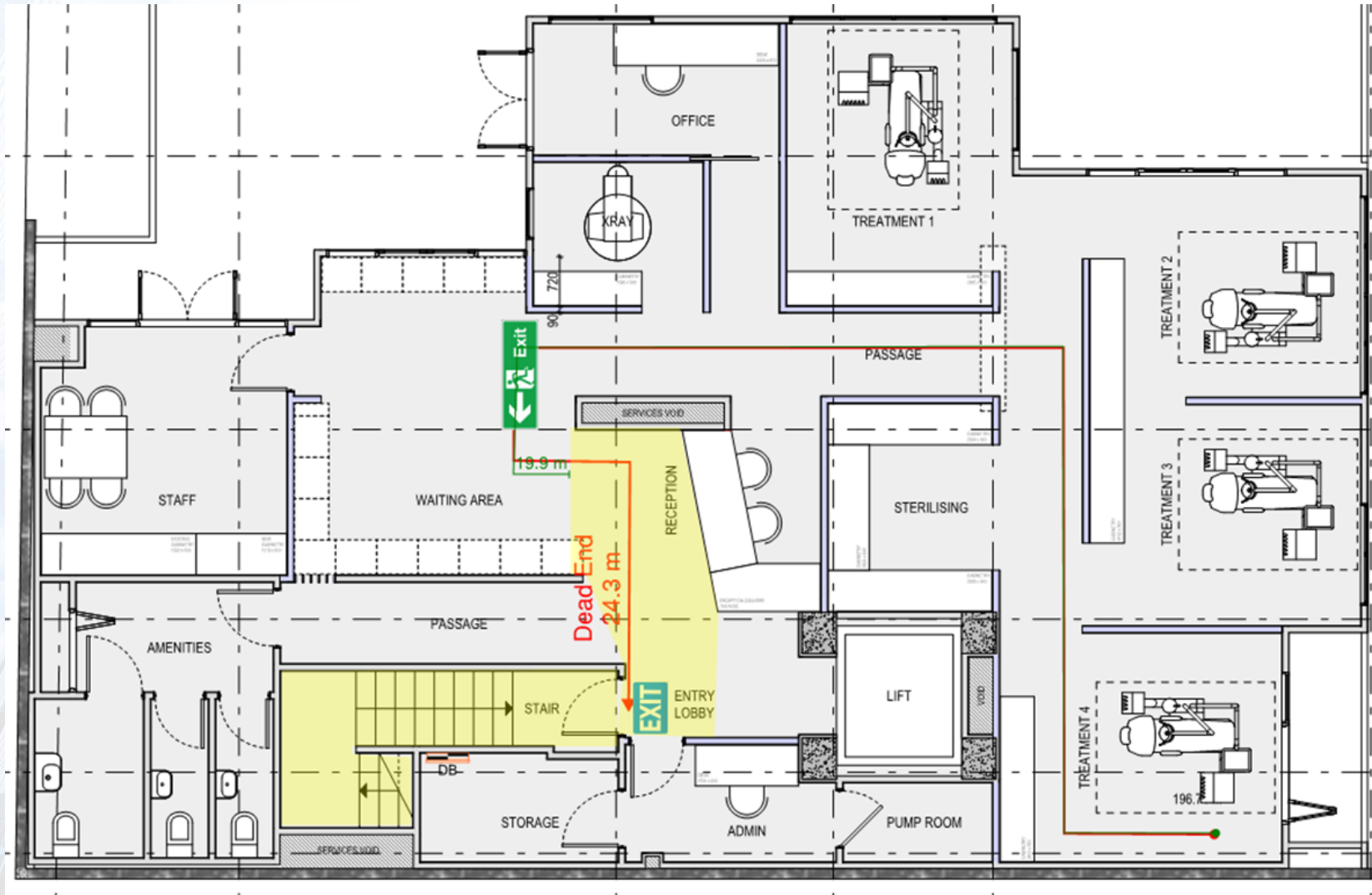


# Emergency Lighting Requirements (post 2012)





# Emergency Lighting Requirements (post 2012)



# Exempted Building Work

## Exempted building work

### *General*

#### **1 General repair, maintenance, and replacement**

(1) The repair and maintenance of a building product or an assembly incorporated in or associated with a building, provided that a comparable building product or assembly is used.

(2) Replacement of a building product or an assembly incorporated in or associated with a building, provided that—

- (a) **a comparable building product or assembly is used; and**
- (b) **the replacement is in the same position.**



# Exempted Building Work

## Exempted building work

### *General*

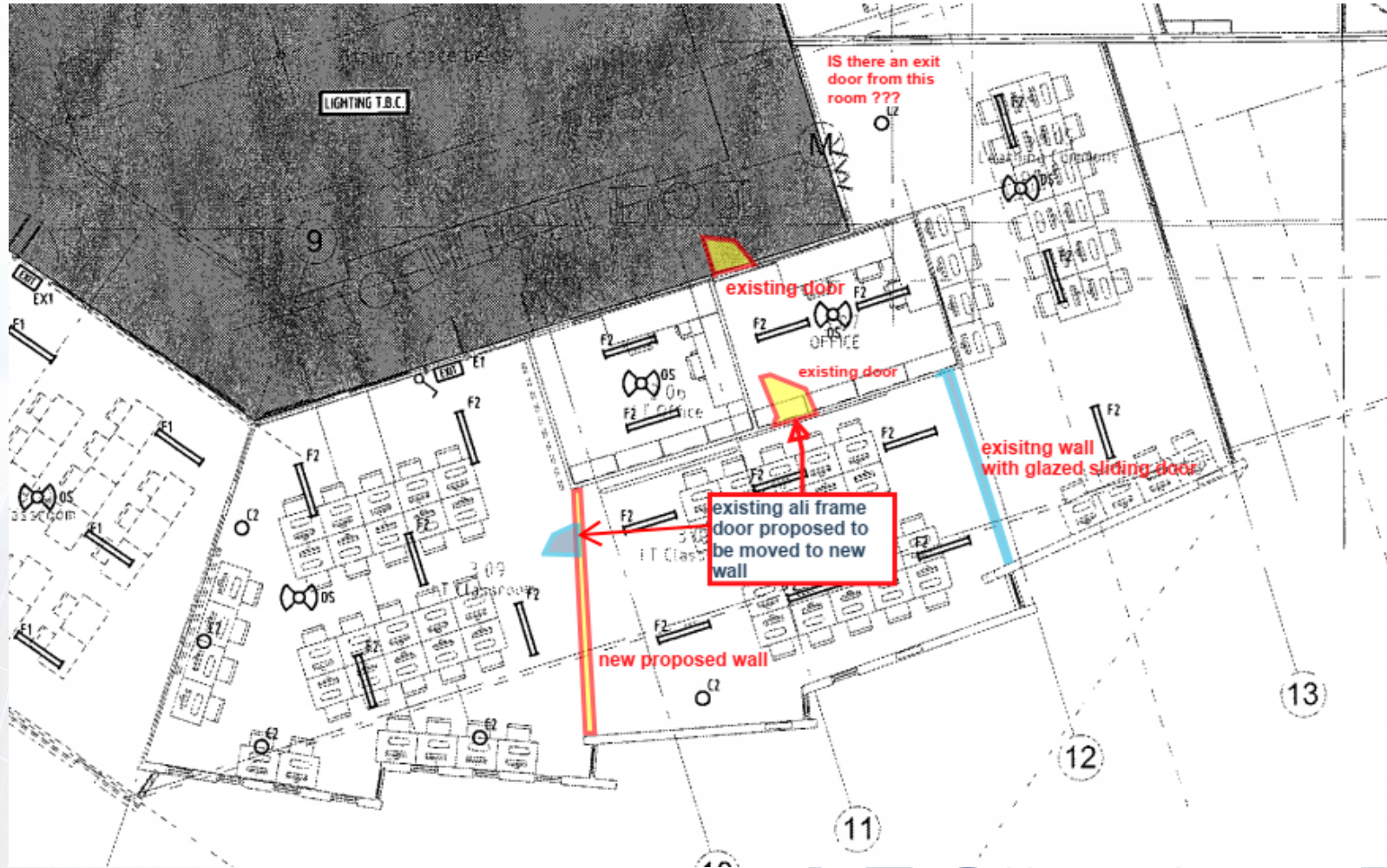
(3) However, subclauses (1) and (2) do not include the following building work:

- (a) **complete or substantial replacement of a specified system;** or
- (b) complete or substantial replacement of a building product or an assembly contributing to the building's structural behaviour or fire-safety properties; or
- (c) repair or replacement (other than maintenance) of a building product or an assembly incorporated in or associated with a building that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
- (d) sanitary plumbing or drainlaying under the Plumbers, Gasfitters, and Drainlayers Act 2006.





# Is a Building Consent required?



# NZS 4512 - 2021 and NZS 4541 - 2020

## Required Risk Assessment

- Shutdown of system or part of system in accommodation buildings
- Notifications to the following parties:
  - Building owner or Agent
  - Building Occupiers
  - FENZ
  - Insurers



# Change of Use

## 115 Code compliance requirements: change of use

An owner of a building must not change the use of the building,—

(a) in a case where the change involves the incorporation in the building of 1 or more household units where household units did not exist before, unless **the territorial authority gives the owner written notice that the territorial authority is satisfied, on reasonable grounds, that the building, in its new use, will comply, as nearly as is reasonably practicable, with the building code in all respects;** and

(b) in any other case, unless the territorial authority gives the owner written notice that the territorial authority is satisfied, on reasonable grounds, that the building, in its new use,—

(i) will comply, as nearly as is reasonably practicable, with every provision of the building code that relates to the following:

(A) **means of escape from fire, protection of other property,** sanitary facilities, structural performance, and fire-rating performance:

(B) access and facilities for persons with disabilities (if this is a requirement under section 118); and

(ii) will,—

(A) if it complied with the other provisions of the building code immediately before the change of use, continue to comply with those provisions; or

(B) if it did not comply with the other provisions of the building code immediately before the change of use, continue to comply at least to the same extent as it did then comply.



# Building Act 2004 cont'd

Sections Relating to Owners and Owners Agent

## *Compliance Schedules and Building Warrant of Fitness*

- 100 Requirement for compliance schedule
- 101 **Owner must** comply with requirement for compliance schedule
- 102 When compliance schedule must be issued
- 102A Procedure for obtaining compliance schedule where building consent not required
- 103 Content of compliance schedule
- 104 Building consent authority must notify territorial authority of issue of compliance schedule
- 104A Territorial authority must issue statement in relation to compliance schedule
- 105 **Obligations of owner** if compliance schedule is issued
- 106 **Application by owner** for amendment to compliance schedule
- 107 Territorial authority may amend compliance schedule on own initiative

# The Building Act 2004

Sections Relating to Building Warrant of Fitness continued

## ***Annual Building Warrant of Fitness***

- 108 Annual building warrant of fitness
- 109 Territorial authority must consider recommendation to amend compliance schedule
- 110 **Owner must** obtain reports on compliance schedule
- 111 Inspection by territorial authority

## ***Alterations to existing Buildings***

- 112 Alterations to existing buildings
- 113 Buildings with specific intended lives

Building Warrant of Fitness Report and Declaration

Non-compliance with compliance schedule: #

This report has been issued in lieu of a building warrant of fitness (BWof). Its purpose is to notify building occupants:
1. that one or more procedures required for a BWof to be supplied and displayed were not carried out
2. about the current performance status of each specified system.

THE BUILDING
Building name:
Street address of building:
Level/unit number:
Location within site/block:

OWNERS DECLARATION
A BWof was unable to be supplied and displayed because one or more scheduled inspection and/or maintenance procedures of the compliance schedule was not carried out.

The following table details whether a specified system was affected by the missed procedures and the current performance of the specified system with its respective performance standard.

SPECIFIED SYSTEM SUMMARY REPORT
Specified system | Procedure missed | Currently performing | Form 12A supplied | S-RaD supplied
Example: Emergency warning system | Y | Y | N/A | Y
Example: Automatic doors (Insert further rows if required) | N | Y | Y | N/A

For more information on inspection, maintenance and reporting procedures missed and/or current performance details, please see the individual Specified System Report and Declaration (S-RaD) for the specified system concerned.

Signature of owner/agent on behalf of and with the authority of the owner
Date: D/M/Y

OWNER/AGENT
Name:
Company (if applicable):
Mailing Address:
Contact Number:

BUILDING USE AND OCCUPANCY
Current, lawfully established use | Activity (Change of Use Regulations) | Fire design category (Risk Group, Highest Fire Hazard Category) | Occupant Load (Fire Design)
Level | Classified Use(s) (from NZBC A1, plus basic description)
Example: Office | Office | Office | 100

COMPLIANCE SCHEDULE
Compliance Schedule Anniversary: D/M/Y
Location where compliance schedule is kept:

\* Delete that which is not applicable



Specified System Report and Declaration (S-RaD) Compliance schedule: #

This report has been issued in lieu of a Form 12A. Its purpose is to:
1. enable a BWof Report and Declaration (B-RaD) to be supplied and displayed in the building
2. inform the building owner and the territorial authority about the reasons procedures were missed and advise the current performance status of the specified systems.

This report does not enable a building warrant of fitness to be supplied and displayed.

BUILDING
Building name:
Level/unit number:
Street address of building:
Compliance schedule anniversary: D/M/Y

OWNER
Name:
Mailing address:
Contact number:

SPECIFIED SYSTEM
Example: SS1 Automatic systems for fire suppression

IQP DECLARATION
Missed procedures
A Form 12A for the above specified system was unable to be issued due to one or more of the following scheduled inspection, maintenance and reporting (IMR) procedures of the compliance schedule not being carried out:

Procedure | Reason
Example: 5 March 2022 - Weekly Diesel Test | Example: Access to the building could not be gained
Add rows below if required.

Measures put in place (or will be) to ensure the procedures are not missed in the future:
Example: IQP now has their own set of keys.

Performance of the system
The above specified system is/is not (delete one) currently performing to the performance standard stated in the compliance schedule as at the date stated below.

The missed IMR procedures have materially affected the ability of the specified system to perform to the performance standard for that system: Y/N

+ Description of the status of the non-performing specified system:
Example: System is running but takes longer than the specified period to start.
+ Measures put in place (or will be) to ensure the system performs to the performance standard:
Example: New starter solenoid has been ordered from USA and is expected to arrive in 2 weeks.

Signature of Independent Qualified Person:
Date: D/M/Y

IQP name:
IQP Company:
IQP number:

+ Delete if system is currently performing

# What information should an Owner have?

- An Understanding of the Building
- A Copy of the Compliance Schedule
- A Copy of the Fire Report including the fire drawings
- A copy of the relevant Standards
- A copy of as-built drawing and supporting information i.e. Passive Schedule

## Compliance Schedule

ISSUED IN ACCORDANCE WITH SECTION 102, BUILDING ACT 2004

Compliance Schedule Number: WOF/2020/6057

BWOF Renewal Date: 1 May

### The building

**Street address of building:**  
94 Farrington Avenue, Bishopdale, Christchurch  
**Legal description:** Lot 779 DP 22941, Lot 780 DP 22941  
**Building name:** St Margaret's Presbyterian Church  
**Location of building within site/block number:**  
2 x Buildings (Hub Building and Church)  
**Level/Unit number (total number of levels/units):**  
Hub Building - Single Level  
Church - Single Level

**Year first constructed:** 2000  
**Intended life of building (if less than 50 years):**  
**Highest fire hazard category (if applicable):**  
**Risk group (if applicable):** CA  
**Conditions of use:**  
Church - Occupant load of the Worship hall is limited to 170 people  
Church - All of the final exit doors from the foyer are to be kept unlocked and unlatched when the building is occupied

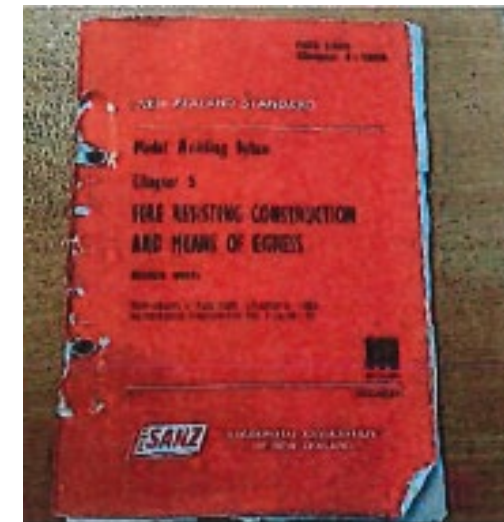
### Current, lawfully established use

| Level/Unit   | Classified use(s) (Clause A1) (plus description) | Use(s) (Schedule 2, Building Regulations 2004) | Occupant numbers |
|--------------|--|--|------------------|
| Hub Building | Assembly Service: Church                         | Crowd Large; Working Low                       | 90               |
| Church       | Assembly Service: Church                         | Crowd Large; Working Low                       | 305              |

### The owner

**Name:** Presbyterian Church Property Trustees  
**Owner contact:** Fiona Caughley  
**Mailing address:**  
c/- St Margaret's Presbyterian Church  
94 Farrington Avenue  
Bishopdale  
Christchurch 8053

**Phone number:**  
**Mobile:**  
**Email address:** fiona@stmargaretschurch.org.nz  
**Website:**





# Who can do Owner Inspections

- Owner
- Tenant
- Property Manager
- Agent
- IQP



However, if anything goes wrong and the Council, issues and Infringement Notice or takes someone to court it will be the **Owner**. Then the owner will bring the person who has completed the inspections

# Specified Systems which may include Owner Inspections

- SS2 Automatic or Manual Emergency Warning Systems
  - Only Type B Manual Alarm some Councils allow owner*
- SS3/1 Automatic Doors
- SS3/2 Access Control Doors
- SS14/2 Signs relating to a specified system of any specified systems 1-13
- SS15/2 Final Exits
- SS15/3 Fire Separations
- SS15/4 Signs for Communication information intended to facilitate evacuation
- SS15/5 Smoke Separations



# Fire and Emergency New Zealand Reg 2018

## Fire safety for buildings described in Schedule 1

### *Means of escape from fire for building*



## **5 Owner and tenants of a building must maintain means of escape from fire for building**

The owner and tenants of a building must maintain the means of escape from fire for the building so as to ensure that—

- (a) they are kept clear of obstacles at all times; and
- (b) their exit doors are not locked, barred, or blocked so as to prevent any of the building's occupants from leaving the building; and
- (c) their smoke-control and fire-stop doors are not kept open otherwise than in a way that complies with the building code; and
- (d) their stairwells and passageways are not used for storage or accumulation of waste.





# FENZ Regulations 2018

7 Owner of building must provide evacuation procedure

(1) The owner of a building must have a procedure in place (evacuation procedure) for the safe, prompt, and efficient evacuation of the building's occupants in the event of a fire emergency requiring evacuation.

(2) The procedure must—

(a) provide for the occupants to be evacuated to a place or places of safety; and

(b) without limiting paragraph (a), provide for the safety of any person who requires particular assistance.

## FIRE ACTION

### IF YOU DISCOVER A FIRE:

WARN OTHER BUILDING OCCUPANTS  
OPERATE FIRE ALARM & PHONE THE FIRE SERVICE

**DIAL 111**

(FROM A SAFE PLACE)

### WHEN WARNED OF A FIRE IN THIS BUILDING:

LEAVE THE BUILDING IMMEDIATELY USING THE NEAREST  
EXIT WHICH IS:

YOUR ALTERNATIVE EXIT IS AT:

ASSEMBLE AT:

### ONCE OUT, STAY OUT

WALK - DO NOT RUN

STAY AT THE ASSEMBLY POINT UNTIL THE "ALL CLEAR" IS  
GIVEN

DO NOT ATTEMPT TO EXTINGUISH THE FIRE UNLESS IT IS  
SAFE TO DO SO















# Thank you to our Partners

The logo for ARGEST, featuring the word "ARGEST" in a bold, lime green, sans-serif font.

Diamond Partner

The logo for argus FIRE PROTECTION, with "argus" in a bold, orange, lowercase sans-serif font, and "FIRE PROTECTION" in a smaller, black, uppercase sans-serif font to its right.

Diamond Partner



Gold Partner



Silver Partner

