

**BUILDING
PERFORMANCE**

Operation Magazine

Association of Building Compliance – Conference – July 2024

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MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

Overview

- Loafers Lodge/background
- Operation Magazine
 - Background and process
 - Property reports and recommendations
 - Findings
 - Follow-up programme
- What's next?



Loafers Lodge

Loafers Lodge:

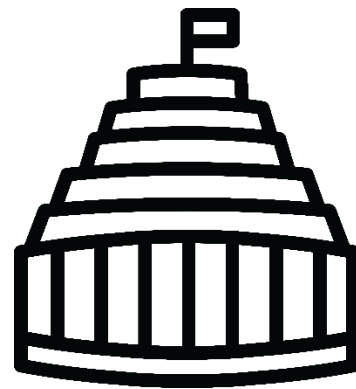
- A four-storey building constructed in 1971 as an office and warehouse building
- From 2006, the building was used as accommodation
- At 12:25am on Tuesday 16 May 2023, emergency services were called to a fire at Loafers Lodge, Wellington
- Five people died and 20 people were injured because of the fire
- There is currently an ongoing FENZ investigation into the fire.



Operation Magazine – Initiation

Following the Loafers Lodge Fire:

- The Minister asked MBIE to investigate whether there were similar buildings to Loafers Lodge in New Zealand which were vulnerable to fire.
- The decision was taken to inspect properties meeting a similar profile throughout New Zealand to:
 - identify and address any immediate fire safety concerns
 - inform any future work to strengthen fire safety requirements in boarding houses.



Operation Magazine – Building scope

Buildings were chosen based on those with a similar profile to that of Loafers Lodge with the specific requirement that the buildings needed to:

- be a boarding house; and
- be three storeys or more in height; and
- have no sprinkler system.



Operation Magazine – Building selection

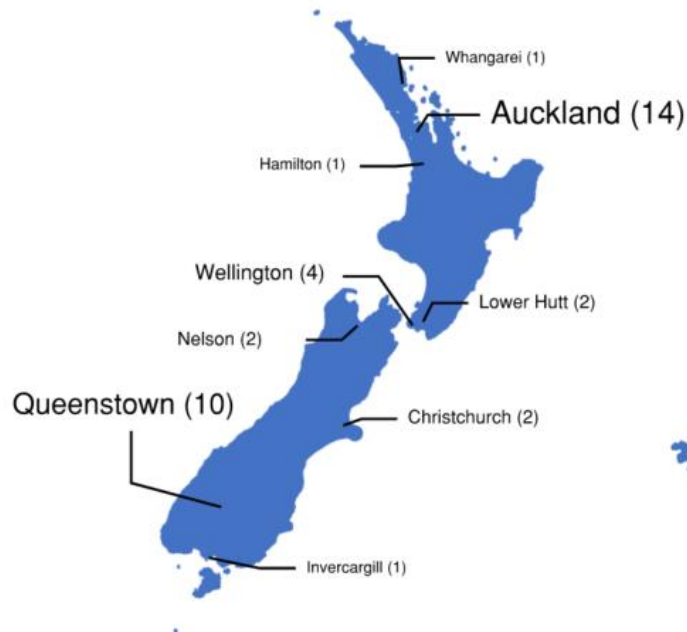
- MBIE wrote to councils requesting they *“provide information on the stock of boarding houses in their area”*
- Request - take a broad approach in determining what a boarding house is
- Result - 70 buildings spread across 13 council areas
- More detailed review reduced the number of buildings to be inspected down to 40 across 9 council areas
- The total of 40 was further reduced to 37 buildings following an inspection refusal by three building owners.

Operation Magazine – Building location

The buildings were spread across New Zealand.

Two thirds in three council areas:

- Auckland Council
- Queenstown Lakes District Council
- Wellington City Council



Inspection – Purpose and duration

Purpose:

- to check compliance with:
 - the Residential Tenancy Act - for landlord tenancy obligations
 - the Building Act - in relation to fire safety
- identify any immediate risks to the safety of the people residing in the buildings.

Duration:

A 2-month Operation: 28 August 2023 (Wellington) to 27 October 2023 (Whangārei)

Inspection – Who?

Who

The inspections were led by staff from MBIE's Tenancy Compliance and Investigations Team (TCIT) and Building System Delivery and Assurance (BSDA) Team.



BSDA and TCIT were supported by:

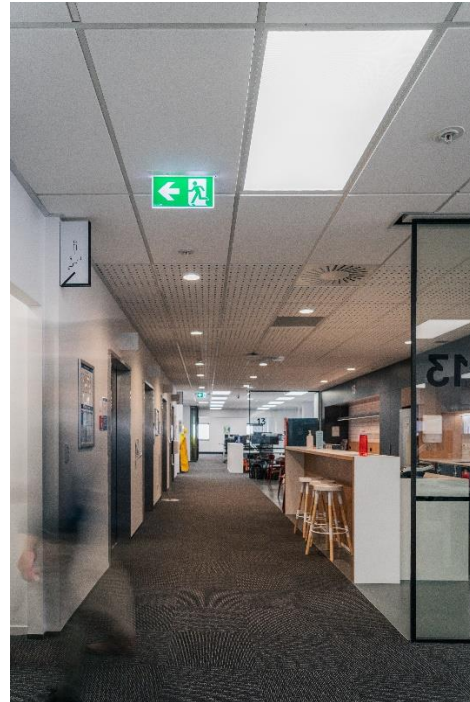
- MBIE's fire engineers and Fire and Emergency New Zealand (FENZ)
- the relevant council.

Inspection – What?

What

The fire safety assessments comprised 3 broad categories of checks:

- compliance with the compliance schedule (CS) and building warrant of fitness (BWoF) requirements of the Act; and
- the general level of fire safety in the building, and
- compliance with tenancy and landlord obligations.



Inspection – CS and BWoF



Buildings were checked to ensure the BWoF

- was current
- was publicly displayed
- complied with the requirements of the Building Act and regulations

The compliance schedules for each building were assessed to ensure that they:

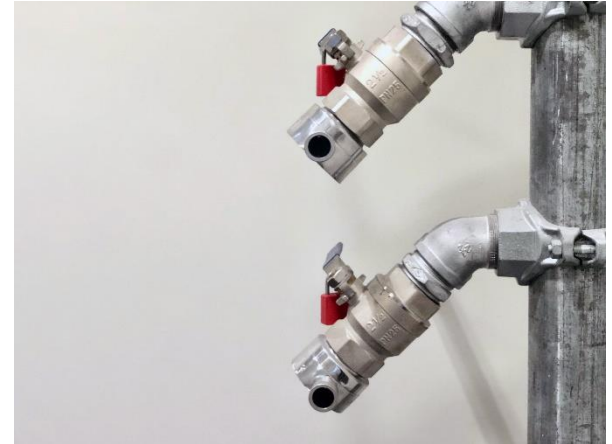
- complied with the Act requirements
- aligned with the specified systems that were present in the building.

Inspection – Fire safety

The assessments for fire safety consisted of visual checks of:

- the fire alarm
- fire and smoke separations
- emergency lighting
- fire hydrant systems
- escape routes.

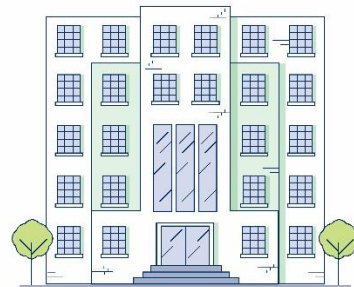
Documentation for the above systems and features was also reviewed where available.



Inspection – Tenancy and landlord

TCIT's landlord assessments focused on landlord compliance with:

- general maintenance obligations
- general health and safety obligations
- fire safety obligations (eg smoke alarms and fire evacuation procedures)
- healthy homes' obligations
- provisions specific to boarding houses.



Outputs – Property reports

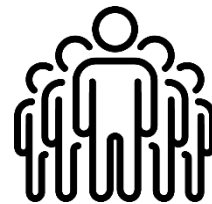
At the completion of each inspection an individual inspection report was written.

Each report covered an overview of:

- the condition, suitability and (where possible) the compliance of fire safety features in the building
- compliance with BWoF and CS requirements
- compliance in relation to landlord obligations.



Outputs – Recommendations

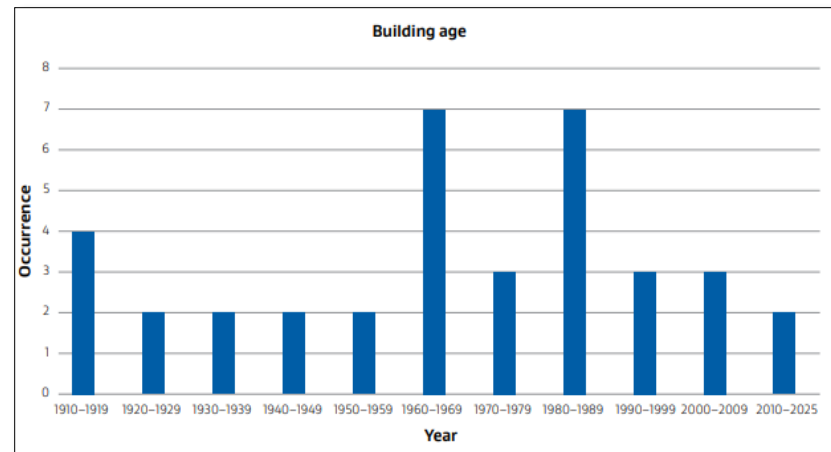


- Many buildings inspected had fire safety issues or non-compliances with the BWoF requirements
- MBIE provided a list of initial observations and recommendations to each council
- Councils were requested to comment on each recommendation and describe their plan to rectify the associated issue
- All councils responded positively to the need to address the recommendations.

Findings – Building age

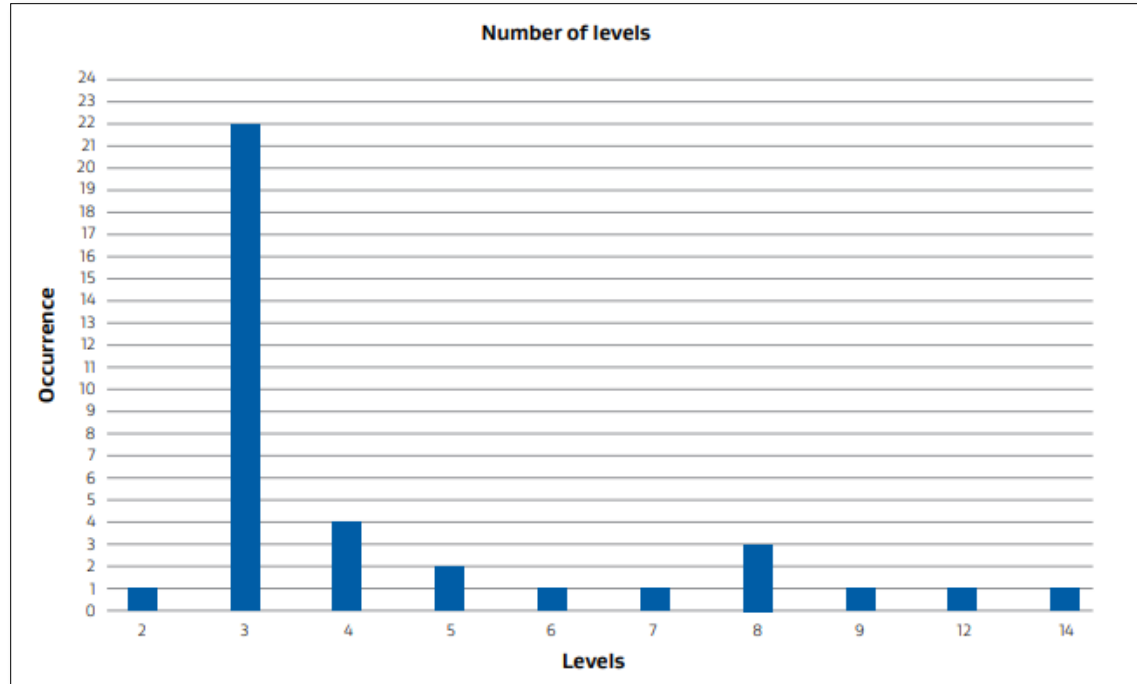


- Average age = 60 years
- Oldest = 114 years (constructed in 1910)
- Newest = 2 years (constructed 2022)
- Majority not built as a boarding house or as accommodation
- More than 75% of the buildings were constructed prior to 1991 (before the Building Act).



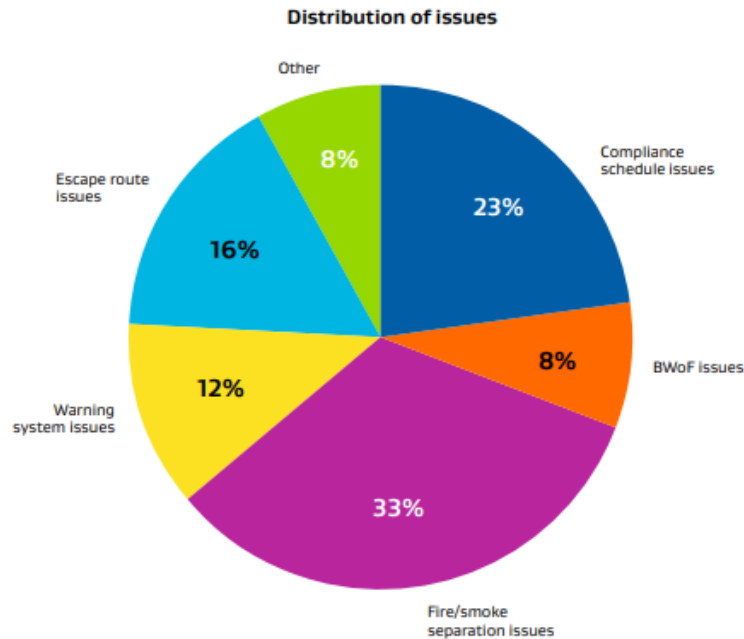
Findings – Building size

- 2 to 14 storeys
- 60% of cases = 3 storeys
- Beds average = 95
- Range 5 to 350 beds



Findings – Distribution of issues

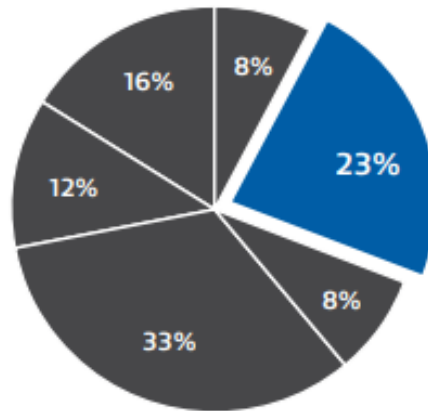
- Operation Magazine identified 134 distinct issues across the 37 buildings inspected
- The issues identified were placed into 6 broad categories.



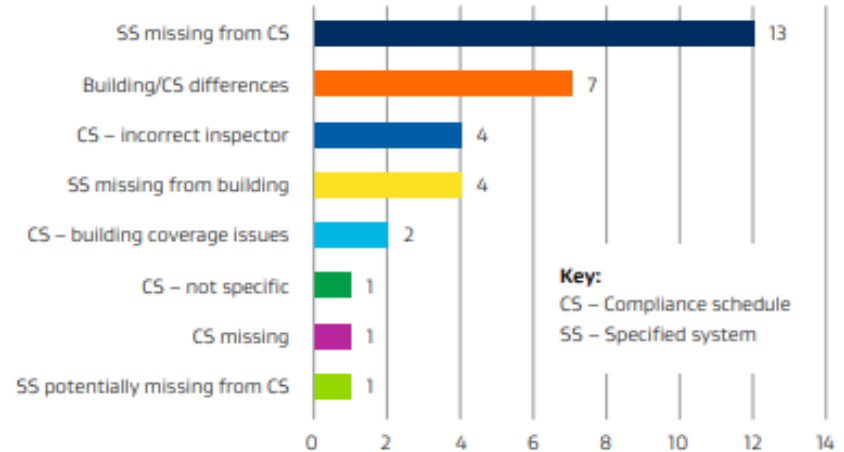
Findings – Compliance Schedules

- Accounted for 23% (33) of the 134 distinct issues

Compliance schedule (CS) issues



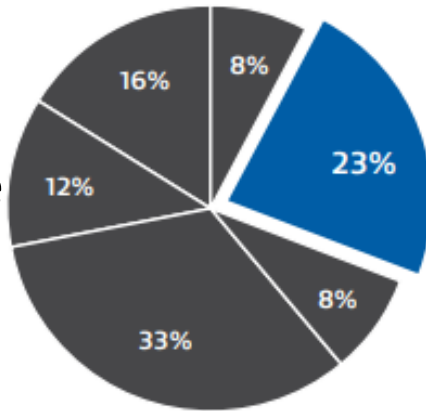
Issue break-down



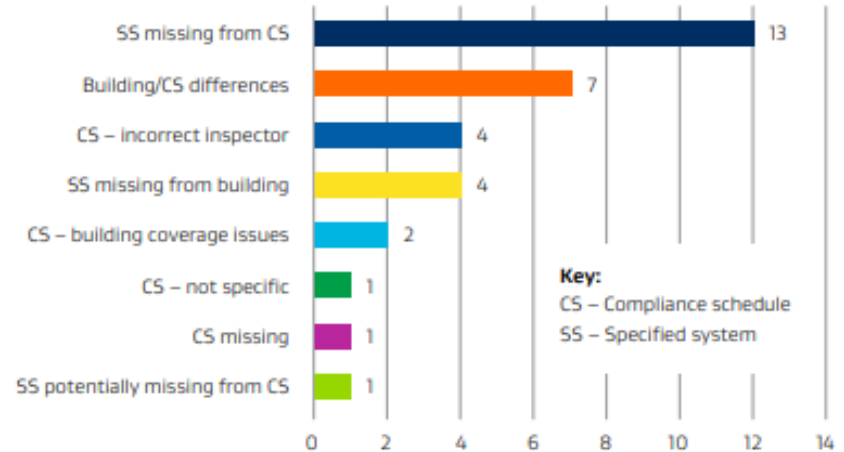
Findings – Compliance Schedules

- #1 issue = Specified systems missing from the compliance schedule

Compliance schedule (CS) issues



Issue break-down



Findings – Compliance Schedules

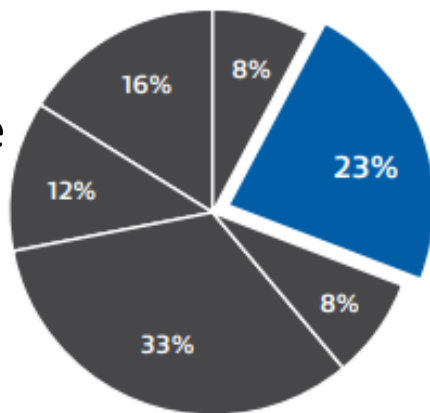
Exploring specified systems missing from the compliance schedule

- All specified systems in the building are required to be listed on the building's compliance schedule
- Not listed = unlikely inspected or maintained = increased likelihood of failure = could be catastrophic in the event of a fire
- Potential reason not listed = Specified systems installed without a building consent
- The installation of access control doors (SS3/2) without building consent is a common occurrence.

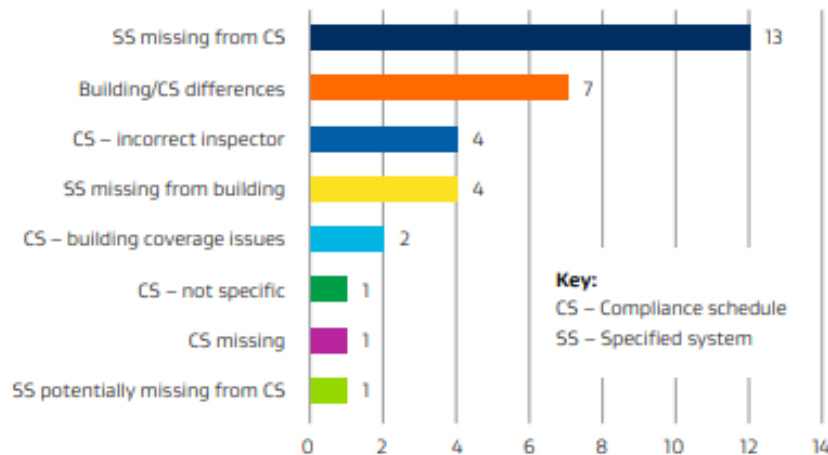
Findings – Compliance Schedules

- In 7 buildings the system described on the compliance schedule differed to the system installed in the building.

Compliance schedule (CS) issues



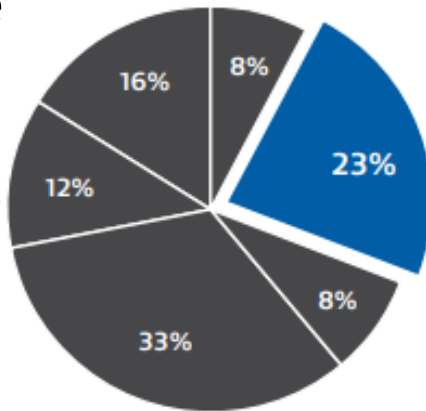
Issue break-down



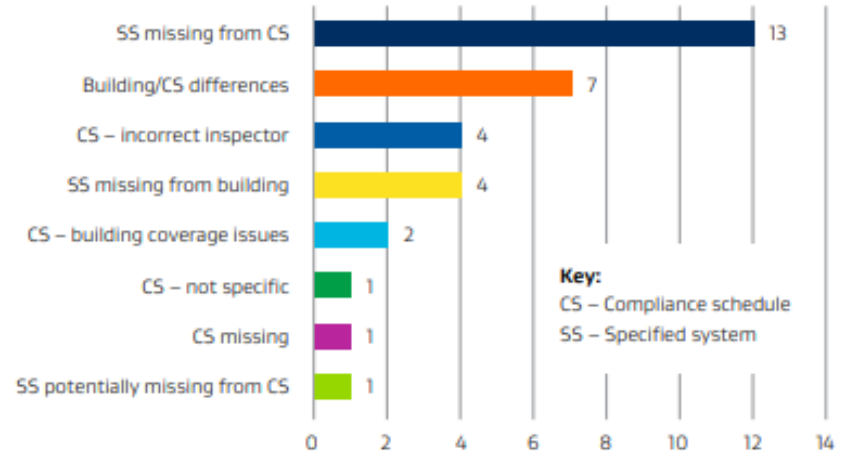
Findings – Compliance Schedules

- In other cases, the compliance schedule lacked the required detail.

Compliance schedule (CS) issues

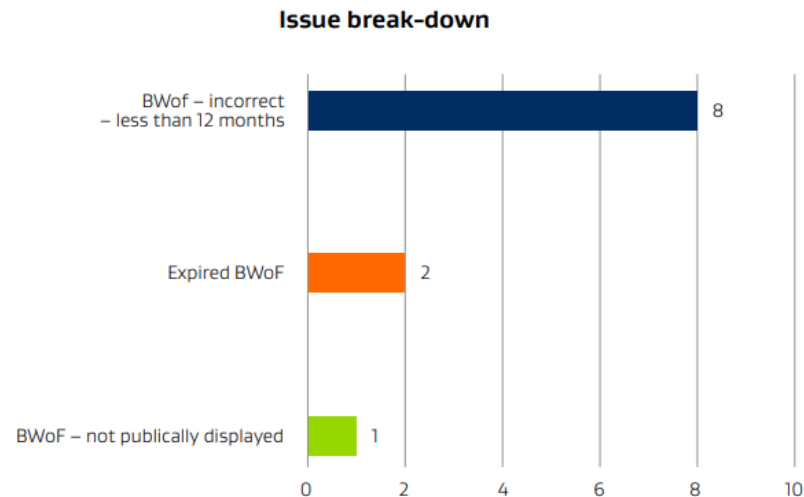
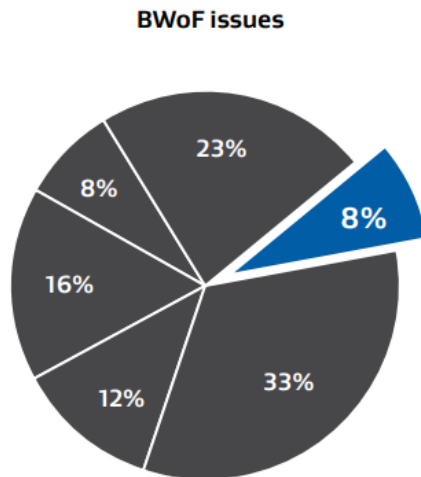


Issue break-down



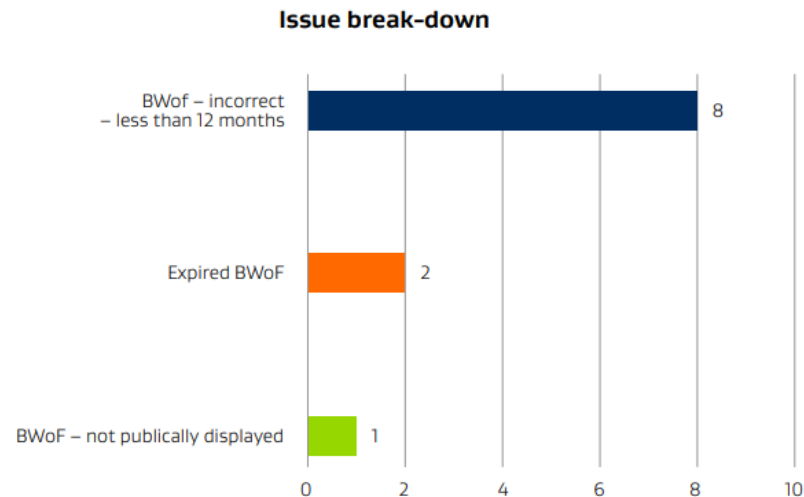
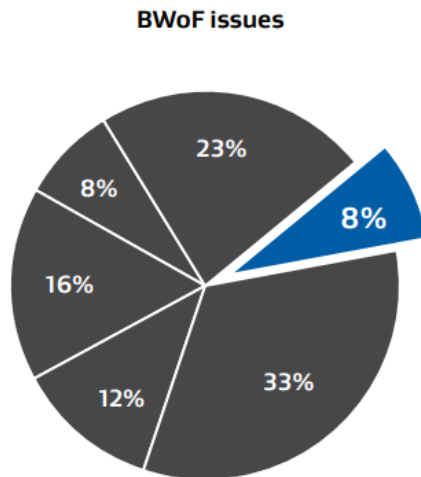
Findings – BWoFs

- Accounted for 8% (11) of the 134 distinct issues.



Findings – BWoFs

- #1 issue = Less than 12 months' worth of compliance (IMR procedures).



Findings – BWoFs

Exploring missed IMR procedures

- It is an offence under the Building Act to not have had the full 12 months' worth of inspection, maintenance and reporting procedures.
- The Building Act does not provide any flexibility or exemptions to the requirement, even if the systems are performing as required (the legislative purpose of the BWoF regime).



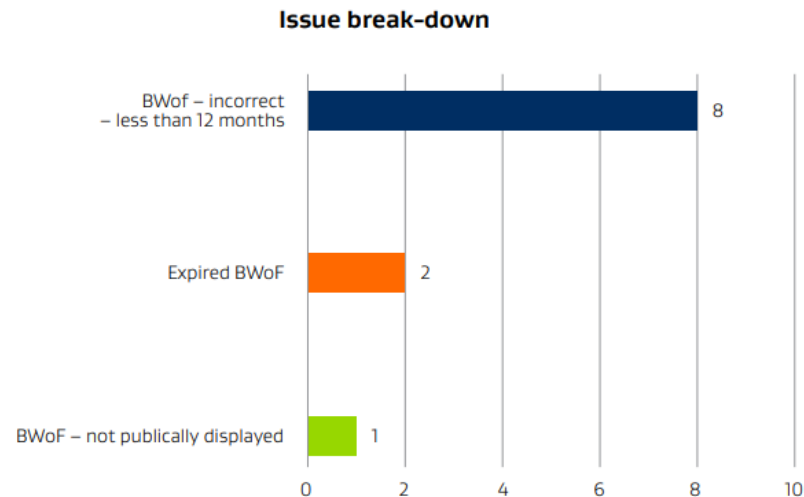
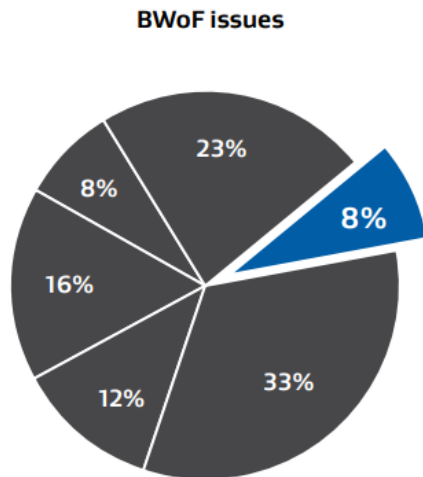
Findings – BWoFs

Exploring missed IMR procedures

- This means
 - at the time the next BWoF is due, a valid BWoF cannot legally be supplied or displayed
 - there were significant periods of time where the specified systems had not been inspected to ensure they were operating correctly.

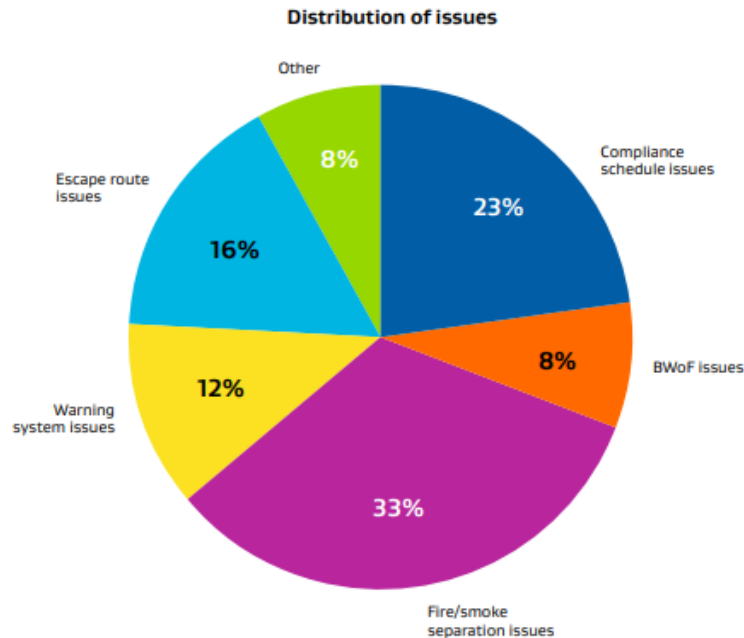
Findings – BWoFs

- In a few cases, the BWoF for the building was either expired, or not on display.



Findings – Fire safety systems and features

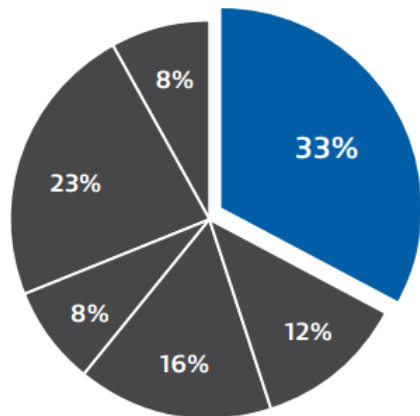
- Issues with the fire safety systems and features accounted for 69% (92/134) of the overall issues found during Operation Magazine
- These 92 issues were grouped into the following categories:
 1. Fire and smoke separation issues
 2. Emergency warning system issues
 3. Escape route issues
 4. Other issues.



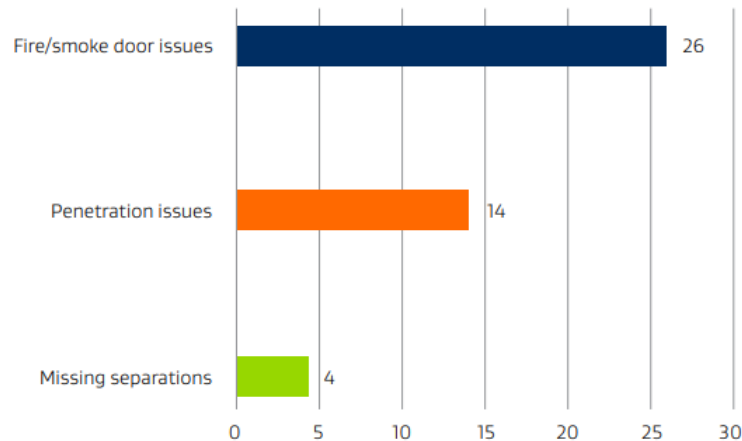
Findings – Fire and smoke separations

- Issues with fire and smoke separations accounted for a third (44) of overall issues found during Operation Magazine.

Fire/smoke separation issues



Issue break-down



Findings – Fire and smoke separations

- More than 50% of the issues with fire and smoke separations related the fire and smoke doors, including doors:
 - Not ‘tagged’ showing their fire and smoke resistance ratings
 - Damaged or missing seals
 - Held open with nothing in place to release those doors on activation of the fire alarm
 - In some cases, fire doors appeared to have been removed.



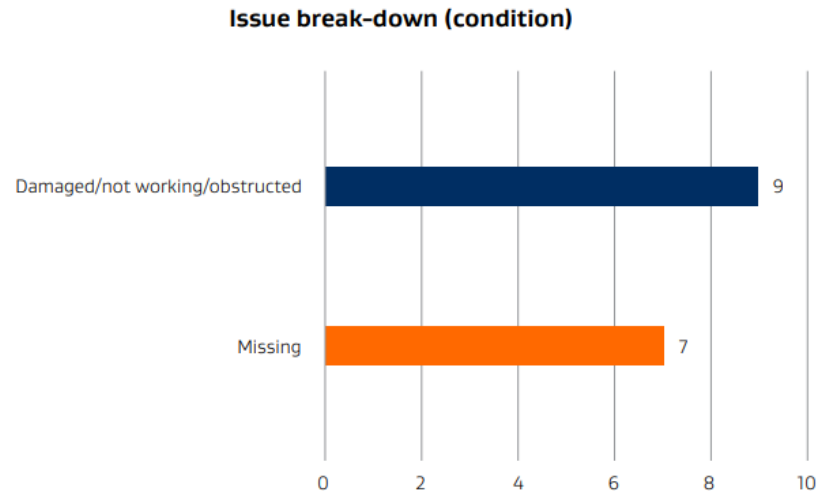
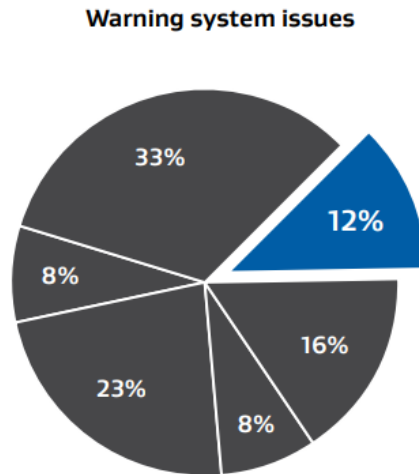
Findings – Fire and smoke separations

- Issues with fire ratings of walls and floors were common and, in some cases, a major concern. Examples:
 - major damage to walls and partitions
 - lack of fire separation between floors
 - penetrations for services not correctly protected through fire separations, in turn compromising their effectiveness. Penetrations were:
 - not sealed off
 - pipe penetrations had collars that were incorrectly or only partially fitted
 - wire and cable penetrations were overloaded ie, more wires or cables being used than the application was rated for.



Findings – Warning systems

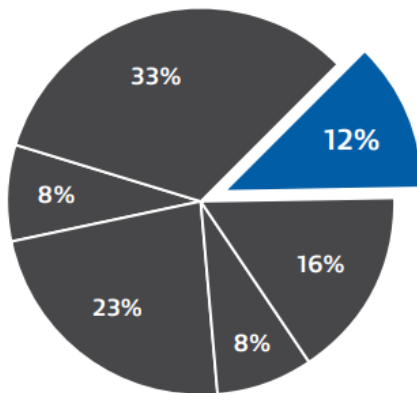
- Issues with emergency warning systems accounted for 16 of the 134 of overall issues found during Operation Magazine.



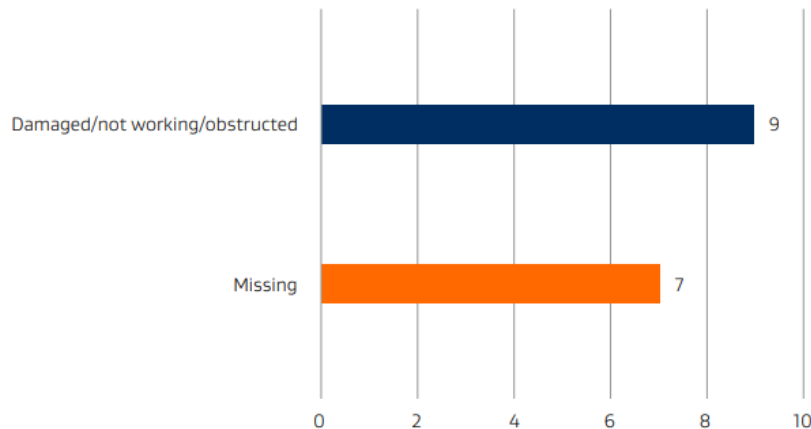
Findings – Warning systems

- Fire alarm systems were found to be damaged, obstructed, or not working.
- More than 50% of all issues found with the fire alarm system related to parts of the system (eg smoke detectors) missing.

Warning system issues

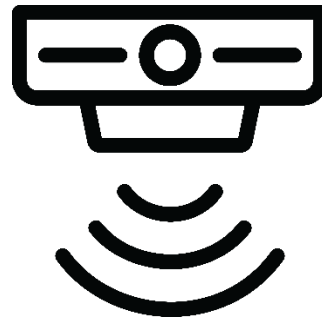


Issue break-down (condition)



Findings – Warning systems

- Most boarding houses inspected had ‘upgraded’ alarm systems with less-than-ideal resulting systems
- 50% of smoke detectors tested were found to have issues including:
 - batteries removed
 - dead batteries
 - alarm mechanism removed.



Findings – Warning systems



- Of the alarm systems that were required to be monitored we found a few issues such as:
 - the wires cut
 - the Certificate of Compliance issued showed the alarm was monitored, but the compliance schedule notes the alarm is not monitored
 - monitoring was discontinued.

Findings – Warning systems

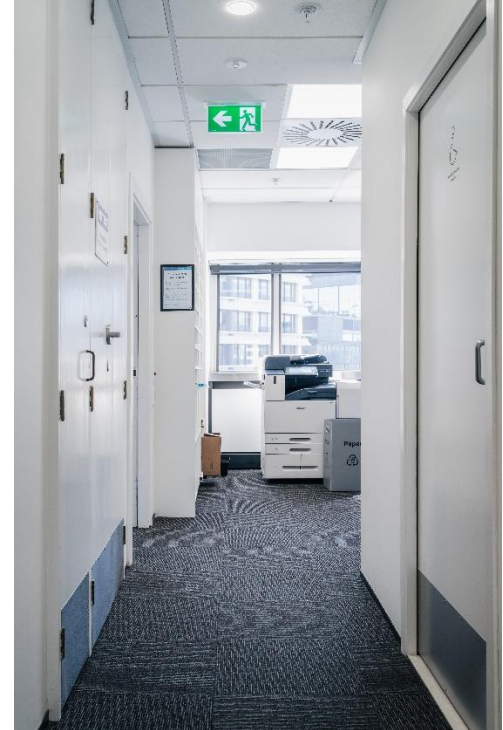


- In 13 (35%) of the buildings the owner/staff silences the alarm when it activates
- Panels were found in areas accessible to all occupants with the silence key in the key switch or tied to/near the panel with string
- In three (8%) of the buildings it was found that the owner (or staff) resets the alarm when activated.

Findings – Escape routes

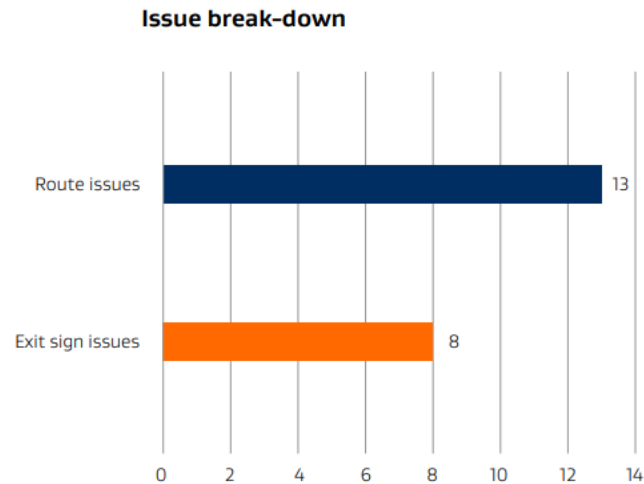
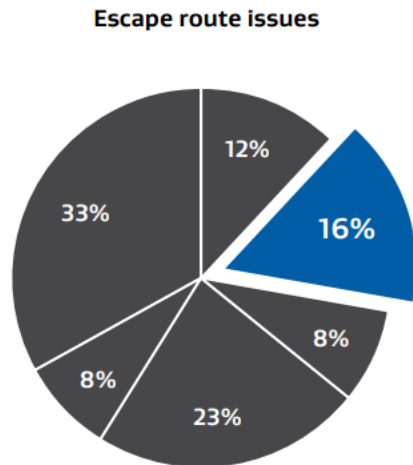
The following was checked in relation to escape routes:

- Exit signage - to ensure it was clear, visible, and lit up when applicable
- Emergency lighting - a quick check was done to ensure it lit up
- Doors - checked to ensure they opened easily, were unlocked and that there were no obstructions along the way out of the building.



Findings – Escape routes

- Accounted for 16% (22) of the 134 distinct issues



Findings – Escape routes



Escape routes were a major concern in some buildings, the types of things found included:

- The egress out of the building was obstructed
- The escape route itself was not adequate, safe or structurally sound
- Many signs used to aid egress from a building in the event of a fire (eg exit signs) were found to be missing, misleading or illegible.

Operation magazine – Follow-up

The follow-up programme:

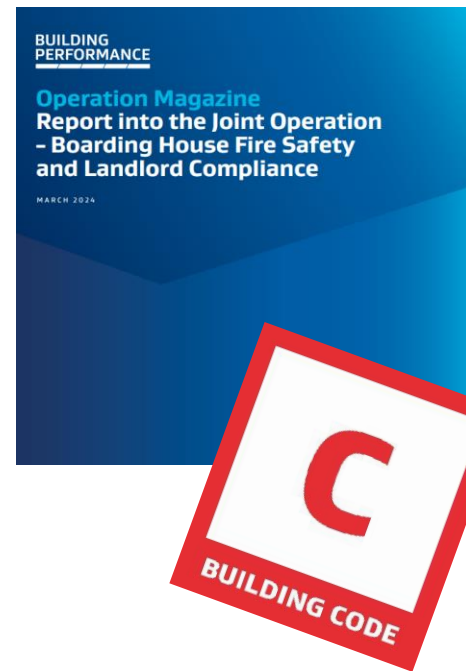
- All councils received a list of issues and proposed recommendations
- Councils were required to come back with proposals
- Monthly check ins on progress
- 134 issues = 119 recommendations
- 119 reduced to 4 recommendations (as at 4 July 2024)
- All scheduled for completion next month.



What's next?

Programmes of work:

- Fire programme
 - A review of the Building Code fire clauses
 - MBIE met with a variety of stakeholders to collect feedback on the issues in the Building Code
 - MBIE are drafting a document for consultation on issues
- IQP register alignment
- IQP offences
- TA guidance



Final Word

What we know:

- Lots of issues with specified systems
- Buildings have BWoFs...

So what does this mean?

- IQPs responsible for oversight have certified (via a Form 12A) that the inspection and maintenance procedures had been carried out, allowing a BWoF to be issued.



Thank you!

