FIRE PROTECTION GUIDE

AC1826.0 Part 0 Introduction

The Auckland Council Fire Protection Guide provides advice for building consent applicants, fire engineers, designers and design reviewers with regards to the Council's role in the approval of building consents applications which include fire design considerations. To support an efficient building consent process, an understanding of Council's expectations in respect to the process involved for building consenting and fire designs approval is provided.

The Auckland Council Producer Statement Policy AC2301 should also be read in conjunction with this policy if producer statements are offered as part of the consenting process.

Fire Policy Contents

Overview

Council is responsible under the Building Act to issue building consents for building work that complies with the Building Code and to be satisfied on reasonable grounds that all building work has been carried out in accordance with the building consent for that work. To enable Council to issue a building consent the application must be accompanied by plans and specifications that are final and complete and demonstrate that the building can be constructed to comply. An application must also be accompanied by any other information that the Building Consent Authority reasonably requires.

Typically design documentation including a fire report and plans are included within the consent application to show how the proposed design achieves compliance. To enable an easier approval process, the fire design should follow recognised processes and guidance which includes documents published under Section 175 of the Building Act, MBIE guidance and Council Policies.

Building Code Compliance

Compliance with the Building Code can be achieved by following one of two approved design solutions; the Acceptable Solutions (AS) or the Verification Method (C/VM2). Specific and performance-based designs, i.e. a design that does not follow either the AS or C/VM2 in their entirety is also available where neither of these solutions is appropriate. An Alternative Solution to specific aspects of the compliance documents may be acceptable where they are properly documented, and the approach agreed.

1. Design using the Acceptable Solutions

For **NEW BUILDINGS** a design based on the Acceptable Solutions, must fully comply with all the requirements of the Acceptable Solutions. For alterations / change of use of a building, refer to Part 2 of this Fire Protection Guide for more information.

An Acceptable Solution design cannot incorporate aspects of the Verification Method to demonstrate compliance with the New Zealand Building Code (the Code), except where the only non-compliance relates to the prevention of horizontal fire spread (including the fire resistance rating of the external wall using the 'full burnout design fire'). In this instance, another methodology may be used. If this departure is performed or reviewed by a person listed on the Auckland Council Producer Statement Register and a PS1, and PS2 provided for this aspect only, then the design can be lodged as an Acceptable Solution and checked for compliance by Council staff. Where computer modelling or other calculation method, other than the methods stated in C/VM2 document is used for horizontal fire spread or fire duration a PS2 shall also be provided. This PS2 need only cover aspects of the design related to horizontal spread of fire and fire duration calculation.

Other deviations from the Acceptable Solutions will mean that the design must be treated as an Alternative Solution.

Designs that fully comply with an Acceptable Solution do not require Council involvement prior to lodgement. For all other design approaches it is expected that council will be involved prior to consent submission to understand the proposed approach through the Fire Engineering Brief process to support an efficient consenting process. Refer to Part 1 of this Fire Protection Guide for the process.

2. Design using the Verification Method

The Verification Method (C/VM2) provides for 10 design scenarios; each scenario must be considered, and an analysis undertaken, where appropriate, in order to demonstrate compliance with the Code clauses for Protection from Fire.

It is permissible to demonstrate compliance for parts of a building or for some design scenarios through compliance with Acceptable Solution requirements.

When using C/VM2 the designer must have the competence to perform the work, e.g. there is an expectation that an experienced and suitably qualified fire engineer perform/review this work and a PS1 will be required for C/VM2 designs. Refer to Table 1 of Auckland Council Producer Statement Policy AC2301 for the criteria of what Council consider as an experienced and suitably qualified fire engineer.

Paragraph 1.2 of C/VM2 described the types of buildings that are not within the scope of the document and paragraph 1.3 describes the how the Verification Method should be used.

Notes:

- Flowcharts for each of the 10 design scenarios are no longer present in the current Verification Method and as such are not required to be provided in support of a FEB or design. However, they may remain a useful communication tool to describe the applicable design route for each design scenario.
- All C/VM2 designs must be completed and peer reviewed by a Council approved engineer. Council approval of the specific reviewing engineer is obtained as part of the FEB process or as agreed specifically with the Council prior to consent lodgement.
- Refer to *AC1826.1 Part 1 Pre-application Guidance* under *Fire engineering brief (FEB) process* section for further details.

3. Alternative Solutions – Minor deviations

Alternative Solutions in this context are typically used where a minor deviation from a compliance document is intended. Whatever noncompliance or deviation is proposed from any of the compliance documents it is recommended that Council be contacted to enable the proposed approach to be agreed in principle.

4. Alternative Solutions - Specific and Performance Based Designs

Specific and performance-based design approaches are used where a building is not designed using either of the compliance documents. MBIE have provided guidance to support alternative solutions for complying with the performance requirements of New Zealand Building Code clauses C1-C6 Protection from Fire[1].

Where fire designs fall outside of the scope of the Acceptable Solutions or C/VM2 and the designer wishes to use parts of either the Acceptable Solutions or C/VM2 as part of the proposed design, it is strongly recommended that designers communicate this intent with the Council prior to lodgement of the Fire Engineering Brief.

When using specific design a suitably qualified and experienced fire engineer must perform the work and the design reviewed by an engineer listed on the Auckland Council Producer Statement Register or as specifically agreed with the Council prior to lodgement.

For all buildings that exceed 20 storeys or 60m escape height[2], the peer reviewer and process to be adopted for any regulatory review shall be as agreed with Council as part of the FEB process. For such projects it is recommended that Council be approached prior to submitting the FEB documentation so that the review and regulatory process can be discussed and agreed.

AC1826.1 Part 1 covers the pre-application guidance and support that is available from the Council.

[1] BC Update 235: MBIE publishes Alternative Solution Guidance for NZ Building Code clause C.
[2] Escape height as defined in Acceptable Solution.

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AC1826.1 Part 1 Pre-application Guidance

Pre-application Guidance

Auckland Council offer pre-application guidance for projects that need a resource consent, building consent, or both. Pre-application meetings are commonly undertaken to allow an applicant to present a proposed building design to Council, to seek advice regarding the extent of documentation to be presented and to discuss how best to present and submit the application documentation. Such meetings are especially important for complex buildings where, for example, staged consenting is proposed and where multiple consents may be applied for.

Pre-application meetings can also be used to seek guidance on the extent of documentation requirements and to agree how designs are to be undertaken and by whom. Agreements on the process for the provision of Producer Statements throughout the design and construction process can be agreed as well as who may provide those documents and the extent necessary to satisfy Council. Further information on pre-application guidance can also be found on the Auckland Council website under The building and consents process.

Fire Engineering Brief

The Fire Engineering Brief (FEB) is a documented process that defines the scope of work for a fire engineering analysis and the basis of the analysis. The purpose of this process is to identify and discuss at a high-level, the fire-safety design, proposed methodology, input parameters, acceptance criteria and any other relevant aspect of the design that may pose challenges to the approvals process.

Fire engineers should refer to the International Fire Engineering Guidelines or other recognised standards[1] for further information regarding the content of an FEB.

Where a trial or preliminary design is presented within an FEB document or a calculation is provided, the correctness or result will not be checked and/or approved prior to building consent stage. Trial designs provide a useful benchmark to understand the likely outcome but will not be given prior approval before consent stage.

For designs undertaken in accordance with the Verification Method (C/VM2), the FEB process is mandatory. For designs that include Alternative Solutions (including both minor deviations and specific & performance based designs), the FEB process should also be used. As Council has no control on any process that occurs prior to building consent submission, Council reserves the right to appoint a third party regulatory reviewer where designs have not followed an appropriate FEB process.

[1] BS 7974 Application of fire safety engineering principles to the design of buildings ISO/TR 13387-1:1999 Fire safety engineering Part 1

Extent of Documentation

The extent and level of documentation provided to support an FEB will be dependent on the specific nature of the project, the assessment methodology and approaches proposed. A FEB can range from a simple email or short letter outlining a minor deviation, to a substantial process with significant documentation depending on the projects complexity. Generally, most FEB's will utilise the C/VM2 design methodology requiring sufficient documentation to record and agree the location of the proposed design fires and other necessary C/VM2 criteria. Typically, this would include a report and drawings, such as site plan, floor plans, sections, and elevations.

Good quality documentation aids the understanding of an FEB and will help to reduce the amount of feedback and correspondence generated between stakeholders.

Fire Engineering Brief (FEB) process

All FEB's must be submitted to Council using the online process or via email to FEB-team@aucklandcouncil.govt.nz

Council officers will review the FEB documentation to determine whether sufficient information has been provided to commence the process and provide initial feedback. Council officers will then consider whether a meeting is required and confirm their level of involvement with the FEB going forward.

- On-line applications are automatically sent to the FEB team via email
- Council represent their own interests during the FEB process regardless of whether a peer reviewer has been engaged
- All relevant stakeholders must be copied into any communications

Note: all information on the online form must be completed; if documentation is not available or applicable, applicants must note this on the form. If documentation is available, it must be attached and submitted with the online application.

Where confidence is obtained via production of good quality documentation and peer review involvement, the extent of Council involvement can be limited. Once Council has been satisfied that their involvement in the process can be reduced, this will be communicated to the designer and wider stakeholder team. Council's expectations regarding closing out the FEB process and the expectations of the peer reviewer to enable the Council to accept the FEB and any PS2 in good faith at the time of consent will also then be confirmed.

FEB Agreement and Closeout

Consensus by the stakeholders is desirable and for most FEB applications is reached with the relevant documentation compiled and presented as part of the consent application. The designer should demonstrate that the queries raised by the relevant stakeholders have been adequately addressed to the best of their knowledge and provided back to the relevant stakeholders. Where no consensus of closeout of the FEB process has occurred, all documentation including transmittals showing evidence of communications should be provided to confirm that all relevant stakeholders have been given the opportunity to provide comment on the FEB documentation. Where agreement amongst the stakeholders cannot be reached, for whatever reason, this must be evident and presented within the documentation submitted for consent so that the Council processing staff can confirm that the FEB process has taken place and can understand the outcomes of the process.

For fire designs that include involvement from an approved independent reviewer, Council may only need to observe that the FEB process is taking place. Providing the Council is in a position to observe that the FEB process has occurred and has been given the opportunity to respond to any issues raised by the designer or any stakeholder, the FEB process can continue without necessitating Council involvement directly. Typically, the Council will provide an agreement in principle to the submitted FEB documentation. However, for simple projects provided the Council has been provided with sufficient time to receive and review the documentation, evidence of Council agreement will not be necessary prior to lodgement of the consent application.

Meeting Location

If a meeting is required, it will normally be held at Council offices; alternatively, meetings may be held elsewhere by mutual agreement. If a meeting is not necessary, the FEB may be conducted via email or other agreed process.

If a meeting proceeds, it is preferable that all stakeholders attend; however, there is no requirement for them to do so. Stakeholders are welcome to attend the meeting via telephone conferencing if they are unable to attend the meeting.

Stakeholders include but are not limited to:

- Council
- Fire and Emergency New Zealand engineering and operational staff
- Project fire engineer/designer
- Architect or designer
- Building owner
- Specialists (e.g. emergency lighting, warning systems, etc.)
- Peer reviewer (means a professional engineer experienced in fire design and listed on Auckland Councils Producer Statement Register)
- Insurance representative
- Building management
- Tenant

Fees

Fees for Council's participation in the FEB process are set according to Auckland Council's Schedule of Fees and Charges and are a set fee based on a one-hour meeting; charged as per the fee for a pre-application meeting. If the meeting extends beyond one-hour, additional fees are payable and are based on the hourly rate chargeable for the staff member in attendance. The cost of reviewing the application prior to the meeting is also payable and based on an hourly rate for the staff member concerned. Fees for Council involvement during the FEB and subsequent stages may be recovered during the consent processing stages.

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AC1826.2 Part 2 Alterations to Existing Buildings

The Building Act sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings. The requirements for buildings undergoing alterations mean that over time buildings are required to be upgraded to meet current Building Code requirements by making the most of planned interventions[1].

Section 112 Alterations to Existing Buildings

An alteration means any building work to re-build, re-erect, repair, enlarge or extend the building. For alterations to existing buildings, the designer must consider all of the building, not just the new building work and provide an assessment to Council. If the work does not need a building consent as exempted under Building Act 2004 Schedule 1, then there is no need to consider s.112; however, if a building consent is required the assessment should be rigorous and thorough.

All **new building work** must fully comply with the Code.

In addition to the assessment for means of escape from fire, access and facilities for disabled persons must also comply as near as is reasonably practicable. Other code clauses must perform no worse than they did before the alteration for s.112 (1).

The information collected is best summarised in a table (gap analysis), which must describe existing features in the building; current Code requirements; and options to upgrade the level of compliance (where there is a deficiency). The emphasis should be on upgrading the means of escape from fire and access and facilities rather than finding reasons not to upgrade. Section 112 of the Act is as follows:

Section 112.1

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

a) comply 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 s.118); **AND**

b)
   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

[1] https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/fire-and-accessibility-upgrades-improve-building-safety/

Section 112.2

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

a) if the building work 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 (refer next section); **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

For further guidance refer to the Ministry of Business Innovation and Employment's website:

1. Altering an existing building - https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/
2. Requesting information about means of escape from fire for existing buildings - https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/means-of-escape/

Section 115 Change of Use

Every building or part of a building has a 'use' that has been categorised by law. For the purposes of the application of s.115 of the Building Act, that use is specified in Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2017 (the Regulations).

Schedule 2 describes the uses for all or parts of buildings into four broad activity groups:

- crowd activities
- sleeping activities
- working, business or storage activities, and
- intermittent activities

A change of use occurs when:

- a building's (or part of a building's) use, as defined in the Regulations, changes from one use (the old use) to another (the new use), **and**
- the new use has more onerous or additional Building Code requirements than the old use[2]

Section 115

An owner of a building must not change the use of the building unless;

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

[2] Code requirements for the new use of a building maybe more onerous than the old use if there is a greater risk to life or the fire hazard is increased

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 people 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.

To demonstrate compliance with s.115 of the Building Act 2004, an assessment of the means of escape from fire for the whole of the building must be provided.

In addition to the means of escape from fire, protection of other property, sanitary facilities, structural performance and fire-rating performance must also be assessed to as near as is reasonably practicable.

For further guidance, refer to the information of Change of Use and Change of use to existing buildings practice note, which can be found on Auckland Council's website.

Assessment of the Means of Escape from Fire for Existing Buildings

When an alteration to an existing building, change of use, or subdivision is proposed, an assessment of the means of escape from fire for the existing building must be performed. It is expected that the assessment will be based on and informed by a physical site and building inspection. A desktop review of historic consent documents and reliance on the Building Warrant of Fitness (BWOF) to assume compliance of existing features will seldom be sufficient for building consent purposes.

Council has adopted guidance information published by MBIE entitled 'Requesting Information about Means of Escape from Fire' and 'Fire Safety Requirements'. This provides guidance on the approach that should be adopted for assessing the Means of Escape from Fire for existing buildings. It includes a mechanism for recommending the level of assessment a building requires; it is an analysis of the risk associated with the building to determine the shape and form of the assessment.

MBIE's recommended approach suggest the following approach to help establish what information the fire engineer require with the building consent application:

1. consider the key factors including:
    - likelihood of the existing building complying
    - extent of the proposed building work
    - potential consequences of the building not complying

2. complete the building score sheet. Taking these key factors into consideration to allocate points to the key factors and tally the points to get an overall building score.

3. check the score against Recommended information requirements – means of escape from fire (Table 1 below) and decide what information to ask for.

Table 1: Recommended information requirements – means of escape from fire

Score	Risk profile	Type of assessment required
0-11	List of fire safety features Statement of changes	This could be a simple list of the building's existing fire safety features and a statement of what will change as a result of the building work. Additionally, there could be a comparison with the features and systems specified in the latest design documentation. The building owner should not typically be required to include a gap assessment against any current Acceptable Solutions C/AS1 and C/AS2 or to use the Verification Method C/VM2 to assess his/her building unless this is considered necessary given the individual circumstances of the building.
12-19	Gap assessment using the appropriate Acceptable Solution from C/AS1 and C/AS2	It is reasonable to request a gap assessment of the existing building's means of escape from fire unless the individual circumstances of the building suggest otherwise. The gap assessment should: • use the appropriate Acceptable Solution from C/AS1 and C/AS2 • highlight where the existing building fully complies with the Acceptable Solution • highlight where there are gaps between the building's fire systems and features and the requirements of the Acceptable Solution • for each gap, assess whether ANARP is achieved and give options to improve the compliance in this respect • cover the entire building. A gap assessment using an Acceptable Solution can be undertaken for complex, existing buildings even if they have features that do not comply with the Acceptable Solution. For example, a building may have more than one intermediate floor or one floor that is larger than permitted in the Acceptable Solution. In this case, the gap assessment should highlight where the existing building complies with the appropriate Acceptable Solution and where there is any gap.
20+	Full assessment using: - an appropriate Acceptable Solution from C/AS1 and C/AS2, or - relevant parts of the Verification Method and other Acceptable Solutions	It may be appropriate to request a full assessment of the existing building's mean of escape from fire unless the individual circumstances of the building suggest otherwise. If the building design, system and features fall entirely within the scope of one of the Acceptable Solutions C/AS1 and C/AS2, this can be used to identify and quantify any gaps between the features and systems required to comply with Building Code requirements for means of escape from fire and those existing in the building.

Score	Risk profile	Type of assessment required
		If the building falls outside the scope of these Acceptable Solutions for means of escape from fire, regardless of the extent of the non-compliance, the assessment should be made against the Building Code clauses C3.4 and C4 using the process described in the Verification Method C/VM2. The Acceptable Solutions D1/AS1, F6/AS1, F7/AS1 and F8/AS1 should be used to develop the analysis for D1, F6, F7 and F8 components of means of escape.

The assessment must be updated every time that work requiring a building consent is undertaken on the building to provide a living document about the buildings history. For some buildings a 'Base Building Assessment' may be necessary to establish the level of compliance the existing building achieves when assessed against the Building Code. Such assessments can be used to support alterations and fit outs, where it can be shown that the proposed work does not negatively impact the current buildings levels of compliance. Base building assessments will also need to be maintained and remain relevant to the proposed building work. Depending on the age and the number and significance of consents that have relied upon any base Building assessment, Council may require that such an assessment be revisited and updated to reflect the consent history of the building.

Once the building has been appropriately assessed, the designer can commence the design to establish compliance with the relevant Code clauses. As well as written reports, the assessment should include marked up drawings to provide sufficient pictorial information to identify fire and smoke separations, key safety systems and their locations. A Base Building assessment should accompany any consent application if the assessment is to be relied upon for the consent applications.

Notes:

- The assessment must be updated whenever future alterations occur
- In addition to the requirements for means of escape from fire, options to upgrade the level of compliance for other Code clauses must be provided as per the requirements of s.112
- All new building work must fully comply with the Code unless a waiver or modification is approved
- Sufficient documentation needs to be produced to enable any modification or alterations to specified systems to be undertaken. This documentation needs to be available to enable final completion and any updates to the compliance schedule made to support ongoing and future BWOF inspections

Applying the Term 'as near as is reasonably practicable'

Sections 112, 115 and 116 of the Building Act require that certain provisions of the Building Code are shown to comply on an 'as nearly as is reasonably practicable' basis also known as ANARP. Previous determinations are publicly available and contain legal decisions relating to the process of weighting sacrifices and benefits in relation to 'as nearly as is reasonably practicable' (ANARP).

When applying the ANARP test, Council will apply a risk-based approach. This is particularly relevant where public safety or health may be affected. When defining risk criteria, Council are likely to consider:

- the nature and types of risk that can occur and any resulting consequences
- how to mitigate the risk
- the likelihood of risk (for example, a fire is more likely to occur in a domestic setting than a commercial one)

- the timeframe(s) (that is, temporary versus permanent, and the likelihood of temporary use becoming permanent)
- the level of risk the proposed use may cause the level at which risk becomes acceptable or tolerable.
- building size
- building complexity
- location of the building in relation to other buildings and public places
- public access or attendance in the building
- any other matter the council considers relevant.

Council advice can also be sought for specific applications as part of a pre-application meeting.

ASSESSMENT undertaken prior to carrying out work on a building

An owner may choose to get an assessment of their building, well before any building work is proposed. This provides the owner with information to support them in making a decision as to whether their building needs to be upgraded or not and will be alerted to any potential risks or compliance issues.

A copy of the assessment may be placed on Council's property file for future reference, but may only be relied upon for future works if building consent for the assessment has been approved.

Sites with multiple buildings

Where new building work is proposed on a single building, which is part of a group of buildings, the assessment is only required on the building if it is freestanding and not attached/linked to other buildings, which is the subject of the new building work; for example:

- A gymnasium is being altered in a school, the building assessment / fire report only needs to relate to the gymnasium (in this scenario, the gymnasium must be freestanding and not attached to other buildings or linked to specified systems within the complex).

The designer must establish whether any specified systems (within the existing building) are integrated into other buildings in the complex. If this is the case, information about these specified systems must be included as part of the assessment.

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AC1826.3 Part 3 Exempt Building Work

The Building Act, Schedule 1 provides for a number of exemptions for building work that does not require a building consent. Guidance information about exempt building work including examples of work that does not require consent can be found on the Auckland Council and MBIE websites.

Interior non-residential alterations

Schedule 1 Exemption 10 allows for non-residential buildings to be altered internally without the need for a building consent.

Note: a building consent is required if the proposed building work reduces compliance with the Building Code of the following aspects

- Means of escape from fire
- Protection of other property
- Sanitary facilities
- Structural performance
- Fire-rating performance
- Access and facilities for people with disabilities; or
- Modifying or affecting any specified systems[1]

An owner may choose to put a record of the exempt work on file for record-keeping purposes

- If an owner chooses to put a record of exempt building work on file, they should use application form *AC2111 Record of exempt building work*; this form is on our website.
- There is a small charge to cover the cost of scanning this record; Council do not review the application and merely place the record on file.
- No letters or documents are issued acknowledging acceptance of this record; however, if required a date stamped copy of the application form can be retained by the owner as a record of Council receiving this information.
- Detailed plans should accompany the application.

At present, there is very little guidance available to Council as to what constitutes minor work, Council are therefore reliant on guidance information[2] published by the MBIE. Regardless of whether a building consent is required, all building work, must comply with the Building Code.

Some situations where a building consent is not required:

- The owner of a retail store decides to do an internal fit out that includes new linings and finishes, shelving, clothes racks and simple low partitions. The escape routes are not reduced (e.g., total open paths stay the same) and the building work does not affect any existing specified systems.

[1] Refer to Section 7 of the Building Act 2004 for the definition of Specified System

[2] Ministry of Business, Innovation and Employment. GUIDANCE; Building work that does not require a building consent**.** Third edition 2014

- A restaurant undergoes an alteration that includes redecorating and new seating areas. The work does not affect escape routes (e.g., total open paths stay the same) and the building work does not affect any existing specified systems.

- Installing a window in a non-load bearing and non-fire rated partition between a factory storage room and hallway to allow natural light into the hallway.

- Replacing linings and finishes within a retail shop where the work does not affect compliance with any fire-rating requirements and surface finishes comply with the Building Code.

- Removing a sink and a wash hand basin from a disused cleaners' cupboard in a shopping complex, where the removal of the hand basin does not reduce compliance with Building Code provisions relating to sanitary facilities, as other fully complying facilities are available nearby in the complex.

- *Any alteration work to sanitary plumbing must be carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006*

Installing new walls and partitions (even non-load bearing ones) close to sprinkler heads may reduce the effectiveness and compliance of the sprinklers, which are part of a specified system. Installing new walls or partitions may also impact the original fire and smoke control design, particularly for C/VM2 fire designs, and increase total open paths. Work of this nature will necessitate a building consent; however, where the work is considered to be relatively minor, there is provision under Schedule 1 Exemption 2 for Council to grant an exemption.

Schedule 1: Exemption 2

Exemption 2 provides building owners the ability to apply for an exemption for certain building work that would otherwise require a building consent.

If an owner wishes to apply for an exemption, they should use application form *AC2119 Application to request an exemption of building work under clause 2 of Schedule 1 of the Building Act*. The same or an even greater level of information required for a building consent may be required in support of the application together with the justification for seeking an exemption.

- a statement from an approved fire engineer must be provided confirming that the building work has no effect or does not reduce the compliance of any existing fire safety features together with a list of fire safety features and what will change as a result of the building work

- if an exemption is granted, an assessment of s.112 is not required

Council will review the application and grant or refuse the request accordingly; a deposit is payable at lodgement. The full cost of reviewing and determining whether an exemption is variable and based on an hourly processing rate. Please refer to the fee schedule for further information about fees and charges.

Examples of situations where an exemption maybe considered[3]

[3] There is guidance available at http://www.building.govt.nz/UserFiles/File/Publications/Building/Technical-reviews/2012-wellington-technical-review.pdf

- A shop within a mall is changing hands and the new tenant wants to install a new shop front, shelving and partitions. The replacement of the shop front involves a structural design for the new glass; the work does not impact on the superstructure of the existing building (structural or otherwise) and has been designed by a chartered professional engineer who has supplied a PS1

- An office on level nine of a 14-storey office / retail block has a need for additional offices. The space underwent a significant refurbishment within the last three years, which was consented. The tenants needs have changed and additional offices are required within the existing fire cell. The work involves reconfiguring three of the existing offices to create five smaller offices. The location of the new walls will have an impact on the location of sprinkler heads, which will need to be moved / replaced; the work on the system does not affect flow rates and has no effect on egress routes / egress distances

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AC1826.4 Part 4 Fire Emergency New Zealand (FENZ)

Fire Emergency New Zealand (FENZ) have two roles where fire designs are involved; firstly, they are a stakeholder in the Fire Engineering Brief (FEB) process and secondly Council are required to send FENZ certain applications for their comment if they so choose under s.47 of the Building Act 2004. FENZ also approve aspects of the design in respect of firefighting facilities and as such should be consulted prior to consent stage where approval is required for any firefighting facilities to be provided.

FEB process

Typically, FENZ provide feedback on the content of the FEB and the suitability of firefighting facilities. As part of the FEB process it is expected that a Fire Fighting Facilities Checklist be completed as required by FENZ and submitted to Council. For further information on FENZ's role in the FEB process, refer to their website. To submit your FEB to FENZ email; Engineers@fireandemergency.nz

Building consents that must be sent to the FENZ Fire Engineering Unit

Section 46 of the Building Act specifies that certain applications for building consent must be provided to FENZ for comment.

FENZ have 10-working days to review these applications and provide a memorandum to the BCA. This timeframe sits within the 20-working day statutory timeframe that the BCA has to process an application for building consent. To expedite this process, the designer responsible for the fire design should state in their report if the building is required to be reviewed by FENZ or not. The types of applications which require to be forwarded to FENZ are set out by New Zealand Gazette Issue No.49.

The Council may also, at their discretion, seek FENZ input as part of the Consent review process.

Council recommend that all projects that may have an impact on any buildings fire fighting facilities or features be discussed with FENZ prior to submission. FENZ may provide an approval in principle of any proposed changes or design aspects that could impact on their ability to undertake rescue and fire fighting operations within the building. Such approvals support a more efficient consenting and approval process.

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AC1826.5 Part 5 Building Consent Documentation

The **standard** and **quality of documentation** provided to support a building consent application is essential to supporting an efficient approval process. Poor quality applications will ultimately be subject to lengthy processing delays and potentially rejection at lodgement should they not be considered to be sufficient to enable a building surveyor to determine code compliance. Applications need to be final and complete and should not be subject to substantive changes during processing. A change management process is available during all stages of the post consenting and construction stages to support changes that may be necessary or desirable for whatever reason.

Documentation should be in accordance with Practice Note 22[1] as published by Engineering New Zealand and the Ministry of Business Innovation and Employment (MBIE), as guidance under s.175 of the Building Act 2004.

The design team usually coordinates the various design disciplines involved. As fire engineering overlaps so many other disciplines, the fire engineer may need to review associated documentation to ensure that it reflects the requirements of the fire design and demonstrate that such coordination has been performed, before the application for building consent is submitted; however, there is no expectation that the fire engineer signs off on other trades requirements or inputs.

Producing quality documentation for building consent will significantly improve Council (or the reviewer's) ability to process the application for building consent and provide a more seamless and efficient process (time and cost). Fire safety design must be properly communicated and incorporated into the final design documentation submitted for building consent.

Practice Note 22 describes the type and extent of information required to record fire-design requirements, how to communicate these to other members of the design team and the type and extent of information required to support applications for building consent. It also lists expectations of the designers and their responsibilities for producing plans and specifications for construction.

Practice Note 22 also provides guidance about the form of design documentation with *considerable emphasis* on graphical communication, rather than the traditional textural based reports.

Detailed floor plans showing the intended use/name of rooms, must accompany fire reports depicting fire and smoke separations including the means of egress for each level of the building including basements (and any lifts serving the basement).

A PS1 covering C1 to C6 and F6, F7 & F8 (where applicable) shall be provided for all C/VM2 and alternative designs (including both minor deviation and specific & performance based design) to declare that the overall fire design demonstrates compliance with the Building Code. A PS2, where provided must be in accordance with the Auckland Council's AC2301 Producer Statement Policy.

[1] Practice Note 22: Guidelines for Documenting Fire Safety Designs (2011). Available from the ENZ website: https://www.engineeringnz.org/documents/90/Practice_Note_22_Guidelines_for_Documenting_Fire_Safety_Designs.pdf

Performance Specifications

A report that simply includes a performance specification, or reference to a Compliance Document requirement is not in itself sufficient to demonstrate compliance with the Building Code. Confirmation and verification is necessary as part of a building consent application to demonstrate how any performance requirements have been incorporated into the design and where necessary show, how any specific element can be constructed to comply with the Code. For example, the interior surface finishes, fire rated doors (including fire rating, smoke control capability, and door width), fire rated walls, stair width, etc. specified by the architect should be reviewed by the fire engineer to ensure that the intent of the fire safety strategy is met.

Where a fire design is provided that simply contains performance statements and no verification of the design requirements has been included, the scope of the design review engineer must include confirmation that the design, as presented, can demonstrate compliance. Where such confirmation is not provided the Council will either undertake a specific in-depth review or instruct an independent person to undertake that review on Councils behalf.

Fire Engineering Brief

A copy of the FEB and all stakeholder communications shall be provided as part of the consent documentation. This documentation must include the decision, the reason for the decision and the outcome of the FEB process including the agreement by all the stakeholders and Council. Where no consensus of closeout of the FEB process has occurred, all documentation including transmittals showing evidence of communications should be provided to confirm that all relevant stakeholders have been given the opportunity to provide comment on the FEB documentation.

Refer also to AC1826.6 Part 6 Use of fire modelling and consent files and the Auckland Council position statement AC1825 is available on the Council website and sets out the Councils expectations for the provision of fire stopping design and installation.

Design Co-ordination

Excerpt from Practice Note 22:

> "When the fire designer produces documentation for the appropriate discipline to incorporate into their building consent/construction documents, the fire designer and other disciplines share responsibility for correct interpretation and accurate representation in the other disciplines' documents. Primary responsibility for co-ordinating the design correctly rests with the consultants for the other design disciplines. However, it is expected that the building consent documents (e.g. drawings, wall, door and window schedules, and surface finish schedules) will be referred back to the fire designer who will undertake a secondary review of the documents for compliance with the fire engineering design."

All designs shall be accompanied with evidence or confirmation that coordination has taken place. Council requires confidence that the design documentation submitted for consent has correctly and fully incorporated the relevant features of the fire engineering design into the drawings and specifications of the relevant discipline. A PN22 coordination statement or other suitable evidence would usually be provided by the fire designer in conjunction with evidence from other disciplines but for non-complex work can be provided by other appropriate parties.

Applications that do not include sufficient evidence of co-ordination may require a greater degree of review by a processing officer and where an application include alternative solutions, Council reserve the right to engage an independent reviewer to undertake a review for design co-ordination purposes.

Building Commissioning and Fire Safety Systems Integration

The extent of building commissioning and integration of any fire safety and specified systems needs to be included within the building consent documentation. For any specified systems proposed compliance with a relevant standard may be sufficient to confirm the necessary installation, commissioning and final handover requirements to ensure that the system can operate as intended. However, often various specified systems will be required as part of a fire safety design to operate independently and in concert to ensure that the building can perform as intended during a fire event.

Where building features and specified systems are to be controlled and operated by other systems a fire matrix or other appropriate means of identifying their operation should be provided. Suitable evidence of the commissioning intent including referral to plans and procedures should also be provided at consent stage to ensure that such requirements are captured and can be confirmed as part of the inspection and approvals process. Specific integration of safety systems may be necessary including end to end commissioning and the final hand over and approvals prior to gaining a Code Compliance Certificate should be adequately planned and documented to facilitate an understanding of the commissioning process during the construction phases.

Code Compliance Documentation

To enable issue of the Code Compliance Certificate (CCC) and to support ongoing maintenance sufficient documentation will need to be submitted with application for CCC. The application form can be found on Auckland Council website. Such documentation will typically include an update to that already provided for at the consent application stage and should just typically reflect the 'as built' set of information.

Section 94 of the building Act sets out grounds on which the BCA must issue a CCC. As well as being satisfied that the building work complies with the building consent. Where a compliance schedule is required as a result of the building work, the specified systems in the building need to be capable of performing to the performance standards set out in the building consent. To this extent the performance of any systems needs to be clearly documented.

Examples of final documentation necessary for the CCC in relation to fire safety systems includes:

- Complete set of building floor plans identifying as built fire and smoke separations;
- Full as built documentation for all specified systems;
- Final Certificates from Accredited Inspection Bodies / Specified System Certifiers;
- Copies of test and/or commissioning records for any active specified systems (inclusive of any interface testing);
- Relevant Producer Statements – Construction (PS3)
- Depending on the complexity of the project, an agreed Producer Statements Construction Review (PS4) from a council approved fire engineer for the fire safety systems confirming compliance with the relevant NZBC clauses and the approved fire report
- Inspection regime for monitoring after applications and any relevant requirements including 'Life to First Major Maintenance'
- Final inspection or re-inspection passed and/or all documentation provided within 60-working days of final inspection

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AC1826.6 Part 6 Computer Fire Modelling and Consent Files

General

Council is responsible under the Building Act to issue building consents for building work that complies with the Building Code and to be satisfied on reasonable grounds that all building work has been carried out in accordance with the building consent for that work. To enable Council to issue a building consent the application must be accompanied by plans and specifications that are final and complete and also demonstrate that the building can be constructed to comply. An application must also be accompanied by any other information that the Building Consent Authority reasonably requires.

Where assessments for compliance include the use of computer fire modelling and calculations on which claims of compliance are based all calculations and associated files need to be included within the consent application to allow the Council or their appointed independent reviewer sufficient information to allow a full and complete review.

Computer Modelling

Computer modelling and calculations undertaken to demonstrate compliance must be made available to the Council for review. It is expected that any computer model presented as part of a building consent submission be analysed appropriately for the design by the design engineer; it is not the role of the peer reviewer to perform the analysis, however any peer review shall confirm that they have reviewed the modelling to the extent necessary to satisfy themselves and/or the Council that the modelling is appropriate and correct.

Hard and soft copies of the input files for fire modelling must be included with consent documentation so that they form part of the permanent building consent record. These should be sufficient to enable a future review and/or audit of the consent documentation at any point in the future.

Consent Documentation Requirements

For Zone model/B-Risk simulations a hard copy of the results file must be included with consent documentation. The simulation settings must ensure that all inputs are reflected in this file. Smokeview files showing the modelling geometry and graphs indicating smoke layer heights and other important results should be included within the report write-up to support the analysis and conclusions made.

For CFD/FDS simulations a hard copy of the input and output files i.e. the *.FDS* file, the *.OUT* output files (sans Run Time Diagnostics) and HRR excel files must be included with consent documentation.

Electronic input and all output files are also to be provided for each analysis to support an external review should that be required. Files provided on a USB drive or similar media can

be accepted by Council at the time of lodgement. This can be discussed during the FEB process or during the lodgement process. Files can also be made available using cloud based file storage and sharing tools.

The documentation submitted should be sufficient to allow a regulatory reviewer and third party to fully understand the modelling undertaken. It should enable any reviewer to examine the input and output sufficiently to confirm the assessment methodology and results meet the requirements of the Fire Engineering Brief and final as consented design. All documentation including all modelling files provided to support any external review are to be provided as part of the consent application.

Note:
For CFD/FDS simulations it is not acceptable to use important input values from other calculation methods on which to base the final – for consent assessment. I.e. the use of FPETool to calculate Sprinkler activation and base the prescribed Heat Release Rate within the model will not be accepted unless specifically agreed to during the FEB process.

Building Consents That Must be Sent to Fire and Emergency New Zealand

The Building Act requires that Building Consent Authorities (BCA's) send certain building consent applications to Fire and Emergency New Zealand (FENZ) for comment. Consent files sent to FENZ must replicate the information contained within the consent application including Fire modelling files. To support efficient processing applicants should consider providing multiple copies of any electronic files to enable copies to be sent to FENZ without delay. The use of cloud based sharing tools typically facilitates an open and transparent access to modelling files.

Where any doubt exists with regards to the extent of documentation necessary this should be discussed during a pre-application meeting.

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AC1826.7 Part 7 Peer Review

Auckland Council's Producer Statement Policy must be read in conjunction with this document if producer statements are offered as part of the design process. Guidance on peer reviews is also available from Engineering New Zealand - Practice Note 2: Peer Review.

A peer review is regarded by Auckland Council as a regulatory review carried out by a design professional on a designer's work; a producer statement design review (PS2) is issued on completion. The applicant typically nominates the peer reviewer prior to the application being submitted for consent. The reviewer is then agreed to by the Council either as part of the FEB process or by prior agreement such as during any pre-application meetings.

Producer statements are not specifically referred to in the Building Act 2004. However, they can be considered as part of the building consent process, in terms of giving Council reasonable grounds to be satisfied that the building work complies with the Building Code. Producer Statements provide an efficient means to support the building consent process.

The acceptance of a producer statement is entirely at Council's discretion. The extent and rigour of checking any Producer Statement will depend on a number of factors but is solely down to the Authority to decide to the extent to which the Statement will be accepted. Council reserves the right to perform additional reviews of the information to ensure quality and consistency is maintained in the review of designs for compliance with the Building Code.

High-Consequence and Complex Design Work

High consequence in the context of Fire and Life Safety design means a project where a high risk to life is present such as a building with very high occupant numbers or sleeping occupancies in multi-storey buildings. High consequence may also be considered in the context of where there may be high societal impact or costs should the building succumb to fire. Complex work is not dependant on the type of design compliance method selected and is relevant where fire safety features become more critical to the fire life safety design of the building. For example, the passive and active fire protection features in a 20 storey building will be just as important for a 20 storey apartment complex whether or not the building is designed in accordance with any of the compliance documents or is a specific design. The complexity of these features may also depend on the materials and systems proposed.

As there is currently no licensing or occupational regulation of fire engineering in New Zealand it is up to the applicant to decide who undertakes the design work on their behalf and their competency. Producer Statements may also not be provided to support a design where the applicant does not wish to provide them. For high-consequence and complex design work, irrespective of whether the design is established using a compliance document or not, it may be subject to either a peer review and/or regulatory review. The decision as to which option is agreeable and who performs this role is at the sole discretion of Council. This decision is typically made before the FEB process is started and the peer reviewer is engaged for C/VM2 and alternative designs. However, for Acceptable Solution designs the Council may request the provision of Producer Statements or a regulatory review for high-consequence and complex design work where the designer involved is not on the Auckland Council Producer Statement authors register.

Examples of High risk projects include (but not limited to):

- Non sprinkled sleeping accommodation in buildings with more than 4 storeys
- Sleeping accommodation having only a single means of escape with more than 4 storeys (non C/ASX design)
- Fire cells with more than 1,000 occupants
- Non sprinkled buildings with large occupancies more than 500 occupants in a fire cell
- All buildings exceeding 25m in escape height without sprinkler protection
- Occupancies required a managed/assisted evacuation, such as hospital, correctional centre, aged cared, etc.;
- tall buildings with an escape height of more than 60m
- Shopping centres/Malls
- Stadia
- Transportation
- Buildings containing significant quantities of Hazardous Goods
- building with nonconventional construction method/material, or
- Buildings with an Importance level of 4 and 5 as defined in Clause A3 of New Zealand Building Code

Regulatory Review

At the time of submitting a building consent, if Council does not have the in-house capacity to assess an application or a PS2 has not been provided by a suitably qualified and approved fire engineer, Council may choose to engage the services of such a person to conduct the review on its behalf.

The purpose of a regulatory review[1] is to assess whether the design complies with relevant regulations, consent requirements and legislative requirements. The reviewer does not assess the design objectives, process, options, assumptions or method, only the submitted design and tests the outcome against regulatory parameters.

There is no direct relationship between the reviewer and the designer, although the reviewer may ask the designer questions about inconsistencies in the work. Communication between the designer and the reviewer is important.

Where an external peer reviewer is engaged prior to Building Consent submission, the reviewer's role is to identify areas of the design that need to be addressed and invite the designer to resolve them to the reviewer's satisfaction. The reviewer does not become involved in resolving the issues. This allows the designer to respond to the reviewer's comments and state a position before the report is submitted to Council as part of the Building Consent submission.

Where the review is conducted by Council or our representative during the consent processing stage, Council will recover the costs from the building consent applicant in the normal manner.

It is important for any person undertaking a review that is to be submitted for the purposes of a PS2 or regulatory review that the expectations of the Council will be met. Regulatory reviews should confirm any specific expectations with the Council prior to completing any specific review. This will typically be done as part of the FEB process.

[1] An independent reviewer maybe engaged by Council to carry out the design review. Please refer to the Auckland Council AC2301 Producer Statement Policy for further information

Fire Design Review Process

In this section, reviewer means both the peer reviewer and regulatory reviewer.

The reviewer must:

- comply with both this policy and the Auckland Council's Producer Statement policy
- not perform any design work which is the subject of the review
- document all requests for additional information in writing and submit these to Council together with any supplementary documentation received during the review
- consider all relevant New Zealand Building Code clauses; i.e. D1, F6, F7 and F8 (as applicable to the C clauses)
- consider any legislative requirements; i.e. sections 67, 112, 115 or 116A
- provide confirmation that the fire safety features or specified systems required for the compliance schedule including any inspection and maintenance procedures stated within the fire report are correct
- Confirm the extent of the construction monitoring requirements proposed and the means by which the design engineer or others will monitor construction and provide relevant producer statements PS4 construction review on completion of the building work
    - the scope of construction monitoring and agreement to provide a producer statement construction review must be reached prior to the issue of the building consent

Before completing the review, the reviewer must provide Council with their professional opinion in respect to

- any request for a waiver or modification
- the assessment of what is *as near as reasonably practicable*
- if the Building Consent application is forwarded to FENZ, the peer reviewer must review the designer's responses to any FENZ memorandum and stating the reasons for agreeing with the applicant's response, or not. An updated PS2 may then be provided to Council capturing this.

On conclusion of the review, the reviewer must provide a producer statement PS2 design review and verify they hold an appropriate amount of insurance. The reviewer must also complete a design summary, the design summary must

- not include any exclusions or limitations, unless agreed in advance with Council
- summarise documentation reviewed during the assessment
- confirm the intent of any FEB process has been met
- detail all correspondence reviewed / received (written and verbal)
- precisely describe the extent of the review

At the end of the review, the information on Council's file must be complete. It must be adequate such that if the report is revisited in the future, that all decisions, reasons for decision and the outcome is understood. For this reason communication between the various parties must be clear and traceable. A schedule of questions and responses presents the most robust and common methodology for recording and closing out design review items. Long email trails and phone calls, whilst a common form of communication do not support a transparent process and important decisions impacting the design including the reasoning behind any decisions made must be documented in an appropriate format.

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AC1826.8 Part 8 Construction Monitoring

All building consent applications must include information stating the extent of construction monitoring that is to be undertaken and by whom. For some projects this will be minimal and be undertaken by only select members of the design team. For complex projects it may involve multiple parties including the designers, independent specialists and may involve a dedicated site presence throughout the build to confirm that the construction complies with the approved consented design.

How the building consent applicant intends to undertake and execute building works to demonstrate compliance with the Building Code is ultimately the responsibility of the applicant. Projects involving high risk and complex building work will likely require a PS4 from the projects fire designer/engineer. Most projects involving C/VM2 and alternative design will require some level of site involvement from the fire engineer.

Council inspectors will visit the site to undertake inspections during and on completion of construction. Construction inspection by Council building inspectors is simply a quality systems audit of what has actually been constructed against the consented design and should not be relied upon to replace appropriate quality management systems, supervision of any trades and for complex work. The decision as to whether the Council will seek third party monitoring may include a number of factors such as capacity, the complexity and scale of the work being proposed, whether any system proposed may be used close to or in excess of any design parameters, and the nature of the consent documentation, the plans and specifications provided. Generally Council inspectors are generalist and as fire design incorporating complex and high risk buildings need to be inspected by the fire designer or a third party who has an intimate knowledge of the proposed design, the intended performance expectations of the associated construction and fire engineering as a discipline.

Supplying a fire PS4 is one way in which the Council can be satisfied that compliance with the consented fire design has been achieved. The intention to provide a fire PS4 to support a building consent should be made clear within the documentation submitted within the building consent application. This should include confirmation as to what extent of construction monitoring is to be undertaken, by whom and how.

The producer statement process is one way, but not the only way that can be used to show that compliance has been achieved. Where applicants do not wish to use the producer statement process or provide a fire PS4 the applicant needs to clearly set out how they intend to complete the building work and show that compliance with the consented design has been achieved.

Appropriate levels of construction monitoring are necessary to provide confidence to Council that the design engineer, or their representative, has actively monitored and observed the building being constructed in accordance with their design expectations and also to confirm that the building will operate as required in accordance with the consented fire design.

The extent and scope of construction monitoring to be undertaken should be agreed as part of the FEB process and confirmed within the documentation submitted for consent approval. A PS4 shall be provided to support the application for a Code Compliance Certification and to confirm that the design meets the designer’s requirements for fire for all C/VM2 and specific designs, unless agreed otherwise. A fire PS4 may also be required for high consequence and complex design work as

defined in AC1826.7 Part 7. The ENZ/ACENZ Guidance on Construction Monitoring Services[1] provides a useful reference to the various levels of construction monitoring that may be appropriate for each individual case. However, a more detailed description and agreed level of scope may be necessary for specific projects. Refer also to ENZ PN22 for further information.

Not all designs and building consent applications will need the design engineer to undertake construction monitoring and the production of a PS4. For all fire design work undertaken in accordance with C/VM2 and specific design, construction monitoring by the design engineer is to be expected, unless agreed otherwise as part of the FEB process. Designs undertaken in accordance with the Acceptable Solutions may require construction monitoring to be undertaken depending on the complexity of the proposed works and fire safety systems proposed. For Acceptable Solution designs for new and existing buildings, it is recommended that the fire designer propose a level of construction monitoring commensurate with the complexity of the design. Where no discussion of construction monitoring is provided within the consent documentation the Council may require a specific level of construction monitoring as part of the approvals process.

[1] https://www.engineeringnz.org/documents/112/Construction_Monitoring_Services.pdf

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AC1826.9 Part 9 Certificate for Public Use

Section 363 of the Building Act 2004 (the Act) was introduced to safeguard the health and safety of the public where the building, in part or in whole, provides access for the public.
This section sets out the provisions of s.363 of the Act and the matters considered by Council before issuing a "Certificate for Public Use" (CPU).

For new or existing buildings that will be occupied by members of the public during the building works a Certificate for Public Use (CPU) will need to be applied for. For any building consent application where a CPU may be relevant this needs to be considered as part of the submission and included within any pre-consent discussions.

A CPU must be issued with due care and consideration and be site specific, in order to ensure public safety.

Building consent applicants must provide information about how the public will be protected whilst building work is underway, including but not limited to the following issues:

- What parts of the building are occupied and or will the public have access too?
- What access / egress routes will be compromised by the building work (walking near or through building work)?
- What hazards will the public potentially face as a result of the building work?
- What protection measures can be put in place to protect the public?
- What safety systems are in place to protect the public or building occupants (i.e. will specified systems be operational during construction)?
- What mitigation measures can be implemented to ensure the safety of the users where life safety features have been disconnected / decommissioned?
- What alternative safety features can be utilised to provide the same or better security in terms of the health and safety of the public, where safety features are not operational?
- What protection measures are in place?
    - Paving and ramps
    - Fencing off the construction area
    - Hoardings - protection from falling objects

For designs involving a PS2 design reviewer, the PS2 author needs to understand and have oversight of the potential for a CPU. Documentation submitted for consent needs to include any relevant information to support a CPU including who will be responsible for documenting any conditions associated with the certificate. The management procedures associated with this certificate shall be included in the consent application and reviewed by the Peer Reviewer.

If the building is **not** going to be occupied by the public before the Code Compliance Certificate is issued, there will be no need for a CPU.