



WHAKARATONGA IWI

**FIRE  
EMERGENCY**

NEW ZEALAND

Request for advice under S121[1][b] of the Building Act 2004



Address of Property:  
Four Canoes Motel, 273 Fenton Glenholme, Rotorua

Report completed by:  
Lynda McHugh, Persons deemed competent  
Fire and Emergency New Zealand, Nga tai ki te Puku

## Table of contents

Table of contents .....	2
Territorial Authority addressee.....	3
Building configuration and use .....	4
Fire alarm system.....	7
Handheld firefighting equipment.....	8
Fire & smoke control doors .....	11
Escape routes .....	14
Fire and smoke separation.....	15
Fire exit doors.....	16
Signs.....	18
Behaviour of some occupants.....	19
False Alarms.....	19
Evacuation scheme.....	18
Conclusion.....	20



IN CONFIDENCE

3 August 2022

Allan Hoffman  
Quality and Technical Lead - Planning & Development Solutions  
Rotorua Lakes Council  
ROTORUA

By email: [Allan.Hoffman@rotorualc.nz](mailto:Allan.Hoffman@rotorualc.nz)

Dear Allan,

**Section 121(a) Building Act 2004 advice on: Four Canoes Hotel - 273 Fenton Street, Rotorua**

This Fire Assessment report relates to the building at 273 Fenton Street Glenholm, Rotorua [legally described as Part Lot 55 DP 28 65] (the Building), which I visited on Tuesday, 26 July 2022.

I am an employee of Fire and Emergency New Zealand, notified to territorial authorities as competent to give advice under s121(2)(a) as to whether a building is 'dangerous' in terms of s121(1)(b) of the Building Act 2004. A building is dangerous for the purposes of that provision if:

*... in the event of fire, injury or death to any persons in the building or to persons on other property is likely.*

I have prepared this report in response to the territorial authority's (Rotorua Lakes Council [RLC]) request for advice under s121(2)(a) in relation to s121(1)(b).

I arrived at approximately 1:00 p.m. on Tuesday, 26 July 2022. I, together with Advisor Risk Reduction [ARR], Nicole DOBSON, Bruce ROSS and yourself, completed an inspection of the Building. The owner's representative of the Building, Mr Marc THOMSON, the Building manager Harmet BHAT and their fire alarm Agent Jarred DE FARIS from Argus was also at the address. I explained that I was there to inspect the building from a fire risk perspective to obtain information necessary for pre-incident planning and to assess compliance with the requirements under any relevant fire safety legislation, including to give advice under s121(1)(b) of the Building Act 2004. Mr THOMSON and MS BHAT allowed us access to the building.

I understand that the Council had concerns for the occupants' safety, given the Building had potentially undergone a change of use for the purposes of ss114 and 115 of the Building Act 2004, from being a standard motel [SM or 'sleeping non-institutional' use] to one providing Care or detention [SI or 'Sleeping Care' use].

If that is correct and the new use results in building code performance requirements (C/AS2) that are additional to, or more onerous than, those of the old use, then:

(i) the owner was required to give notice to the Council prior to the change of use, under s114 of the Building Act; and

(ii) the owner would need to comply with s115 of the Building Act, which involves upgrading the building to comply as nearly as is reasonably practicable with relevant provisions of the building code.

During my visits, I also observed several building related issues which represented a risk to the occupants of the Building in the case of a fire.

I note that C/AS2 Acceptable for Buildings other than Risk Group SH would likely be a useful benchmark for code compliance for the SI building use type.

## Observations

### Building configuration and use



*Image 1: Aerial view courtesy of Rotorua Lakes Council*

The Building at 273 Fenton Street, Rotorua, is a two-storey commercial building over one site, totalling 3823 m<sup>2</sup> (0.3823 Ha) square meters. According to Rotorua Lakes Council records, stage 1 of construction was consented in 1973, and stage 2 of construction was consented in 1974.

The Building is constructed of a combination of concrete block, fibre board, timber, long-run iron, and wooden and aluminium joinery.



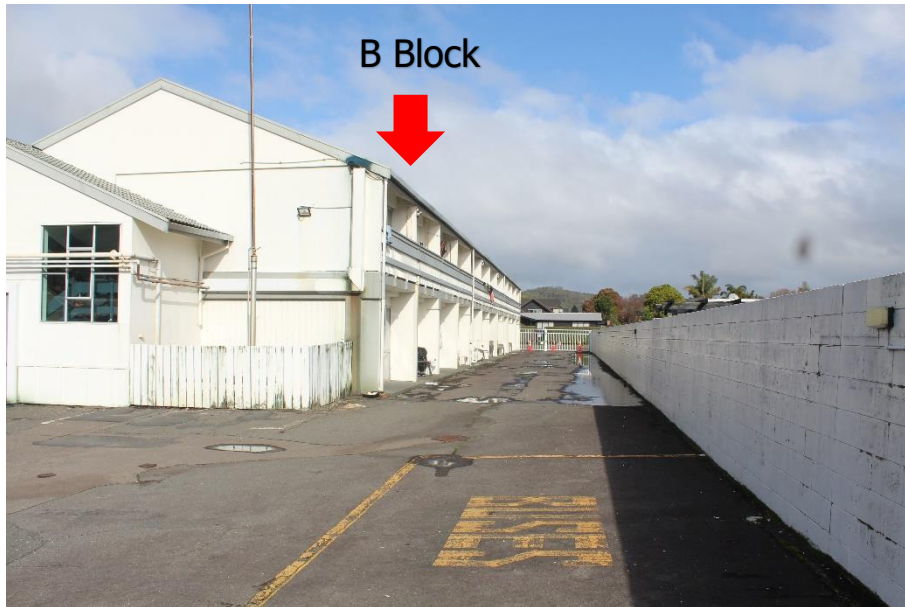
*Photo 1: Front view of building*

I observed individual bedrooms for sleeping, shared kitchen facilities and a communal lounge facility, where occupants socialise. The rooms each have their own bathroom.



*Photo 2: View of motel units 1-24*

The two accommodation blocks [in the one Building] are referred to by Four Canoes management as A and B Blocks. I surveyed both blocks during my visit and are referred to throughout this report.



*Photo 3: units are rear of the property*

### **Use**

According to information received the Ministry of Housing and Urban Development [MHUD] has contracted the hotel to provide emergency housing, and we understand that no private hotel guests are staying at the accommodation.

I repeatedly asked Mr THOMSON and MS BHAT if any of the current residents required assistance in evacuating for any reason. I was told “no, not to their knowledge”. However, from documentation that I received from Rotorua Lakes Council this facility is being managed by Lifewise Trust, who were engaged to provide on-site services for the mānaha residing at the accommodation. Lifewise is a residential **community care provider**, providing mental health and alcohol and drug rehabilitation. They are engaged to provide 24-hour on-site services for the mānaha residing at the accommodation.

Lifewise provides support to the high-risk and complex individuals residing at the Four Canoes. Around eight to ten mānaha are occupants of the building subject to Compulsory Treatment Plans (CTPs) under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Lifewise has advised Rotorua Lakes Council that this is an extremely high and inappropriate proportion of high-needs clients. They would typically have no more than three at a facility as they require significant staff resources.

A high level of mental health and addiction support services are required amongst mānaha currently residing at the site. After commencing at the site, Lifewise identified that a number of mānaha needed more intensive support.

Lifewise has also confirmed that MHUD has contracted Tiger Security on-site, but Lifewise reported that they do not have experience dealing with people suffering acute mental distress.

The service providers at Four Canoes have reported multiple serious incidents, including violence, drug use, sexual assault and psychotic episodes.

It is of concern that the owner[s], owner's representative and the on-site manager have not been made aware by Lifewise that the facilities are being used to provide high-risk resident's care. Or that the owners/Rep/management are fully aware of the current building use and chose to permit this without further considering the additional risks, putting residents and staff lives in danger in the event of a fire.

I have been informed by RLC that the emergency housing grant typically operates by allowing the recipient to choose their own accommodation. We understand mānaha have explicitly been placed in this hotel based on their specific needs and circumstances.

The Building has a current Building Warrant of Fitness [BWof] under section 108[1] of the Building Act 2004 and is consented to 100 sleeping. An automatic fire alarm system with heat detectors and manual call points [Type 3] with an Emergency lighting system; mechanical ventilation or air condition or system; signs relating to the specified system; final exits; and signs intended to facilitate evacuation were all installed in the building.

### **Fire alarm system**

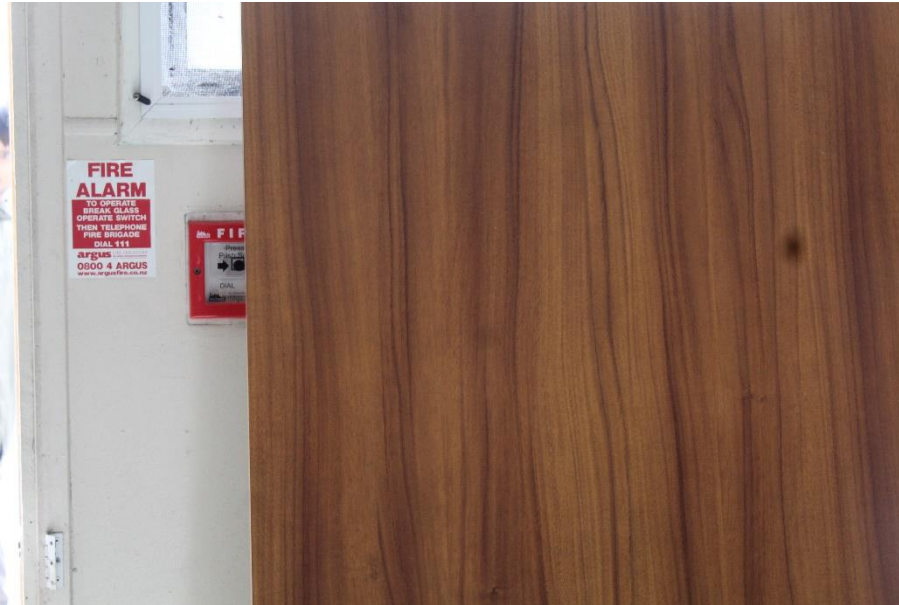
Fire and Emergency NZ does not consider that this Building has adequate and reliable means of alerting high-risk, vulnerable occupants in the event of a fire.

The current fire alarm system only consists of heat detectors and manual call points. In a fire, occupants can quickly become disoriented and overcome by smoke, heat detectors do not provide occupants with an early warning of smoke.

Smoke detectors are used to gain an earlier warning of life-threatening situations than may be achieved from the response of sprinklers, particularly where a smouldering *fire* does not produce enough heat in its early stages to activate a sprinkler head. Sprinklers are designed to extinguish or contain a fire until Fire and Emergency arrive.

I believe the building not having smoke detectors and sprinklers is a significant concern, given that the Building occupants may be under the influence of medication while asleep when a fire develops. This risk is especially acute, considering the special needs of some residents and the high amount of timber used in the Building, which includes the timber pole wall and timber door between the conference room and reception.

From a contemporary compliance perspective, the Building would require a minimum Type 7 [Automatic fire sprinkler system with smoke detectors and manual call points system] to be installed, in accordance with **table 2.2.a** and **table 2.4** of Acceptable Solution C/AS2.



*Photo 4: A Block – Manual call point [MCP]*

In A Block, I observed that combustibles obstructed an MCP.

### **Handheld firefighting equipment**

Worldwide figures suggest that as many as 80% of all fires reported are extinguished by building occupants using hand-operated firefighting equipment without requiring further Fire Brigade action. To assist in making a building fire safe, these must meet the requirements of NZ Standard 4503:2005.



*Photo 5: A Block - Firehose reel*

I observed fire extinguishers and firehoses throughout the Building. Records indicated that these are tested and maintained. However, the door of the above firehose showed some signs of rust and failed at the hinges as I opened the door.





*Photo 6: A Block – Communal Kitchen*

I observed several missing fire extinguishers. In the communal kitchen, where all the residents cook their meals, the fire extinguisher had been removed from its bracket on the wall.



*Photo 7: B Block, Ground level rear*

At the rear of the Building on the ground level in B block, a fire extinguisher was missing from its bracket on the wall.



*Photo 8: B Block, upper level*

On the upper level in B block a fire extinguisher was missing from its bracket on the wall.



*Photo 9: B Block, ground floor entrance*

## Smoke control doors

Smoke doors will ensure that smoke separation will continue to perform as an effective barrier when exposed to fire for a short period during fire development. If operating as they are designed to do should provide residents time to escape from the building.

I observed a number of smoke control doors wedged, jammed or held open by items not permitted to do so. This poor practice negates the fire design, endangers the lives of occupants, and places potential liability on the owner and the management of the Building.

I understand that Rotorua Lakes Council has limited data and plans that identify all smoke stop doors throughout the Building. Therefore, I have only commented on the doors that appear to have been a smoke-stop door at some stage or are in a location where you would normally find a smoke-stop door.

Most of the smoke doors were not labelled with SMOKE CONTROL signs or metal tags which may have been permitted when the Building was consented.

I observed several smoke doors identified as non-compliant and required urgent maintenance.



*Photo 10: Close-up smoke-stop doors, A Block, upper level*

I observed a number of the smoke-stop doors with horizontal and vertical gaps in them when they were closed. There are no smoke seals in place on any of the smoke-stop doors. These issues compromise the effectiveness of the means of escape from this Building and place occupants at risk in the event of a fire, allowing smoke to spread through the Building faster.



*Photo 11: Smoke-stop doors, upper level*

A number of smoke-stop doors were wedged or jammed open.



*Photo 12: B Block, ground level*

The above photo shows a set of smoke-stop doors located on the ground floor of B Block.



*Photo 13: Close-up of smoke-stop doors*

The above photo is a close-up of photo 12. When the doors are closed, they remain ajar with a gap between the two doors.

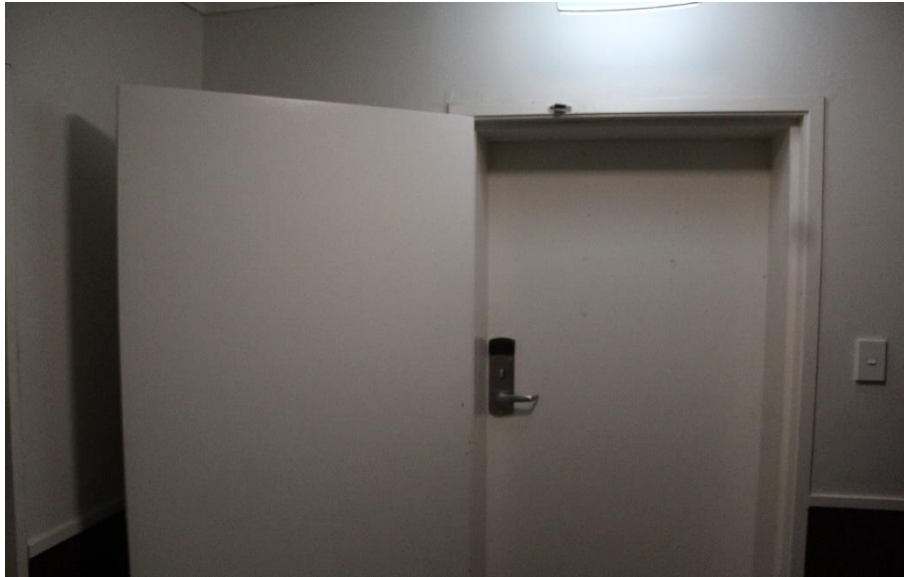


*Photo 14: A Block, ground level*

On the ground floor in A Block, I observed a set of doors that, at some stage, may have been designed to be smoke-stop doors. One side of the door had a self-closer installed on it. However, the other side that was open and [in the above photo] did not have a self-closer installed. The doors appear to be of solid construction like a smoke-stop door. However, there was no fire-rated glass installed in the window, which may have been replaced at some stage of its life.

It is recommended that all of the smoke-stop doors be assessed for suitability and consider installing hold-open devices that release upon activation of the fire alarm system. Mr Hoffman explained to everyone that this would require Council consent.

### **Escape routes**

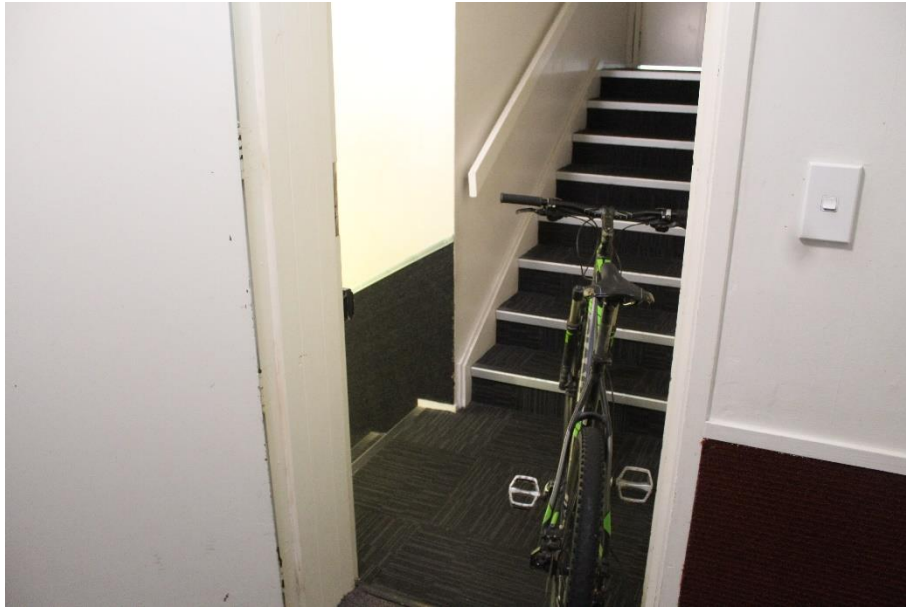


*Photo 15: A Block, upper level, escape route*

C/AS2 3.1.1 All buildings shall have means of escape from fire which include escape routes. An escape route shall provide protection to any occupant escaping to a safe place from a fire within a building.

On A Block's upper level, I observed two solid constructed doors, one after the other. The first door opened inwards, directly followed by the second door that opened outwards. Given the thickness and construction of the doors, it was presumed that they were fire or smoke stop doors. However, opening doors different directions could easily lead to confusion in a smoke or fire-filled room.

Having these doors in a means of escape is generally not permissible under the relevant acceptable solutions. It is recommended that the owner engage a Fire Engineer who can assess these doors' suitability and make recommendations per the Building Act 2004.

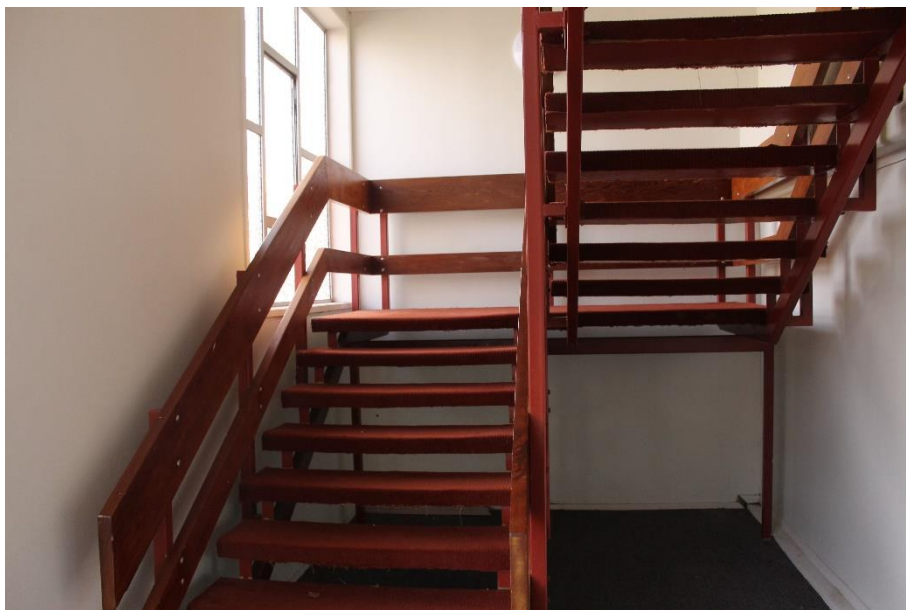


*Photo 16: A Block, upper level, leading to upstairs accommodation and office.*

Once through the double doors in photo 15, I observed a bicycle stored in the escape route. The bike was also used to hold open one of the fire/smoke stop doors. All other escape routes were relatively clear from the storage of combustible items.

### **Fire and smoke separation**

The 21 units in B Block have a concrete horizontal deck (Spandrel) which provides two different escape route directions; however, the stairs are not fire-rated underneath and should be upgraded if the change of the Building's use is determined to have been made.



*Photo 17: B Block stairs on the southwest side of the Building.*

The internal construction appears to be standard for offices (SM risk group) at the time they were built in 1973 and 1974.

A fire engineer would need to assess that individual bedrooms are adequately fire separated from all other spaces (including each other). The laundry area and kitchen should also be adequately fire separated from the internal safe path corridor (hallway). Vertical and horizontal safe paths should also be fire separated from each other. Protection against external spread of fire should also be addressed. The exterior balcony and stairs will also need to be assessed. From a compliance perspective, they may need to be fire rated from the floor below and will also need to meet the requirements of external escape routes if they pass by neighbouring fire cells.

Given that the Building is already built and is consented for SM, a fire engineer would be able to provide the owner with a more precise indication of what fire and smoke separation rating [FRR] is currently present in the Building.

### **Fire exit doors**

Building occupants must be able to easily open the doors in the direction of travel to a protected path, safe path, or a safe place [except as permitted by the Building Code].

I identified the locking devices on two fire exit doors may not meet C/AS2 3.15.2[a].

If the building is occupied, locking devices shall:

*“Be clearly visible, located where such a device would be normally expected and, in the event of fire, designed to be easily operated without a key or other security device and allow the door to open in the normal manner. If the operation of a locking device is unusual, such as the pressing of a button close to the door, signage is required”.*

They are required to be accessible to people in a wheelchair.

Fire and Emergency New Zealand [Fire Safety, Evacuation Procedure, and Evacuations] Regulation 2018 s5[1][b].

Owner and tenants of building must maintain means of escape from fire for building

(1) The owner and every tenant of a building must maintain the means of escape from fire for the building so as to ensure that—

[a] the means of escape are kept clear of obstacles at all times; and

[b] exit doors are unlocked and free of barriers or blockages so that the building’s occupants can leave the building in the event of a fire emergency.

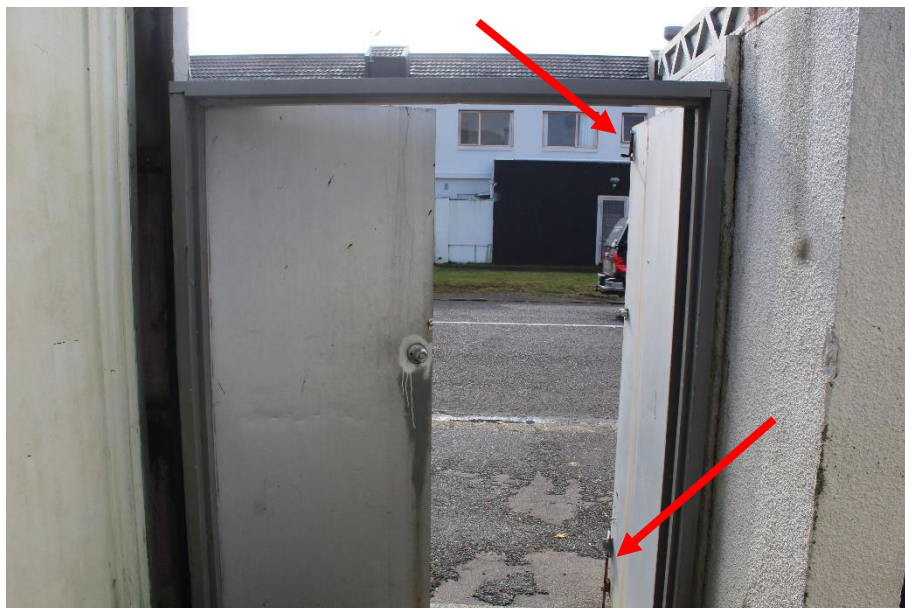




*Photo 18: A Block – Fire exit door, ground level*

The red arrow in the above photo indicates a screen door that has been installed in front of the fire exit door. When closed, the screen door does not open in the direction of flow and may impede the residents from evacuating.

The red circle in the above photo indicates a locking mechanism that is not located in a convenient position. It is recommended that "Crash Bars" are installed on Fire Exits.



*Photo 19: A Block – Fire exit door, ground level*

The fire exit in the above photo had two locking hardware that was not located in a convenient position, one at the bottom of the door and the other at the top of the door. I recommended that the current locking hardware be removed, and a crash bar be installed on these doors. This will ensure all occupants unfamiliar with the layout of the lock can easily operate the locking hardware and safely escape from fire.



*Photo 20: Gates on the south side of the property*

I observed the double metal gates padlocked and locked on the south side of the property. This is not an acceptable practice as it prevents the occupants from moving to a place of safety.

## **Signs**

I note that the Building does have 'Emergency Lighting installed'.

Manual Fire Alarm Call Points [MCP] – Not all MCPs have the correct signage.

Signs shall be provided on or adjacent to each call point. The method of operation and the telephone number to call the Fire Service [If a fire alarm system is not connected to the fire service, it is recommended that this is also indicated on the sign]. The sign colours shall be white and safety red. All building features shall have signs complying with F8/AS1.

## **Emergency exit signage**

Requirements of signage in a building is that a building occupant unfamiliar with the layout of the escape routes would have no difficulty identifying which routes to follow to escape the effects of a fire and proceed to a safe place.

Signs are clearly visible and readily understandable under all conditions of foreseeable use.

I identified that there are inadequate exit signs throughout the Building. The Building needs to meet the following:

F8/AS1 4.1.1 Escape routes shall be identified by exit signs which are clearly visible and shall be located:

- a) At each point in the open path where a door giving access to a final exit or an exit way is not visible in normal use
- b) To clearly indicate each door giving access to a final exit or an exit way, and
- c) To clearly identify the route of travel through the exit way

**Fire Action Notices and Locations** Under Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018, Part 1 ss7(1), (3), (4) and (5). Evacuation procedure information (fire action notice) and locations within the building provides building occupants with sufficient information to understand and facilitate a safe, expeditious and efficient evacuation in the event of a fire.

Information (notices) and locations within the building are consistent with the proposed or approved evacuation scheme (where required) or meet the requirements of Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Scheme) Regulations 2018 ss7(4) and (5).

I identified a lack of fire action notices around the Building. I observed one fire action notice and evacuation procedure that was located on the back of the door to the unit that is utilised as a storeroom.

### **Known behaviours of some occupants**

A number of the occupant's smoke cigarettes, and by Ms BHAT's own admission, the occupants are not permitted to smoke inside their units; however, they have extreme difficulty controlling this behaviour. I observed many cigarette butts on the ground around the units. The risk of this ending in a tragic event poses a very high risk should an occupant be under the influence of drugs and alcohol or medication [prescribed or self-induced] and falls asleep with a lit cigarette. To provide all occupants in this Building with the best chance of surviving a serious fire in these circumstances is to have smoke detection and sprinklers installed throughout the Building.

### **False Alarms**

FENZ records show that Four Canoes Motel has had 11 false alarm call outs to the property since 4 September 2021 [11 month approx.]. Six of the false alarms have been identified as malicious tampering with MCP's, four undetermined and one as accidental. Officers notes in some of these reports indicate that that smoking is occurring in bedrooms, activating the detectors, and that on a couple of occasions no evacuation was taken place.

### **Evacuation scheme**

Our records indicate that this Building does have an approved evacuation scheme under the Fire and Emergency New Zealand Act 2017 (FENZ Act) and the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018. Under section 75 of the FENZ Act the building is used for the following purposes:

S75(1)(a) the gathering together, for any purpose, of 100 or more persons:

S75(1)(b) providing employment facilities for 10 or more persons:

s75(1)(c) providing accommodation for six or more persons (other than in 3 or fewer household units).

Four Canoes evacuation scheme was approved on 22 June 2018. However, it appears that since that date, the facilities have undergone some changes that require the submission of a new scheme or a variation of their current scheme.

There is now 24-hour security on site who have been instructed to assist with the evacuation of occupants. The current evacuation scheme does not include the gates that have been erected around the property. In addition, the current approved evacuation scheme does not include that the Building is now being used for one or more of the following under section 75(1) of the FENZ Act:

#### Subpart 4—Evacuation schemes

S75[1][f] providing nursing, medical, or geriatric care (other than in a household unit):  
S75[1][g] providing specialised care for persons with disabilities (other than in a household unit).

Therefore, under section 78 of the Fire and Emergency New Zealand Act 2017, FENZ will be giving notice to the owner[s] of the Building that an urgent variation of their approved scheme is required. The owner[s] will be provided 10 days to submit a revised evacuation scheme to FENZ for approval under section 77. If this is not received within 10 working days FENZ will then consider their options that may include revoking their current scheme under section 78 or taking further action under section 79 of the FENZ Act.

## Conclusion

A vital difference between SM and SI risk group is that Risk group SI invariably requires a fire safety strategy for emergency incidents involving delayed initiation of evacuation and movement of occupants to an internal place of safety within the building. This Building does not currently meet the requirements for a stay-in-place strategy. Under section 26[1][a] Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018, a compliant sprinkler system, appropriate fire separation and exits are required for a place of safety inside the building.

### Is the Building dangerous?

I am **extremely concerned** that the occupants of this Building cannot escape the sleeping areas should a fire occur due to the many issues indicated above. I do not consider the conference room as dangerous, given that occupants should be awake while occupying this space.

The matters I have recorded in this letter are not exhaustive, as more detailed inspections and discovery will be required to establish the full extent of the issues. It is recommended that the owners engage a fire consultant or fire engineer to advise them.

In my view, the Building does not comply with the performance requirements of the building code for the SM purpose groups. The areas of non-compliance are described in this report.

Non-compliance with the Building Code also does not automatically mean that a building is dangerous under s121(1)(b) of the Building Act 2004. However, issues of non-compliance can help to identify and assess the risks that are relevant to whether a building is dangerous.

I consider that the most risks arise when occupants are sleeping, whether the Building is used for SM or SI. Due to the defects listed above, there is still a serious risk that occupants under SM [use group] may be overcome by smoke resulting in injury or death. However, now the premises appear to be used for sleeping SI [use group], the risk is heightened, given that some of the residents will be medicated and may require assistance in evacuating. Some of these matters will pose risks to residents' day or night.

It is considered that injury or death to persons in the Building is **likely**, in the event of a fire. It follows that in my view, taking into account the current type of use, the Building is dangerous for the purposes of s121(1)(b) of the Building Act 2004. I note that the decision as to whether the Building is dangerous and what, if any, action to take in relation to that is ultimately a decision for the Rotorua Lakes Council.

### **Concluding comments**

If you have any questions or further information that you would like me to consider, don't hesitate to contact me using the details below.

We acknowledge that Four Canoes provides accommodation to some of the most vulnerable members of our community. The owners have the ultimate obligation to ensure that all people inside the Building are kept safe in the event of a fire emergency and can safely evacuate the Building.

Yours sincerely,



Lynda McHugh  
Senior Risk Advisor,  
Bay of Plenty  
[lynda.mchugh@fireandemergency.nz](mailto:lynda.mchugh@fireandemergency.nz) / 027 274 7712

Cc: John Sutton, Community Risk Manager, Bay of Plenty  
Todd O'Donoghue, Fire Investigation and Arson Reduction