

Job \_\_\_\_\_ ( \_\_\_\_\_ )

Submissions from ~~Applicant~~

NZFS

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24 APR 2015

Chris Velvin

**From:** Marshall, Jan <[REDACTED] s 9(2)(a)>  
**Sent:** Friday, 24 April 2015 2:49 p.m.  
**To:** John Gardiner  
**Cc:** megan.yardley@fire.org.nz; rob.saunders@fire.org.nz  
**Subject:** (Sent on behalf of Stephen Quinn): Draft Determination 2713. [DLANZ-CLIENT.FID29467]  
**Attachments:** 24042015154243-0001.pdf

John,

I act for the New Zealand Fire Service. I attach our comments on this draft determination.

Regards  
 Stephen Quinn  
 Partner

T  
M  
F  
E

[REDACTED] s 9(2)(a)

Please note we are now DLA Piper New Zealand. Our website has changed to [www.dlapiper.co.nz](http://www.dlapiper.co.nz)

DLA Piper New Zealand is an independent law firm. It is associated with DLA Piper, a global law firm operating through various separate and distinct legal entities.

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Copy sent to ahrs  
TA.

Released under the Official Information Act 1982



24 APR 2015  
*Je*

DLA Piper New Zealand  
Chartered Accountants House  
50-64 Customhouse Quay  
PO Box 2791  
Wellington 6140  
New Zealand  
DX SP20002 WGTN  
T +64 4 472 6289  
F +64 4 472 7429  
W www.dlapiper.co.nz

Our ref: 1412287

24 April 2015

John Gardiner  
Manager Determinations & Assurance  
Ministry of Business, Innovation & Employment  
WELLINGTON  
By email

Dear John

**DRAFT DETERMINATION 2713**

- 1 We act for New Zealand Fire Service (NZFS). A copy of the draft determination 2713, dated 7 April 2015, has been sent to NZFS for comment. NZFS's comments on the draft determination are outlined in this letter.
- 2 As this draft determination relates to a modification to a clause of the Building Code dealing with fire safety (clause C3.4(a)), it is considered appropriate that NZFS comments on it. The extent and nature of the modification is of concern to NZFS, and accordingly the specific matters to be addressed before a final determination is issued are outlined below:
  - 2.1 The applicant has relied on a comparison to the exemption for a wharenui. Paragraphs 5.3.5 and 5.3.6 of the draft determination confirm that reliance has been placed on this comparison. As submitted in respect of determination 2015/010, referenced in the draft determination, NZFS has concerns with this approach. NZFS supports the comment made, at the end of paragraph 5.3.6, in the draft determination that a comparison should not go so far as to extend an existing exemption beyond its intended purpose. A wharenui is a different type of building, with different types of users. Significant caution needs to be taken before relying on a comparison with a different type of building which is exempt when dealing with a proposal that is clearly not exempt.
  - 2.2 The draft determination concludes that the provision of more means of escape offsets the risk of rapid surface fire spread. See for example paragraphs 5.3.14 and 5.3.18. NZFS has concerns with the subjective assessment undertaken, particularly in light of any subsequent changes to the surface finish that may include additional coats of paint. NZFS would prefer to see a robust analysis of required



time to egress from the building (how much time is required to fully evacuate) compared with the available safe egress time (how long until the compartment becomes untenable). When establishing the available safe egress time, a fire growth rate that utilises an onerous surface spread of flame should be used to anticipate possible future changes (eg, additional coats of paint). If this analysis was undertaken, and it was demonstrated that a good margin of safety existed, this would provide a more suitable basis on which to grant an exemption, as opposed to relying on the current, more subjective, analysis.

- 3 On this basis, in terms of the current draft determination, NZFS does not support the conclusion reached. We would be happy to clarify any of the matters addressed in this response.

Yours sincerely

**Emma Manohar**  
Senior Solicitor

**Stephen Quinn**  
Partner

s 9(2)(a)

Job \_\_\_\_\_ ( \_\_\_\_\_ )

Submissions from TA

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**Sue Brown**

---

**From:** Malcolm McCluskey <Malcolm.McCluskey@aucklandcouncil.govt.nz>  
**Sent:** Wednesday, 22 April 2015 1:15 p.m.  
**To:** Sue Brown  
**Cc:** s 9(2)(a) Trish MacDonald; John Glossop  
**Subject:** Draft Determination - 75-79 Parker Avenue, New Lynn, Auckland  
**Attachments:** SKMBT\_C451 15042213020.pdf

Dear Ms Brown

File ref: 2713

Herewith is Council's response to the Draft Determination.

Kind Regards,

**Malcolm McCluskey | Claims Manager**

**Claims**

Ph 09 353 9607 | Ext (40)9607 | Mobile 021 246 9861

Auckland Council, Ground Floor West, 35 Graham Street, Auckland

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

**From:** Malcolm McCluskey

**Sent:** Wednesday, 22 April 2015 1:04 p.m.

**To:** Malcolm McCluskey

**Subject:** Message from KMBT\_C451 C45100908



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**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

File ref: 2713

9 April 2015

Chris Velvin  
Administration Officer Determinations and Assurance  
Infrastructure & Resource Markets Group  
Ministry of Business, Innovation and Employment  
P.O. Box 1473  
Wellington 6140

**Draft determination for 75 - 79 Parker Ave, New Lynn, Auckland**

Please select one of the following options (tick the appropriate box  ) before signing and returning this form.

- (a) The draft determination, dated 7 April 2015, is accepted and I have sent a copy of my response to the other parties.
- (b) The draft determination, dated 7 April 2015, is accepted subject to the attached non-contentious amendments and I have sent a copy of my amendments to the other parties.
- (c) The draft determination, dated 7 April 2015, is not accepted. I request that the determination acknowledge and take account the attached comments and I have sent a copy of my comments to the other parties.

If you have selected option b, or c, please:

- advise me of such amendments in writing, referring to specific clauses in the draft (where relevant).
- send a copy of your response and comments or amendments to the other parties.

**Please return this form in the envelope provided by 24 April 2015**

Signed:

*Malcolm McCloskey* Date: *22/4/15*

(Print name here: *MALCOLM MCCLOSKEY*)

For and on behalf of: *AUCKLAND COUNCIL*

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## Chris Velvin

---

**From:** Malcolm McCluskey <Malcolm.McCluskey@aucklandcouncil.govt.nz>  
**Sent:** Tuesday, 17 February 2015 1:08 p.m.  
**To:** Chris Velvin  
**Subject:** FW: Determination - 75-79 Parker Avenue  
**Attachments:** SKMBT\_C451 15021612570.pdf

Hi Chris

The submissions are on the email below.

Kind Regards,

**Malcolm McCluskey | Claims Manager**

**Claims**

Ph 09 353 9607 | Ext 409607 | Mobile 021 246 9861

Auckland Council, Ground Floor West, 35 Graham Street, Auckland

visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

---

**From:** Malcolm McCluskey  
**Sent:** Monday, 16 February 2015 2:32 p.m.  
**To:** John Gardiner ([John.Gardiner@mbie.govt.nz](mailto:John.Gardiner@mbie.govt.nz))  
**Cc:** 'Louise Swann'; Paul Brinsden (s 9(2)(a)); Trish MacDonald; Vijaya Ramakrishna  
**Subject:** Determination - 75-79 Parker Avenue

Dear Mr Marshall

Attached is the completed Form D2

Council has received the following documents:

1. A submission in relation to West Lynn Gardens and Blaketown School Hall.  
D1 (and D2) forms.
3. Authority for Louise Swann to act as the agent.
4. Letter from Council refusing application for a modification dated 28.11.2014.
5. Letter (fire) from Lockwood to AC (Russell Shaw).
6. Email reply from Russell Shaw.
7. Revised consent drawings dated 28.1.14.
8. Application for a waiver form.
9. Frank Hickey fire report.
10. Submission supporting waiver application dated 17.11.2014.

The submissions Council wishes to make are:

1. The issue referred as a matter for Determination is the Council's refusal to accept a Group 3 surface material instead of the Group 2S material required by Acceptable Solution C/AS4 for a Community Education facility and function facility.
2. The surface finish requirement in the Acceptable Solutions matches the requirements from the Building Code Performance clause C3.4 (a)
3. Regarding the *Application for a modification to NZ Building Code Clause C3.4(a)*



3.1. The justification presented to use Group 3 is based upon former Code Clause 3.3.1 and identifying how this fire report complies with the now superseded performance criteria of the building code. This approach is not accepted by Council as the previous building code clauses have been superseded and are no longer applicable to use.

3.2. It is acknowledged that the test method referenced in Code Clause C3.4.(a) does not include the additional test method as referenced in C/VM2. However, the design basis for the fire report is C/AS4, and it references the test methods as described in C/VM2 Appendix A. The Comment on the reference to C/VM2 Appendix A has been in the Acceptable Solution C/AS4 since Dec 2013. So the option to use either test method is available.

4. Regarding the fire report

4.1. The fire report section 1.2 notes 'This is a new building so will be expected to comply fully with CAS4.'

4.2. The fire report Part 6 notes 'All the ceilings group 2s, Walls in all area's group 2s'.

4.3. The fire report accurately reflected the surface finish requirements of C/AS4 which was used as the basis of the fire design.

Kind Regards,

**Malcolm McCluskey | Claims Manager**  
**Claims**

Ph 09 353 9607 | Ext (40)9607 | Mobile 021 246 9861

Auckland Council, Ground Floor West, 35 Graham Street, Auckland

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

**From:** Malcolm McCluskey

**Sent:** Monday, 16 February 2015 1:58 p.m.

**To:** Malcolm McCluskey

**Subject:** Message from KMBT\_C451 C45100908



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16 FEB 2015



Department of Building and Housing  
100 Waterloo Street  
Wellington 6142

**Note to the applicant:**

Form D2 is used with Form D1 'Application for determination under section 178 of the Building Act 2004'.

Please photocopy the form if you need more copies.

You must fill in Part 1 before you send this form to the other party, or parties, for them to complete, sign and forward to the Department.

## Form D2 Party to an application for determination

Dear Sir or Madam

I/we have made an application to the Department of Building and Housing for a determination under the Building Act 2004. My/our details as the Applicant are recorded in Part 1 of this form.

As Applicant, I/we have named you as a party to this application.

I/we have enclosed copies of all the information we have sent to the Department, so that you will know that the Department has received the application and that you have also received the information provided to support the application.

The Department needs to know that you have received this advice. This form has been sent to you so that you can:

- acknowledge that the application has been made
- advise whether you wish to make a submission about the matter being determined
- advise whether you wish to be heard at a hearing
- advise whether you wish to be represented by an agent.

### IMPORTANT

As soon as you can, please fill in Part 2 of this form, sign it and send the form to the Department of Building and Housing. You will find the address on the reverse of this page. Your prompt response will help the Department make a decision without delay.

### PART 1 (TO BE COMPLETED BY THE APPLICANT)

Applicant's name and mailing address:	
Name:	Paul Brunsden, Tmuharbour L/wood.
Address:	Po Box 300 160 Albany
Phone: (09) 4158915	Fax:
Email:	admin@tmuharbour.co.nz
The application is about (describe the subject of the determination) at (street address or legal description):	
Refusal of TA to grant modification to clause C3.7(a) in respect of 75-79 PARKER AVE, NEW LYNN. Lot 6 DP40481	

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**PART 2 (TO BE COMPLETED BY EACH OF THE OTHER PARTIES)**

<b>1 ACKNOWLEDGEMENT</b>	
I/we have received a copy of Form D1 and each of the attachments listed in section H of that form. <i>HERE WITH</i>	
Name: <i>AUCKLAND COUNCIL</i>	
Mailing address: <i>PRIVATE BAG 92300, VICTORIA STREET WEST AUCKLAND 1142</i>	
Phone: <i>09 353 9607</i>	Fax: <i>09 353 9184</i>
Email: <i>matcalm.mccloskey@ AucklandCouncil.govt.nz</i>	
<b>2 APPOINTMENT OF AGENT</b>	
Fill in this section if you want someone else to represent you.	
I/we appoint (full name)	
of (mailing address)	
to act as my/our agent in this determination.	
<b>3 SUBMISSIONS</b>	
Please tick one of the boxes.	
<input checked="" type="checkbox"/> I want to make a submission. <i>HERE WITH</i>	
<input type="checkbox"/> I do not want to make a submission.	
<b>4 HEARING</b>	
In most cases a determination is made on the basis of the written submissions. However, you can request a hearing to present your case to the Department and the parties. Please tick one of the boxes.	
<input type="checkbox"/> I want to speak at a hearing. I will use English.	
<input type="checkbox"/> I want to speak at a hearing. I will use te reo Māori.	
<input checked="" type="checkbox"/> I do not want to speak at a hearing.	
<b>5 SIGNATURE</b>	
Signature: <i>M McCloskey</i>	Date: <i>16/11/15</i>
Description of party: (eg, Are you the builder, a neighbour, territorial authority etc?)	
Please return to: Department of Building and Housing Building Controls Determinations Team PO Box 10-729 Wellington	

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Job \_\_\_\_\_ ( \_\_\_\_\_ )

Submissions from Applicant

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**Sue Brown**

---

**From:** Louise Swann <[REDACTED] s 9(2)(a)>  
**Sent:** Wednesday, 22 April 2015 2:52 p.m.  
**To:** Malcolm McCluskey  
**Cc:** Sue Brown; Trish MacDonald; John Glossop  
**Subject:** Re: Draft Determination - 75-79 Parker Avenue, New Lynn, Auckland  
**Attachments:** Acceptance.pdf

Hi all,

And here is the response from Twin Harbours

cheers and thanks

Louise

On 22/04/2015, at 1:14 pm, Malcolm McCluskey  
<[Malcolm.McCluskey@aucklandcouncil.govt.nz](mailto:Malcolm.McCluskey@aucklandcouncil.govt.nz)> wrote:

Dear Ms Brown

File ref: 2713

Herewith is Council's response to the Draft Determination.

Kind Regards,

**Malcolm McCluskey | Claims Manager**

**Claims**

Ph 09 353 9607 | Ext (40)9607 | Mobile 021 246 9861

Auckland Council, Ground Floor West, 35 Graham Street, Auckland

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

**From:** Malcolm McCluskey

**Sent:** Wednesday, 22 April 2015 1:04 p.m.

**To:** Malcolm McCluskey

**Subject:** Message from KMBT\_C451 C45100908



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<SKMBT\_C451 15042213020.pdf>

Louise Swann  
Director  
*The Building Business Ltd*  
3:10 The Axis Building  
91 St Georges Bay Rd

Parnell,  
Auckland 1052

s 9(2)(a)

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**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI

File ref: 2713

9 April 2015

Chris Velvin  
Administration Officer Determinations and Assurance  
Infrastructure & Resource Markets Group  
Ministry of Business, Innovation and Employment  
P.O. Box 1473  
Wellington 6140

Draft determination for 75-79 Parker Ave, New Lynn, Auckland

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If you have selected option b, or c, please:

- advise me of such amendments in writing, referring to specific clauses in the draft (where relevant).
- send a copy of your response and comments or amendments to the other parties.

Please return this form in the envelope provided by 24 April 2015

Signed: LSwain Date: 21/4/2015

(Print name here: LOUISE SWANN)

For and on behalf of: TWIN HARBOUR HOMES



**Chris Velvin**

---

**From:** Louise Swann <[REDACTED] s 9(2)(a)>  
**Sent:** Monday, 16 February 2015 2:40 p.m.  
**To:** Malcolm McCluskey; Determinations  
**Cc:** John Gardiner; Paul Brinsden [REDACTED] s 9(2)(a); Trish MacDonald; Vijaya Ramakrishna  
**Subject:** Re: Determination - 75-79 Parker Avenue

Hi Malcolm

thanks for this

Just one point the matter to be determined is more correctly stated as

the refusal of Auckland Council to issue a modification in respect of c3.4(a).

Cheers

Louise

On 16/02/2015, at 2:32 pm, Malcolm McCluskey  
<[Malcolm.McCluskey@aucklandcouncil.govt.nz](mailto:Malcolm.McCluskey@aucklandcouncil.govt.nz)> wrote:

Dear Mr Marshall

Attached is the completed Form D2

Council has received the following documents:

1. A submission in relation to West Lynn Gardens and Blaketown School Hall.
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3.1. The justification presented to use Group 3 is based upon former Code Clause 3.3.1 and identifying how this fire report complies with the now superseded performance criteria of the building code. This approach is not accepted by Council as the previous building code clauses have been superseded and are no longer applicable to use.

3.2. It is acknowledged that the test method referenced in Code Clause C3.4.(a) does not include the additional test method as referenced in C/VM2. However, the design basis for the fire report is C/AS4, and it references the test methods as described in C/VM2 Appendix A. The Comment on the reference to C/VM2 Appendix A has been in the Acceptable Solution C/AS4 since Dec 2013. So the option to use either test method is available.

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4.2. The fire report Part 6 notes 'All the ceilings group 2s, Walls in all area's group 2s'.

4.3. The fire report accurately reflected the surface finish requirements of C/AS4 which was used as the basis of the fire design.

Kind Regards,

**Malcolm McCluskey | Claims Manager  
Claims**

Ph 09 353 9607 | Ext (40)9607 | Mobile 021 246 9861

Auckland Council, Ground Floor West, 35 Graham Street, Auckland

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**Sent:** Monday, 16 February 2015 1:58 p.m.

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<SKMBT\_C451 15021612570.pdf>

Louise Swann  
Director  
*The Building Business Ltd*  
3:10 The Axis Building  
91 St Georges Bay Rd  
Parnell,  
Auckland 1052

s 9(2)(a)

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## Sue Brown

---

**From:** Sue Brown  
**Sent:** Monday, 23 February 2015 2:12 p.m.  
**To:** Malcolm.McCluskey@aucklandcouncil.govt.nz  
**Cc:** 'Louise Swann'  
**Subject:** FW: Parker (Westlynn Gardens) (Ref 2713) [UNCLASSIFIED]

Hi Malcolm

Email received by the Ministry from Louise Swann, below for your information.

Kind regards  
Sue

**Sue Brown**  
Administrator

Determinations and Assurance  
Building System Performance Branch  
Infrastructure and Resource Markets Group  
Ministry of Business, Innovation and Employment  
DDI: (04) 901 8363 Extn 48363 | fax: (04) 917 0190  
Level 5, 15 Stout Street  
Wellington 6011  
PO Box 1473  
Wellington 6140

---

**From:** Louise Swann [<mailto:louise@thebuildingbusiness.co.nz>]  
**Sent:** Monday, 23 February 2015 2:00 p.m.  
**To:** Sue Brown  
**Subject:** Re: Parker (Westlynn Gardens) (Ref 2713) [UNCLASSIFIED]

Hi Sue

No I am not going to make any response to Auckland Council's submission

cheers and thanks for the update

Louise

On 23/02/2015, at 1:35 pm, Sue Brown <[Sue.Brown@mbie.govt.nz](mailto:Sue.Brown@mbie.govt.nz)> wrote:

Hi Louise

The two determinations (Blake Street and Parker) cover the same ground, your detailed response to Blake Street will need to be considered before this determination can be issued as a draft.

We're working on it now, can you please confirm if you are going to make a submission on Auckland Council's submission?

Thank you

Kind regards  
Sue

## Sue Brown

---

**From:** Louise Swann <[REDACTED] s 9(2)(a)>  
**Sent:** Monday, 23 February 2015 2:00 p.m.  
**To:** Sue Brown  
**Subject:** Re: Parker (Westlynn Gardens) (Ref 2713) [UNCLASSIFIED]

Hi Sue

No I am not going to make any response to Auckland Council's submission

cheers and thanks for the update

Louise

On 23/02/2015, at 1:35 pm, Sue Brown <[Sue.Brown@mbie.govt.nz](mailto:Sue.Brown@mbie.govt.nz)> wrote:

Hi Louise

The two determinations (Blake Street and Parker) cover the same ground, your detailed response to Blake Street will need to be considered before this determination can be issued as a draft.

We're working on it now, can you please confirm if you are going to make a submission on Auckland Council's submission?

Thank you

Kind regards  
Sue

**Sue Brown**  
Administrator

Determinations and Assurance  
Building System Performance Branch  
Infrastructure and Resource Markets Group  
Ministry of Business, Innovation and Employment  
DDI: (04) 901 8363 Extn 48363 | fax: (04) 917 0190  
Level 5, 15 Stout Street  
Wellington 6011  
PO Box 1473  
Wellington 6140

---

**From:** Louise Swann [mailto:[REDACTED] s 9(2)(a)]  
**Sent:** Monday, 23 February 2015 11:04 a.m.  
**To:** Determinations; Sue Brown  
**Subject:** Westlynn Gardens

Hi Sue

i wondered if you have any idea when this draft will be out

cheers and thanks

Louise  
Louise Swann  
Director

## Sue Brown

---

**From:** Sue Brown  
**Sent:** Monday, 23 February 2015 1:36 p.m.  
**To:** 'Louise Swann'  
**Cc:** Malcolm.McCluskey@aucklandcouncil.govt.nz  
**Subject:** RE: Parker (Westlynn Gardens) (Ref 2713) [UNCLASSIFIED]

Hi Louise

The two determinations (Blake Street and Parker) cover the same ground, your detailed response to Blake Street will need to be considered before this determination can be issued as a draft.

We're working on it now, can you please confirm if you are going to make a submission on Auckland Council's submission?

Thank you

Kind regards  
Sue

**Sue Brown**  
Administrator

Determinations and Assurance  
Building System Performance Branch  
Infrastructure and Resource Markets Group  
Ministry of Business, Innovation and Employment  
DDI: (04) 901 8363 Extn 48363 | fax: (04) 917 0190  
Level 5, 15 Stout Street  
Wellington 6011  
PO Box 1473  
Wellington 6140

---

**From:** Louise Swann [mailto: [REDACTED] s 9(2)(a)]  
**Sent:** Monday, 23 February 2015 11:04 a.m.  
**To:** Determinations; Sue Brown  
**Subject:** Westlynn Gardens

Hi Sue

i wondered if you have any idea when this draft will be out

cheers and thanks

Louise  
Louise Swann  
Director  
*The Building Business Ltd*  
3:10 The Axis Building  
91 St Georges Bay Rd  
Parnell,  
Auckland 1052

[REDACTED] s 9(2)(a)

**Please note**

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## Chris Velvin

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**From:** Louise BB <[REDACTED] s 9(2)(a)>  
**Sent:** Wednesday, 14 January 2015 5:58 p.m.  
**To:** Chris Velvin; Paul Brinsden  
**Cc:** malcolm.mccluskey@aucklandcouncil.govt.nz  
**Subject:** Re: 75 - 79 Parker Ave [UNCLASSIFIED]

Hi Chris

my apologies for not replying to this letter as I thought that the information that I provided had covered your request.

I will ask Paul to provide you a complete set of the consent documentation.

The work is finished and a final inspection has been carried out and passed, even though the surface coating is material group 3.

The consent specified that a coating achieving material group 2S was to be used, but did not specify the actual product. No suitable product is available on the market.

The fire report prepared by Frank Hickey formed part of the consent documentation.

I have yet to receive any submission from Auckland Council, do you know if they will be submitting any information.

Once again please accept my apologies for not replying.

Cheers

Louise

On 14/01/2015, at 5:22 pm, Chris Velvin <[Christopher.Velvin@mbie.govt.nz](mailto:Christopher.Velvin@mbie.govt.nz)> wrote:

Hi Louise,

We sent you a letter by email on 5 December of last year in response to your application. In it we asked for some additional information.

So far we do not appear to have received it. Would you please forward this as soon as possible.

Many thanks

*Chris Velvin*  
**Administration Officer Determinations and Assurance**

Building System Performance Branch  
Infrastructure and Resource Markets Group  
Ministry of Business, Innovation and Employment  
DDI: (04) 901 8364 | fax: (04) 917 0190  
Level 5, 15 Stout Street  
PO Box 1473



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Louise Swann  
Director  
**The Building Business Ltd**  
3:10 The Axis Building  
91 St Georges Bay Rd  
Parnell, Auckland 1052

s 9(2)(a)

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## Chris Velvin

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**From:** Louise Swann <[REDACTED] s 9(2)(a)>  
**Sent:** Friday, 5 December 2014 2:29 p.m.  
**To:** Chris Velvin  
**Cc:** malcolm.mccluskey@aucklandcouncil.govt.nz  
**Subject:** Re: Application for a determination; West Lynn Gardens [UNCLASSIFIED]

Dear Chris

Thank you for your letter.

I did want to raise with you that the matter to be determined relates to an application for a modification to the building code NOT a waiver.

The fire report was provided when the application was made and the consent issued on the basis that the interior would be coated with a product that would achieve a material group number of 2S. Therefore an application was made to modify the code. Once the modification matter has been resolved then it may be that an amendment to the consent would be required.

Cheers and thanks

Louise

On 5/12/2014, at 2:24 pm, Chris Velvin <[Christopher.Velvin@mbie.govt.nz](mailto:Christopher.Velvin@mbie.govt.nz)> wrote:

Dear All,

I have attached a letter advising that the application has been accepted as determinable and requesting some details concerning the consent.

Regards

Chris Velvin

*Chris Velvin*  
**Administration Officer Determinations and Assurance**

Building System Performance Branch  
Infrastructure and Resource Markets Group  
Ministry of Business, Innovation and Employment  
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**Sue Brown**

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**From:** Sue Brown  
**Sent:** Monday, 18 May 2015 9:34 a.m.  
**To:** Michael Belsham  
**Subject:** Determination 2015/022 [UNCLASSIFIED]  
**Attachments:** 2015-022.pdf

Dear Michael

You assisted the Ministry with the following determination:

Job No: 2713 "Regarding the authority's refusal to grant a modification of Clause 3.4(a) of the Building Code in respect of materials used for internal surface linings at a function centre at 75-79 Parker Avenue, New Lynn, Auckland"  
(Determination: 2015/022)

Accordingly I have attached a copy for your information.

Please regard this as confidential until it has appeared on the Ministry of Business, Innovation and Employment's website. This will be about one month after it has been issued.

Please refer requests for copies to the Ministry of Business, Innovation and Employment.

Kind regards  
Sue

**Sue Brown**  
Administrator

Determinations and Assurance  
Building System Performance Branch  
Infrastructure and Resource Markets Group  
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PDI: (04) 901 8363 Extn 48363 | fax: (04) 917 0190  
Level 5, 15 Stout Street  
Wellington 6011  
PO Box 1473  
Wellington 6140

## Michelle Martin

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**From:** Michael Belsham  
**Sent:** Monday, 4 May 2015 5:02 p.m.  
**To:** Michelle Martin  
**Cc:** John Gardiner  
**Subject:** Draft Determination 2713 [IN-CONFIDENCE]  
**Attachments:** In response to NZFS comments to the Draft Determination 2713.docx

Michelle,

Please find short report in response to NZFS comments. I have supporting BRANZ papers if you need to view them.

Kind Regards,

**Michael Belsham**  
Fire Engineer

Building System Performance Branch, Infrastructure and Resource Markets  
Ministry of Business, Innovation & Employment  
*Hikina Whakatutuki – Lifting to Make Successful*

[Michael.Belsham@mbie.govt.nz](mailto:Michael.Belsham@mbie.govt.nz) | Telephone: 64 (04) 896 5613 Mobile: +64 (0) 21 870 438  
Level 5, 15 Stout St, PO Box 1473, Wellington 6143



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI



## Introduction

In response to NZFS comments to the Draft Determination 2713

The response makes two comments

1. Significant caution needs to be taken before relying on comparison with different type of building which is exempt.
2. A fire growth rate that utilises the onerous surface spread of flame that should anticipate future changes (additional coats of paint)

## Marae Building Exemption

In seeking a modification for surface finish for the function centre the exemption for Marae Buildings is used to achieve the objectives of C Clauses.

The buildings are similar in nature being single level spaces used for meeting groups with combustible wall linings and high ceilings with direct access to outside.

The exemption was based on BRANZ Study Report SR 128 Fire Protection of New Zealand Traditional Maori Buildings.

The report describes the full-scale test that was a composite of different materials including heavy totara, toetoe on the ceiling, tukutuku panels on the walls. A number of small scale tests were carried out for the individual materials. The report established that the traditional materials vary between Group 3 & 4 with the full scale test of the mixture of materials being Group 3 (320 seconds to flashover).

It was noted that the full scale test was burner located against solid totara and led to slow fire growth whereas if the burner was located on a wall growth would have resulted in rapid fire growth.

The fire growth rate for surface finishes in Marae Buildings is therefore faster than of proposed Lockwood building of solid timber (Group 3).

The report explores a range of fire modelling using the test results to model the production of smoke to affect escape. A Wharenui with dimensions 7 x 21 x 3.1m ceiling was modelled with various wall linings and results showed that ASET (Available Safe Time to Escape) was between 113 – 302 seconds.

Table 10: Results – BRANZfire modelling of ISO room fires and wharenui fire scenarios

	Tenability limit	Real fire		BRANZFire modelling							
		ISO Room fire			Marae Wharenui Fire						
		Experimental results	Scenario One	Scenario Two	Scenario Three	Scenario Four	Scenario Five	Scenario Six	Scenario Seven	Scenario Eight	
Fire source		ISO Propane gas burner					Mattress fire				
Wall lining		Tuketuku/Totara	Totara	Tuketuku	Totara	Tuketuku	Totara	Tuketuku	Totara*	Plasterbd	
Ceiling lining		Toetoe	Toetoe	Toetoe	Toetoe	Toetoe	Toetoe	Toetoe	Toetoe	Plasterbd	
Temperature at 1.8 m	>80°C	320	15	14	701	730	151	152	151	nr	
FED - Narcotic	>0.1	327	192	116	738	787	160	161	160	205	
FED - Radiation	>1.0	n/a	25	43	700	778	135	158	135	nr	
Visibility at 1.8 m	<10 m	n/a	15	14	302	262	113	123	115	125	
Time to flashover		320	320	120	740	780	150	150	150	nr	

The report goes on to demonstrate that with shortening the travel distances and widening of exits demonstrates safe evacuation time when double exit doors are provided (RSET of between 78 – 85 seconds).

Number of occupants	ASET* (s)	Single standard width exit door e.g.: Scenarios Five and Six		Two standard width exit doors**		Two double width exit doors e.g.: Scenario Seven	
		RSET (s)	Safety margin (ASET-RSET) (s)	RSET (s)	Safety margin (ASET-RSET) (s)	RSET (s)	Safety margin (ASET-RSET) (s)
40 sleeping	135	185	- 50	118	17	84	51
150 awake		207	- 72	121	14	78	57
200 awake		233	- 98	134	1	85	50

- uses the tenability limits from Scenarios Five, Six and Seven
- \*\* Analysis of a wharenuui of the same construction as Scenarios Five and Seven, but with two standard width exit doors (i.e. two doors at 850 mm each).

I have carried out a short C/VM2 assessment of the building. With the three exit doors provided and maximum of 80 people the RSET (required time to escape) is calculated as 112 seconds.

The construct for the modification is considered valid whereby knowing the fire growth rate of the timber linings and increasing the exit widths to allow sufficient time to escape the building.

#### Additional coats of paint

BRANZ Study Report 160 provides test results from various wall linings including 9mm plywood. The results for plywood is 225 seconds to flashover and used to derive Group 3 for solid wood.

Group 3 ensures time to flashover is greater than 2 minutes (120 seconds)

Verification Method C/VM2 describes various typical wall materials and states that solid wood with coating of 0.4mm thickness Waterborne or solvent borne paint coatings, varnish or stain is deemed to continue to achieve Group 3.



Table A1 Specified performances for some substrate and coating combinations		
Coating (coating in good condition and well adhered to substrate)	Substrate	Performance (with or without coating)
Waterborne or solvent borne paint coatings ≤ 0.4 mm thick	Concrete and masonry ≥ 15 mm thick Sheet metal ≥ 0.4 mm thick, or Fibre-cement board ≥ 6.0 mm thick	G1-S
Polymeric films ≤ 0.2 mm thick	Glass	
Waterborne or solvent borne paint coatings ≤ 0.4 mm thick	Gypsum plasterboard with or without paper facing ≥ 9.5 mm thick ≥ 400 kg/m <sup>3</sup> core density < 5% wt organic contribution to board	G2-S
Waterborne or solvent borne paint coatings, varnish or stain ≤ 0.4 mm thick ≤ 100 g/m <sup>2</sup>	Solid wood or wood product ≥ 9.0 mm thick ≥ 600 kg/m <sup>3</sup> for particle boards, or ≥ 400 kg/m <sup>3</sup> for all other wood and wood products	G3

Note: The requirements of this table do not apply to metal faced panels with polymeric substrate.

**Summary**

Although the building is not Marae Building is principles of improving the escape routes features to justify the combustible wall linings remain. The building is similar in nature to a Marae being single level used for meetings and with direct access to outside.

The Marae building would permit up to Group 4 wall products whereas the Lockwood building has a maximum of Group 3 even with potential additional of coats of paint. Group 3 ensures time to flashover is greater than 2 minutes (120 seconds)

BRANZ have carried out testing, research and modelling of behaviour of combustible wall linings and established that the ASET for Wharenui is 113 – 302 seconds for Group 3 – 4 linings. The RSET calculated for this building is 112 seconds for Group 3 linings. The escape route features are considered suitable for the proposed timber wall linings.

It is demonstrated that Clause C1 objectives are met ie. safeguard people from an unacceptable risk of injury or illness caused by fire.

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