

Out of Scope

From: Malcolm Gray <Malc@ForbesandDavies.co.nz>
Sent: Monday, 24 September 2018 4:43 p.m.
To: Determinations; bca@selwyn.govt.nz; Cornor, Ashley
Cc: Troy Walton; Trevor
Subject: RE: Draft determination for 49 Stoneleigh Drive, Izone, Rolleston (Ref 3023) [UNCLASSIFIED]

Categories: sent to Rebecca

Hello Ginny,

Thank you for granting me the extension of time to respond once I returned from my overseas trip.

I have now read the draft report .

I acknowledge the reference it makes to the concerns I raised but disappointed that these concerns are in no way addressed.

Further more no compromises or practical suggestions for a solution are offered.

It seems clear I have few options other than to accept this determination .

My regret is that none of the people/experts who are party to this outcome are likely to be on a “manup” picker at 4 meters when the next earthquake occurs. At the very least should there be injuries we can refer to this documented process and the parties to it.

In my view It’s an injustice that only employers can be liable for injuries to their staff even when regulators make decision’s that elevate that risk.

regards

Malcolm Gray | Director s 9(2)(a)
www.forbesanddavies.co.nz

Forbes & Davies Ltd – Importer, wholesaler, and distributor of Motorcycle and ATV tyres and accessories.

From: Ginny Carter [<mailto:Ginny.Carter@mbie.govt.nz>] **On Behalf Of** Determinations
Sent: Thursday, August 23, 2018 4:15 PM
To: Malcolm Gray; bca@selwyn.govt.nz; Cornor, Ashley
Cc: Determinations
Subject: Draft determination for 49 Stoneleigh Drive, Izone, Rolleston (Ref 3023) [UNCLASSIFIED]

Dear All

I attach the draft determination “Regarding the compliance of a warehouse fitout, comprising storage racking and a mezzanine floor, with the fire safety requirements of the Building Code at 49 Rolleston Drive, Rolleston”, dated 23 August 2018.

The determination has been issued in draft format to give you the opportunity to comment, and to identify any errors and omissions. The parties may send the draft to their technical or legal advisors for their input, but we ask that the draft remain confidential to the parties until it is finalised.

Malcolm Gray has previously indicated that he wishes to speak and bring evidence at a hearing. However, that hearing will only be necessary if a party considers that the draft determination should be altered because full account has not been taken of the submissions, or the facts have been misunderstood, or for any other reason.

If the parties accept the draft and do not wish a hearing to be held, the determination will be issued in final form with any necessary amendments.

IMPORTANT

Please advise me of your wishes by completing and returning the attached response form by **7 September 2018**.

If you require an extension of time to respond, please contact the Determinations team on (0800) 242 243 or determinations@mbie.govt.nz

Kind regards
Ginny

Ginny Carter

ADMINISTRATOR, DETERMINATIONS

Housing & Tenancy Services, Market Services
Ministry of Business, Innovation & Employment
Hikina Whakatutuki - Lifting to Make Successful

ginny.carter@mbie.govt.nz | s 9(2)(a)
15 Stout Street, Wellington 6011

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From: Barry Brown <bbrown@ftl.co.nz>
Sent: Monday, 3 September 2018 4:02 p.m.
To: Ginny Carter
Cc: Katie Gordon; Determinations
Subject: Det 3023/49 Stoneleigh Drive, Rolleston - Referee comment on draft [UNCLASSIFIED]
Attachments: Draft Stoneleigh.docx

Ginny

I refer to your e-mail received 30/8 plus the associated referee pack containing draft determination #3023/Stoneleigh, and offer review comments as below.

1. General

1.1 I presume the site address on the front sheet is 49 Stoneleigh Drive rather than 49 Rolleston Drive, so I have revised accordingly.

NB : If this is incorrect, please advise the relevance of the descriptor "Stoneleigh" in the draft.

1.2 As noted, the subject of this decision reflects several previous determinations where applicants have sought to gain "relief" in "staged construction" through use of BA112(1)(a).

1.3 I support the decision reached at DD7.1 and trust the applicant can ultimately find a way through the regulatory compliance issues involved.

2. Comments on particular DD clauses

2.1 I attach a copy of the draft marked up with suggested text changes.

2.2 My comments regarding Fig 1 and Fig 2 arise in part because I found the figures reproduced in the Beca report virtually illegible, and it might be difficult to obtain graphics which are clear enough to convey the message to readers at large.

3. Summary/Conclusion

3.1 Subject to the adoption of my suggested changes, I confirm my agreement for the draft determination to proceed to final.

Any queries in relation to the above, please advise.

Barry Brown
Determination Referee

From: Ginny Carter [<mailto:Ginny.Carter@mbie.govt.nz>] On Behalf Of Determinations
Sent: Thursday, August 30, 2018 9:07 AM
To: Barry Brown <bbrown@ftl.co.nz>
Cc: Determinations <determinations@mbie.govt.nz>; Katie Gordon <Katie.Gordon@mbie.govt.nz>
Subject: Agreement to issue final determination for 49 Stoneleigh Drive Izone Rolleston (Ref 3023) [UNCLASSIFIED]

Dear Barry

Apologies it looks like this step was missed. Please find attached the final draft determination (Ref 3023) for 49 Stoneleigh Drive Izone Rolleston being the word document called "Regarding the compliance of a warehouse fitout, comprising storage racking and a mezzanine floor, with the fire safety requirements of the Building Code at 49 Rolleston Drive, Rolleston", dated 23 August 2018. (Note: the draft was not forwarded to you prior to being issued to the parties for comment). A copy of the original application, submissions, expert's report and draft have been couriered to you.

The determination is being sent to you concurrently with being issued as a draft to the parties for comment. Any substantive submissions will be forwarded to you for comment.

Can you please, by reply email, confirm your agreement for the Manager Determinations to sign and issue the document as the final determination on this matter for and on behalf of the Chief Executive.

If you believe minor changes of an editorial nature are necessary can you please grant conditional agreement subject to those changes being completed prior to issue. Please return the final draft determination, either by email or fax, with the required changes annotated. Responsibility for making the changes sought will rest with the Manager Determinations. Significant changes will require a new final draft to be issued for which agreement will then be sought.

Kind regards
Ginny

Ginny Carter

ADMINISTRATOR, DETERMINATIONS

Housing & Tenancy Services, Market Services
Ministry of Business, Innovation & Employment
Hikina Whakatutuki - Lifting to Make Successful

ginny.carter@mbie.govt.nz | s 9(2)(a) [REDACTED]
15 Stout Street, Wellington 6011

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From: Rebecca Mackie
Sent: Thursday, 23 August 2018 2:47 p.m.
To: Rebecca Mackie
Subject: File note [UNCLASSIFIED]

File note in response to below comments;

In summary/context of determination – Is about authority's decision to refuse to issue a Certificate of Acceptance (Can't establish compliance with C1-6). In order to make a decision about whether authority was correct in their decision, need to determine whether the proposal complies with C1-6. The applicants fire engineer's proposal is demonstrate compliance is an alternative solution using comparison with C/VM2 and the Fire Engineer Brief process.

1. The proposal is outside the scope of C/AS5 (intermediate floor is far greater in size than the 35m2 permitted), therefore 4.13.8 provision doesn't apply. Further, based on the information provided, I do not believe the platform/mezzanine is similar to a walkways, ladders, flytowers or gantries, and therefore this provision would not apply if the proposal was within the scope of the Acceptable Solution.
2. Agree. No amendment needed to the draft determination
3. Agree, aligns with expert report. It is assumed the FEB doesn't cover this aspect because AS 1720.4 is nominated
4. (refers to applicants fire engineers report (page 13 of 44 of application)) agree travel distance should be measured differently. However as the FEB process and the design in general is still at a high level, and likely require a redesign, and should be readdressed. For completeness I will add a note to the discussion section of the determination.

From: Antony Walker
Sent: Wednesday, 22 August 2018 10:53 a.m.
To: Rebecca Mackie
Subject: RE: Draft Determinations for review [REDACTED] and Stoneleigh (3023) [UNCLASSIFIED]

Hi Rebecca,

I've reviewed the file, the following are some areas that may need to be looked into further.

1. Consideration does not appear to have been given to C/AS5 paragraph 4.13.8 that states "Intermittently occupied structures such as walkways, ladders, flytowers and gantries that are not used by the public are not required to be fire rated provided no more than 10 persons have access concurrently. It would need to be determined if this paragraph means that the structure in question is an intermediate floor (and subject to the limitations of 35 m²). With respect to the 10 person limit, in a warehouse occupancy the density is 100 m²/person, which could be interpreted to allow a 1,000 m² platform, however the use of the platform would need to be on an intermittent basis only, and not contain an occupied "work station" or staff base.
2. The FEB states that the proposed design will be an alternative solution, yet uses modelling parameters from C/VM2. C/VM2 does not include the same dispensation as C/AS5 4.13.8 that may apply as noted above.
3. Agree with BECA that AS 1720.4 is not appropriate for particle board, nor for MDF as stated in the FEB. The FEB appears to state AS 1720.4 will be used for the timber joists, could not locate a reference in the FEB to determining the performance of the flooring.
4. The travel distance measurement that is provided to determine the total open path commences at the mid-point of the mezzanine, which does not provide a worst case travel distance that would occur for an occupant at one end of the mezzanine yet unable to use the closest exit. Therefore the comparative assessment (although disputed) would need to take this into account.

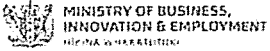
Happy to go over these points when you're free.

Kind Regards,

Antony Walker
FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets
Ministry of Business, Innovation & Employment
Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

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New Zealand Government

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From: Malcolm Gray <Malc@ForbesandDavies.co.nz>
Sent: Wednesday, 7 March 2018 3:49 p.m.
To: Determinations
Cc: Troy Walton
Subject: Application for determination at 49 Stoneliegh Drive , Izone, Rolleston
Attachments: 162030 571 - FEB - NZFS Response 03 19may17.pdf; 162030 ES DRU Reply Ltr 6Apr17.pdf; FW: 49 Stoneleigh Drive, FEB report (BCA comments); 162030 9571 - FEB - NZFS Response 02 - 29-11-2016 2nov17.pdf; 162030 NZFS reply ltr 8nov16.pdf; FEB - NZFS Response 01 31oct16.pdf; NTF0572 Council Notification 12th January 2018.pdf

Categories: sent to Tony

Attn Ginny Carter

Hello Ginny,
Thank you for your letter dated 5/3/2018 requesting additional information. Given the size of some of the files I will have to send them in a number of emails.

Please find attached all recent Correspondence between Enlightened Solutions (Our fire engineers) and the NZFS and the Selwyn District Council.

The matters in dispute are outlined in the attached letter of 12 /1/2018 ref NTF0572.
SDC raise a question of stability under clause B1 however the structure has performed well throughout all the Earthquakes. The BVT engineer reports classify it as "OK".
The fire safety features remain the main area of dispute.

Regards
Malcolm Gray

Malcolm Gray | Director s 9(2)(a)
www.forbesanddavies.co.nz

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From: Malcolm Gray <Malc@ForbesandDavies.co.nz>
Sent: Wednesday, 7 March 2018 3:53 p.m.
To: Determinations
Cc: Troy Walton
Subject: Application for determination at 49 Stoneleigh Drive ,Izone, Rolleston
Attachments: Application for Certificate of Acceptance 5th Sept 2016.pdf; Racking and Mezzanine level drawings.pdf; Relevant Consent Documents for New Warehouse Building file ref 3023.pdf

Categories: sent to Tony

Attn Ginny Carter

Hello Ginny,
Please find attached the further information requested.
1/ Relevant Consent Docs for the new warehouse building.

2/ Application for Certificate of Acceptance.

3/ Racking and Mezzanine floor level drawings.

Regards

Malcolm Gray | Director s 9(2)(a)
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From: Sam Richards
Sent: Wednesday, 3 May 2017 1:07 p.m.
To: Barbara Dillon
Subject: 49 Stoneleigh Dr - Prelim review of racking strength under fire.

Hi barb,

Further to your request I have had a preliminary review of the report prepared by BVT (Tim Riddell) dated 27/7/16 on the compressive strength of the racking columns under fire conditions. My initial comments are (a more detailed review is really required):

- A review of the rack dimensions to check that dividing by 4 posts is non conservative.
- Using NZS 3404 for fire limiting calculations on cold formed sections may not be appropriate as this is a hot rolled standard. This calculation needs a more detailed review.
- Is a 20 minute escape time appropriate?

I trust this is adequate initially.

Regards

Sam Richards
Contractor – Structural Engineer
Selwyn District Council

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From: Carol @enlightenedsolutions <carol@enlightenedsolutions.co.nz>
Sent: Friday, 21 October 2016 11:01 a.m.
To: Charmaine Hoeben
Subject: FW: 49 Stoneleigh Drive, FEB report (BCA comments)
Attachments: image004.png

From: Jonathan Nyman [jonathan@firereview.co.nz]
Sent: Thursday, October 20, 2016 3:41 PM
To: Apeksha Shah; jenny.lilley@selwyn.govt.nz; jonathan.nyman@selwyn.govt.nz; engineers@fire.org.nz
Cc: Carol @enlightenedsolutions; Will Tsai; Lambert, Stephen
Subject: 49 Stoneleigh Drive, FEB report (BCA comments)

Apeksha

On behalf of SDC as BCA, FEB comments as follows:

1. As required under Gazette Notice no. 49, the Consent documentation will require being forwarded to NZFS DRU for their review advice.
2. Section 10 – The new storage platform is assessed under S17 of the Act, the remainder of the building to be assessed under S112, as has been confirmed at pre-FEB discussions.
3. Section 10.2 - C3.4a compliance will be applicable to the underside of the storage mezzanine, as a ceiling to the ground level area. It will also be applicable to any walls which form part of the mezzanine storage structure. The fire design shall address as necessary for showing compliance.
4. Section 10.4 – C5: Noting the storage mezzanine is new, aspects of C5 compliance appear applicable. Section 11 discussion is noted and may relate to C5 compliance considerations also.
5. Section 11.3 – Is the fire design fire resistance consideration intended to include allowance for storage loads evident on the mezzanine storage level, and any reduced resistance which may be evident from same?

Documentation required to be included in your Building Consent application is as follows:

- Fire engineering brief which includes the agreement of the stakeholders. Council considers the minimum stakeholders to be peer reviewer, NZ Fire Service and Council.
- The fire design including any calculations. This must be complete and final.
- Documentation complying with practice note 22.
- A co-ordination statement from the fire engineer as required by Practice Note 22 and confirming the fire engineer has undertaken a lead PN22 co-ordination role.
- A PS1 from the fire engineer covering C1 to C6 and F6, F7 & F8 (where applicable).
- Confirmation that the fire engineer will provide a PS4 along with a list of intended inspections.
- Confirmation that the emergency lighting designer will provide a PS4.
- The fire design documentation will confirm that the Compliance Schedule requirements for the building.

Regards

Jonathan Nyman
Chartered Professional Fire Engineer



FIRE REVIEW SOLUTIONS

75 Santa Rosa Avenue, Halswell, Christchurch 8025

s 9(2)(a)

e: jonathan@firereview.co.nz

From: Apeksha Shah [<mailto:Apeksha@enlightenedsolutions.co.nz>]
Sent: Monday, 10 October 2016 4:43 PM

To: jenny.lilley@selwyn.govt.nz; jonathan.nyman@selwyn.govt.nz; Jonathan Nyman <jonathan@firereview.co.nz>; engineers@fire.org.nz

Cc: Carol @enlightenedsolutions <carol@enlightenedsolutions.co.nz>; Will Tsai <Will@enlightenedsolutions.co.nz>

Subject: 162030 49 Stoneleigh Drive, FEB report

Hi All

Please find attached FEB of 49 Stoneleigh Drive, Rolleston for your review. Thank you.

If you have any queries please contact me.

Kind regards,

Apeksha Shah

BE (Civil), MEFE, GIPENZ (Fire), MSFPE

Enlightened SOLUTIONS  *Fire Safety Engineer*

Enlightened Solutions Ltd

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s 9(2)(a) **A:** Unit 1/31 Carlyle St, Sydenham, Christchurch 8023 **P:** PO Box 8709, **Christchurch** 8440 *Head Office*

W: www.enlightenedsolutions.co.nz **E:** apeksha@enlightenedsolutions.co.nz

*162030/rep FEB/FEB submitted/as JN JL NZFS 10Oct16

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From: Jonathan Nyman <jonathan@firereview.co.nz>
Sent: Wednesday, 3 August 2016 10:26 a.m.
To: Jenny Lilley
Cc: johnc@tmco.co.nz
Subject: Re 49 Stoneleigh Drive - racking COA FW: 8 Mountview Rd & 66 Wickham Street

Jenny/John

Info. on Consents at previous properties at which the racking has been installed.

Certainly the Wickham St property doesn't look like it has any Consents in the last 8yrs (none since 1990).

The Mountview Place Place property seems to have had one in 2008/2009 period, but that may well have just been a base build with no racking fitout Consent. TM Consultants would have to look into that....the 2008 Consents may possibly have been before their Client moved into that property in which case the racking was never consented? Hope this assists

8 Mountview Place, Hornby:

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Application No. [BCN/2008/6653](#)
Address
Type Commercial / industrial alterations & additions
Status Completed
Received Date 22 October 2008
BCGranted Date 2 February 2009
PIMGranted Date 12 September 2008
CCCIssued Date 10 June 2009
Details STAGE 2 OF 2 - WAREHOUSE WITH OFFICES CARPARKS & SEALED YARDS- Historical Reference ABA12088231

Application No. [BCN/2008/5411](#)
Address
Type Commercial / industrial new building
Status Completed
Received Date 21 August 2008
BCGranted Date 31 October 2008
PIMGranted Date 12 September 2008
CCCIssued Date 10 June 2009
Details STAGE 1 - FOUNDATIONS FLOOR SLAB & DRAINAGE ONLY- Historical Reference ABA10088231

Application No. [BCN/2007/6106](#)
Address
Type PIM Only commercial/industrial alteration addition
Status Completed
Received Date 2 August 2007
BCGranted Date
PIMGranted Date 31 August 2007
CCCIssued Date
Details NEW WAREHOUSE AND ATTACHED OFFICE- Historical Reference ABA10079099

Application No. [BCN/1980/4720](#)
Address
Type Permit
Status Completed
Received Date 27 August 1980

66 Wickham Street:

Application No.	BCN/1990/6002
Address	
Type	Permit
Status	Completed
Received Date	27 July 1990
BCGranted Date	
PIMGranted Date	
CCCIssued Date	
Details	FACTORY- Historical Reference PER90096182

Regards

Jonathan Nyman
Chartered Professional Fire Engineer



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