Mike Cox

To:

Michael Belsham

Subject:

RE: BCN/2016/2332 - Processing - Fire Design, ????????????? [UNCLASSIFIED]

Ill give it a go but I am mindful that:

"reasonable" is part of a legal test that requires the BCA to turn their mind to the situation in lang.

The only powers that a BCA exercises relates to the issuing of a building consent or CCC, this is always confused with exercising on reasonable grounds but

Reasonable grounds is again a legal test that has everything to do with the information, rovide to the BCA but nothing to do with

From: Michael Belsham

Sent: Monday, 18 April 2016 4:53 p.m.

To: Mike Cox Cc: Chris Rutledge

Yes but CCC can use to take whatever they require to exercise reas nable ground — verhave no ruling over them. It may be perceived unreasonable. Classic case of Auckland trying to work in Chch

Do you want to have another go at draft remove what CA must to, being excessive and time frames etc. Note that are involved so response needs to be carefully worded.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Brank Building Resources Market Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box (47) Wellington 614

BUILDING PERFORMANCE



New Zealand Government

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From: Mike Cox

Sent: Monday, 18 April 2016 4:20 p.m.

To: Michael Belsham

Subject: RE: BCN/2016/2332 - Processing - Fire Design. ???????????? [UNCLASSIFIED]

I think that reasonable grounds and reasonable information are 2 different things.

The test of reasonable grounds is based around a set of facts that would satisfy an ordinary cautious and prudent person that there is a reason to believe and;

Reasonable information can only be ascertained when the specifics of the situation are weighed up.

Sure you need reasonable information to ascertain reasonable grounds but they are quite different. A BCA must have reasonable grounds to issue the BC and CCC but they can only ask for information that is reasonable to get there.

From: Michael Belsham

Sent: Monday, 18 April 2016 4:09 p.m.

To: Mike Cox

Subject: RE: BCN/2016/2332 - Processing - Fire Design. ???????????? [UNCLASTIFINE]

Hmm I was going to reply quick differently.

Michelle

I understand that Countdown Moorhouse is part of a larger shopping centre and this is an alteration to an existing building. The BCA can therefore request information on the whole fullding to address s112.

The BCA needs to exercise reasonable grounds to issue a building consent. Although FFB, PN22 and PS4 do not existing in legislation the BCA can choose to use any of these conservations are supported by the exercise reasonable grounds.

FEB is within C/VM2 and is required for the design. The fire engineer should not have completed the fire design until the FEB was complete and included the BCA's feedback.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch Building Resources Market Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

BUILDING PERFORMANCE



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From: Mike Cox

Sent: Monday, 18 April 2016 3:52 p.m.

To: Michael Belsham

Subject: RE: BCN/2016/2332 - Processing - Fire Design, ???????????? [UNCLASSIFIED]

Hi Michelle,

Thanks for your enquiry.

If we take these aspects one at a time:-

FEB

As you note the FEB process is not a statutory process, this said it does form part of the C/VM2 methodology and as such those not wishing to undertake the FEB must accept that the means of compliance switches to that of an alternative solution.

With the FEB forming a part of the Verification method AND being required to be undertaken pre-lodgement timeframes nationwide range from days to many months. This said each stakeholder must really be ware of the purpose of the FEB and their specific role. For example BCA's have a responsibility to feed into the FEB Building Act and Building Code requirements, the remainder of their responsibilities lie within the consening process which pay occur many weeks/ months in the future or not at all.

PN22

The requirements of PN22 are again not mandatory and in some cases their requirements will be excessive others adequate. Looking at this in 2 parts BCA's have to issue the Building Consent and then issue the Code Compliance Certificate, (s14F, BA04). PN22 cuts across both of these processes merging with the responsibilities of the BCA. For example BCA's are responsible for ensuring that the application complies with the building code and then for checking that the work is in accordance with the building onset. BCA's that have reliance on PN22 must carefully consider this and I would always recommend that BQA's turn their mind to the specifics of the situation, before launching into PN22.

Producer Statements

The requirements for producer statements range from something that is nice to have a something that is essential. With regards to producer statements the BCA must again have consideration for their esponsibilities under s14F and also s48(2) with the latter requiring BCA's to ensure that the further information they ask for is reasonable. Again if a BCA has blanket producer statement policies it is difficult to test the reasonableness of requested information, ideally they should assess each case on its merit and regues information that they believe to be reasonable.

Section 112

BCA's are tasked with making a decision that the building implies A Near As is Reasonably Practicable. The level of information they need to under the function differs building by building and at times they will have enough information on their records o und take the assessment without input from the designer, other times they won't? Again blanket policies in this area can be problematically the reasonableness of the requested information must be tested on a case by cas bass by the BCA

From: Michelle Cov per [mailto:michelle ov per countdown.co.nz]
Sent: Monday, 18 Apr. 2016 2:29 p.m.

To: awoolla d@ianz.co.nz; Mike Cox, Mich el Belsham Subject: First BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VMa) and this has been submitted to Christchurch City Council as part of the consenting process. We have eceived and e mail from Wayne Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks for the council to get back to us on the FEB then they require us to revise it even though it's only a scoping document and

the consent issue fire report has been issued by then. As the FEB is not a statutory document. There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity have made contact with IANZ to ;

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same as a consister pationwide approach
- (iii) confirm the validity of Christchurch's request.

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for your assistance.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2755 DDI: +64 9 255 2232 MQB: 64 0275 382 673

EMAIL: michell compe @countdown.co.na

Support ffice 80 Favona Road, Favona, Aug (and, 202) Private Bag. 306, Otahuhu, Auckland, 1640 New Ze (an

Safety-its up to us?

Cc:

PLEASE CONSIDER THE ENVIR MEN REFORE YOU PRINT THIS E-MAIL,

From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To: s 9(2)(a

\$ 9(2)(a) \$ 9(2)(a) \$ 1 Harpur, Amy'

s 9(2)(a)

The following are Christchurch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

- Fire engineering brief which includes the agreement of the stakeholders. Council onsider the minimum stakeholders to be peer reviewer, NZ Fire Service and Council.
- The peer reviewer must be on the IPENZ register as CPEng with practice find being fire engineering. They must also be practicing in their area of expertise.
- 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 2 and confirming the fire engineer has undertaken a lead PN22 co-ordination role.
- A PS1 from the fire engineer covering 61 to 6 nd F6, F7 & F8 Where oplicable).
- If the alteration does not include new york the PS1 is only required to cover the Building Code clauses that related to means of escape from fire as a quired by Section 11. of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- Confirmation that the fire eigineer will provide a S4 along with a list of intended inspections.
- Confirmation at the emergency lighting designer will provide a PS4.
- A PS2 from the peer reviewer covering \$1 to \$6 and \$6, \$7 & \$F8 (where applicable).

If the Utera ion does not include new work the PS2 is only required to cover the Building Code clauses that related to means of escape from fire as equired by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.

- The peer viewer vill confirm that the requirements of the FEB have been satisfied.
- The peer revewer will confirm that practice Note 22 has been followed. This includes co-ordination of all consent documents including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc as applicable to fire. The confirmation letter should list the documents reviewed (including revision number).

- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions / advice notes for including in the Building consent. Consultation with Council may be required.

• For your ANARP assessment you will need to determine using VM2 how the building complie prior to the work starting, how the building will comply once the work has been completed and what is required to the building for it to fully comply with the Building Code. The 3 assessments are required to determine the gap and provide the sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application

Until all of the above have been supplied, Council is unable to start the review for the fire safety aspects of the building consent application.

Regards

Wayne Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI: \$9(2)(a)

Email: wayne.roden@ccc.govt.n

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Haroford Street, Christchurch

PO Box 73013, Christopurch, 8154

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This electronic enail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

The views expressed in this message are those of the individual sender and may not necessarily reflect the views of the Christchurch City Council.

From:

Michael Belsham

Sent:

Tuesday, 19 April 2016 10:00 a.m.

To:

Dave Gittings

Cc:

Peter Laurenson; Chris Rutledge; Mike Cox

Subject:

FW: BCN/2016/2332 - Processing - Fire Design [UNCLASSIFIED]

Hi Dave,

We could do with your help with this one. It think sales written in previous on same issue of consenting Christchurch questioning the legality of the RFI's.

This further highlights issues with consenting process. We are tackling FEB process however problem is much wider and manifesting in Chch.

My thoughts are as follows:

- I understand that Countdown Moorhouse is part of a larger sho ping centre and his is a lateration to an existing building. The BCA can therefore request information on the whole building an address s112.
- The BCA needs to exercise reasonable grounds to issue a building consect. Although FEB, PN22 and PS4 do not existing in legislation the BCA can choose to use any of these to exercise as a sonable grounds.
- FEB is within C/VM2 and is required for the design. The fire engineer should not have completed the fire design until the FEB was complete and included the BCA's fee back

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance (ranch | Buildin Resources & Markets Ministry of Business, I novation & Employment

Level 5, 15 Stout Street, O 50x 1473, Wellington 614





New Zealand Government

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham **Subject:** Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see ballow) he has requested a significantly more information.

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the consent issue fire report has been issued by then. As the FEB is not a statutory document. There is no statutory time frames and his matter has the potential to drag on for and extended period of time and cost a significant an ount of money as they are on time charge.

Obviously this area is subject to continual discussion and so as a gain some clarity I have made contact with IANZ to;

- (i) confirm if these documents are equired under statute
- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's recent

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for your ssistance.

Regards,

Michelle Cowp
Project Manager
Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz



Support Office. 80 Favona Road, Favona, Auckland, 2024. Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand.

Safety-its up to us.

PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To:

s 9(2)(a)

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements to building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the requirements of the Building Code.

- Fire engineering brief which includes the greement of the stakeholders. Council considers the minimum stakeholders to be peer reviewer, NZ Fire Se vice and Council.
- The peer reviewer must be on the PEWZ egister as CPEng with practice field being fire engineering. They must also be practicing in their area of expertise
- The fire design including any calculations. This must be complete and final.

Documentation complying with practice note a

- A co- rdination statement from the fire engineer as required by Practice Note 22 and confirming the fire engineer as undertaken a lead \$1122 to-ordination role.
- A PS1 vom the fire engineer overing C1 to C6 and F6, F7 & F8 (where applicable).
- If the alteration pres not include new work the PS1 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & Fg.3.3.
- 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.
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- The peer reviewer will confirm that the proposed Compliance Schedule scorrect.
- The peer reviewer will provide a copy of any proposed conditions, advice notes for including in the Building consent. Consultation with Council may be required.
- For your ANARP assessment you will need to determine using VM2 how the building complies prior to the work starting, how the building will comply once the work has been completed and what is required in the building for it to fully comply with the Building Code. The 3 assessments are required to determine the gap and provide the sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application.

Until all of the above have been supplied, council is unable to start the review for the fire safety aspects of the building consent application.

Regards

Wayn Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI: s

Email: wayne. oden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchurch, 8154

Mike Cox

From:

Mike Cox

Sent:

Wednesday, 20 April 2016 2:33 p.m.

To:

Michael Belsham

Subject:

Accepted: Countdown Moorhouse ANARP Query [UNCLASSIFIED]

s 9(2)(a)

From:

Dave Gittings

Sent:

Wednesday, 20 April 2016 2:00 p.m.

To:

Michael Belsham

Cc:

Peter Laurenson; Chris Rutledge; Mike Cox

Subject:

RE: BCN/2016/2332 - Processing - Fire Design [UNCLASSIFIED]

Yip - but maybe we use that technology thing and get everyone on a vid conference

From: Michael Belsham

Sent: Wednesday, 20 April 2016 1:58 p.m.

To: Dave Gittings

Cc: Peter Laurenson; Chris Rutledge; Mike Cox

Subject: RE: BCN/2016/2332 - Processing - Fire Design [UNCLASSIFIED]

Dave,

Could be logistically difficult as fire engineers are in Auckland and Count on Christchurch Shall ve have an internal meeting on it to decide a process?

This is a key case study for our project on the Consenting Process.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Market Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1472 wallington 6143

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From: Dave Sittings

Sent: Wedne day, 20 April 2016 1:51 p.m.

To: Michael Belsham

Cc: Peter Laurenson; Chris Rutledge; Mike Cox

Subject: RE: BCN/2016/2332 - Processing - Fire Design [UNCLASSIFIED]

I agree, how do you propose we proceed? – a sit down with all parties?

Dave

From: Michael Belsham

Sent: Tuesday, 19 April 2016 10:00 a.m.

To: Dave Gittings

Cc: Peter Laurenson; Chris Rutledge; Mike Cox

Subject: FW: BCN/2016/2332 - Processing - Fire Design [UNCLASSIFIED]

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FIRE ENGINEER

Building System Performance Branch | Juilding Resources & Markets Ministry of Business, Innovation & Employment Level 5, 15 Stout Street, PQ Bd (14/3, Wellington 6) 13

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than you in advance for your assistance.

Regards,

Michelle Coxper Project Managar Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

upport Office, 80 Favona Road, Favona, A

Support Office. 80 Favona Road, Favona, Auckland, 2024. Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand. From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m. $\frac{1}{2}$

To:

Cc: 5 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

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Regards

Wayn Rockn

Senior Fir Engineering Specialis Building onsenting Unit

Consenting and Compliance Group

DDI: s 9(2)(a)

Email: wayne oden a cc.g.vt.nz

Web: www.cd.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchurch, 8154

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Subject:

Countdown Moorhouse ANARP Query [UNCLASSIFIED]

Location: MEET WLG STOUT 5.02 (8)

Start: End: Fri 22/04/2016 2:00 p.m. Fri 22/04/2016 2:30 p.m.

Show Time As:

Tentative

Recurrence:

(none)

Meeting Status:

Not yet responded

Organizer:

Michael Belsham

Required Attendees:

Dave Gittings; Chris Rutledge; Mike Cox; Perer Laurenson

Quick chat to decide on response to query from Countdown to an extension to Christchurch superman et

Mike Cox

From:

Mike Cox

Sent:

Friday, 22 April 2016 2:54 p.m.

To:

Wayne.Roden@ccc.govt.nz

Subject:

As discussed [UNCLASSIFIED]

Attachments:

Hi Wayne,

Out of Scope

Further to our discussions regarding Countdown are you around on Tuesday between either 9am-11am or 1 30pm to 2.30pm to be able to take a conference call between yourselves Mike Belshan and Dave Gittings?

Kind Regards,

Mike Cox BSc (Hons) C.Build E MCABE PROJECT LEAD FIRE REVIEW

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment Mike.cox@mbie.govt.nz Telephone +64(4)+9011413

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

BUILDING PERFORMANCE



New Zay land Government

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From:

Michelle Cowper <michelle.cowper@countdown,co.nz>

Sent:

Friday, 22 April 2016 3:24 p.m.

To:

Michael Belsham

Cc:

awoollard@ianz.co.nz; Mike Cox

Subject:

Re: BCN/2016/2332 - Processing - Fire Design [UNCLASSIFIED]

Thank you

Regards,

Michelle Cowper Property Project Manager Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 22/04/2016, at 3:07 PM, Michael Belsham < Michael Belsham@mbie.g

Michelle,

Thank-you for your query. We have had an internal discussion on the marte and we have decided to make contact with Christchurch City to discuss the issue. Once we've had this discussion we'll report back to you with our findings

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Planch | Building Resources & Markets

Ministry of Busines (Injoyation & Employment

Level 5, 15 Stout Street PD Box 1473, Vellington 6143

<image001.jpg

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Fr. m: Michelle Cowper [matto:hichelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2.39 p.m.

Fo: awoollard@ianz.co nz; Mire Cox; Michael Belsham

Subject: Fwd 3CN 2010 2232 - Processing - Fire Design

Good after from All

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks for the council to get back to us on the FEB then they require us to revise it even though it's only a scoping document and the consent issue fire report has been issued by then. As the FEB is not a statutory document There is no statutory time frames and this matter has the poential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

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- (ii) confirm if other councils are requiring same as a consistent nation wide approach,
- (iii) confirm the validity of Christchurch's request

thank you for your assistance with the matter, plea e can directly if you would like to discuss this in greater detail

thank you in advance for your assistant

Regards

EL: +64 9 275 2788 D1: +64 9 255 2232 MOB: +64 0275 382 673

MAIL: michelle cowpt @coultdown.co.nz

Support Office. Syrayona i oad, Favona, Auckland, 2024. Private Bag 93306, Cabuhu, Auckland, 1640, New Zealand.

Safety its up to us.

PLEA E CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To:

s 9(2)(a)

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consect applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the requirements of the Building Code.

- Fire engineering brief which includes the agreement of the stake olders. Council considers the minimum stakeholders to be peer reviewer, NZ Fire Service and Council.
- The peer reviewer must be on the IPENZ register as GEng With practice field being are engineering. They must also be practicing in their area of expertise.
- The fire design including any calculations. The 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.
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- The peer reviewer will confirm that the requirements of the FEB have been satisfied.

- The peer reviewer will confirm that practice Note 22 has been followed. This includes coordination of all consent documents including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc as applicable to fire. The confirmation letter should list the documents reviewed (including revision number).
- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions / advice note for including in the Building consent. Consultation with Council may be required.
- For your ANARP assessment you will need to determine using VM. how the building complies prior to the work starting, how the building will comply once the work has been completed and what is required in the building for it to fully comply with the Building Code. The 3 assessments are required to determine the gap and provide the sacrifice verse genefit assessment.

It is noted that only some of the above requirements have been included in the bullaing consent application.

Until all of the above have been supplied, Council is mable to start the review for the fire safety aspects of the building consent application.

Regards

Wayne Roder

Senior Fire Engineering Specialist
Building Consenting Unit

Conserving and Compliance Group

s 9(2)(a)

Email: wayne.roden@ cc.go*t.nz

Christchur h Sity Council

Civic Offices, 33 Hereford Street, Christchurch PO Box 73013, Orgistchurch, 8154

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Christchurch City Council http://www.ccc.govt.nz

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s 9(2)(a)

From:

Michael Belsham

Sent:

Monday, 2 May 2016 11:10 a.m.

To:

'Michelle Cowper'

Cc:

Mike Cox; Dave Gittings; Chris Rutledge

Subject:

RE: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Michelle

Apologise for the delay however we have been unable to get hold of Wayne Roden to liscuss this further.

I understand that Countdown Moorhouse is part of a larger shopping centre and the building work propuser is an alteration to an existing building. As such the BCA is tasked with making an esessment of the entire building to establish that it complies on a near as is reasonably practicable basis.

BCA's need to establish reasonable grounds to be able to issue a spilding convent, whether this elates to the building, as noted above, or the building work, i.e. the actual work proposed. Although FEP, FN 22 and producer statements do not exist in legislation these are tools that BCA's commonly turn too in their quest to establish reasonable grounds. All the building act requires is that the intermediate they initially require subsequently request is "reasonable". As such the building act requires to A's to turn their minds of the necifics of the situation to ensure that the tool/s they elect to use and therefore the information they request of the applicant is reasonable. We are unaware of the scope of the work and therefore cannot advise on the whether the requests are reasonable.

FEB is an integral part of C/VM2 and is a process required to be undertak in it. VM2 is your route to compliance. As such the fire engineer should not have completed the fire design until the FEB was complete and included the BCA's feedback. Those designers not wishing or willing to undertake the FEB must accept that the means of compliance switches to that of an alternative solution, hich just ensures that additional checks and measures are brought into play by the BCA.

We understand that the fire consenting system isn't operating efficiently and we have a project in the Fire Programme on the Consenting Process Flere we hope to explore these issues are look into any means of improving the consenting process for tree.

Kind Regards,

Michael Belsham

FIRE ENGINEE

Building Sy tem re-rormance Branch | uilding Resources & Markets

Ministry Lauress, Innovation & Employment

s 9(2)(a)

michaen elsham@mbiecovt.

Level 5, 15 Stout Stree (PO ox 173, Wellington 6143

From: Michell Cowper mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 Apr. 2016 2:29 p.m.

To: awoollar:@ianz.co.nz; Mike Cox; Michael Belsham Subject: Fwd. BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an

adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks for the council to get back to us on the FEB then they require us to evise it even though it's only a scoping document and

the consent issue fire report has been issued by then. As the FED is not a statutory document. There is no statutory time frames and this matter has the potential to drag on ter and extended period of time and cost a significant amount of money, as they are on time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity I have made contact with IANZ to;

- (i) confirm if these documents are required under talute,
- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's request.

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advant for your assistance.

Regards,

Michel Cowper

Project Manager Property

TEL: +64 9 275 2788 DD: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: mich le.cow r@countdown.co.nz

Support Office. 80 Favora Load, Favona, Auckland, 2024. Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand.

Safety-its up to us.

PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To:

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for alterations of existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

- Fire engineering brief which includes the agreement of the stateholders Council considers the minimum stakeholders to be peer reviewer, NZ Fire Service and Council.
- The peer reviewer must be on the IPENZ register as CP rng with practice field being fire engineering. They must also be practicing in their area of expertise.
- The fire design including any calculations his must be complete and final.

Documentation complying with practice note 22.

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- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions / advice notes for including in the Building consent. Consultation with Council may be required.
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It is noted that only some of the above requirements have been included in the building dinsent application.

Until all of the above have been supplied, Council is unable to start the review for the fire strety aspects of the building consent application.

Regards

Wayne Roden

Senior Fire Engineering Special 1 Building Consenting Unit

Consenting and Companie Group

DDI: 5 9(2)(a)

Email way ne.ro ler @ccc.govt.nz Wel www ccc.govt.nz

Christon rich City Council

Civic Offices, 53 Herefold Supet, Christchurch PO Box 73013, Christchurch, 84, 54

Please consider the environment before printing this email

From:

Michael Belsham

Sent:

Thursday, 5 May 2016 9:39 a.m.

To:

Michelle Cowper

Cc:

Mike Cox; Chris Rutledge; Dave Gittings

Subject:

RE: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Michelle,

Before we can advise further can you provide some information on the extent of the proposed work and any points of disagreement in the FEB.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

BUILDING PERFORMANCE



New Zealand Governme

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Basham

Cc: Mike Cox; Chris Rutledge; Dave Gitti gs: graham.dicks@ipenz.org.nz; pbarnes@ianz.govt.nz;

kan en.e ward @ccc.govt.nz; peter.sparrow@ccc.govt.nz **Subje** BCN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds is the test the BCA has to make; however preliminary discussion and scoping documents arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc are not statutory documents. Please indicate where in legislation they are required.

The BCA requiring sign off an acceptance of the FEB is unreasonable and is delaying the consent process. As a non-statutory document this is arguably not required by the Act and brings with it unknown time days and frustration before the formal design can start. These frustrations may arise from disagreements between engineers and/or other stakeholders such as NZFS requesting more than the Building Act provides for. Is the BCA allowed to request more than is required by the Building Act? What is the status of a FEB? What risk and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We believe that the FEB is not a document on which the BCA issues consent on.

The BCA or TA issues a consent on the basis of the submitted fire report and not on the supporting or scopin documentation (FEB). It is therefore the fire report itself which is the only document legally required to be subject to review and ultimately the only document on which consent is issued.

Can the BCA cancel or reject the consent application on the basis of an BB not being provided in espective of whether or not it is mentioned in the verification method? Can bey refuse to process a son en on the basis that a FEB is not signed off (despite there being no statutory process or the frame for this under the Act)?

Is the BCA obliging the Chartered Professional, ire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result. (eg. sign off/review and coordination of architectural, emergency lighting, structural, mechanical etc.)

Fire engineers have been legally adviced that they are not to rely on PS3's by contractors.

Thank you again to you consideration to this matter, the consenting for this projects has proved to be extremely challenging. The interpretation of the legislation under the Act appears to vary in Christchurch from other regions across New Ze aland from a "customer" encagement perspective this is intimidating. CCC is a customer facing organization and their lack of willingness to collaboratively resolve consenting matters is draconian at best and organizational bullying at the werst.

Regards,

Michelle Owper

Project Manage Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz



Support Office. 80 Favona Road, Favona, Auckland, 2024. Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand.

Safety-its up to us.

PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

09:09 (23 hours ago)

Michael Belsham

×

to me, Mike, Dave, Chris

×

x

Michelle

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Kind Regards,

Michael Belsham FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

michael.belsham@mbie.govt.nz| Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham **Subject:** Fwd: BCN/2016/2332 - Processing - Fire Design

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Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

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PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS MAN

From: Roden, Wayne [mailto www.ne:Koden@ccc.govt nz

Sent: Wednesday, 6 April 2016 10: 3 a.m.

To:

Cc:

Subject: BCN/ 016/2332 - Processing - Fire Design

Richard

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Regards

Wayne Rod

Senior in Englineering Specialist Building Consenting Unit

Consenting and Compliance Grou

s 9(2)(a)

DDI:

Email: wayne.roden pecc.govt.nz

Web: www.ccc.govt.fiz

Christchurd City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Princhurch, 8154

Please consider the environment before printing this email

Mike Cox

From:

Mike Cox

Sent: To: Thursday, 5 May 2016 9:48 a.m. Michael Belsham; Chris Rutledge

Subject:

FW: BCN/2016/2332 - Processing - Fire Design, [UNCLASSIFIED]

She makes a couple of valid points. Do we need to get more involved as in get people together in a room

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gittings; graham.dicks@ipenz.org.nz; pbarnes@ianz.gevt.nz;

karleen.edwards@ccc.govt.nz; peter.sparrow@ccc.govt.nz

Subject: BCN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds of the test the BCA has to make; however preliminary discussions and scoping documents arguably do not a sonable ground in term of the Building Act

FEB, PN 22, etc are not statutory documents. Please indicate where in legislation, hey are required.

The BCA requiring sign off an acceptance of the EB is unreasonable and is delaying the consent process. As a non-statutory document this is arguably not required by the Act and bring with it unknown time days and frustration before the formal design can start. These is ustrations may dise from disagreements between engineers and/or other stakeholders such as NZF5 equetting more than the Building Act provides for. Is the BCA allowed to request more than is required by the full line Act? What is the statulof a FEB? What risk and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We believe that e FFB is not a document on which the BCA issues consent on.

The BCA or TA issues a consent on the basis of the submitted fire report and not on the supporting or scoping documentation (FEB) It is the refore the fire report itself which is the only document legally required to be subject to review and ultimately the only document on which consent is issued.

Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method? Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?

Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result. (eg. sign off/review and coordination of architectural, emergency lighting, structural, mechanical etc)?

Fire engineers have been legally advised that they are not to rely on PS3's by contractors.

Thank you again for your consideration on this matter, the consenting for this projects is proved to be extremely challenging. The interpretation of the legislation under the Act appears to vary in Challenging the interpretation of the legislation under the Act appears to vary in Challenging. across New Zealand from a "customer" engagement perspective this is intimidating. CCC is a customer facility organisation and their lack of willingness to collaboratively resolve consenting matters is draconian at best and organisational bullying at the worst. Regards, Michelle Cowper Project Manager Property TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +6, 0275 382 673 EMAIL: michelle.cowper@countdown.co.nz Support Office. 80 Favona Road, Favona, Auckland, 2024 Private Bag 93306, Otahuhu, Auckland, 1640, New Zeala Safety-its up to us. PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-I vus ago) 09:09 Michael Belsham to me, Mac

Apologise for the delay however we have been unable to get hold of Wayne Roden to discuss this further.

Michelle

I understand that Countdown Moorhouse is part of a larger shopping centre and the building work proposed is an alteration to an existing building. As such the BCA is tasked with making an assessment of the entire building to establish that it complies on a near as is reasonably practicable basis.

BCA's need to establish reasonable grounds to be able to issue a building consent, whether this relates to the building, as noted above, or the building work, i.e. the actual work proposed. Although FEB, PN22 and producer statements do not exist in legislation these are tools that BCA's commonly turn too in their questro establish reasonable grounds. All the building act requires is that the information they initially require for subsequently request is "reasonable". As such the building act requires BCA's to turn their minds to the spectros of the situation to ensure that the tool/s they elect to use and therefore the information they request of the applicant is reasonable. We are unaware of the scope of the work and therefore cannot advise on the whether the requests are reasonable.

FEB is an integral part of C/VM2 and is a process required to be undertaken if C/VM2 is your route to compliance. As such the fire engineer should not have completed the fire design until the FFB was complete and included the BCA's feedback. Those designers not wishing or willing to undertake the FFB must accept that the means of compliance switches to that of an alternative solution, which just ensures that additional checks and measures are brought into play by the BCA.

We understand that the fire consenting system isn't operating efficiently and we have project in the Fire Programme on the Consenting Process. Here we hope to explore these issues are had into any means of improving the consenting process for fire.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performa Branch | Building Resources & Markets Ministry of Business Innovation & Employment

michael bei ham @mble.govt.nz

Level 3, 15 Cout Street, PO Box 1473, Velington 6143

s 9(2)(a)

From: Michelle Cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2.29 p.m.

To: <u>awoollard@fanz.ce</u> nz; Nike Cox; Michael Belsham **Subject:** Fwd BCN/2014/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be not be do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks for the council to get back to us on the FEB then they require us to revise it even though it's only a scoping document and

the consent issue fire report has been issued by then. As the FEB is not a statutory document. There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant arount of money as the large on time charge.

Obviously this area is subject to cortinual discussion and so as a gain some clarity I have made contact with IANZ to ;

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's request.

thank your assistance with his matter, please call directly if you would like to discuss this in greater detail.

thank you in dvance for your assistance.

Regards,

Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> DDI: <u>+64 9 255 2232 MOB</u>: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

Support Office. 80 Favona Road, Favona, Auckland, 2024. Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand.

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PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To:

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means op remonstrating compliance with the fire requirements of the Building Code.

- Fire engineering brief which includes the agreement of the Akeholders. Council considers the minimum stakeholders to be peer review. NZ Fire Service and Council.
- The peer reviewer must be on the IPENZ register as REng with practice field being fire engineering. They must also be practicing in their area of expertise.

 The fire design if cluding any calculations. This must be complete and final.
- Documentation complying with practice note 22
- A co-ordination tatement from the fivengineer as required by Practice Note 22 and confirming the fire enginee has undertaken a lead PN22 co-ordination role.
- frow the fire engineer covering Quito C6 and F6, F7 & F8 (where applicable).
- if the alteration does not include new work the PS1 is only required to cover the Building Code clauses that related to means of escape from the as required by Section 112 of the Building Act. This includes C3.4, C4.3. C4.4, C4.5, F6, & F8.3.3.
- Confirmation that the tree engineer will provide a PS4 along with a list of intended inspections.
- Confirmation hat the emergency lighting designer will provide a PS4.
- A PS2 from the per reviewer covering C1 to C6 and F6, F7 & F8 (where applicable).
- If the alteration does not include new work the PS2 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4 5, F6, & 8.3.3.
- The peer reviewer will confirm that the requirements of the FEB have been satisfied.
- The peer reviewer will confirm that practice Note 22 has been followed. This includes co-ordination of all consent documents including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc – as applicable to fire. The confirmation letter should list the documents reviewed (including revision number).
- The peer reviewer will confirm that the proposed Compliance Schedule is correct.

 The peer reviewer will provide a copy of any proposed conditions / advice notes for including in the Building consent. Consultation with Council may be required.

For your ANARP assessment you will need to determine using VM2 how the building complies prior to the work starting, how the building will comply once the work has been completed and what is required in the building for it to fully comply with the Building Code. The 3 assessments are required to determine the gap and provide the sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application.

Until all of the above have been supplied, Council is unable to start the review for the fire afety aspects of the building consent application.

Regards

Wayne Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI: s 9(2)(a

Email: wayne.roden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchusin, 81

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s 9(2)(a)

From:

s 9(2)(a)

Sent:

Thursday, 5 May 2016 11:12 a.m.

To: Cc: Michael Belsham Roden, Wayne

Subject:

RE: Countdown Moorhouse

Michael,

has talked to me and clarified the intent of the consent - Countdown is to seduce their tenancy and create new shops which will be unit-titled. The design strategy assumes zero occupalicy in all of those stops which will still be in the same firecell. This will cause problem to the future uses of those shops and this is why the EB could not be agreed by the Council and by the NZFS.

Yours sincerely,

s 9(2)(a)

Fire Consultant

Building Control & City Rebuild Group

DDI:

s 9(2)(a)

Web: <u>www.ccc.govt.nz</u> Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurg

PO Box 73013, Christchurch, 8154

From:

s 9(2)(a)

Sent: Thursday, 5 May 2016 10:2. a.m.

To: Michael Belsham Cc: Roden, Wayne

Subject: Countdown Noorho se

Michael,

Thank for he time on the phone earlier (This is the fire report submitted - without the FEB being agreed because all the areas resided in purple are considered outside of scope" and therefore not being even considered.

Countdow Moorhouse is already unit-titled so I'm not sure what she is trying to do here regarding "subdivision", but if you can get some the about what's the exact assessment please let us know.

Yours sincerely,

s 9(2)(a)

Fire Consultant

Building Control & City Rebuild Group

DDI:

s 9(2)(a)

Web: www.ccc.govt.nz

s 9(2)(a)

From:

Michael Belsham

Sent:

Thursday, 5 May 2016 5:06 p.m.

To:

Michelle Cowper

Cc:

Mike Cox; Chris Rutledge; Dave Gittings

Subject:

RE: BCN/2016/2332 - Processing - Fire Design, [UNCLASSIFIED]

Michelle,

We have now had the opportunity to discuss this with CCC. I understand the works. internal alteration.

The Council are concerned that the C/VM2 analysis does not address the whole building \$112 requires but he means of escape of the whole building comply with the code as near as is resonable. It appears that the and escape from the new retail units and other areas outside the store has not been included in the analysis.

This highlights the importance of FEB process where these issues yould e di cussed and agree before the detailed design is carried out. The FEB is required when using C/VM2.

Is VM is best approach for this alteration? Our guidance on a gap analysis for this type of project.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Build Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 14



ew Zealand Government

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From: Michelle cowner [mailto:michelle.cowper@countdown.co.nz] Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Cox; Chris Putledge; Dave Gittings; graham.dicks@ipenz.org.nz; pbarnes@ianz.govt.nz;

karleen.edwards@ccc.govt.nz; peter.sparrow@ccc.govt.nz Subject: BCN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds is the test the BCA has to make; however preliminary discussions and scoping documents arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc are not statutory documents. Please indicate where in legislation they are required.

The BCA requiring sign off an acceptance of the FEB is unreasonable and is delaying the consent process. As a non-statutory document this is arguably not required by the Act and brings with it unknown time days and frustration before the formal design can start. These frustrations may arise from disagreements between engineers and/of other stakeholders such as NZFS requesting more than the Building Act provides (a). Is the BCA allowed a requestmore than is required by the Building Act? What is the status of a FEB? What risk and he fility do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

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Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act v (i) sking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result. (eg. sign off/review and coordination of architectural, emergency lighting, tructural, mechanical etc)?

Fire engineers have been legal vadvised that they are not to rely on PS3's by contractors.

Thank you again for our consideration on this matter, the consenting for this projects has proved to be extremely challenging. The interpretation of the legislation under the Act appears to vary in Christchurch from other regions across New 2 pland from a "customer" engagement perspective this is intimidating. CCC is a customer facing organisation and their lack of willingness to collaboratively resolve consenting matters is draconian at best and organisational bullying at the worst.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

xx

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09:09 (23 hours ago)

Michael Belsham

×

to me, Mike, Dave, Chris

X M

Michelle

Apologise for the delay however we have been unable to get hold of Wayne Roder adiscuss this further.

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FEB is an integral part of C/VM2 and is a process required to be undertaken if C/VM2 is your route to compliance. As such the fire engineer should not have completed the fire design until the FEB was complete and included the BCA's feedback. hose designers not wishing or willing to undertake the FEB must accept that the means of compliance switches to that of a part route solution, which just ensures that additional checks and measures are brought into play by the BCA.

We understand that the fire consenting system isn't operating efficiently and we have a project in the Fire Programme on the Consenting Process. Here we hope to explore these issues are look into any means of improving the consenting process for fire.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

michael.belsham@mbie.govt.nz| Level 5, 15 Stout Street, PO Box 1473, Wellington 6143 s 9(2)(a)

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham Subject: Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I an gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchur h City Council as part of the consenting process. We have received and equal from Wayne Rode of the council (see below) he has requested a significantly more information.

Whilst documents like the FPB, PN 22, so-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also real that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern it how this request for additional information is delaying the project, it has taken weeks for the colored pack to us on the FEB then they require us to revise it even though it's only a scoping document and

the conser issue five report has been issued by then. As the FEB is not a statutory document. There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity I have made contact with IANZ to ;

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's request.

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for your assistance.

Regards,

Michelle Cowper

PLEASE CONSIDERATHE I

Project Manager Property

TEL: <u>+64 9 275 2788</u> DDI: <u>+64 9 255 22 2</u> 101 +64 0275 382 67 EMAIL: <u>michelle.cowper@countdoy.co.nl</u>

ENT BEFORE YOU PRINT SHIS

Support Office, 80 Favona Road, Favona, Auguand, 2024. Private Bag 93306, Otahuhu, Auckland, 1940, Lew Zealand.

Safety-its up to us.

From: Roden, Wayne [halto. Vayne. Roden@ccc.govt.nz]

Sent: Wednesday, 6 10:55 a.m.

To:

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

- 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 peer reviewer must be on the IPENZ register as CPEng with practice field being fire engineering. They must also be practicing in their area of expertise.
- 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 a plicable).
- If the alteration does not include new work the PS1 is only required to cover the Building Code places that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3 4, C4.3 C4.4, C4.5, F6, & F8.3.3.
- 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 PA4
- A PS2 from the peer reviewer covering C1 to C6 and F6, F7 & F8 where applicable).
- If the alteration does not include new work the PS2 is only required to cover the Building Coale clauses that related to means of escape from fire as required by Section 112 of the Building A.C. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- The peer reviewer will confirm that the requirements of the FEB have been entirely
- The peer reviewer will confirm that practice Note 22 has been followed. This includes co-ordination of all consent documents including Architectural, Structural, Mechanical, Electrical Hydraulic, Fire etc as applicable to fire. The confirmation letter should list the documents reviewed (including revision number).
- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions, advice notes for including in the Building consent. Consultation with Council may be required.

For your ANARP assessment you will need to be termine using VM2 how the building complies prior to the work starting, how the building will comply one the work has been completed and what is required in the building for it to fully comply with the Building code. The 3 assessment are equired to determine the gap and provide the sacrifice verse benefit assessment.

It is noted that on, some of the above requirements have been included in the building consent application.

Until all of the above have been supplied, puncl is unable to start the review for the fire safety aspects of the building onse, application.

Regards

Wayne Roder

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI: 5 9(2)(3

Email: wayne.roden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchurch, 8154

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Mike Cox

From:

Michael Belsham

Sent:

Thursday, 5 May 2016 5:07 p.m.

To:

Mike Cox; Chris Rutledge; Dave Gittings

Subject:

FW: Countdown Moorhouse [UNCLASSIFIED]

Attachments:

ADD20164130 - Additional Information.pdf

FY

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

BUILDING PERFORMANCE



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From:

Sent: Thursday, 5 May 2016 10:23 a.m.

To: Michael Belsham
Cc: Roden, Wayne

Subject: Count own Moorhouse

Michel

Thanks for the time on the phone parlie. This is the fire report submitted - without the FEB being agreed because all the areas shaded in purple are considered "outside of scope" and therefore not being even considered.

Countdown Moorhouse is already unit-titled so I'm not sure what she is trying to do here regarding "subdivision", but if you can get some blue about what's the exact assessment please let us know.

Yours sincerely

s 9(2)(a)

Fire Consultant

Building Control & City Rebuild Group

DDI:

s 9(2)(a)

Web: <u>www.ccc.govt.nz</u> Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchurch, 8154

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Christchurch City Council http://www.ccc.govt.nz

Mike Cox

From:

Mike Cox

Sent:

Friday, 6 May 2016 8:43 a.m.

To:

Michael Belsham; Chris Rutledge; Dave Gittings

Subject:

RE: Countdown Moorhouse [UNCLASSIFIED]

Good example of the nzfs acting in a peer review capacity in a FEB that is totally worthless as has been provided to them is a developed design. The system really is broken.

From: Michael Belsham

Sent: Thursday, 5 May 2016 5:07 p.m. **To:** Mike Cox; Chris Rutledge; Dave Gittings

Subject: FW: Countdown Moorhouse [UNCLASSIFIED]

FYI

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 5143

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From:

Sent: Thursday, 5 May 2016 40:2 a.m.

To: Michael Belsham Cc: Roden, Wayne

Subject: Countdown Moorhouse

Michael,

Thanks for the time on the phone earlier. This is the fire report submitted - without the FEB being agreed because all the areas shaded in purple are considered "outside of scope" and therefore not being even considered.

Countdown Moorhouse is already unit-titled so I'm not sure what she is trying to do here regarding "subdivision", but if you can get some clue about what's the exact assessment please let us know.

s 9(2)(a)

Fire Consultant

Building Control & City Rebuild Group

DDI:

s 9(2)(a)

Web: www.ccc.govt.nz
Christchurch City Council
Civic Offices, 53 Hereford Street, Christchurch, PO Box 73013, Christchurch, 8154

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Christchurch City Council http://www.ccc.govt.nz

s 9(2)(a)

From:

Michael Belsham

Sent:

Tuesday, 10 May 2016 8:25 a.m.

To:

Michelle Cowper

Subject:

Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Michelle

The reason I cannot answer your questions is that I am fire engineer not a law ye and cannot answer questions about law and legislation. My role is technical queries about the locuments. As per previous response you will need to take legal advise.

Regards,

Michael Belsham Fire Engineer

On 10/05/2016, at 06:11, Michelle Cowper < michelle.cowpe @co.intdown.co.nz vrote:

Good morning Michael,

Thank you for your response but unfortunately still have unanswered questions, is there a reason that you will not answer them?

An FEB is not required by the Atland the BCA cannot demand one. A VM without an FEB is a specific design and still valid. So "what is the *legal* status of the VM? And What is the *legal* status of the FEB"?

Is the BCA entitled to ask for more than the Act, please confirm where in the legislation it states that the BCA can refuse to process in the absence of a FEB and they can ask for more than the Act.

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I note there is no confirmed statement on the legality and the process time frames, liability, etc and if the BC are en ourage CPEng to break to Act.

The offer of a facilitation between PE and CCC is not an acceptable solution.

I again request that you address the matters that I have raised above.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

× ×

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On 9 May 2016 at 15:30, Michael Belsham < Michael Belsham mbie.govt.nz wrote:

Michelle,

You have asked for specific responses to your questions and responses to each of your questions are provided below with some additional comments:

Is the BCA allowed to request more than is required by the Building Act?

Simple answer is 'no'. However there is a distriction between process very direments (eg documentation should comply with N22) and the fire safety measures required for compliance with the C clauses.

On the process side, the information and the form in which it is provided to a BCA is not detailed in the Act or the Code. Documer is such as PN22, which is a joint IPENZ/MBIE document (s.175 guidance), are intended to assist BCA and fire designers and to facilitate the consenting process.

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We annot comment on liability and you should seek independent legal advice if you are concerned about this.

• Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method?

As noted above, if you are applying the verification method the FEB is required to be completed, otherwise you have not fulfilled the requirements of the verification method.

• Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?

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A BCA can request reasonable information to assess whether on 'reasonable grounds' building one compliance has been demonstrated. Producer Statements are routinely required from fire engineers by BCAs including PS4. This is one of the areas we will be investigating under the Fire Programme in project 4, the Consenting Process.

Given you have asked these questions before in different vays and the answers above are consistent with the answers previously given its unlikely this will resolve the breakdown that has occurred between Countdown and CCC over fire do ign for the Moorehouse upen tarket. We have previously offered to facilitate a discussion between you and CCC and free grate-this offer.

Kind Regards,

Michael Belsham

Building System ferformance Branch | Building Resources & Markets Ministry of Business, Innovation Employment

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From Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Friday, 6 May 2016 4:17 p.m.

To: Michael Belsham

Cc: Chris Rutledge; graham.dicks@ipenz.org.nz

Subject: Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Thank you Michael please resiond to my queries raised below

Regards,

Michelle Cowper

Property Project Manager

Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 6/05/2016, at 2:42 PM, Michael Belsham < Mich el.Belsham@mbie.govt.nz > vrote:

Michelle,

Section 1.3 of C/VM2 states that the concept design shall be trailed by the FEB process. Figure 1.1 further describes the FEB as an integral process within the C/VM2 design and shows FE report being completed before proceeding the VM2 evaluation. A requirement place verification Method is therefore required under Section 22 Building Ac

The FEB is resigned to assist the VM process not hinder it as it is interest of all key stakeholders to agree the design approach before detailed design is undertaken which in this case would have highlighted the extent of the modelling required.

Two wish to discuss further we could arrange a conference call.

Kind Regards

Mich el Belsham FIRE E GINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

<image001.jpg>

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Friday, 6 May 2016 2:22 p.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gittings; graham.dicks@ipenz.org 1z Subject: Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIES]

Good afternoon,

Thanks for your time in considering this howeve, the diestion is not one of FEB content but whether it is required in the first instance under the Building Act.

This is a procedural issue, rather than relating to a disagreement or a voluntary document.

What the legal status of the EB including sign of the FEB process under the Building Act?

Are Cocaption to invite/instruct engineers to breach the statutory requirements under the Cocap Act or other legislation?

Would appreciate a fire it and concise email response to our queries below surrounding the application process, liability etc.

Questions summarised from email below:

- the BCA allowed to request more than is required by the Building Act?
- What is the status of a FEB?
- What risk and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an

agreement document and therefore one would assume joint and several liability between all stakeholders)?

- Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method?
- Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?
- Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result?

Per you comment re 'Gap analysis' It would be highly inlikely that CCC would accept a 'gap analysis' approach.

If we were to take a 'Gap analysis' approach the argument would cusue at to how our engineer would determine what is associable and practically (eg. 1) addition of smoke detection, separation of back of cause etc).

This would come down to demonstrating this via the verification Method, as per MBIE Guidance.

I have re attached reports and drawings for reference

Recards.

Mich Up Cwper
Property
Property

TED +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673 EMA :: michelle.cowper@countdown.co.nz

× × Pavona, Auck

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On 5 May 2016 at 17:05, Michael Belsham < Michael.Belsham@mbie.govt.nz> wrote:

Michelle,

We have now had the opportunity to discuss this with CCC. I understand the yorks is an internal alteration.

The Council are concerned that the C/VM2 analysis does not address the whole building. S112 requires that the means of escape of the whole building comply with the code as near as is reasonable. It appears that the occupanty and escape from the new retail units and other areas outside the store has not been included in the analysis.

This highlights the importance of FEB process where these issues would be discussed and agreed before the detailed design is carried out the FEB required when using C/VM2.

Is VM is best approach for this alteration? Our guidant on existing buildings would recommend a gap analysis for this type of project.

Kind Regards,

Wichaol Bolsham

Building System Performance Branch | Building Resources & Markets
Ministry of Busines | Internation & Employment

Level 5.45 Stout Street, PO Box 1473, Wellington 6143

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gittings; <u>graham.dicks@ipenz.org.nz;</u> pbarnes@ianz.govt.nz; <u>karleen.edwards@ccc.govt.nz;</u> peter.sparrow@ccc.govt.nz

Subject: BCN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds is the test the BCA has to make; however preliminary discussions and scoping ocuments arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc are not statutory documents. Please in alcade where in legislation they are required.

The BCA requiring sign off an acceptance of the LEB is unreasonable and is delaying the consent process. As a non-statutory document this is arguably no required by the Act and brings with it unknown time days and frustration before the formal design can start. These frustrations may arise from disagreements between engineers and/or other stakeholders such as NZFS requesting more than the Building Act provides for. Is the BCA allowed to request, nore than is required by the Building Act? What is the status of a FEB? What is k and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FLB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We believe that the FEB is not a document on which the BCA issues consent on.

The BCA or TA issues a consent on the basis of the submitted fire report and not on the supporting or scoping to sumentation (FEB). It is therefore the fire report itself which is the only document legally required to be subject to review and ultimately the only document of which consent is issued.

Can be BC cancel or reject the consent application on the basis of an FEB not the provided irrespective of whether or not it is mentioned in the verification method? Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?

Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their

competency and take liability for design items by others as a result. (eg. sign off/review and co-ordination of architectural, emergency lighting, structural, mechanical etc)?

Fire engineers have been legally advised that they are not to rely on PS3's by contractors.

Thank you again for your consideration on this matter, the consecting for his projects has proved to be extremely challenging. The interpretation is the legislation under the Act appears to vary in Christchurch from other regions across New Zealand from a "customer" engagement perspective this is intimulating. CCC is a customer facing organisation and their lack of willingness to collaboratively resolve consenting matters is draconian at best and organisational bullying at the worst.

Regards,

Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> I DI: <u>764 9 255 2232</u> MOB: +64 2275 382 673 EMAIL: <u>michelle.cowper. Occorntdown.co.nz</u>

X

Support Offic 80 J dyon Road, Favona, Auckland, 20. Private Bag 9330 Otal phu, Auckland, 1640, N. v Zealand

Safety s un to 16

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09:09 (23 hours ago)

Michael Belshain



to me, Mike Dave Chris



Michelle

Apologise for the delay however we have been unable to get hold of Wayne Roden to discuss this further.

I understand that Countdown Moorhouse is part of a larger shopping centre and the building work proposed is an alteration to an existing building. As such the BCA is tasked with making an assessment of the entire building to establish that it complies on a near as is reasonably practicable basis.

BCA's need to establish reasonable grounds to be able to issue a building consent, whether this relates to the building, as noted above, or the building work, i.e. the actual work proposed. Although FEB, PN22 and producer statements do not exist in legislation these are tools that BCA's commonly turn too in their quest to establish reasonable grounds. All the building act requires is that the nior nation they initially require or subsequently request is "reasonable". As such the building act requires BCA's to turn their minds to the specifics of the situation to pasure that the tool/s they elect to use and therefore the information they is plest of the applicant is reasonable. We are unaware of the scope of the work and therefore cannot advise on the whether the requests are reasonable.

FEB is an integral part of C/VM2 and is a process requiled to be undertaken if C/VM2 is your route to compliance. As such the fire angineer should first have completed the fire design until the FEB was complete and included the B. A's feedback. Those designers not wishing or whing to undertake the FEB must accept that the means of compliance switches to that of an alternative solution, which just ensures that additional checks and measures are brought into play by the BCA.

We understand that the me consenting system is 't operating efficiently and we have a project in the tre programme on the Consenting Process. Here we hope to explore these issues are lock into any means of improving the consenting process for fire.

Kind Regards,

Nichael Belsham

Building System Performance Branch | Building Resources & Markets Ministry of Business Innovation & Employment

microel.bel.ham@mbie.govt.nz

s 9(2)(a)

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham **Subject:** Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project. That taken weeks for the council to get back to us on the FEB mer they require us to revise it even though it's only a scoping document and

the consent issue fire report has been issued by then. As the FEB is not a statily ry document. There is no statutory time frames and this matter has the potential of drag on for and extended period of time and cost a significant amount of money as they are on time charge.

obviously this crea is subject to continual discussion and so as to gain some planty have made contact with IANZ to ;

- (i) Infirm if these documents are required under statute,
- (ii) onfirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's request.

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for your assistance.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 027 3 673

EMAIL: michelle.cowper@countdown.co.nz

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Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand.

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From: Roden, Wayne Mailto Wayne.Roden Gownz

Sent: Wednesday, 6 April 2016 10:55 cm.

To:

s 9(2)(

Cc:

s 9(2)(a)

Shier BCN/2016/235 - Processing - Fire Design

R chard

The following are Crist burch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

- Pire engineering brief which includes the agreement of the stakeholders. Council considers the minimum stakeholders to be peer reviewer, NZ Fire Service and Council.
 - The peer reviewer must be on the IPENZ register as CPEng with practice field being fire engineering. They must also be practicing in their area of expertise.
- 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 coordination role.
- A PS1 from the fire engineer covering C1 to C6 and F6, F7 & F8 (where applicable).
- If the alteration does not include new work the PS1 is only required to cover the Building Code clauses that related to means of escape from fix as required by Section 112 of the Building Act. This includes (23.4), C4.4, C4.5, F6, & F8.3.3.
- Confirmation that the fire engineer will provide a PS4 along with a list of intended inspections.
- Confirmation that the emergency lighting de gnor will provide a PS4.
- A PS2 from the peer reviewer covering 21 to C6 and F6, F7 & F8, where applicable).
- If the alteration does not include new work the PS2 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the ruilding Act. This includes \$3.4, C4.3, C4.4, C4.5, F6, & F8,3.3.
- The peer reviewer vill confirm that the requirements of the FEB have been satisfied.
- The peer reviewer will confirm that the stice Note 22 has been followed. This includes co-ordination of all consent ocuments including Architectural, a tructural, Mechanical, Electrical, Hydraulic, Fire etc as applicable to tre. The confirmation letter should list the documents reviewed (including revision number).
 - ne peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviews will provide a copy of any proposed conditions / advice notes for including the Building consent. Consultation with Council may be required.

For you ANARP assissment you will need to determine using VM2 how the building complies prior to the work starting, how the building will comply once the work has been completed and what is required in the building for it to fully comply with the Building Code. The 3 assessments are required to determine the gap and provide he sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application.

Until all of the above have been supplied, Council is unable to start the review for the fire safety aspects of the building consent application.

Regards

Wayne Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI:

s 9(2)(a)

Email: wayne.roden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christoliurch

PO Box 73013, Christchurch, 8154

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Ben Coley

From:

Michael Belsham

Sent:

Tuesday, 10 May 2016 11:09 a.m.

To:

s 9(2)(a)

Subject:

FW: FW: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Hi s 9(2)(a)

s 9(2)(h)

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Market Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

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From: Michell Cowper [mailto:michell.co, per@countdown.co.nz]

Sent: Zue day 10 May 2016 6:12 a.m.

To: Inchae Belsham
Cc: Chris Ruttedge
Subject Re: FW: BCN/

Subject Re: FW: BCN/2016/2 32 - Pocessing - Fire Design. [UNCLASSIFIED]

Good morning Michael,

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Regards,

Michelle Cowper

Project Manager Property

+64 0275 382 TEL: +64 9 275 2788 DDI: +64 9 255 22

EMAIL: michelle.cowper@countdo

Support Office, 80 Favona Road, Fav Private Bag 93306, Otahuhu, Aucklar

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PLEASE CONSIDER THE E VIPON BET BEFORE YOU PRINT THIS E-MAIL.

On 9 May 2016 at 130, Michael Belsham < Michael Belsham@mbie.govt.nz > wrote:

Michelle

asked for specific responses to your questions and responses to each of your questions are provided below with son additional commend

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Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143





New Zealand Government

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From: Michelle Cowper [mailto:michelle.cowper@count.ow/.co.nz]

Sent: Friday, 6 May 2016 4:17 p.m.

To: Michael Belsham

Cc: Chris Rutledge; graham.dicks@ipenz.org.nz

Subject: Re: BCN/2016/2332 - Processing Fin Design. [UNCLASSIFIED

Thank you Michael please residnd to my queries raise below

Regards,

Michelle Coy per

Property Project Manager

Counte wn NZ

E: Michelle.comp @countdown.co.nz

M: 0275382573

On 6/05/2016, at 2:42 PM, Michael Belsham < Michael.Belsham@mbie.govt.nz > wrote:

Michelle,

Section 1.3 of C/VM2 states that the concept design shall be trailed by the FEB process. Figure 1.1 further describes the FEB as an integral process within the C/VM2 design and shows FEB report being completed before proceeding the VM2 evaluation. A requirement under Verification Method is therefore required under Section 22 Building Act.

The FEB is designed to assist the VM process not hinder it as it is interest of all key stakeholders to agree the design approach before detailed design is undertaken which in this case \(\) highlighted the extent of the modelling required.

If you wish to discuss further we could arrange a conference call.

Kind Regards,

Michael Belsham FIRE ENGINEER

Building System Performance Branch Building Resources & Market Ministry of Business, Innovation & Employment

Wellington 6143 Level 5, 15 Stout Street, PO Box

<image001.jpg>

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rom Michelle Cowper [mailtern shelle cowper@countdown.co.nz] ent: Fiday 6 May 2016 2:22 pm.

To Michael Belsham

Cox; Chris Rutledge, Dave Gittings; graham.dicks@ipenz.org.nz Subject: Re: BCN/20 6/2332 - Processing - Fire Design. [UNCLASSIFIED]

Good efferno

Thanks for your time in considering this however the question is not one of FEB content but whether it is required in the first instance under the Building Act.

This is a procedural issue, rather than relating to a disagreement on a voluntary document.

What the legal status of the FEB including sign off of the FEB process under the Building Act?

Are CCC entitled to invite/instruct engineers to breach the statutory requirements under the CPEng Act or other legislation?

We would appreciate a direct and concise email response to our queries below surrounding the application process, liability etc.

Questions summarised from email below:

- Is the BCA allowed to request more than is required by the Building Act.
- What is the status of a FEB?
- What risk and liability do other stateholders accept as part of then involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stake joids s)?
- Can the BCA cancel or rejective consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method?
- Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?
- Is the BC coliging the Chartered Processional Fire Engineer to breach legislation in terms of
 (a) the Building and (b) the C Eng Act by (i) asking for more than the Building Act requires, and
 (ii) oblight the fire engineer to work putside their competency and take liability for design items by others a a result?

Per you comment re ap an lysis' It would be highly unlikely that CCC would accept a 'gap analysis' approach.

If we were to ake a 'Gap analysis' approach the argument would ensue as to how our a gineer would determine what is reasonable and practicable' (eg the addition of smoke detection, separation of back of house etc).

This would come down to demonstrating this via the Verification Method, as per MBIE Guidance.

I have re attached reports and drawings for reference

Regards,

Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> DDI: <u>+64 9 255 2232</u> MOB: +64 0275 382 6

EMAIL: michelle.cowper@countdown.co.nz

×

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On 5 May 2016 at 17:05, Michael Isham < Michael Bels am@...bie.govt.nz> wrote:

Michelle,

We have now had the opportunity to discuss this with CCC. I understand the works is an internal alteration.

The Council are concerned that the C/VM2 analysis does not address the whole building. S112 requires hat the means of escape of the whole building comply with the code as near as is reas inable. It appears that the occupancy and escape from the new retail units and other areas distinct the store has not been included in the analysis.

This highlights be importance of FEB process where these issues would be discussed and agreed before the staile design is carried out. The FEB is required when using C/VM2.

Is VM be approach for this alteration? Our guidance on existing buildings would recommend a gap analysis for this type of project.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

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From: Michelle Cowper [mailto:michelle.cowper@count@wn. 6.72]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gittings; graham dick @ip nz.org.nz; poarne @ianz govt.nz;

karleen.edwards@ccc.govt.nz; peter.sparrow@ccc.govt.vz

Subject: BCN/2016/2332 - Processing - Fire Design

Good morning Michael,

thank you for your response. Unle Lappreciate that reas phase grounds is the test the BCA has to make; however preliminary discussions and stopin documents arguably do not form reasonable grounds in terms of the standing Act

FEB, PN 22, dic se not statutory documents. Please indicate where in legislation they are required.

The Beautoping sign of an acceptance of the FEB is unreasonable and is delaying the consent paces. As a non-statutory document this is arguably not required by the Act and brings with it unknown time days and frustration before the formal design can start. These frustrations may arise om disagreements between engineers and/or other stakeholders such as NZFS requesting more than the Building Accurrondes for. Is the BCA allowed to request more than is required by the Building Accurrondes for a FEB? What risk and liability do other stakeholders accept as part of their in olvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement accument and therefore one would assume joint and several liability between all stateholders)

We believe that the FEB is not a document on which the BCA issues consent on.

The BCA or TA issues a consent on the basis of the submitted fire report and not on the supporting or scoping documentation (FEB). It is therefore the fire report itself which is the only document legally required to be subject to review and ultimately the only document on which consent is issued.

Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method? Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no tatuory process or timeframe for this under the Act)?

Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result. (eg. sign off/review and co-ordination of ar hitectural, emergency lighting structural, mechanical etc)?

Fire engineers have been legally advised that they are not to rely on PS3's contractors.

Thank you again for your consideration on this matter, the consenting for this projects has proved to be extremely challenging. The interpretation of the legislation under the Act appears to vary in Christchurch from other regions across New Zealand from the stomer" engagement perspective this is intimidating. CCC is a cultoner facing organisation and they lack of willingness to collaboratively resolve consenting matters is draconian at best and organisational bullying at the worst.

Regards

Nich de Cowper Poiect Manager Property

T.L: <u>+64 9 27 2788 D.L. +64 9 255 2232</u> MOB: +64 0275 382 673

EMAIL: michel cown racountdown.co.nz

XX

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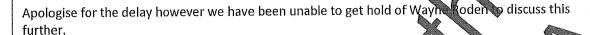
Michael Belsham 09:09 (23 hours ago)

×

to me, Mike, Dave, Chris



Michelle



I understand that Countdown Moorhouse is part of a larger shopping centre and the building work proposed is an alteration to an existing building. As such the BCA is asked with making an assessment of the entire building to establish that it complies an area as is reasonably practicable basis.

BCA's need to establish reasonable grounds to be tible to issue a building onsent whether this relates to the building, as noted above, or the building work, i.e. the actual work proposed. Although FEB, PN22 and producer statements do not exist in legislation to se are tools that BCA's commonly turn too in their quest to establish reasonable grounds. Althey building act requires is that the information they initially require or subsequently requests "reasonable". As such the building act requires BCA's to turn the minds to the specifics of the struction to ensure that the tool/s they elect to use and therefore the pformation they of quest of the applicant is reasonable. We are unaware of the scope of the lord and therefore cannot advise on the whether the requests are reasonable.

FEB is an integral part. C/VM2 and is a process required to be undertaken if C/VM2 is your route to compliance. As such the fire engineer should no have completed the fire design until the FEB was complete an included the BCA's redback. Those designers not wishing or willing to undertake the P2B is just accept that the means of compliance switches to that of an alternative solution, which rensures that additional checks and measures are brought into play by the BCA.

the Fire Programme on the Consenting Process. Here we hope to explore these issues are look into any means of improving the consenting process for fire.

King Regard

Michael Belsham FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

michael.belsham@mbie.govt.nz|

s 9(2)(a)

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham **Subject:** Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the traincy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see below), he has requested a significantly more information.

Whilst documents like the FLB, FN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement to a full base building report including Burger King and food, ourt is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project it has taken weeks or the council to get back to us on the FEB then new equive us to revise it wer though it's only a scoping document and

the consent issue are report has been issued by then. As the FEB is not a statutory locument. There is no tatutory time frames and this matter has the potential to drag on a rand extended period of time and cost a significant amount of money as they a earn time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity I have made contact with IANZ to;

(i) confirm if these documents are required under statute,

- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's request.

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for your assistance.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MQB: +64 9275 382 673

EMAIL: michelle.cowper@countdown.co.nz

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Private Bag 93306, Otahuhu, Auckland, 1640, New Zealand

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From: Roden, wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: We inesday, 6 April 2016 10:55 a.m.

To:

s 9(2)(a

s 9(2)(a)

Subject: BCN 2216/232 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

• 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 peer reviewer must be on the IPENZ register as CPEng with practice field being fire engineering. They must also be practicing in their area of expertise.
- 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).
- If the alteration does not include new work the PS1 is only required to sover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.
- Confirmation that the fire engineer will provide a PS4 along with a list of intended inspections.
- Confirmation that the emergency lighting desig fer will provide a PS4.
- A PS2 from the peer reviewer covering C1 to Co and F6, F7 & F8 (where applicable).
- If the alteration does not include new work the PS2 is only required to sever the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.5, F6, & F8.3.
- The peer reviewer will confirm the the requirement of the FEB have been satisfied.
- The peer reviewer will corner that practice Note 2 has been followed. This includes coordination of all consecutor ments including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc — as applicable to fire The confirmation letter should list the documents reviewed (j) cluding revision numbers.
- The peer reviewed will confirm that the proposed Compliance Schedule is correct.
- The pee reliewer will provide a copy of any proposed conditions / advice notes for including in the Building onsent. Consultation with Council may be required.

For your ANARP assessment for all need to determine using VM2 how the building complies prior to the corrections, how the building will comply once the work has been completed and what is prairied in the building for a to runy comply with the Building Code. The 3 assessments are required to determine the gap and provide the sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application.

Until II of the above have been supplied, Council is unable to start the review for the fire safety aspects of the building consent application.

Wayne Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI: s 9(2)(a)

Email: wayne.roden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchurch, 8154

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s 9(2)(a)

From:

Michael Belsham

Sent:

Tuesday, 10 May 2016 3:33 p.m.

To:

s 9(2)(a)

Subject:

FW: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

s 9(2)(a)

Do have a process of escalating issues to the legal team?

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

BUILDING PERFORMANCE



wew Zealand Governm

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From: Michelle Cowper (mai/to:michelle Cowper@countdown.co.nz)

Sent: Tuesday, 10 May 2016 3:20 p.m.

To: Michael Beisham
Cc: Chris Ruth dge

Subject: Ve: BCN/2016/2332 - Processi g - Fire Design. [UNCLASSIFIED]

Good Irternoon Micheal,

Thank you for your response

please confirm how the Legal team at MBIE and the Policy advisors at MBIE view this matter

Regards,

Michelle Cowper
Property Project Monager
Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 10/05/2016, at 8:24 AM, Michael Belsham < Michael. Belsham@mbie.govt.nz > wrote:

Michelle

The reason I cannot answer your questions is that I am fire engineer not a lawyer and cannot answer questions about law and legislation. My role is technical queries about the documents. As per previous response you will need to take legal advise.

Regards,

Michael Belsham Fire Engineer

On 10/05/2016, at 06:11, Michelle Cowper < michelle.cowper@ountdown.co.nz > wrote:

Good morning Michael,

Thank you for your response but unfortunately still have unanswered question, is there a reason that you will not answer them?

An FEB is not required by the Act and the BLA cannot demand or e. VM without an FEB is a specific design and still valid. So "what is the legal status of the VM? And What is the legal status of the IPB"?

Is the BCA entitled to a for nore than the act, please confirm where in the legislation it cates that the BCA can refuse to placess in the absence of a FEB and they can ask for more than the Act.

A design foe not have to follow the VN to show compliance_, I believe that the PnZ document that you refer to is now out of date.

I note there is no confirmed statement on the legality and the process time frames, liability, etc and in the ESA can encourage CPEng to break to Act.

The over of a facilitation between PE and CCC is not an acceptable solution.

mean request that you address the matters that I have raised above.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

xx

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On 9 May 2016 at 15:30, Michael Belsham < Michael. Belsham @mbie.govt.nz > wrote:

Michelle,

You have asked for specific responses to your questions and responses to each of your questions are provided below with some additional comments:

Is the BCA allowed to request more than is equired by the Building Act?

Simple answer is 'no'. However there is a distinction between process requirements (eg documentation should comply with N22) and the fire safety neasures required for compliance with the C clauses.

On the process side, the information and the form in which it is provided to a BCA is not detailed in the Act or the Code Documents such as Pt 22, which is a joint IPENZ/MBIE document (s.17, guid ince), are intended to assist BCAs and fire designers and to facilitate the consenting process.

It is 'custom and practise in NZ to prepare a fire report to the BCA when applying for a building constant, this is not a statu dry requirement and a fire report has no particular stanting it the regulatory scheme. It is simply a way designers and BCAs find effect (e to pravide the information PCAs need to assess if there are 'reasonable grounds' to approve a building consent application.

What if the status of a FEB?

The FEB forms part of the VM solution and is required to be completed when applying the Vecification Metriod. As noted above if the FEB process had been completed in this histance it could have facilitated the fire design development and consenting process.

• What hak an ability do other stakeholders accept as part of their involvement in fearness thearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We connot comment on liability and you should seek independent legal advice if you are concerned about this.

• Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method?

As noted above, if you are applying the verification method the FEB is required to be completed, otherwise you have not fulfilled the requirements of the verification method.

• Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?

The FEB process should be completed before the verification method analysis is undertaken. If the FEB has not been completed we would expect the BCA to sk why is that the case. The best approach is to endeavour to resolve any substantive issues over the fire design directly between the parties. If that does not succeed either party can take the matter to a determination.

• Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire angineer to work outside their competency and take liability for design items by a hers as a result?

A BCA can request reasonable information to assess whether on 'reasonable grounds' building code compliance has been demonstrated. Producer Statements are routinely required from fire engineers by BCAS including PS4. This is one of the areas we will be investigating under the Fire Programme in project 4 the Consenting Process.

Given you have asked these questions before in different ways and the answers above are consistent with the answers previously given its unlikely this will resolve the breakdown that has occur ed between Countd who and CCC over fire design for the Moorehouse super narket. We have previously offered to facilitate a discussion between you and CCC and I receive this offer.

Kind Regards

(lickael Belsham FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Minist of Business, Innovation & Employment

Levels, 15 Stout Street, PO Box 1473, Wellington 6143

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Friday, 6 May 2016 4:17 p.m.

To: Michael Belsham

Cc: Chris Rutledge; graham.dicks@ipenz.org.nz

Subject: Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Thank you Michael please resiond to my queries raised below

Regards,

Michelle Cowper

Property Project Manager

Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 6/05/2016, at 2:42 PM Michael Belsham < Michael Belsham@pubic go tnz > wrote:

Michelle,

Section 1.3 of C/VM2 states that the concept design shall be trailed by the FEB process. Figure 1.11 of the describes the FEB as an interval process within the C/VM2 design and shows FEB report being completed by fore proceeding the VM2 evaluation. A requirement under Verification Method is therefore required under Section 22 Building a st.

The FEB is disigned to assist the VM process not hinder it as it is iterest of all key stakeholders to agree the design approach before detailed design is undertaken which in this case would have highlighted the extent of the modelling required.

If you wish to discuss further we could arrange a conference call.

Kind Regards,

Michael Belsham

FIRE ENGINEER

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From: Michelle Cowper [mailto:michelle.covper@countdown.co.nz]

Sent: Friday, 6 May 2016 2:22 p.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gittings;

graham.dicks@ipenz.org.nz

Subject: Re: BCN/2016/2332 Processing - Fire Design.

[UNCLASSIFIED]

Good afternoon

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We would appreciate a direct and concise email response to our queries below surrounding the application process, liability etc.

Questions summarised from email below:

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or you comment re ap analysis' It would be highly unlikely that CCC would accept a 'gap analysis' approach.

If we were to take "Gap analysis' approach the argument would ensue as to how our engineer would determine what is reasonable and fracticable" (eg the addition of smoke detection, separation of back if how e etc).

Mis would come down to demonstrating this via the Verification Method, as per MBIE Guidance.

I have re attached reports and drawings for reference

Regards,

Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> DDI: <u>+64 9 255 2232</u> MOB: +64 0275 3 2 6 3 EMAIL: <u>michelle.cowper@countdown.co.nz</u>

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On 5 May 2016 at 17:05, Michael Belsham@mbie.gov 12> wrote:

Michelle,

We have now had the opportunity to discuss his with CCC. I understand the works is an internal alternion.

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This highlights the importance of FEB process where these issues would be discussed and agreed before the detailed design is callied on The FEB is required when using C/VM2.

Is VM is best approach for this alteration? Our guidance on existing buildings would recommend a gap analysis for this type of project.

Kind Regards,

Michael Belsham

FIRE ENGINEER

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From: Michelle Cowper [mailto:michelle comper countdown.co.nz]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gitings; graham.dicks@ipenz.org.nz; pban s@ianz.govt.nz; karleen.edwards@ccc.govt.nz; etc. parrow@ccc.govt.nz; Subject: BCN/2016/2332 Processing - Fire Design.

Good morning Michael,

thank your or your response. While inpreciate that reasonable grounds is the test the BCA has to take; however preliminary discussions and scoping documents arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc. a pnot statutory documents. Please indicate where in legislation they are required.

The RCA requiring sign off an acceptance of the FEB is preas, nable and is delaying the consent process. As a non-statutory document this is arguably not required by the Act and pings with it unknown time days and frustration before the formal design can start. These frustrations may arise from disagreements between engineers and/or other stakeholders such as NZFS requesting more than the Building Act provides for. Is the BCA allowed to request more than is required by the Building Act? What is the status of a FEB? What risk and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement

document and therefore one would assume joint and several liability between all stakeholders)?

We believe that the FEB is not a document on which the BCA issues consent on.

The BCA or TA issues a consent on the basis of the submitted fire report and not on the supporting or scoping documentation FEB). It is therefore the fire report itself which is the only document legally required to be subject to review and ultimately the only document on which consent is issued.

Can the BCA cancel or reject the consent a polication on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method? On the verification method of t

Is the BCA obliging the Chartered Professional Five Engineer to breach legislation in (terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the five engineer to work outside their competency and take liability for mession items by others as a result. (eg. sign off/review and co-ordination of arc litectural, emergency lighting, structural anequanical etc)?

re engineers have been really advised that they are not to rely on S3's by contractors.

Thank you waih for your consideration on this matter, the consenting for this projects has proved to be extremely challenging. The interpretation of the legislation under the Act populars to vary in Christchurch from other regions across New Zalana from a "customer" engagement perspective this is intimidating. CCC is a customer facing organisation and their lack of willingness to collaboratively resolve consenting matters is draconian at best and organisational bullying at the worst.

Regards,

Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> DDI: <u>+64 9 255 2232</u> MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

×

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09:09 (23 hours ago)

Michael Belsham

×

to me, Mike, Dave, Chris

X I

Michelle

Apologise for the delay however we have been unable to get hold of Wayne Roden and discuss this further.

I understand the countdown Moo house is part of a larger shopping control and the building work proposed is an alteration to an exiting building. As such the B. A is tasked with making an as less not to of the entire building to establish that it complies on a near as i reasonably practicable basis.

BCA's need to establish reasonable grounds to be able to issue a building content, whather this relates to the building, as noted above, or the building work, i.e. the actual work proposed.

Although FEB, RN22 and producer statements do not exist in degislation these are tools that BCA's commonly turn too in their glost to ablish reasonable grounds. All the building act requires that the information they initially require or subsequently request is "reasonable". As such the building act requires BCA's to their minds to the specifics of the situation to ensure that the tool/s they elect to use and therefore the information they request of the applicant is reasonable. We are unaware of the scope of the work and therefore cannot advise on the whether the requests are reasonable.

FEB is an integral part of C/VM2 and is a process required to be undertaken if C/VM2 is your route to compliance. As such the fire engineer should not have completed the fire design until the FEB was complete and included the BCA's feedback. Those designers not wishing or willing to undertake the FEB must accept that the means of compliance switches to that of an alternative solution, which just ensures that additional checks and measures are brought into play by the BCA.

We understand that the fire consenting system isn't operation efficiently and we have a project in the Fire Programmeon to Consenting Process. Here we hope to explore these issues are look into any means of improving the consenting process for fire.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Graph | Building Resol Markets

Ministry of Busines inn vation & Employme

michael.belsham@nbie.govt.nz

ut Street, PO Ba Ington 6143 Level 5,

Fron: Michelle Cowper [mellto:michelle.cowper@countdown.co.nz]
Sent: Monday, 18 April 2016 2 29 p.m.

To: awoollard@ianz.co.nz; Tike Cox; Michael Belsham Subject: Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some larity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayne Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks for the council to get back to us on the FET then they require us to revise it even though it only a scoping document and

the consent issue fire report has been issued by then As the FEB is not a statutory document. There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

Obviously this are is subject to continue discussion and so as to gain some clarity I have made contact with IANZ to

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same as a consistent pationwide approach,
- (iii) confirm the alidity of Christchurch's request.

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater letail.

thank you in advance for your assistance.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

<image002.jpg><image003.jpg><image003.jpg><</pre>

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PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS

From: Roden, Wayne [mailto: Way e. Noden@ccc.govt.r

Sent: Wednesday, 6 April 2016 10 55 a.m.

To:

Cc:

Subject: BCN 332 - Processing

Richard

The following are Christchurch Giv Council's requirements for building consent application for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the requirements of the Building Code.

- Fire angreeing brief which includes the agreement of the stak hode. Council considers the minimum stakeholders to be previewer, NZ Fire Service and Council.
 - The eer reviewer must be on the IPENZ register as CPEng with practice field being fire engineering. They must also be practicing in their area of expertise.
- 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).
- If the alteration does not include new work the PS1 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- 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.
- A PS2 from the peer reviewer covering C1 b C6 and F6, F7
 & F8 (where applicable).
- If the alteration does not include the work the PS2 is only required to cover the Building ode clauses that related of means of escape from fire as required by Section 12 of the Building Act. This includes 3.4, C4.3, C4.4, C4.5, 13 & F8.3.3.
- The peer reviewer will con sim that the requirement of the FEB have been satisfied.
- The peer reviewer will confirm that tractice Note 22 has been followed. This includes co-ordination of all consent documents including Architecture. Structural, Mechanical, Electrical, Hi draulic, Fire etc. a applicable to fire. The confirmation letter should list the documents reviewed including revision number).
- De peer reviewer will confirm that the proposed compliance Schedule is correct.
- The peu reviewer will provide a copy of any proposed conditions, advice notes for including in the Building consent, consultation with Council may be required.

For your ANAR sessment you will need to determine using VM2 how the building complies prior to the work starting, how the building will comply once the work has been completed and what is required in the building for it to fully comply with the Building ode. The 3 assessments are required to determine the gap and provide the sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application.

Until all of the above have been supplied, Council is unable to start the review for the fire safety aspects of the building consent application.

Regards

Wayne Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI:

s 9(2)(a)

Email: wayne.roden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Stree Chartchurch

PO Box 73013, Christchurch, 8154

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s 9(2)(a)

From:

Chris Rutledge

Sent:

Wednesday, 11 May 2016 9:00 a.m.

To:

Michael Belsham; David McGuigan; Mike Cox; Iain Feist; Dave Gittings

Cc:

Mike Stannard

Subject:

Moorehouse Countdown Christchurch

Michael, Dave M, Mike, Iain, Dave G

MBIE is being drawn into an increasingly acrimonious dispute between Christchuck Cit, and Countdown over the fire design for alterations to the Moorehouse Countdown. Please see the email chair below.

There is a breakdown in the relationship between Countdown and Christche sh City and the parties are at an impasse. From the information we have, the origin of the dispute is a disagreement over aspects of the fire design in respect of ANARP. The arguments over the legal status of the FEB, I bilky and the assertion angineers are being required to act contrary to the Building Act (see below) are not the leal sue. This dispute can only be resolved through dialogue between the parties. Our previous offer to facilitate meeting between countdown and Christchurch City was roundly rejected by Michelle. The alternative is C untdown can talk a determination (although on what basis isn't clear).

We should make the offer again to facilitate a meeting between Countdown and Christowirch City, if Michelle rejects this then we should escalate this to Countdown senior management. If deem common contact the countdown senior management is the appropriate person to escalate this to.

Will you please review the proposed response to wichelle below and let me have your feedback.

Regards Chris

Michelle,

We have endeavoured to inside your questions, in your latest email (10/5/16) you have repeated questions we have already answered for clample, 'is a BCA entitled to ask for more than the Act') and we cannot see any efficacy in continuing with this approach. We have been contacted by Christchurch City Council, as with any dispute there are two sides and clearly your questions arise from a difference in view between Countdown and Christchurch City that originate the matter are solution at the matters at issue is through dialogue between Countdown and Christshuch City Council. We have previously offered to facilitate a meeting between Countdown and Christshuch City council and that offer remains often for you to take up. I am copying this email to Christchurch City so that the Council is aware we have offered to facilitate a meeting to endeavour to resolve the issues with the fire design for the alterations to the Morein use. Further than the council of a control of the matter alterations to the Morein use. Suntdown.

Regards
Chris Rutledge
Fire Programme Lead

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Tuesday, 10 May 2016 3:20 p.m.

To: Michael Belsham **Cc:** Chris Rutledge

Subject: Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Good afternoon Micheal, Thank you for your response please confirm how the Legal team at MBIE and the Policy advisors at MBIE view this matter

Regards,

Michelle Cowper Property Project Manager Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 10/05/2016, at 8:24 AM, Michael Belsham < Michael.Belsham@mbe.govt.nz wrote:

Michelle

The reason I cannot answer your questions is that I am tire of rineer not a lawyer and cannot answer questions about law and legislation. My role is technical queries about the documents. As per previous response you will need to take legal advise.

Regards,

Michael Belsham Fire Engineer

On 10/05/2016, at 06:11, Michell Cow or <michelle.cov per@countdown.co.nz> wrote:

Good morning Mich el

Thank you for your response but unfortunately a still have unanswered questions, is there a reason that you will not answer them.

An FB is not required by the Act and the BCA cannot demand one. A VM without an FEB a specific design and still valid. So "what is the *legal* status of the VM? And What is the *legal* status of the FEB"?

Is the JCA entitled to ask for more than the Act, please confirm where in the log eletion it states that the BCA can refuse to process in the absence of a FEB and they can ask for more than the Act.

A design does not have to follow the VM to show compliance_, I believe that the Pn22 document that you refer to is now out of date.

I note there is no confirmed statement on the legality and the process time frames, liability, etc and if the BCA can encourage CPEng to break to Act.

The offer of a facilitation between PE and CCC is not an acceptable solution.

I again request that you address the matters that I have raised above.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 9 255 2232 MOB: +64 9 275 362 673

EMAIL: michelle.cowper@countdown.co.nz

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On 9 May 2016 at 15:30, Inch el Belsham < Michael.Belsham@mbie 20vt. > wrote:

Michelle,

You have asked or per fic responses to your questions and responses to each of your question are provided below with some additional comments:

• Is the BCA allowed to request more than is required by the Building Act?

Simple inswer is 'no'. However there is a distinction between process requirements leg of cumentation should emply with PN22) and the fire safety measures required for compliance with the C clauses.

On the process side the information and the form in which it is provided to a BCA is not detailed in the Act or the Code. Documents such as PN22, which is a joint IPENZ/MBIE document (s.175 guidance), are intended to assist BCAs and fire designers and to contain the consenting process.

It is a storm and practise' in NZ to present a fire report to the BCA when applying for building consent, this is not a statutory requirement and a fire report has no particular standing in the regulatory schema. It is simply a way designers and BCAs find elective to provide the information BCAs need to assess if there are a sonable grounds' to approve a building consent application.

• What is the status of a FEB?

The FEB forms part of the VM solution and is required to be completed when applying the Verification Method. As noted above if the FEB process had been

completed in this instance it could have facilitated the fire design development and consenting process.

• What risk and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We cannot comment on liability and you should seek independent legal advices you are concerned about this.

• Can the BCA cancel or reject the consent application on the basis of an EB not being provided irrespective of whether or not it is mentioned in the venification method?

As noted above, if you are applying the verification method the FEB is required to be completed, otherwise you have not fulfilled the requirements of the verification method.

• Can they refuse to process a consent on the pasis that a FEB is not signed of (despite there being no statutory process or time tame) or this under the act)?

The FEB process should be completed before the verification method analysis is undertaken. If the FEB has not been completed we would expert the Box to ask why is that the case. The best approach is the endeavour to resply any substantive issues over the fire design directly between the parties. If that does not succeed either party can take the matter to a determination.

• Is the BCA obliging the Charter of Professional Fire Ingineer to breach legislation in terms of (1) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result?

A BCA can request reasonable information to assess whether on 'reasonable grounds' building code compliance has been demonstrated. Producer Statements are routinely required from fire angineers by BCAs including PS4. This is one of the areas very lill be investigating under the rire Programme in project 4, the Codsening Process.

Given you have asked these questions before in different ways and the answers above are consistent with the answers previously given its unlikely this will resolve the breakdown that has occurred between Countdown and CCC over fire design for the Morehouse supermarket. We have previously offered to facilitate a discussion between you and CCC and I reiterate this offer.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

<image001.jpg>

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From: Michelle Cowper [mailto:michelle.cowper@coundown to.nz]

Sent: Friday, 6 May 2016 4:17 p.m.

To: Michael Belsham

Cc: Chris Rutledge; graham.dicks@ipenz.org.nz

Subject: Re: BCN/2016/2332 - Processing Fire Design. [UNCLASSIFIED]

Thank you Michael please resiond my queries raised below

Regards,

Michelle Cowpe

Property Project Manager

Countdown WZ

P. Michelle.cowper contdown.co.nz

M: 0275382673

On 6/5/20 6, at 2:42 PM, Michael Belsham < Niclael Belsham@mbie.govt.nz> wrote:

Michelle,

Section 1.3 of C/VM2 states that the concept design shall be trailed by the FEB process. Figure 1.1 further describes the FEB as an integral process within the C/VM2 design and shows FEB report being completed before proceeding the VM2 evaluation. A

requirement under Verification Method is therefore required under Section 22 Building Act.

The FEB is designed to assist the VM process not hinder it as it is interest of all key stakeholders to agree the design approach before detailed design is undertaken which in this case would have highlighted the extent of the modelling required.

If you wish to discuss further we could arrange a confer

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch Building Resour Markets mployment Ministry of Business, Innovation

Level 5, 15 Stout Street, P Box 1473, Welling on

<image001.jpg

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]
Sent: Friday, 5 May 2016 2:22 p.m.
To: Michael Belsham

Cc: Mike Co: Chi Rutledge; Dave Gittings;

grahan zucks@penz.org.nz

Subject: Re BČN/2016/2332 - Processing - Fire Design.

Good afternoon,

Thanks for your time in considering this however the question is not one of FEB content but whether it is required in the first instance under the Building Act.

This is a procedural issue, rather than relating to a disagreement on a voluntary document.

What the legal status of the FEB including sign off of the FEB process under the Building Act?

Are CCC entitled to invite/instruct engineers to breach the statutory requirements under the CPEng Act or other legislation.

We would appreciate a direct and concise email sessonse to our queries below surrounding the application process, rability etc.

Questions summarised from email pelow:

- Is the BCA allowed to request more than it equired by the Building Act?
- What is he taths of a FEB?
- What rist and liability do other takeholders accept as part of their involvement in the process bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one woul assume joint and several liability between all stakeholders)?
- Can the BCA cancel or eject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the varification method?
- Can they refuse to process a consent on the basis that a FEB is not signed of (despite there being no statutory process or time) ame for this under the Act)?
- the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result?

Per you comment re 'Gap analysis' It would be highly unlikely that CCC would accept a 'gap analysis' approach.

If we were to take a 'Gap analysis' approach the argument would ensue as to how our engineer would determine what is reasonable and practicable' (eg the addition of smoke detection, separation of back of house etc).

This would come down to demonstrating this via the Verification Method, as per MBIE Guidance.

I have re attached reports and drawings for reference

Regards,

Michelle Cowpey

Project Manager Property

TEL: <u>+64 9 275 2738 B. 1. +64 9 255 2232 V</u>OB: \$4 0275 382 673 EMAIL: <u>mich_lle_ow_per@countdown.co.nz</u>

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Salava univers

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On 5 May 2016 at 19 05, Michael Belsham < Michael Belsham Qmbie.govt.nz > wrote:

Michelle:

We have now had the opportunity to discuss this with CCC. Inderstand the works is an internal alteration.

The Council are concerned that the C/VM2 analysis does not address the whole building. S112 requires that the means of escape of the whole building comply with the code as near as is reasonable. It appears that the occupancy and escape from the

new retail units and other areas outside the store has not been included in the analysis.

This highlights the importance of FEB process where these issues would be discussed and agreed before the detailed design is carried out. The FEB is required when using C/VM2.

Is VM is best approach for this alteration? Our guidance on existing buildings would recommend a gap analysis for this type of project.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch Building Resou Markets

Ministry of Business, Innovation Employment

Level 5, 15 Stout Street, N. Box 1473, Wellington

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From: Michelle Cowper [mailto:<u>michelle.cowper@countdown.co.nz]</u>
Sent: Thursday, May 2016 5:30 a.m.

To: Michael Belcham

Cc: Mike Cx; Caris Rutledge; Dave Gittings; graham.uicks@ipenz.org.nz; pbarnes@ianz.govt.nz; karlen.edwards@ccc.govt.nz; peter.sparrow@ccc.govt.nz Society PCN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds is the test the BCA has to make; however preliminary discussions and scoping documents arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc are not statutory documents. Please indicate where in legislation they are required.

The BCA requiring sign off an acceptance of the FEB is unreasonable and is delaying the consent process. As a non-statutory document this is arguably not required by the Act and brings with it unknown time days and frustration before the formal design can start. These frustrations may arise from disagle or ents between engineers and/or other stakeholders such as NZFS requesting more than the Building Act provides for. Is the CA allowed to request more than is required by the Building Act. What is the status of a FEB? What risk and liability to other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FFB as amagreement document and therefore one would assure just an is several liability between all stakeholders)?

We believe that the FEB is not a document on which the CA is desconsent on.

The BCA or TA issue, a coursent on the bar is of the submitted fire report and not on the supporting or scoping documentation (FEB). It is therefore the fire report itself which is the only document legally required to be subject to review and ultimately the only document on which consent is study.

an the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the varification method? Can they refuse to process a consent on one basis that a FEB is not signed off (despite there being to statut ry process or timeframe for this under the Act)?

Beach egislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) aligning the fire engineer to work outside their competency and take liability for design items by others as a result. (eg. sign off/review and co-ordination of architectural, emergency lighting, structural, mechanical etc)?

Fire engineers have been legally advised that they are not to rely on PS3's by contractors.

Thank you again for your consideration on this matter, the consenting for this projects has proved to be extremely challenging. The interpretation of the legislation under the Act appears to vary in Christchurch from other regions across New Zealand from a "customer" engagement perspective this is intimidating. CCC is a customer facing organisation and their lack of willingness to collaboratively resolve consenting matter is draconian at best and organisational bullying at the warst.

Regards, Michelle Cowper Project Manager Property TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 EMAIL: michelle.co. per@countrown.co.nz Support Office. 80 / avour Road, Favona, Auckland, 20. Private Bag 93300, Otaruhu Auckland, 1640, New OU PRINT THIS E-MAIL. (2) hours ago) hael Belsham e, Dave, Chris

Michelle

Apologise for the delay however we have been unable to get hold of Wayne Roden to discuss this further.

I understand that Countdown Moorhouse is part of a larger shopping centre and the building work proposed is an alteration to an existing building. As such the BCA is tasked with making an assessment of the entire building to establish that it complies on a near as is reasonably practicable basis.

BCA's need to establish reasonable grounds to be able to set a building consent, whether this relates to the building, at noted above, or the building work, i.e. the actual work proposed. Although FEB, PN22 and producer statements do not exist in legislation these are tools that BCA's commonly tup (too in their quest to establish reasonable grounds. All the building act requires is that the information they initially require of subsequently request is "reasonable". As such the building act requires BCA's to turn their minds to the specifics of the stuation to ensure that the tool/s they elect to use and therefore the information they request of the applicant is reasonable. We are unaware of the scope of the work and therefore cannot advise on the whether the requests a reasonable.

FEB is an integral part of SVM2 and is a process equired to be undertaken if C/VM2 is your route to compliance. As such the fire engineer show a not have completed the fire design until the FEB was complete and in luded the BCA's feedback. Those designers not wishing or willing to undertake the FEB must accept that the means of empliance switches of the of a alternative solution, which just ensures that additional becks and measures are brought to play by the B(A.

We understand that the fire consenting system isn't operating efficiently and we have a project in the Fire Programme on the Consenting Frogress, Here we hope to explore these issues are look into any means of improving the consenting process for fire.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets
Ministry of Business, Innovation & Employment

michael.belsham@mbie.govt.nz

s 9(2)(a)

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham **Subject:** Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I am gain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to undertake the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Wayn Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB PN 22, co-ordination statements. PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more han the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks for the council to get back to us on the FEB then they require us to revise it even though it's only a soping document and

the consent issue fire report has been issued by then. As the FEB is not a statutory document. There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity I have made contact with IANZ to;

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's reque

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for your assistance.

Regards,

Michelle

Project Mana Property

TL: 164 275 2788 DDI: 164 9 2 5 2232 M 32 MOB: +64 0275 382 673

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mage003.jpg>
Support Office. 80 Favona Road, Favona, Auckland, 2024.

myate Bag 93306, Olambin, Auckland, 1640, New Zealand.

ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To:

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

- Fire engineering brief which includes the agreement of the stakeholders. Council considers the minimum state foldeto be peer reviewer, NZ Fire Service and Council.
- The peer reviewer must be on the IPENZ register as CLEng with practice field being fire engineering. They must also be practicing in their area of expertise.
- 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 engine as required by Practice Note 2 and confirming the fire engineer has undertaken lead PN22 co-ordination role
- A PS1 from the nie engineer coverin, C1 o C6 and F6, F7
 & F8 (where applitable).
- If the alteration does not include new work the PS1 is only required to cover the building Code clauses that related to means of escape from the astronomy and perfect the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & h.3.3.

Confirmation that the are engineer will provide a PS4 along with a list of intended inspections.

- Confirmation that the emergency lighting designer will provide a PS4.
- A PS2 from the peer reviewer covering C1 to C6 and F6, F7 & F3 (where applicable).
- If the alteration does not include new work the PS2 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- The peer reviewer will confirm that the requirements of the FEB have been satisfied.

- The peer reviewer will confirm that practice Note 22 has been followed. This includes co-ordination of all consent documents including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc – as applicable to fire. The confirmation letter should list the documents reviewed (including revision number).
- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions / advice notes for including in the Building consent. Consultation with Council may be required.

For your ANARP assessment you will need to determine using vM2 how the building complies prior to the work startic how the building will comply once the work has been completed and what is required in the building for it to fully completed and what Code. The 3 assessments are required to be ten time the gap and provide the sacrifice verse benefit assessment.

It is noted that only some of the above requirements have been included in the building consent application.

Until all of the above leve been supplied, Council is unable to start the review for the free safety aspects of the building consent application.

Relans

Wayne Roden

Senior Fire Engineering Specialist Building Consention Unit

Sons nting and Compliance Group

5 9(2)

En ail: wayne.roden@ccc.govt.nz

Web: www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch PO Box 73013, Christchurch, 8154

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s 9(2)(a)

From:

Chris Rutledge

Sent:

Friday, 17 June 2016 2:41 p.m. Mike Stannard; John Gardiner

To: Cc:

Michael Belsham; Mike Cox

Subject:

Countdown/Christchurch City dispute

Mike, John

This is to canvas your view on whether or not we should escalate a matter to Countdo yn's senior management over a dispute with Christchurch City.

A dispute between Christchurch City and the Countdown project manager over an extension of the Moore Couse Countdown in Christchurch has deteriorated to a complete breakdown in the plationship between the parties. The email chain below illustrates how badly this has run off the rails. Since we digred to facilitate a meeting between the parties we haven't heard anything from either party. Recently, we're received intel from a smettimes reliable source (Alan Moule) that a determination is in the offing.

An alternative is we take a proactive approach and escalate the to the esponsible senter manager in Countdown, this person is Gideon Thomas (http://www.countdown.cog/abou_us/our-compa). It would be interesting to know what level of knowledge he has of the matter. We did consider approach him when we made the offer to facilitate a meeting between the parties but we didn't pursue this option then I do it itely think it is worth a shot.

Please let me know what you think.

Regards Chris

From: Chris Rutledge

Sent: Wednesday, 11 May 2016 (24 p.n.).

To: Michelle Cowper

Cc: Michael Belsham; Wayn Rogie (Wayne.Roden@ccc.govt.vz)

Subject: RE: BCN/2016/2332 Processing - Fire De gn. [UNCLASSIFIED]

Michelle,

We have endeaded answer your questions, in your latest email (10/5/16) you have repeated questions we have already answered (for example, is a JCA entitled to ask for more than the Act') and we cannot see any efficacy in community with this approach. We have been contacted by Christchurch City Council, as with any dispute there are two sides and clearly your questions arise from a difference in view between Countdown and Christchurch City that our mate from specific aspects of the fire design for the alteration to the Moorehouse Countdown. The only effective way to reach a resolution or the matters at issue is through dialogue between Countdown and Christchurch City Council. We have previously offered to facilitate a meeting between Countdown and City Council and that offer remains open for you to take up. I am copying this email to Christchurch City so that the Council is aware we have offered a facilitate a meeting to endeavour to resolve the issues with the fire design for the alterations to the Moorehouse Countdown.

Regards
Chris Rutledge
Fire Programme Lead

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Tuesday, 10 May 2016 3:20 p.m.

To: Michael Belsham **Cc:** Chris Rutledge

Subject: Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Good afternoon Micheal, Thank you for your response

please confirm how the Legal team at MBIE and the Policy advisors at MBIE view this matter

Regards,

Michelle Cowper Property Project Manager Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 10/05/2016, at 8:24 AM, Michael Belsham < Michael. Belsham @mbie.govt.nz > x.o.:

Michelle

The reason I cannot answer your questions is that am fire engineer not a lawyer and cannot answer questions about law and legislation. My ole is technical queries about the documents. As per previous response you will need to take legal advise

Regards,

Michael Belsham Fire Engineer

On 10/05/2016, at 06:1 Inic elle Cowper ich le owper@countdown.co.nz> wrote:

Good more in Michael,

mank outer your response but untertunately I still have unanswered questions, is there areason that you will not answer them?

An FEB is not required by the Act and the BCA cannot demand one. A VM without an FEB is a specific design and still valid. So "what is the *legal* status of the VM? And What the gal actus of the FEB"?

Is the BCA entitled to ask for more than the Act, please confirm where in the legislation it states that the BCA can refuse to process in the absence of a FEB and they can ask for more than the Act.

A design does not have to follow the VM to show compliance_, I believe that the Pn22 document that you refer to is now out of date.

I note there is no confirmed statement on the legality and the process time frames, liability, etc and if the BCA can encourage CPEng to break to Act.

The offer of a facilitation between PE and CCC is not an acceptable solution.

I again request that you address the matters that I have raised above.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0277 382 673 EMAIL: michelle.cowper@countdown.co.nz

Support Office. 80 Favona Road, Favona, Auckland, 2024. Private Bag 93306, Otahuhu, Auckland, 1640, New Saland,

Safety-its up to us.

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On 9 May 2016 at 15:30. When Belsham < Michael. Belsham nbic. povt.nz wrote:

Michelle,

You have as fed or specific responses to your questions and responses to each of your questions are provided below with some additional comments:

the BA allowed to request hore than is required by the Building Act?

on ple answer is 'no'. However there is a distinction between process requirements be discumentation should comply with PN22) and the fire safety measures required compliance with the clauses.

On the processide, the information and the form in which it is provided to a BCA is not detailed in the Act or the Code. Documents such as PN22, which is a joint IPENZ/NOTE desument (s.175 guidance), are intended to assist BCAs and fire designers and to facilitate the consenting process.

It is 'c stom and practise' in NZ to present a fire report to the BCA when applying for a building consent, this is not a statutory requirement and a fire report has no particular standing in the regulatory schema. It is simply a way designers and BCAs find effective to provide the information BCAs need to assess if there are 'reasonable grounds' to approve a building consent application.

What is the status of a FEB?

The FEB forms part of the VM solution and is required to be completed when applying the Verification Method. As noted above if the FEB process had been completed in this instance it could have facilitated the fire design development and consenting process.

• What risk and liability do other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We cannot comment on liability and you should seek independent legal advertify ou are concerned about this.

• Can the BCA cancel or reject the consent application on the basis of a FEB not being provided irrespective of whether or not it is mentioned in the vertication method?

As noted above, if you are applying the verification memory the PEB is required to be completed, otherwise you have not fulfilled the requirements of the verification method.

• Can they refuse to process a consent or the basis that a FEB is not signed on (despite there being no statutory process of times ame for this under the st)?

The FEB process should be completed before the verification in ethod analysis is undertaken. If the FEB has not been completed we would expect the BCA to ask why is that the case. The best approach is to endeavour to resolve any substantive issues over the fire design directly between the partie. It hat does not succeed either party can take the matter to a determination.

• Is the BCA obliging the Chartered Professional Fix Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building act requires, and (i) obliging the fire engineer to work outside their competency and take liability or design items by others as a result?

A BCA can request reasonable aformation to assess whether on 'reasonable grounds' fullting code compliance has seen demonstrated. Producer Statements are rounded required from fire engineers by BCAs including PS4. This is one of the areas we will be investigating under the Fire Programme in project 4, the Consenting Process.

Given you have asked these questions before in different ways and the answers above are consistent with the answers previously given its unlikely this will resolve the break lown hat has occurred between Countdown and CCC over fire design for the Moorehause supermarket. We have previously offered to facilitate a discussion between ou and CCC and I reiterate this offer.

Kind Regards,

Michael Belsham

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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From: Michelle Cowper [mailto:michelle.cowper@coun_dov/1.co.nz]

Sent: Friday, 6 May 2016 4:17 p.m.

To: Michael Belsham

Cc: Chris Rutledge; graham.dicks@ipenz.org.nz

Subject: Re: BCN/2016/2332 - Processing - Fire D sign. [UNCLASSIFIED]

Thank you Michael please resiond a my queries raised below

Regards,

Michelle Cowper

Property Project Manager

Countdown NZ

E Michelle.cowper@econtde wn.co.nz

M: 0275382673

On 6/5/2016, a. 2.42 PM, Michael Belsham < Michael Belsham@mbie.govt.nz> wrote:

Mchelle,

Section 1.3 of C/VM2 states that the concept design shall be trailed by the FEB process. Figure 1.1 further describes the FEB as an integral process within the C/VM2 design and shows FEB report being completed before proceeding the VM2 evaluation. A

requirement under Verification Method is therefore required under Section 22 Building Act.

The FEB is designed to assist the VM process not hinder it as it is interest of all key stakeholders to agree the design approach before detailed design is undertaken which in this case would have highlighted the extent of the modelling required.

If you wish to discuss further we could arrange a conference

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Bonch Building Resource Markets Ministry of Business, Innovation

Box 1473, Welling Level 5, 15 Stout Street, 1

<image001.jpg>

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

2016 2:22 p.m. Sent: Friday, 🔊 Ma

To: Michael Belsham

Cc: Mike **Cox:** Chris Rutledge; Dave Gittings; graham meksteripenz.org.nz

Subject: Ref BCN/2016/2332 - Processing - Fire Design.

Good afternoon,

Thanks for your time in considering this however the question is not one of FEB content but whether it is required in the first instance under the Building Act.

This is a procedural issue, rather than relating to a disagreement on a voluntary document.

What the legal status of the FEB including sign off of the FEB process under the Building Act?

Are CCC entitled to invite/instruct engineers to breach the statutory requirements under the CPEng Act or other legislation.

We would appreciate a direct and concise en ail esponse to our queries below surrounding the application process, rability etc.

Questions summarised from emal below

- Is the BCA allowed to request more than is required by the Building Act?
- What is the status of a FEB?
- What risk and liability do other stakeholders accept as part of their involvement in the proce (bearing in mind the BCA wishes to use the FLB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?
- Can the BCA cancel or reject the consent application on the basis of an FEB of being provided irrespective of whether or not it is mentioned in the verification method?
- Can they refuse to process a consent on the basis that a FEB is not signed off (usepite there being no statutory process or time fame for his under the Act)?
- Is the BCA obliging the Chartered Professional Fire Engineer to heach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result?

Per you comment re 'Gap analysis' It would be highly unlikely that CCC would accept a 'gap analysis' approach.

If we were to take a 'Gap analysis' approach the argument would ensue as to how our engineer would determine what is reasonable and practicable' (eg the addition of smoke detection, separation of back of house etc).

This would come down to demonstrating this via the Verification Method, as per MBIE Guidance.

I have re attached reports and drawings for reference

Regards,

Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> DL <u>+64 9 255 2232</u> OB: 64 0275 382 673 EMAIL: <u>mich file, covver@countdown.co.nz</u>

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Sal-ty-je up ons.

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On 5 May 2016 at 17:05, Michael Belsham < Michael Belslan @mbie.govt.nz > wrote:

Michell

We have now had the opportunity to discuss this with CCC. I understand the works is an internal alteration.

The Council are concerned that the C/VM2 analysis does not address the whole building. S112 requires that the means of escape of the whole building comply with the code as near as is reasonable. It appears that the occupancy and escape from the

new retail units and other areas outside the store has not been included in the analysis.

This highlights the importance of FEB process where these issues would be discussed and agreed before the detailed design is carried out. The FEB is required when using C/VM2.

Is VM is best approach for this alteration? Our guidance on visting buildings would recommend a gap analysis for this type of project.

Kind Regards,

Michael Belsham FIRE ENGINEER

Building System Performance Grand Building Resources & Markets

Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, 20 Box 1473, Wellington 6143

<image001.jpg

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Ox; Chri Rutledge; Dave Gittings; graham lick @ipenz.org.nz; pbarnes@ianz.govt.nz; karle n.edwards@ccc.govt.nz; peter.sparrow@ccc.govt.nz
Subject; BeN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds is the test the BCA has to make; however preliminary discussions and scoping documents arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc are not statutory documents. Please indicate where in legislation they are required.

The BCA requiring sign off an acceptance of the FEB is unreasonable and is delaying the consent process. As a non-statutory document this is arguably not required by the Act and brings with it unknown time days and frustration before the forma design can start. These frustrations may arise from disagner entertween engineers and/or other stakeholders such as NZES requesting more than the Building Act provides for. Is the BCA allowed to request more than is required by the Building Act. What is the status of a FEB? What risk and liability to other stakeholders accept as part of their involvement in the process (bearing in mind the BCA wishes to use the FTB as an agreement document and therefore one would assume print and several liability between all stakeholders)?

We believe that the FEB is not doc ment on which the BCA sues consent on.

The BCA or TA issue a consent on the basis of the submitted fire report and not on the supporting or scooling documentation (FEB). It is therefore the fire report itself which is the only document legally required to be subject to review and ultimately the only document or which consent is issue.

Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the prification method? Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no stall to y) pocess or timeframe for this under the Act)?

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Fire engineers have been legally advised that they are not to rely on PS3's by contractors.

Thank you again for your consideration on this matter, the consenting for this projects has proved to be extremely challenging. The interpretation of the legislation under the Act appears to vary in Christchurch from other regions across New Zealand from a "customer" engagement perspective this is intimidating. CCC is a customer facing organisation and their lack of willingness to collaboratively resolve consenting matters is draconian at best and organisational bullying at the worst.



Michelle Cowper

Project Manager Property

TEL: <u>+64 9 275 2788</u> DDI: <u>+64 9 255 2232</u> MOB: +64 02/15 /82 673 EMAIL: <u>michelle.comper@counted_m.co.nz</u>

Support Office. 80 avon Road, Favona, Auckland, 202 Private Bag 93306 Otabahu, Auckland, 1640, New Zealand

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09: (28 hours ago)

Michael Belsham

to me Mike, Dave, Chris

Michelle

Apologise for the delay however we have been unable to get hold of Wayne Roden to discuss this further.

I understand that Countdown Moorhouse is part of a larger shopping centre and the building work proposed is an alteration to an existing building. As such the BCA is tasked with making an assessment of the entire building to establish that it complies on a near as is reasonably practicable basis.

BCA's need to establish reasonable grounds to be able to issue a building consent, whether this relates to the building, as not deabove, or the building work, i.e. the actual work proposed. Although FEB, PN22 and producer statements do not exist in legislation these are tools that BCA's commonly turn too in their quest to establish reasonable grounds. All the building act requires is that the information they initially require of subsequently request is "reasonable". As such the building of readires BCA's to turn their minds to the specifics of the situation to ensure that the tool/s they elect to use and therefore the information they request of the applicant is reasonable. We will unable the scope of the work and therefore cannot advise on the whether the requests a reasonable.

FEB is an integral part of C/VM2 and is a process required to be undertaken if C/VM2 is your route to compliance. As such the fire engineer should not have completed the fire design until the FEB was complete and in luded the BCA's feeds ack. Those designers not wishing or villing to undertake the FED must accept that the means of compliance switches to that of an alternative solution, which just ensures that additional shecks and measures are brought to play by the BCA.

we understand that the fire consenting system isn't operating efficiently and have a project in the Fire Programme on the Consenting process. Here we hope to explore these issues are look into any near of improving the consenting process for fire.

Kind Regards,

Michael Belsham FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets
Ministry of Business, Innovation & Employment

michael.belsham@mbie.govt.nz

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham **Subject:** Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can pain some clarity around the Fire consenting process. Countdown Moorhouse has been scheduled to have a refurbishment that included an adjustment to the tenancy size. We have engaged an engineer to under take the drafting of a Fire Report (VM2) and this has been submitted to Christchurch City Council as part of the consenting process. We have received and e mail from Value Roden of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB PN 22 co-ordination statements, FS is etc may be nice o have I do not believe that they are portion and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other content is how this request for additional information and delaying the project, it has taken weeks for the council to get back to us on the FEB then they require us to revise it even though it's only a soping document and

As the FEB is not a statutory document. There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity I have made contact with IANZ to;

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same as a consistent nationwide approach,
- (iii) confirm the validity of Christchurch's reque

thank you for your assistance with this matter, please call directly if you would like to discuss this in greater detail.

thank you in advance for you assistance.

Regards,

Michelle Solver

Project Manag

TIL: 64 275 2788 DDI: +64 9 55 2232 MOB: +64 0275 382 673

FM/ L: nichelle.cov er@s untdown.co.nz mage002.jpg><image00.jpg> image003.jpg>

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From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m.

To:

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for alterations to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code.

- 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 peer reviewer must be on the IPENZ register as Ping with practice field being fire engineering. They must also be practicing in their area of expertise.
- 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 32 and confirming the ineengineer has undertaken lead PN22 co-ordination role.
- A PS1 from the tire engineer covering C1 to C6 and F6, F7 & F8 (where applicable).
- If the alteral on does not include new work the PS1 is only required to cover the Building Cove clauses that related to means of escape from file as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & 18.3.3.
- Confirmation that the cire engineer will provide a PS4 along with a list of intended inspections.
- Confirmation bat the emergency lighting designer will provide a h.d.
- A PS from the peer reviewer covering C1 to C6 and F6, F7 & F) (where applicable).
- If the alteration does not include new work the PS2 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- The peer reviewer will confirm that the requirements of the FEB have been satisfied.

- The peer reviewer will confirm that practice Note 22 has been followed. This includes co-ordination of all consent documents including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc – as applicable to fire. The confirmation letter should list the documents reviewed (including revision number).
- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions / advice notes for including in the Buildin consent. Consultation with Council may be required.

For your ANARP assessment you will need to determine using VM2 how the building complies prior to the work starting, how the building will comply once the work has been completed and what is required in the building for it to fully comply with the Building Code. The 3 assessments are required to leter nine the gap and provide the sacrifice verse benefit assessments.

It is noted that only some of the above requirements have been included in the building consent application.

Until all of the above have been supplied, Council is unable to start the review for the resarry aspects of the building consent application.

Reads

Wayne Roden

Senior Fire Engineering Specialist Building Corsening Onli

Consenting and Compliance Group

59(2)(a

En ail: <u>wayne.roden@ccc.govt.nz</u> Web? www.ccc.govt.nz

Christchurch City Council

Civic Offices, 53 Hereford Street, Christchurch PO Box 73013, Christchurch, 8154

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Out of Scope

From: Chris Rutledge

Sent: Tuesday, 21 June 2016 8:38 a.m.

To: Craig Hill; Peter Laurenson

Subject: FW: Moorehouse Ave Countdown Christchurch

Craig, Peter

This is the email chain relating to the Moorehouse Ave Countdown a discussed yesterday at FRSG

Cheers Chris

From: Chris Rutledge

Sent: Friday, 17 June 2016 2:25 p.m.

To: Rachel Groves

Subject: Moorehouse Ave Countdown Christolium

Rachel,

As discussed, email exchange below

CR

From: Chris Rutledge

Sent: Wednesday, 11 May 2016 4:24 p.m.

To: Michelle Cowner

Cc: Michael Belshan Wagne Roden (Wayne, Roden@ccc.qovt.nz)

Subject: RE: BCN/2014/2332 - Processing - Tre Design, [UNCLASSIFIED]

Michelle

We have endeavoured to answer your questions, in your latest email (10/5/16) you have repeated questions we have already answered for example, is a BCA entitled to ask for more than the Act') and we cannot see any efficacy in continuing with this corrowsh. We have been contacted by Christchurch City Council, as with any dispute there are two sides and clearly your questions arise from a difference in view between Countdown and Christchurch City that originate from specific aspects of the fire design for the alteration to the Moorehouse Countdown. The only effective way to reach a resolution on the matters at issue is through dialogue between Countdown and Christchurch City Council i. We have previously offered to facilitate a meeting between Countdown and City Council and that offer remains open for you to take up. I am copying this email to Christchurch City so that the Council is aware we have one ed to facilitate a meeting to endeavour to resolve the issues with the fire design for the alterations to the Moorehouse Countdown.

Regards Chris Rutledge

Fire Programme Lead

From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Tuesday, 10 May 2016 3:20 p.m.

To: Michael Belsham **Cc:** Chris Rutledge

Subject: Re: BCN/2016/2332 - Processing - Fire Design. [UNCLASSIFIED]

Good afternoon Micheal,

Thank you for your response

please confirm how the Legal team at MBIE and the Policy advisors at MBIE with matter

Regards,

Michelle Cowper Property Project Manager Countdown NZ

E: Michelle.cowper@countdown.co.nz

M: 0275382673

On 10/05/2016, at 8:24 AM, Michael Belsham < Michael Relsham@mbie.govt.n. wrote:

Michelle

The reason I cannot answer your questions is that I am fir the sineer not a lawyer and cannot answer questions about law and legislation. My role is the unical queries about the documents. As per previous rosp need you will need to take legal advise.

Regards,

Michael Belsham Fire Engineer

On 10/05/20 6, at 06:11, Michelle Co. per michelle.cowper@countdown.co.nz> wrote:

Good morning Michael,

Thank you for you response but unfortunately I still have unanswered questions, is there a reason that you will not answer them?

An IB is no required by the Act and the BCA cannot demand one. A VM without an IBB is a specific design and still valid. So "what is the *legal* status of the VM? And What is the *legal* status of the FEB"?

Is the BCA entitled to ask for more than the Act, please confirm where in the legislation it states that the BCA can refuse to process in the absence of a FEB and they can ask for more than the Act.

A design does not have to follow the VM to show compliance_, I believe that the Pn22 document that you refer to is now out of date.

I note there is no confirmed statement on the legality and the process time frames, liability, etc and if the BCA can encourage CPEng to break to Act.

The offer of a facilitation between PE and CCC is not an acceptable solution.

I again request that you address the matters that I have raised above.

Regards,

Michelle Cowper

Project Manager Property

TEL: +64 9 275 2788 DDI: +64 255 2232 MOB: +64 0275 82 67 EMAIL: michelle.cowper@co.mtdo.vn.co.nz

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On 9 May 20 6 t 15:30, Michae Be sham < Michael Be sham m@mbie, ovt.h > wrote:

Michalle

You have asked for specific responses to your questions and responses to each of your questions are provided below with some additional comments:

Is the BCA allowed to request more than is required by the Building Act?

Simple answer is to. However there is a distinction between process requirements (eg documentation should comply with PN22) and the fire safety measures required for compliance with the C clauses.

On the process side, the information and the form in which it is provided to a BCA is not detailed in the Act or the Code. Documents such as PN22, which is a joint PENZ/MBIE document (s.175 guidance), are intended to assist BCAs and fire designers and to facilitate the consenting process.

It is 'custom and practise' in NZ to present a fire report to the BCA when applying for a building consent, this is not a statutory requirement and a fire report has no

particular standing in the regulatory schema. It is simply a way designers and BCAs find effective to provide the information BCAs need to assess if there are 'reasonable grounds' to approve a building consent application.

What is the status of a FEB?

The FEB forms part of the VM solution and is required to be completed when applying the Verification Method. As noted above if the FEB process had been completed in this instance it could have facilitated the fire design development on consenting process.

• What risk and liability do other stakeholders accept as part of the kinvolvement in the process (bearing in mind the BCA wishes to use the FEB as an agree ment document and therefore one would assume joint and several liability is ween all stakeholders)?

We cannot comment on liability and you should seek independent legal advice if you are concerned about this.

• Can the BCA cancel or reject the consent application on the basis of an FEB of being provided irrespective of whether or not a is mentioned in the verification method?

As noted above, if you are applying the ventication method the FF required to be completed, otherwise you have not fulfilled the requirements of the erification method.

• Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no stall attory process or time tame to this under the Act)?

The FEB process should be completed before the verification method analysis is undertaken. If the FB has not been concileted we would expect the BCA to ask why is that the case. The best approach is rendeavour to resolve any substantive issues over the fire design directly between the parties. If that does not succeed either party can take the matter to a determination.

Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result?

A BCA can request reasonable information to assess whether on 'reasonable grounds' building cole compliance has been demonstrated. Producer Statements are routinely required from fire engineers by BCAs including PS4. This is one of the are is we will be investigating under the Fire Programme in project 4, the Consinting Process.

above are consistent with the answers previously given its unlikely this will resolve the breakdown that has occurred between Countdown and CCC over fire design for the Moorehouse supermarket. We have previously offered to facilitate a discussion between you and CCC and I reiterate this offer.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Market Ministry of Business, Innovation & Employment

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

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From: Michelle Cowper [mailto:michelle.cowper@countdown.to.h.]

Sent: Friday, 6 May 2016 4:17 m.

To: Michael Belsham

Cc: Chris Rutledge; graham.disks@lpenz.org.nz

Subject: Re: BCN/2013/232 - Processing - Fire Lesign. [UNCLASSIFIED]

Thank you who had please resiond to my meries raised below

Regards.

Mid elle Cowper

Property Project Monager

Count Town NZ

E: M chelle.cowper@countdown.co.nz

M: 0275382673

On 6/05/2016, at 2:42 PM, Michael Belsham < Michael.Belsham@mbie.govt.nz > wrote:

Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result?

Per you comment re 'Gap analysis' It would be highly unlikely that CCC would accept a 'gap analysis' approach.

If we were to take a 'Gap analysis' approach the argument would ensue as to how our engineer would determine what is a sonable and practicable' (eg the addition of smoke detection, separation of back of house etc).

This would come down to demonstrating this via the Verification Method, as per MBIE Guidance.

I have re attached reports and drawings for reference

Regards

Mic ell Cowper of Diget Manager

Project Wallage

TEL: <u>+64 9 275 2788 PDI: +64 9 255 2232</u> MOB: +64 0275 382 673

EMAIL: mich rie owpe @countdown.co.nz

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PLB SE CASIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL.

On 5 May 2016 at 17:05, Michael Belsham Michael.Belsham@mbie.govt.nz wrote:

Michelle,

We have now had the opportunity to discuss this with CCC. I understand the works is an internal alteration.

The Council are concerned that the C/VM2 analysis does not address the whole building. S112 requires that the means of escape of the whole building comply with the code as near as is reasonable. It appears that the occupancy and escape from the new retail units and other areas outside the store has not been included in the analysis.

This highlights the importance of FEB process where these issues would be discussed and agreed before the detailed lesign is carried out. The FEB is required when using (VI) 2.

Is VM is best approach for this alteration. Our guidance on existing buildings would recommend a gap analysis for this type of project,

Kind Regards,

Michael Be shom

Building System Performance Branch | Building Resources & Warkers

Min stry of Business Inno ation & Employment

Level 5, 15 Stout Street, Po Box 1473, Wellington 6143

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From: Michelle Cowper [mailto:michelle.cowper@countdown.co.nz]

Sent: Thursday, 5 May 2016 5:30 a.m.

To: Michael Belsham

Cc: Mike Cox; Chris Rutledge; Dave Gittings; graham.dicks@ipenz.org.nz; pbarnes@ianz.govt.nz; karleen.edwards@ccc.govt.nz; peter.sparrow@ccc.govt.nz **Subject:** BCN/2016/2332 - Processing - Fire Design.

Good morning Michael,

thank you for your response. While I appreciate that reasonable grounds is the test the BCA has to make; however preliminary discussions and scoping documents arguably do not form reasonable grounds in terms of the Building Act

FEB, PN 22, etc are not statutory documents. Please indicate where in legislation they are required.

The BCA requiring sign off an acceptance on the FEB is unreasonable and is delaying the consent process. As a nonstatutory document this is arguable not required by the Act and brings with it unknown time days and frustration before to a formal design can start. These frustrations may arise from disagreements between engineers and/or other stakeholders such a NZ/s requesting more than the Building Act provides for. Is to BCA allowed to request more than is required by the Building Act? What is the status of a NB? What risk and liability do other stakeholders accept as palls of their involvement in the process (bearing in minute BCA wishes to use the FEB as an agreement document and therefore one would assume joint and several liability between all stakeholders)?

We kelieve that the PEB is not a document on which the BCA issues consent on.

The BCA or A issue a consent on the basis of the submitted fire report and not in the supporting or scoping documentation (FEB). It is the fore the fire report itself which is the only document degal (required to be subject to review and ultimately the only document in which consent is issued.

Can the BCA cancel or reject the consent application on the basis of an FEB not being provided irrespective of whether or not it is mentioned in the verification method? Can they refuse to process a consent on the basis that a FEB is not signed off (despite there being no statutory process or timeframe for this under the Act)?

Is the BCA obliging the Chartered Professional Fire Engineer to breach legislation in terms of (a) the Building Act and (b) the CPEng Act by (i) asking for more than the Building Act requires, and (ii) obliging the fire engineer to work outside their competency and take liability for design items by others as a result. (eg. sign off/review and co-ordination of architectural, emergency lighting, structural, mechanical etc)?

Fire engineers have been legally advised that they are no on PS3's by contractors. Thank you again for your consideration on this matter consenting for this projects has proved to be extremely challenging. The interpretation of the legislator under the Act appears to vary in Christchurch from other regions across New Zealand from a "customer" engagement perspective this is intimidating. CCC is a customer facing of sation and their lac of willingness to collaboratively solve onsenting matter draconian at best and organication I bullying at the wo Regards, 9 255 2232 MOB: +64 0275 382 673 AIL: michelle.cowper@equaldown.co.nz Support Office. J Fayon, Road, Favona, Auckland, 2024. Private Bag 933ta, Jahulur, Auckland, 1640, New Zealand. CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS E-MAIL. 09:09 (23 hours ago) Michael Belsham

to me, Mike, Dave, Chris

Michelle

Apologise for the delay however we have been unable to get not of Wayne Roden to discuss this further.

I understand that Countdown Moorhouse is part of a larger shopping centre and the building work proposed is in alteration to an existing building. As such the BCA is tasked with aking an assessment of the entire building to establish man t complies on a near as is reasonably practicable basis.

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We understand that the fire consenting system isn't operating efficiently and we have a project in the Fire Programme on the Consenting Process. Here we hope to explore these issues are look into any means of improving the consenting process for fire.

Kind Regards,

Michael Belsham

FIRE ENGINEER

Building System Performance Branch | Building Resources & Markets

Ministry of Business, Innovation & Employment

michael.belsham@mbie.govt.nz|

s 9(2)(a)

Level 5, 15 Stout Street, PO Box 1473, Wellington 6143

From: Michelle Cowper [mailto:michelle cow er acountdown.co.nz]

Sent: Monday, 18 April 2016 2:29 p.m.

To: awoollard@ianz.co.nz; Mike Cox; Michael Belsham Subject: Fwd: BCN/2016/2332 - Processing - Fire Design

Good afternoon All,

I am contacting you in the hope that I can gain some clarity around the Fire consenting process. Countdown Moorhouse I as been scheduled to have a refurbishment that included an adjustment to the jenancy size. We have engaged an engineer to under take the drafting of a lire Report (VM2) and this has been submitted to Christo furch City Council as part of the consenting places. We have received and e-mail from Wayne Rollen of the council (see below) he has requested a significantly more information.

Whilst documents like the FEB, PN 22, co-ordination statements, PS4's etc may be nice to have I do not believe that they are part of any statutory documentation and it is more than the Building Act

requires. I also feel that the requirement for a full base building report including Burger King and food court is unreasonable given the extent of the works.

My other concern is how this request for additional information is delaying the project, it has taken weeks

for the council to get back to us on the FEB then they require us to revise it even though it's only a scoping document and

the consent issue fire report has been issued by then. As the FEB is not a statutory document There is no statutory time frames and this matter has the potential to drag on for and extended period of time and cost a significant amount of money as they are on time charge.

Obviously this area is subject to continual discussion and so as to gain some clarity I have made contact with IANZ to;

- (i) confirm if these documents are required under statute,
- (ii) confirm if other councils are requiring same consistent nationwide approach,
- (iii) confirm the validity of Christchurch's requ

assistance with this matter, please thank you for you call directly if you would ke to discuss this in greater detail

thank you in advance or your assistance.

Regard

Aichelle Cowper

Project Manager

Property

TEL: +64 9 275 2788 DDI: +64 9 255 2232 MOB: +64 0275 382 673

EMAIL: michelle.cowper@countdown.co.nz

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From: Roden, Wayne [mailto: Wayne.Roden@ccc.govt.nz]

Sent: Wednesday, 6 April 2016 10:55 a.m. _

To:

Cc:

s 9(2)(a)

Subject: BCN/2016/2332 - Processing - Fire Design

Richard

The following are Christchurch City Council's requirements for building consent applications for a leastions to existing buildings that use VM2 as a means of demonstrating compliance with the fire requirements of the Building Code,

- Fire engineering brief which includes the agreement of the stakeholders Council considers the min mun stakeholders to be peer eviever, NZ Fire Service and Quncil.
- The peer pyjewer must be on the IPENX egister as CPEng with tractice field being fire one inearing. They must also practicing in their area of experise.
 - The fire design including any calculations. This must be mplete and final
 - Documentation ompixing with practice note 22.
- A co-ordination statement from the fire engineer as required by Prestice Note 22 and confirming the fire engi eg ha undertaken a lead PN22 co-ordination role.
- PSI from the fire engineer covering C1 to C6 and F6, F7 & Fa (where applicable).
- If the alteration does not include new work the PS1 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- 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.
- A PS2 from the peer reviewer covering C1 to C6 and F6, F7
 & F8 (where applicable).
- If the alteration does not include new work the PS2 is only required to cover the Building Code clauses that related to means of escape from fire as required by Section 112 of the Building Act. This includes C3.4, C4.3, C4.4, C4.5, F6, & F8.3.3.
- The peer reviewer will confirm that the requirements of the FEB have been satisfied.
- The peer reviewer will confirm that practice lote 22 has been followed. This includes co-ordination of all consent documents including Architectural, Structural, Mechanical, Electrical, Hydraulic, Fire etc as applicable to fire. The confirmation letter should list the documents reviewed (including revision number)
- The peer reviewer will confirm that the proposed Compliance Schedule is correct.
- The peer reviewer will provide a copy of any proposed conditions advice notes for including in the Building consent. Consultation with Council have be required.

For your ANARP assessment you will need to determine using VM2 how the building amplies prior to the work starting, how the building will comply once the work as been completed and what is required in the building for it to fully comply with the Building Code. The 3 assessments are required to determine the gap and provide the sacrifice verse cenefit assessment.

It is noted that only some of the above requirements have been included in the full the consent application.

Until the above have been supplied, Council is unable to start the review for the fire safety aspects of the building consent

Regards

Wayne Roden

Senior Fire Engineering Specialist Building Consenting Unit

Consenting and Compliance Group

DDI: s 9(2)(a)

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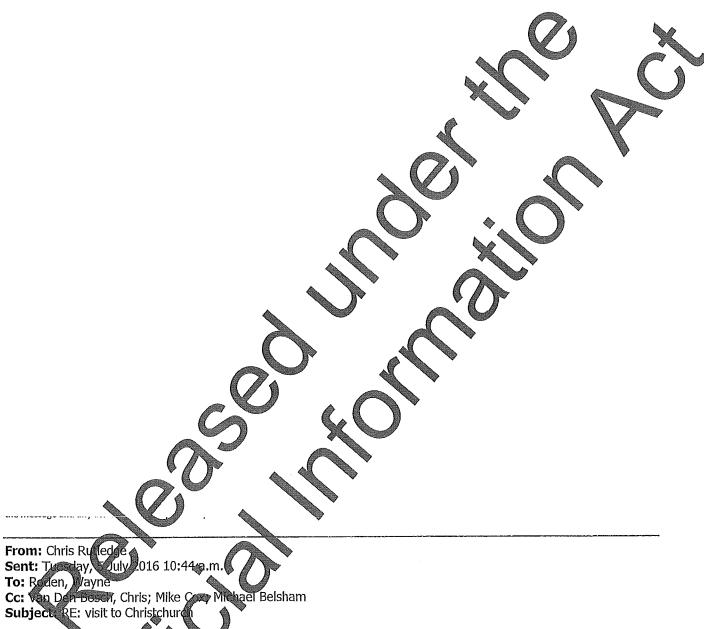
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Wayne,

Out of Scope

Outside of the meeting with everyone it would also be useful to get an update on the Moorehouse Countdown and if anything has progressed to resolve the issues there. If there is anything you would like to add to the agenda please let me know.

Regards Chris

Out of Scope

