

CORPORATE OFFICE

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Ralph.lasalle@cdhb.health.nz

2 March 2021

9(2)(a)

RE Official information request CDHB 10495

I refer to your email dated 30 November 2020 requesting the following information under the Official Information Act from Canterbury DHB. Specifically:

- **Can you please provide all correspondence and reports that have been raised with/received by/sent to :**
 - the Board
 - acting CEO(s)
 - clinical leaders
 - Ministry of Health
 - Christchurch City Council

with regard to passive fire defects relating to Christchurch Hospital Waipapa / Hagley over the past 12 months?

We understand that you have made a similar information request to the Ministry of Health. As the entity responsible for the build and the party to the construction contracts, the Ministry remains best placed to address questions relating to passive fire protection within Waipapa.

Much of the Canterbury DHB's correspondence reflects passing observations by Canterbury DHB employees who had access to Waipapa before and after handover. Where Canterbury DHB identified concerns, they were escalated to the Ministry of Health. Some of the concerns may well have been allayed by the Ministry and its fire engineers (who had the benefit of full information, as-built documentation and engineering judgements) at the time. Other concerns may have initiated a review. Concerns raised that transpire to be defective installs may have been/are to be rectified pursuant to the contractual defect remediation process. All such steps taken by the Ministry to address concerns raised by Canterbury DHB (and others) may not be fully reflected in the correspondence provided.

Accordingly, we strongly recommend that you seek clarification and verification from the Ministry of Health prior to reporting on any specific areas of concern identified within the correspondence to ensure the accuracy of the information. Such concern may have been/are being allayed or rectified.

Canterbury DHB does not want the people to be misguided about accessing Waipapa. The Ministry, its fire engineers and Council are satisfied that the building has been built in accordance with the consents and is compliant (including Building Code requirements relating to fire). The fire engineers have issued their Producer Statements and Council has issued Code of Compliance and Building Warrant of Fitness (BWOFF) certification. Any building defects that have previously been/are subsequently identified (relating to passive fire installations or otherwise) continue to be dealt with as defects under the defects notification period under the construction contracts in the normal and usual way.

We also note that passive fire protection is only one part of the wider fire detection and suppression systems within Waipapa. As an Importance Level 4 hospital building, Waipapa is a 24/7 operation, is fully monitored, alarmed and sprinkled in accordance with all Code requirements to mitigate fire risk.

Please refer to **Appendix 1** (attached) for the requested correspondence and reports.

The following permitted redactions under the Act have been made:

9(2)- where the withholding of information is necessary to:

(a) protect the privacy of persons;

(g) maintain the effective conduct of public affairs through:

(i) free and frank expression of opinions in the course of their duty;

We have also attempted to remove some of the duplication.

I trust this satisfies your interest in this matter.

You may, under section 28(3) of the Official Information Act, seek a review of our decision to withhold information by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz; or Freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Canterbury DHB website after your receipt of this response.

Yours sincerely



Ralph La Salle
Acting Executive Director
Planning, Funding & Decision Support

Out of Scope

----- Original message -----

From: [REDACTED] 9(2)(a)@turntown.com>
Date: 30/09/19 13:02 (GMT+12:00)
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>, Tony.Lloyd@health.govt.nz
Subject: RE: ASB / Hagley

Brad

Can CDHB advise who, where and when these photos were taken?

We remind all parties that CDHB system was established after the CPB Contract and has never been a requirement by the CDHB for the project.

Regards

[REDACTED] 9(2)(a)

Turner & Townsend

Level 1, Awly Building, 287-293 Durham Street, Christchurch 8013
PO Box 1704, Christchurch 8140 New Zealand
m: +64 (0) [REDACTED] 9(2)(a) www.turnerandtownsend.com

Turner & Townsend Thinc New Zealand Pty Ltd
Co.No.: 4637880

From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]
Sent: Monday, 30 September 2019 11:11 AM
To: [REDACTED] 9(2)(a)@turntown.com>

Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>

Subject: FW: ASB / Hagley

9(2)(a) are you able to elaborate on some of the commentary and photos below. Also wouldn't mind knowing what the NDA relates to in relation to passive fire installs.

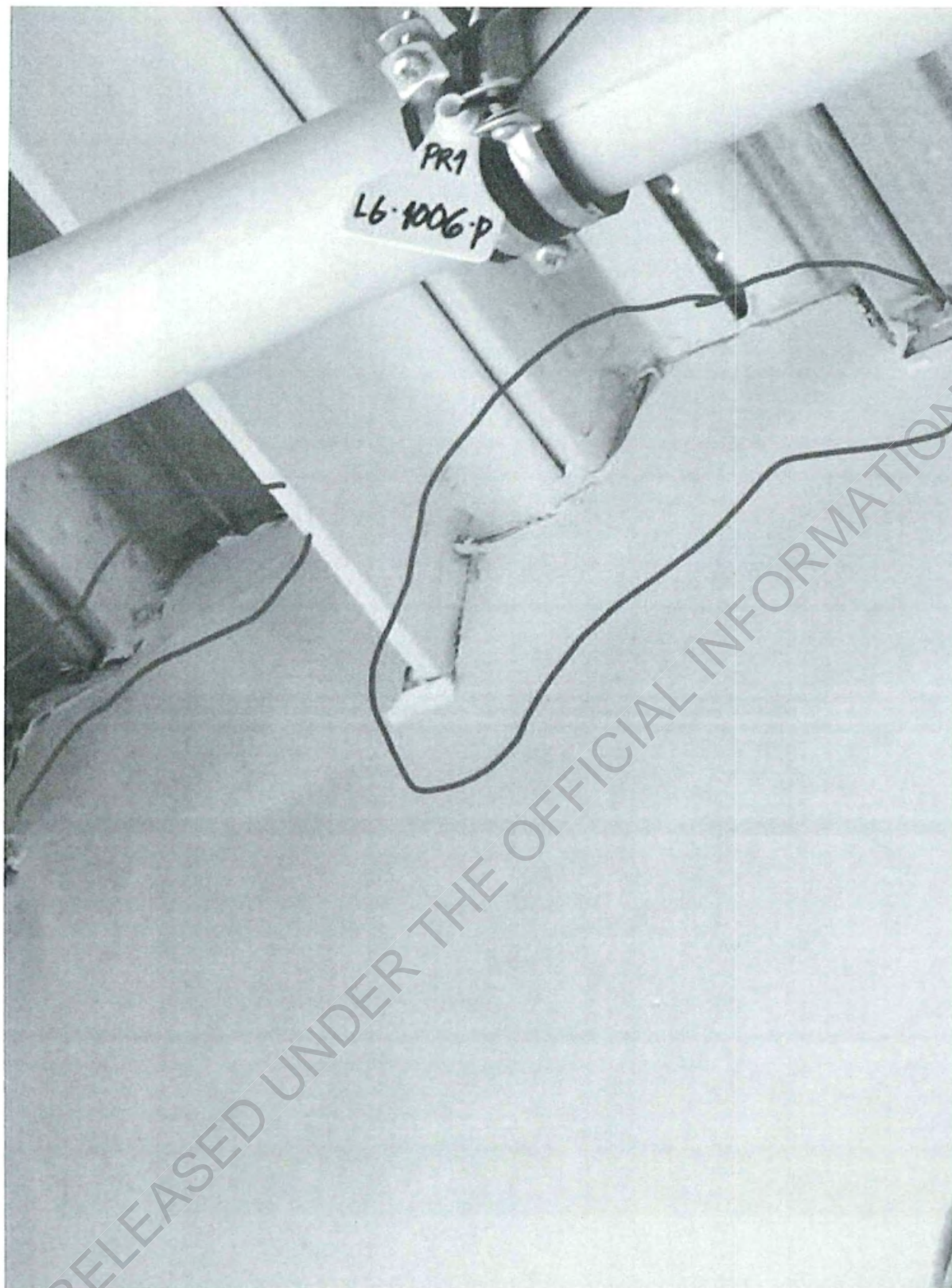
Regards,

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

From: Simon Hemmings
Sent: Monday, 30 September 2019 10:35 a.m.
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: ASB / Hagley

RELEASED UNDER THE OFFICIAL INFORMATION ACT





Brad.

Just received this this morning plus a few other photos and [REDACTED] 9(2)(g)(i)

[REDACTED] 9(2)(g)(i)

My understanding is that there have been at least 4 possibly 5 installers on site who are not accredited on our system and from what I have gathered some trades have been doing their own protection - [REDACTED] 9(2)(g)(i)

Known contractors so far

[REDACTED] 9(2)(a)

It also sounds like CBP are forcing installers and associated consultants to sign NDA agreements so we cant find out what's going on.

Please can you look into this further and advise although given they are aiming for PC this week I don't think we can do much except up the budget on our fire programme.

Thanks

Simon

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

Canterbury
District Health Board
Te Poari Hauora o Waitaha



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Simon Hemmings

From: Simon Hemmings
Sent: Wednesday, 9 October 2019 3:54 p.m.
To: Brad Cabell
Subject: FW: CONCERNS OVER INCORRECT INSTALLS
Attachments: 20191005_211859.jpg; 20191005_212440.jpg; 20191005_122947.jpg

Afternoon Brad.

Following on from the meeting yesterday with [REDACTED] I was invited to a quick walk around, this entailed a walk along the lower ground floor corridor from the eastern end to the first bank of Lifts on the eastern tower then to level 2 Plant floor and back.

My concerns still remain, I did not take any photos (got the impression this would be frowned upon or even asked to stop maybe) but observed a considerable number of passive fire installs that I believe do NOT meet the test solutions from the manufacture and are in fact non compliant. I pointed out a number of concerns to [REDACTED] but did not mention ALL, I believe I saw well in excess of 150 penetrations in the 40 min walk around and being honest did not see many as compliant.

Potential Non complaint items observed,

1. Fire Engineer was unsure if walls were either Fire or Acoustic, They advised that they have treated both type of walls the same in terms of penetrations – this is a huge waste of money and more importantly given the walls are NOT labelled makes it very hard to identify on site without having the as built drawings with you – this will create major issues for M&E moving forward.
2. Cable Bunches through a penetration are observed as to large in number – mastic sealant will not work correctly with such large numbers of cable tightly bunched together.
3. Penetration labels are un readable and have no visible systematic numbering – will create issues for identification of materials if any reworks are required. Labels also starting to peel off,
4. Penetrations in Comflor Slabs – they have mainly used Allproof drop in collars – the collars require at min of 50% exposure of the pd below under side of slab – every penetration seen this does not happen – this is the advise received with test data when raised on the Out patients project
5. Again Allproof drop in Collars – in a number of high risk areas – Medical gas store lower ground floor the floor slab has 80 – 100mm of additional insulation added this is now covering the annular with the drop in collar, this means that the collar will be slower or will not activate as designed.
6. Identified Fire Walls with large section of Gib / Boral board missing,
7. Incorrect install of HP mastics – Depths / widths of sealant
8. Gaps between Wall Board and underside of ComFlor,
9. Incorrect smoke sealant installation of top of Allproof drop in Collars.
10. Timber / other penetrations through fire walls not treated.
11. Vermiculite Spay on steel damaged
12. Over spray onto collars and seals from Vermiculite spraying – will stop the intumescent in the penetration / collar working correctly.
13. Lots of penetrations completed by multiple installers have over lapping materials,
14. Gib patches are not secured / installed as per Gib Details in Gib Handbook – but given they used Boral Board see item 15 below
15. Use of Gib patches on Boral Board
16. Incorrect installation of Fire fly flexible curtain.
17. Unable to confirm correct sealant on slip joints on fire walls, - also believe that in an earthquake the sealant once it has become solid (approx. 8 weeks) will not give the required flexibility for movement and will actually pull / damage the connected wall boards apart.
18. Understand that Bat has been used on a seismic joint instead of flexible curtain.

19. There is on flexibility / future proofing for additional cabling visible.
20. Fire Engineer and PM suggested that some non compliances have been or will be caused by the CDHB FF&E team.
21. Fire Engineer advised that received Engineering Judgements from a Supplier who is not a registered Engineer
22. Fire Engineer appears to be relying on Suppliers of products (sales staff) to provide technical approval and Quality assurance.
- 23.

In my experience what is visible so some of the worst installations seen anywhere, in addition I also noticed and pointed out to 9(2)(a) that the cabling for the card readers to secure rooms such as the medical gas storage room is on the outside of the wall and within easy reach to pull out or cut, - does this pose a security risk.

I believe that within a year or two of the building being handed over we will begin to see more non compliances visible that may well have a dramatic effect on the CDHB achieving a BWOFF, what I saw yesterday in terms of installation and issues are remarkably similar to have we currently have in our main campus buildings. This will no doubt result in considerable costs to the DHB and tax payers.

I have also attached the 3 photos received From Alan last night.

Brad – I whole heartedly agree with your comments yesterday that the building requires a independent audit of the passive fire protection, this was also echoed in a text received from Alan Page yesterday who met with 9(2)(a) prior to our meeting who suggested an audit would be worth while but is being met with resistance from the Contractor. Happy to supply the text message if required.

Thanks

Simon

From: Alan Page <alanp@pfitsconsultancy.co.nz>
Sent: Tuesday, 8 October 2019 5:26 p.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Cc: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>
Subject: FW: CONCERNS OVER INCORRECT INSTALLS

Hi Simon,

Please find attached a copy of some additional pictures we have.

Kind Regards

Alan

Alan Page
 Technical Director Passive Fire

M: +64 27 253 3514
 E: alanp@pfitsconsultancy.co.nz
 W: www.pfits.co.nz
 PO Box 14147, Panmure, Auckland 1741, New Zealand

Simon Hemmings

From: Simon Hemmings
Sent: Tuesday, 29 October 2019 10:24 a.m.
To: [REDACTED]
Cc: Terry Walker; Mary Gordon (Executive Director of Nursing); Tim Lester; Brad Cabell
Subject: RE: Initial passive fire peer review scope

Hi [REDACTED]

Please can you provide an update, I have a number of meetings/ appointments already confirmed so need to know when we will be invited to observe the audit.

Thanks

Simon

From: Simon Hemmings
Sent: Friday, 25 October 2019 10:39 a.m.
To: [REDACTED] <[REDACTED]@ttthinc.com>
Cc: Terry Walker <Terry.Walker@cdhb.health.nz>; Mary Gordon (Executive Director of Nursing) <Mary.Gordon@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: FW: Initial passive fire peer review scope

Hi [REDACTED]

As discussed please see my email sent to our Senior Team regarding the concerns raised around the passive fire protection and proposed audit.

Subject: FW: Initial passive fire peer review scope

Hi All.

Having read the email below I am still very concerned that we will receive a building that has a considerable number of non-compliances which may well affect our ability to achieve a BWOF in the years ahead.

Please see my thoughts below in red

I have included the email I sent to Tim yesterday with the normal requirements for a passive fire audit,

- 1) CV - relevant experience and qualifications in passive fire inspections - visual and destructive testing of people completing the audit
- 2) Manufacture certification for Installations and testing - given that every manufacturer is on site - Ryan Fire, Boss, Promat, Hilti, Allproof, Protecta, Trafalgar, CSD and Rockwool
- 3) we noted from [REDACTED] that a number of Engineering Judgement for installs have been completed on site approved by [REDACTED] Fire Engineer - we need to see [REDACTED] Qualifications and Manufacturers Certification for this
- 4) In addition to the certification we should ask for the EJ to be verified by an independent Lab - complete a number of actual fire tests to confirm
- 5) the independent auditors contract will be novated to the CDHB

- 6) All tests must be destructive, and recorded on a suitable digital platform
- 7) CDHB request an independent observer be present during the audit.
- 8) CDHB reserve the right to review the inspection documents before accepting the finding or accepting the ownership of the building.
- 9) Any non-compliances rectified are completed under supervision of the Auditor and CDHB observer, or are completed only by CDHB accredited installers.
- 10) Auditor must be associated with independent test facility in order to demonstrate compliance for any installations covered under EJ by the Fire Engineer or EJ's provided by the Manufacturer.

From: 9(2)(a) [REDACTED]@turntown.com>

Sent: Monday, 21 October 2019 6:03 p.m.

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>

Cc: Tony Lloyd@MOH.govt.nz; Mary Gordon (Executive Director of Nursing) <Mary.Gordon@cdhb.health.nz>

Subject: RE: Initial passive fire peer review scope

Brad, Simon, Terry

We are currently having CPB, Katao and Aurecon undertaking- We requested an independent auditor to complete the inspections – Unfortunately from experience we can see that CPB, Katao and Aurecon do not have the expertise or knowledge to undertake the inspections, the Fire Engineer has already approved the passive fire works prior to the CDHB observing the defects / non compliances.

1. physical inspections of the Passive Fire installations on site covering both Architectural Fire (Walls, Ceilings, Floors, etc) and Services Penetrations. the methodology does NOT include any form of destructive testing which is required to prove compliance.
2. a desktop review of registers and QA. This is not relevant

If you wish to discuss this with me please feel free to contact me.

The following is the scope of work developed by Aurecon and Katoa for the inspections.

We propose an inspection and testing of passive fire works to be undertaken jointly by the Contractor, Architect and Fire Engineer: this effectively means they are checking their own work again given they have already approved the potential non compliances – as noted in the meeting with Brad and myself with the Fire Engineer. As advised by Brad in order for the CDHB to have confidence we need an independent Audit.

1. PURPOSE - to ensure that the Contract Works related to passive fire protection are compliant with the Contract

Documents, Instructions, and **Building Code** by undertaking a review of the QA process and the Physical Work on site in conjunction with and collaboration with the Contractor. A review of the QA process will not provide the correct information.

2. SCOPE

Methodology

- All identified items will be individually logged on OmTrak by CPB logged in as Katoa or Aurecon. This may require some grouping to keep the process moving swiftly.
- Ceiling plenums will be identified as being located above the room below as there are no specific allocations in OMTRAK currently for these areas.
- CPB to provide safe access or similar to allow appropriate access for reviewers to undertake the inspection. This to include ladders, elevated platforms, opening ceiling tiles, access hatches or similar and providing adequate lighting to ceiling spaces
- The normal process of identifying OMTRAK items as defects, queries, and disagreed items will be followed and the previous resolution processes agreed. Katoa and Aurecon will not be marking individual defects onto 2D paper drawings. Images and notes within OMTRAK are deemed sufficient.
- Items are to be closed following remediation in the normal fashion. Photographs of remediated work are required in all instances, and specific CPB signoff/visual review noted within OmTrak, is required. The

Consultant team are not expecting to return to visually confirm all items are completed, but reserve the option to do so at their discretion.

QA Processes

The Contractor is to provide the following QA material for review by the consultant team prior to inspecting:

- Updated Passive Fire Register
- Balance of QA information on concealed plasterboard wall joints
- Evidence where the agreed QA for passive fire stopping of services as per CPB Con-GCOR-034854 has been carried out.
- NOTE: there may be more QA information requested as a result of any repeated issues discovered in this inspection

Physical Works

Items to be visually reviewed across the whole of the built works:

- All ceiling plenums for visual compliance of wall and slab Passive Fire/Smoke Rated interventions. This must be destructive not just a visual.
- All Fire Rated plasterboard above ceilings for joint stopping and sacrifice cover sheet installation and for services penetrations destructive testing must occur to ensure the required blocking has been installed
- All areas of exposed slabs in plantrooms and LGF
- All stepped fire wall details above ceilings, ie Stair lobby ceilings, riser extensions next to beams to house fire dampers . All Fire walls must be inspected
 - All fire rated floors where services pass through these floors. This should be every floor
 - Defects to be logged by Aurecon will be the Fire Stopping, penetrations, fire rated floors where services pass through these floors
 - Defects to be logged by Katoa to be ceiling plenums for visual compliance of wall and slab Passive Fire/Smoke Rated interventions; Fire Rated plasterboard above ceilings for joint stopping and sacrifice cover sheet installation; areas of exposed slabs in plantrooms and LGF; stepped fire wall details above ceilings, ie Stair lobby ceilings, riser extensions next to beams to house fire dampers

Items to be visually reviewed in some locations across the built works (These items have already had some extensive Consultant review but not across all the built works.):

- All slip joint details relying on Intuspan fire seals only. This excludes those already visually reviewed during the works within the Wards around Stair 1, Stair 4 and lifts 1 and 9. Project Team to provide proof of visual and destructive testing results of these areas.
- Benched fire wall details at lower ground around hammerheads.

Items that may require physical removal of works to observe:

- Risers that are fully concealed on Ground, Level 1, and L2 previously closed under KAT-RFI-00052. All risers must be inspected
- Any other locations deemed required during the inspection

3. SEQUENCE

1. Level 2
2. Risers Lift Shafts & Stairs originating from L2
3. Level 1
4. Ground Floor
5. Lower Ground Floor
6. Level 3 to 10
7. Risers, Lift Shafts, Stairs - balance

4. PROGRAMME

Inspections to commence on Monday, 21 October 2019, and to be completed and reported by Friday, 25 October 2019, dependent on the number of defects observed. Note that we would expect a review of the first areas at the end of Monday 21 October and Tuesday 22 October to confirm scope of remaining inspections (which may need to

be increased or can be decreased, depending on the extent of non-compliant work discovered). Note this programme will likely require allocation of multiple people from all companies., we have had no time to review, comment or make recommendations prior to the commencement of the audit, this is not an independent Audit as requested

5. BEHAVIOURS

The behaviour of all parties in the inspection team shall be governed by the Project Charter and rules as those active within the general defects inspection process undertaken previously. CPB are to maintain an observer & scribe role during the inspection and to lead the remedial planning and implementation. This is actually governed by the Building code and Manufacturers tested installation process, - How do this cover Engineering Judgements made by the Fire Engineer (who is not trained in Passive fire Engineering) and ones supplied by manufactures who do not have the authority or legal standing to provide engineering judgements

6. DUTY OF CARE

There is a duty of care by all parties during this inspection that where there is obvious Passive Fire defect (not captured in the Scope noted above) that this must also be captured and remediated.

7. FREQUENCY

Initially, all passive fire works scoped above will be reviewed. It is understood that this would mean all penetrations on Level 2 on the podium. If a 100% success rate occurs, the amount of inspections may be reviewed and/or reduced. The inspection may reduce to a minimum of 20% on the remaining floors at the discretion of the inspection team. It is noted however, should any issues occur in any of the areas, the inspection shall be increased or kept to the full 100%. All passive fire works should be inspected by an independent Auditor who is qualified and experienced to do so

8. INSPECTION REPORT

The Report must will be provided by the 25 October 2019 by the Contractor, with assistance from Katoa and Aurecon, and will include a record of all fire cell/zones/areas inspected, when and by whom, along with a detailed list of issues identified from OmTrak and plan and programme for remediation of each issue identified. Penetrations shall be identified by number. A subsequent report may need to be issued after the 25th of October capturing further issues discovered.

9. REMEDIATION

Any defects discovered should be remediated by CPB and related sub trades immediately after inspections are completed, and issues are captured on OmTrak for each area. Should any defects require further clarification from a consultant, the design team will be at hand to assist with the clarification required. After all remedial work is complete, the inspection team leaders for Aurecon & Katoa shall jointly review and close out defects based on contractor evidence in OmTrak, and, if required, revisit any remediated defects as required to enable close out. This suggest that the original installer will complete the remediation with no further on site visual inspection / or destructive test.

Regards

9(2)(a)

Turner & Townsend

Level 1, Awly Building, 287-293 Durham Street, Christchurch 8013
PO Box 1704, Christchurch 8140 New Zealand

9(2)(a) | www.turnerandtowntsend.com

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-----Original Message-----

From: Brad Cabell [<mailto:Brad.Cabell@cdhb.health.nz>]

Sent: Sunday, 20 October 2019 1:24 PM

To: 9(2)(a) @turntown.com>; Simon Hemmings

<Simon.Hemmings@cdhb.health.nz>

Cc: Tony Lloyd@MOH.govt.nz; Terry Walker <Terry.Walker@cdhb.health.nz>; Mary Gordon (Executive Director of Nursing) <Mary.Gordon@cdhb.health.nz>

Subject: Initial passive fire peer review scope

9(2)(a) Tony has advised you have sent a scoping email can you please forward to 9(2)(a) for review and include him and Terry in all correspondence relating to this. I am away for a couple of weeks and I will be checking emails from time to time but my phone isn't totally reliable.

Sent from my iPhone

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Simon Hemmings

From: Brad Cabell
Sent: Thursday, 7 November 2019 4:55 p.m.
To: 9(2)(a)
Cc: Simon Hemmings; Tim Lester
Subject: CDHB Passive Fire requirements MOH v2
Attachments: CDHB Passive Fire requirements MOH v2.docx

FYI sorry about the lateness.

Regards,

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch
Ph: 9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

ASB Hagley Building Project- Passive Fire Review

CDHB passive fire team have been asked to comment on the scope/requirements of the Ministry passive fire review.

CDHB believes that the following should be provided/included:

1) Construction Monitoring / Quality Assurance. – Project team

- Provide copies of CPB installation material matrix solutions as advised by the Fire Engineer and Project Manager,
- Provide copies of construction monitoring reports / QA documents completed by the Fire Engineer.
- Copies of visual and destructive testing of passive fire installations completed by Project team.

2) Construction Monitoring / Quality Assurance. – Manufactures – As advised by Fire Engineer and Project Manager.

- List of all manufacturers / suppliers that have completed construction monitoring / quality assurance inspections as advised by the Fire Engineer.

3) Design Team Engineering Judgements:

- Copies of all completed engineering judgements for design /selection and monitoring of non-tested passive fire installations.
- Copies of any test reports if engineering judgement solutions have subsequently been tested at an accredited test facility.

4) Non-Design Team Engineering Judgments.

- Provide copies of all engineering judged supplied by manufactures, installers and product suppliers.

5) Internal Project Audit – CPB and Design Team.

- List of personnel that have been used to complete the install project audit and their experience to qualify them undertaking the audit.
- Copies of methodology for visual and destructive testing, nos. of samples, locations, criteria for choice etc.
- Copies of all reports and findings including photographs.
- Copies of remediation strategies.
- Copies of all construction monitoring reports for any remediations including photographs.
- Installers details used for remediation if original installer was not used.

Simon Hemmings

From: Simon Hemmings
Sent: Tuesday, 26 November 2019 7:50 p.m.
To: 9(2)(a) Terry Walker; Peter Russell; Brad Cabell
Subject: Second visit to ASB

Chris.

Please can you confirm if Peter and I will be invited to attend site and Observe the fire engineer completing the qa process. 9(2)(a) has advised that he is on site tomorrow and Thursday.

Thanks

Simon

Sent from my Samsung Galaxy smartphone.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Simon Hemmings

From: Simon Hemmings
Sent: Tuesday, 17 December 2019 3:09 p.m.
To: 9(2)(a)
Cc: Peter Russell; Brad Cabell
Subject: RE: ASB Passive Fire QA

Hi 9(2)(a)

Thanks for sending the QA document to Peter and I. I have downloaded it and so far am on page 7. My first question of many no doubt is that a number of items have been marked as "Works Completed" by Installer Name / Installer Company on a specific date and time, should there be a photo of the installation post rectification? from what I can see so far there are none which of course makes it impossible for the CDHB to comment on.

Passive Fire 2019-12-16_16-39_Site_Works_Report.pdf

7 / 2875

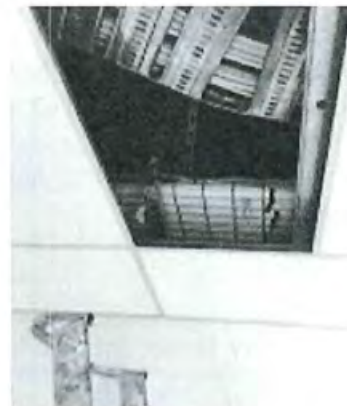
#ISS85697 **PFR sealant not complete**

Work Completed by 9(2)(a) (Endfire Eng
 (WT) WEST TOWER » (L4) FOURTH FLOOR » (4.270) C

Type: (2) CPB Site Visit Report

Sub Type: (1) Defect

Assigned To: Endfire Engineering on Dec 16, 2019
 Documents & Photos



Created by: 9(2)(a) (CPB) on Dec 16, 2019

Thanks

Simon

From: 9(2)(a)@turntown.com>
 Sent: Tuesday, 17 December 2019 12:31 p.m.
 To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
 Cc: Peter Russell <Peter.Russell@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>
 Subject: RE: ASB Passive Fire QA

Simon

I can't seem to make it work on drop box and have sent it through aconex.

TNZ-GCOR-031729

Thanks

9(2)(a)

Turner & Townsend

Level 1, Awly Building, 287-293 Durham Street, Christchurch 8013
 PO Box 1704, Christchurch 8140 New Zealand

9(2)(a) www.turnerandtowntsend.com

Turner & Townsend Thinc New Zealand Pty Ltd
 Co.No.: 4637880

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]
 Sent: Tuesday, 17 December 2019 10:47 AM
 To: 9(2)(a)@turntown.com>
 Cc: Peter Russell <Peter.Russell@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>
 Subject: RE: ASB Passive Fire QA

Hi 9(2)(a)

Drop box via simonjhemmings@gmail.com or pen drive

Cheers

From: 9(2)(a)@turntown.com>
 Sent: Tuesday, 17 December 2019 10:41 a.m.
 To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
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 Subject: RE: ASB Passive Fire QA

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m: 9(2)(a) www.turnerandtowntsend.com

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Co.No.: 4637880

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<image004.png>

<image005.jpg>

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Passive Fire 2019-12-16_16-39_Site_Works_Report.pdf

7 / 2875

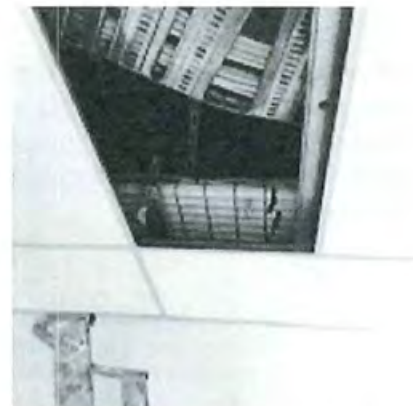
#ISS85697 **PFR sealant not complete**

Work Completed by 9(2)(a) (Endfire Eng
 (WT) WEST TOWER » (L4) FOURTH FLOOR » (4.270) C

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Assigned To: Endfire Engineering on Dec 16, 2019
 Documents & Photos



Created by: 9(2)(a) (CPB) on Dec 16, 2019

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To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>

Cc: Peter Russell <Peter.Russell@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>

Subject: RE: ASB Passive Fire QA

Simon

I can't seem to make it work on drop box and have sent it through aconex.

TNZ-GCOR-031729

Thanks

9(2)(a)

Turner & Townsend

Level 1, Awly Building, 287-293 Durham Street, Christchurch 8013

PO Box 1704, Christchurch 8140 New Zealand

m: 9(2)(a) | www.turnerandtowntsend.com

Turner & Townsend Thinc New Zealand Pty Ltd
Co.No.: 4637880

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]
Sent: Tuesday, 17 December 2019 10:47 AM
To: [9(2)(a)]@turntown.com>
Cc: Peter Russell <Peter.Russell@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: RE: ASB Passive Fire QA

Hi [9(2)(a)]

Drop box via [9(2)(a)] or pen drive

Cheers

From: [9(2)(a)]@turntown.com>
Sent: Tuesday, 17 December 2019 10:41 a.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Cc: Peter Russell <Peter.Russell@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: RE: ASB Passive Fire QA

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You seem to have a file size limit on your inbox.

[9(2)(a)]

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Subject: RE: ASB Passive Fire QA

Simon

Here is the pdf report.

[9(2)(a)]

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 m: 9(2)(a) | www.turnerandtownsend.com

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9(2)(a)

Peter and I both have access to Omtrack system but only for Burwood Spinal. As per Aconnex we need to be invited to the project by the omtrack administrator.

Thanks

From: 9(2)(a) @turntown.com>
Sent: Tuesday, 17 December 2019 8:58 a.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>, 9(2)(a)
 9(2)(a) @fireconnect.co.nz>
Cc: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: RE: ASB Passive Fire QA

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Based on the attached email we understood that you had access though Peter.

Can you please confirm today whether this is not the case and want a pdf version.

Thanks

9(2)(a)

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 Co.No.: 4637880

From: Simon Hemmings [<mailto:Simon.Hemmings@cdhb.health.nz>]
Sent: Friday, 13 December 2019 2:29 PM
To: 9(2)(a) @turntown.com>; 9(2)(a) @fireconnect.co.nz>
Subject: ASB Passive Fire QA

Good Afternoon 9(2)(a)

Following on from my email requests on the 25th November 9.12am and 5th December 8.03am for access to the ASB project passive Fire QA system – Omtrack please can you confirm if access will be

granted or not. As requested by our CEO I have been instructed to complete a report on my observations of the 2 site visits and review of documentation. Brad is putting pressure on me to respond with the report but I am unable to record any positive responses based on the limited access and no information be made available.

If access to omtrack is not a viable option please advise

Regards

Simon

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

<image004.png>

<image005.jpg>

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Simon Hemmings

From: 9(2)(a)@turntown.com>
Sent: Tuesday, 17 December 2019 3:51 p.m.
To: Simon Hemmings
Cc: Peter Russell; Brad Cabell; Terry Walker
Subject: Re: ASB Passive Fire QA

Simon

That is correct - in most instance a photo will be required.
 The status you are using is not a reflection per se that the work is complete but that it has been responded to within OmTrak.

Thanks

9(2)(a)

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 PO Box 1704, Christchurch 8140 New Zealand
 m: 9(2)(a) www.turnerandtowntsend.com

Turner & Townsend Pty Ltd
 ABN [84 115 688 830](http://84115688830)

Sent from my iPhone

On 17/12/2019, at 3:33 PM, Simon Hemmings <Simon.Hemmings@cdhb.health.nz> wrote:

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Same on Page 10, 13, 14, 15 and so on

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<image001.png>

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In this specific instance this is being assigned to a different subcontractor.

Regards

9(2)(a)

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[9(2)(a)]

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Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
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9(2)(a)

<image004.png>

<image005.jpg>

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Simon Hemmings

From: Simon Hemmings
Sent: Wednesday, 18 December 2019 11:04 a.m.
To: 9(2)(a)
Cc: Peter Russell; Brad Cabell; Terry Walker; Tim Lester
Subject: RE: ASB Passive Fire QA

Hi 9(2)(a)

I don't intend to be rude but what you have provided is of no benefit to the CDHB, if the "works complete" does not actually mean the works are complete then what does it mean? As mentioned Brad and I have to respond to our CEO with a recommendation but we have nothing to respond to.

Please can you advise when the Full QA document will be available for review that includes all before, during and after photos and that the people completing the work have been trained by the material manufactures to install the products they are using.

Thanks

Simon

From: 9(2)(a)@turntown.com>
Sent: Tuesday, 17 December 2019 3:51 p.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Cc: Peter Russell <Peter.Russell@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
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 Subject: Re: ASB Passive Fire QA

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Regards

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<image001.png>

Thanks

Simon

Simon Hemmings

From: Brad Cabell
Sent: Wednesday, 29 January 2020 4:18 p.m.
To: 9(2)(a)
Cc: Simon Hemmings
Subject: Passive Fire As discussed

WHAT WE LOOK AT.

Destructive Testing standard items that are checked.

Collars

- 1) Collar is visually installed to manufactures tested solution
- 2) Any physical damage to collar
- 3) Any physical damage to substrate
- 4) correct fixings are used for substrate and collar type,
- 5) smoke seal is installed – depth check

Batt

- 1) Batt is visually installed to manufactures tested solution
- 2) Any physical damage to Batt
- 3) Any physical damage to substrate
- 4) Correct sealant used on surface,
- 5) Ends of batt if exposed have been treated with ablative -correct thickness check
- 6) Small section cut into junction of batt / substrate to ensure full depth of sealant used to adhere to substrate
- 7) Correct fixings if used are suitable – include penny washers / corrects screws
- 8) Small section cut where 2 bats joined together to check full thickness of sealant /ablative used.
- 9) Correct sealant used manufacturers are the same / used fm or HP
- 10) Check visual surface tread patterns to see that they match.
- 11) Cut section out to check surface has sealant / ablative if 2 bats are layered.

Sealant

- 1) Visual review to match manufactures tested solution
- 2) Surface cone depths if required are correct
- 3) Section cut to confirm if annular spacing is equal
- 4) With above also check if correct depth of sealant is used.

For example and not necessarily specific to larger jobs we might do 5% visual and then 5% of the visual inspection are then tested.

Brad Cabell B.App.Sc. M.B.A.
 Programme Director Construction & Property
 Canterbury District Health Board
 230b Antigua Street
 P.O. Box 1600 Christchurch

Simon Hemmings

From: Simon Hemmings
Sent: Wednesday, 5 February 2020 7:45 a.m.
To: Brad Cabell
Subject: FW: Passive Fire Workshop

Hi Brad

Please can you request a copy of the ASB project Passive fire materials solution register / design details (their version of our passive register_ and also ask if I can have access to Omtrack. There has been some confusion as Peter and I both have a log in for Omtrack but only have access tot eh Burwood Spinal project. The report issued by (6000+ pages has photos that are only thumb nail size but are linked to an omtrack file.

Thanks

Simon

From: 9(2)(a)@turntown.com>
Sent: Monday, 3 February 2020 5:59 p.m.
To: Mary Gordon (Executive Director of Nursing) <Mary.Gordon@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; David Meates <David.Meates@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
Cc: Tony.Lloyd@health.govt.nz; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>; Richard French (Anaesthesia SMO) <Richard.French@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>; Angela Mills <Angela.Mills@cdhb.health.nz>; 9(2)(a)@chowhill.co.nz'
 9(2)(a)@aurecongroup.com>
Subject: RE: Passive Fire Workshop

David, Mary, Terry, and Brad,

In advance of the Passive Fire Workshop on the 11 February 2020, can the CDHB please advise if there are any topics, questions or information that you would like to be discussed?

At this stage the high level Agenda we have prepared based on verbal conversations is as follows

- Update On Process and Status
- Destructive Testing
- QA/Reporting/Documentation for PS4

If you could let us know by Wednesday mid-afternoon that would be appreciated.

Regards

9(2)(a)

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-----Original Appointment-----

From: Angela Mills [mailto:Angela.Mills@cdhb.health.nz]

Sent: Thursday, 30 January 2020 8:14 AM

To: Angela Mills; Tony.Lloyd@health.govt.nz; Rob Ojala [REDACTED] Richard French (Anaesthesia SMO); Terry Walker; Tim Lester; Mary Gordon (Executive Director of Nursing); Brad Cabell; Simon Hemmings

Subject: Passive Fire Workshop

When: Tuesday, 11 February 2020 12:00 PM-1:00 PM (UTC+12:00) Auckland, Wellington.

Where: Corporate 343, L3, 32 Oxford Tce

As per Integration meeting.

[REDACTED] please forward to Aurecon members.

Thanks
Angela

Angela Mills
Programme Manager Facilities Development Project

[REDACTED]

<< File: image003.png >>

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Simon Hemmings

From: Simon Hemmings
Sent: Monday, 10 February 2020 11:21 a.m.
To: 9(2)(a)
Cc: Tony.Lloyd@health.govt.nz; 9(2)(a) Brad
 Cabell; Terry Walker
Subject: RE: Passive Fire Workshop

Morning 9(2)(a)

Please can you provide us with the Passive solutions design / install register for our information.

Thanks

Simon

From: 9(2)(a)@turntown.com>
Sent: Monday, 3 February 2020 5:59 p.m.
To: Mary Gordon (Executive Director of Nursing) <Mary.Gordon@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; David Meates <David.Meates@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
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Simon Hemmings

From: Simon Hemmings
Sent: Wednesday, 12 February 2020 3:25 p.m.
To: Brad Cabell; Tim Lester
Subject: ASB Passive Fire Observations
Attachments: ASB passive fire notes.docx

Brad / Tim

Please see noted made so far on the 6200+ page report issued by MOH for ASB/ Hagely.to page 120ish

I have the back up info from the manufacturers if required.

My main concern is the use of the Sika Flex 400 in the slip joints, Sika have advised that the product has NOT been tested for seismic movement nor when it is installed in Gib / Boral. The product is designed and tested to be used in concrete / Masonry for expansion joints only.

From experience and research the limited flexibility of the mastic (25% of elasticity) once installed and dried will mean that in an event the mastic will not stretch or compress and will simply pull / push the substrate its attached too i.e Gib / Boral which will in turn either crack, fracture or blow its fixings.

On a similar note there appears to be extensive use of Intuspan from Ryan Fire inside Gib /Boral slip joints and alike – Ryan Fire and Intu Fire in the UK have advised that this has not been tested for seismic or for use in fire rated slip joints. Again it is designed for masonry / concrete expansion joints only.

Happy to alter anything if required.

Thanks

Simon

Simon Hemmings

Project Manager
 Site Redevelopment
 CDHB
 230b Antigua St
 Christchurch

9(2)(a)

Canterbury
 District Health Board
 Te Poari Hauora o Waitaha

Simon Hemmings

From: Simon Hemmings
Sent: Thursday, 13 February 2020 11:35 a.m.
To: Tim Lester
Subject: FW: ASB Christchurch Non-compliant Installations

Hi Tim

For your Record.

Theses are the photos that started it all, Please note the date September 2019, first invite to discuss concerns was 8/10/19, didn't go to site until November,

For Note.

Alan has trained me in passive fire inspections and defect observations, what I see is what I am have been trained to see.

On Alans Visit and Mine 6 weeks apart we both walked the same route on the lower ground floor, from fire doors on eastern side of ASB length of corridor to far west corner meeting room Alan would have seen the same defects I have seen as Did Peter from M&E.

Thanks

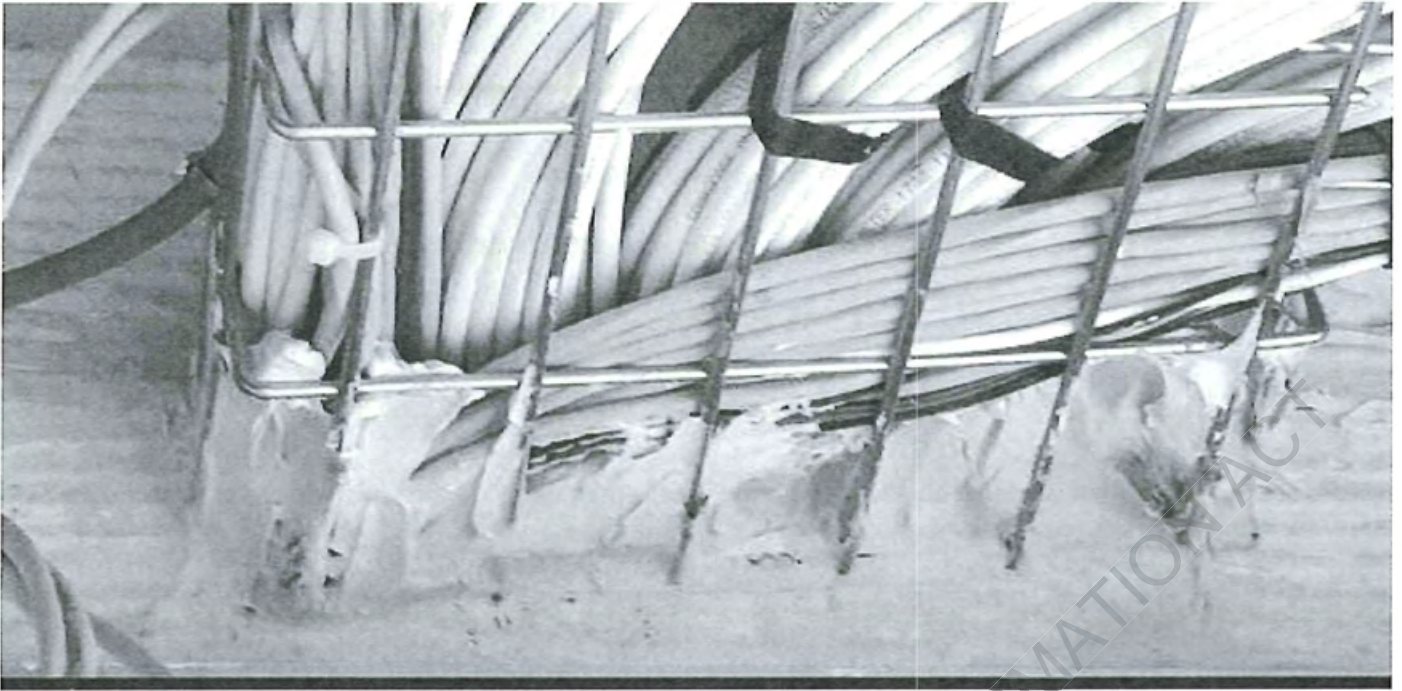
Simon

From: Alan Page <alanp@pfitsconsultancy.co.nz>
Sent: Monday, 30 September 2019 3:38 p.m.
To: [REDACTED] <[REDACTED]@fireconnect.co.nz>
Cc: Tony <tony@pfits.co.nz>
Subject: Re: ASB Christchurch Non-compliant Installations

H [REDACTED]

PFITS were onsite this morning at the invitation of one of our clients to provide technical advice, we noted the following as we were walking to the work site.

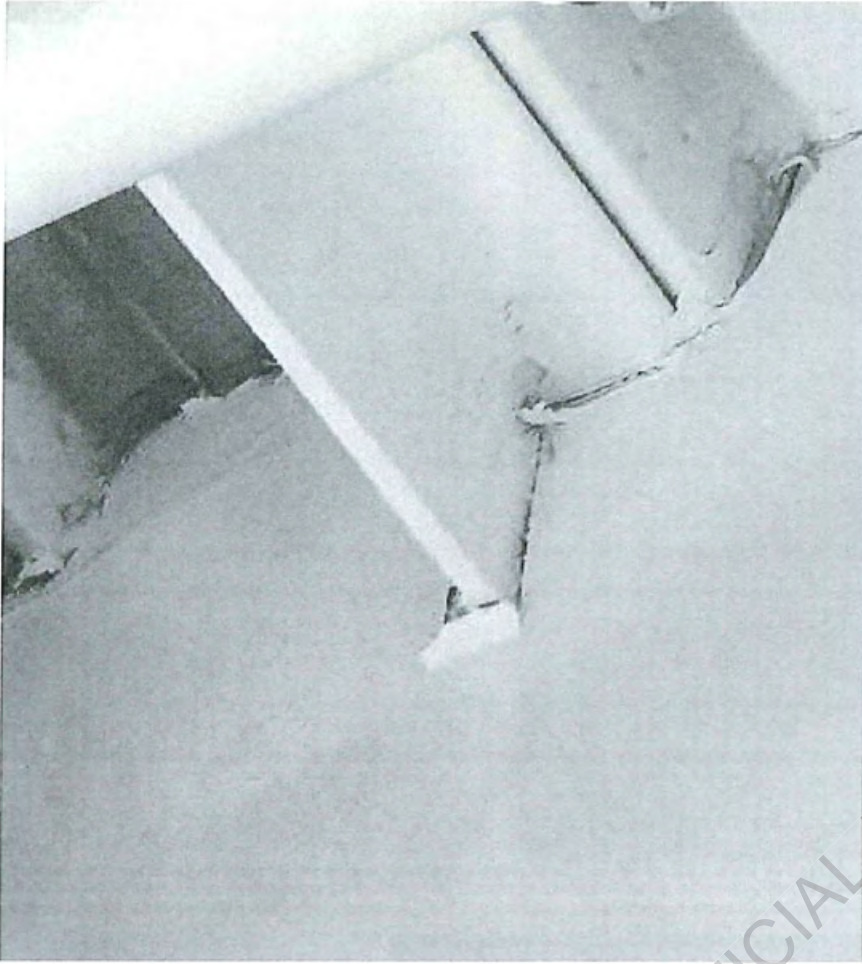
These pictures show non-compliant passive fire which we understand that you have signed off and as a duty of care we need to raise these items with you.



Cable bunches not tested in this configuration.



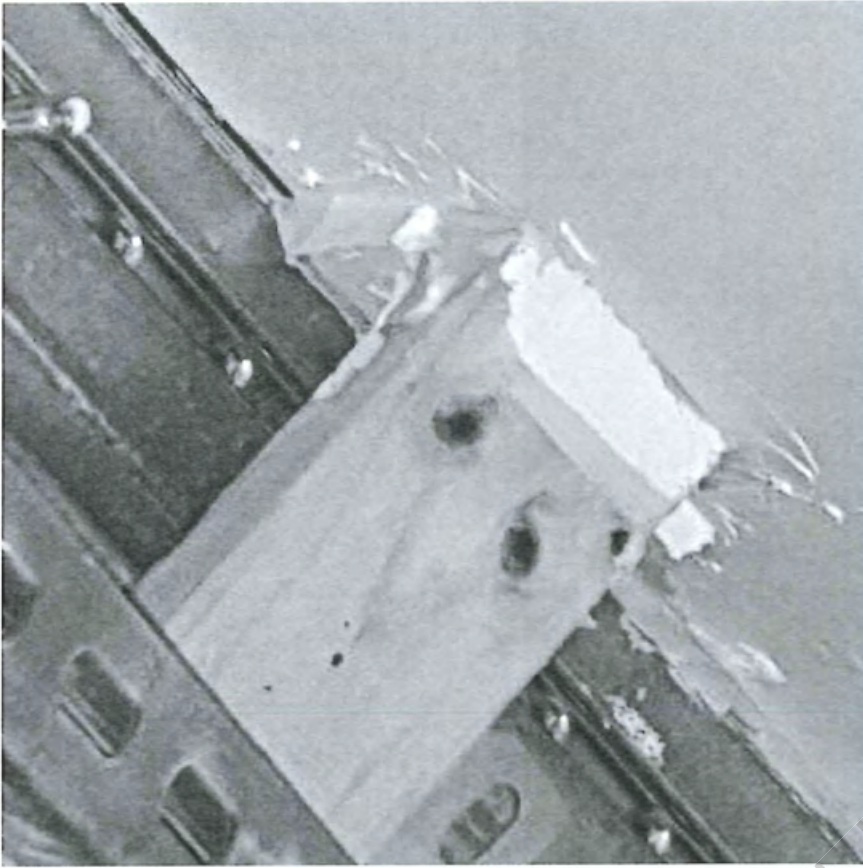
Top of wall Com floor incorrectly sealed.



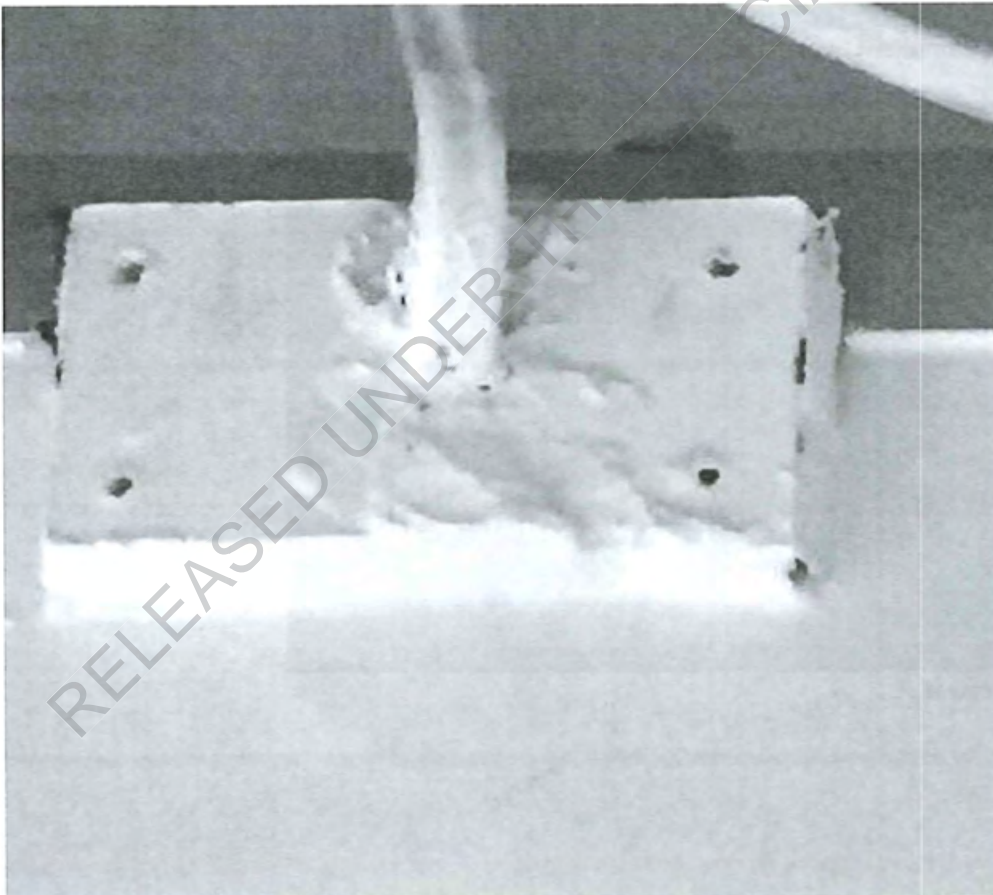
Comfloor to steel penetration non-compliant, wall head non-compliant.



Underside of steelwork through firewall.



Incorrect pattress detail, Has Boral signed this off?

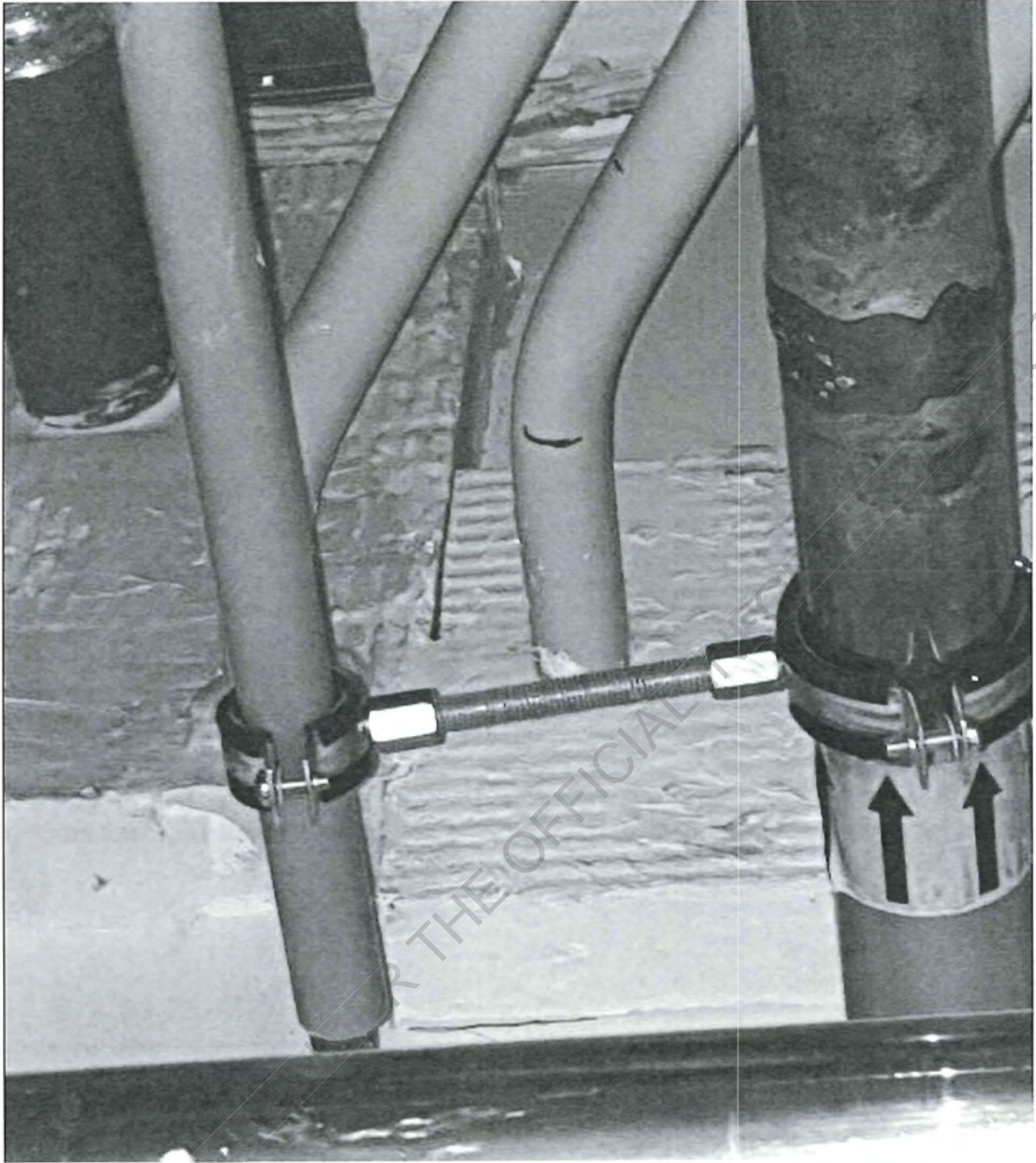


Non-compliant pattress



This appears to be Promat Bulkhead Batt with an unidentified wrap, we understand that Promat has no testing for this.

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Non-compliant passive fire installation.

We note that these are only some of the issue that were identified in a 30 minute period.

Could you please let us know how as a Chartered Engineer you intend to address these issues and provide use with details when these have been resolved.

Kind Regards

Alan

Alan Page
Technical Director Passive Fire

M: +64 27 253 3514
E: alanp@pfitsconsultancy.co.nz
W: www.pfits.co.nz

Simon Hemmings

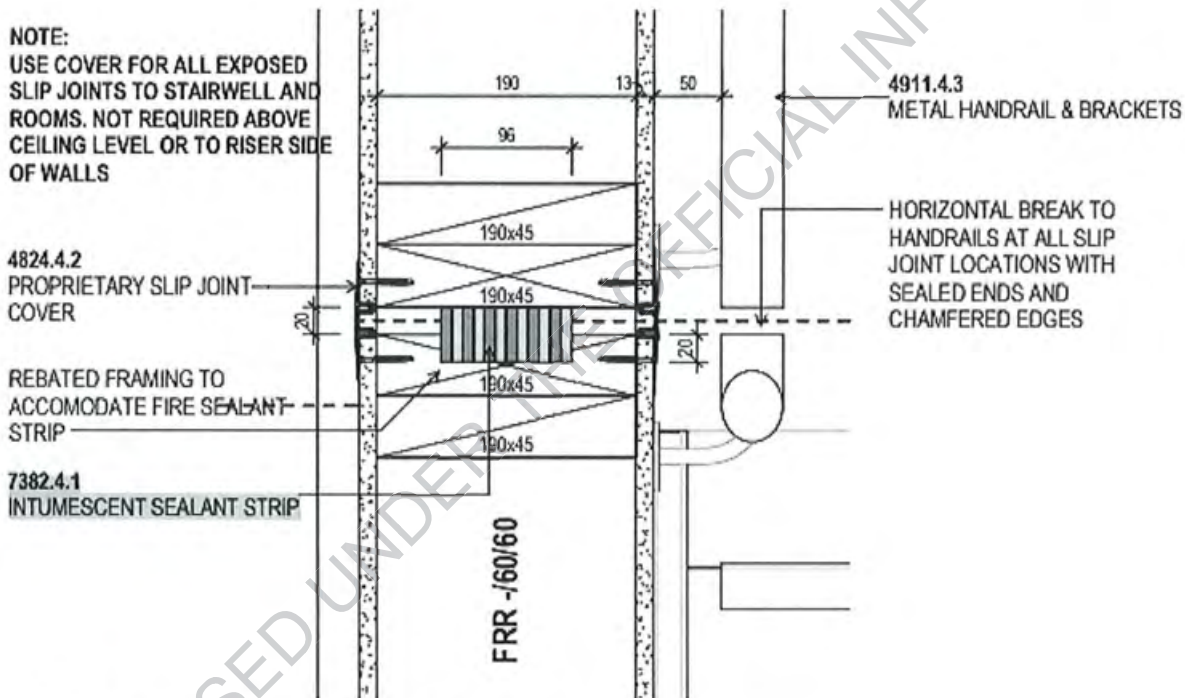
From: Simon Hemmings
Sent: Tuesday, 18 February 2020 1:55 p.m.
To: Brad Cabell
Subject: Intumescent Foam specified on ASB -
Attachments: bj201.pdf

Hi Brad.

The Architectural spec for slip joints specify Fire pro BJ 201 fire seal strip which is tested to AS1530:4 in 1997. – not tested in walls or in plaster.

They have actually used Ryan fire intuspan – which is only tested in expansion joints in concrete and has been assessed for use in masonry. It has not been tested for seismic resistance.

The Katoa base line specification is incorrect



B

STAIR SLIP JOINT DETAIL

AR-34-502

1:5

4 SELECTIONS

Substitutions are not permitted to the following, unless stated otherwise.

4.1 FIRE SEALANT STRIP

Location: Stair Walls and Base
 Type/Brand: Firepro BJ201 Intumescent Fire Sealant Strip
 Dwg Reference: Detail 2 Dwg 32-026

4.2 FIRE PROTECTION BLANKET

Location: Stairwell Walls - Slip Joint
 Lift Pit Rattle Zone below Proprietary Seismic Floor Cover
 Type/Brand: Firefly Intumescent Fire Protection Blanket
 Dwg Reference: Detail B Dwg 34-502

4.3 FIRE RESISTANT SEALANT

Location: Door Jamb
 Type/Brand: Intumex S or similar
 Dwg Reference: Detail 1 Dwg 32-025

Simon Hemmings

Project Manager
 Site Redevelopment

CDHB

230b Antigua St
 Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



Simon Hemmings

From: Simon Hemmings
Sent: Tuesday, 18 February 2020 3:02 p.m.
To: Brad Cabell
Subject: ASB Notes
Attachments: asb notes.xlsx

Hi Brad

As requested,

I have again been through to page 4802 of the 6385, admittedly I read every page to about 200 then started to randomly select pages and review a few items defects on pages either side.

Below are some reoccurring questions mainly around the slip joints and products used, also how timber penetrations are treated. There are very few visible inspections of batt installation more if it covers a slip joint but no testing of fixings or joints.

Sika Flex 400	Please confirm Sika flex 400 fire tested solution and Seismic testing solutions
Intuspan	Please confirm intuspan fire tested solutions and Seismic testing solutions
Intu Batt	Please confirm intuspan seismic tested solutions
Boss FM 300	Please confirm Boss FM 300 seismic tested solutions and fire tested solutions in speed wall
Allproof mastic 310	Please confirm allproof mastic 310 is tested in concrete floors around steel pipes in oversized annuals.
Promat Collar inside Batt	Please confirm if Promat sell red fire collars and are tested when installed inside batt.
exposed timber with sealant	Please confirm sealant types and if solution is tested
Testing	Please confirm if fire test have been completed and confirm that the Lab is IANZ / ISO IEC 17025 -2017 certified

Simon Hemmings

Project Manager
 Site Redevelopment
CDHB
 230b Antigua St
 Christchurch

9(2)(a)

Simon Hemmings

From: Simon Hemmings
Sent: Wednesday, 19 February 2020 10:30 a.m.
To: Brad Cabell
Subject: RE: Intumescent Foam specified on ASB -

Hi Brad.

Further to my email below, I have had confirmation today from Fire pro that the product listed in the specification does NOT have any fire tests under AS 1530.4 for use in any type of Plaster system – Gib / Boral or Other.

Given that this is part of the consent approved documents and has subsequently been switch to an alternative product I am unsure as to how this is to be raised with the MOH team

Happy to provide any further information

Thanks

Simon

From: Simon Hemmings
Sent: Tuesday, 18 February 2020 1:55 p.m.
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: Intumescent Foam specified on ASB -

Hi Brad.

The Architectural spec for slip joints specify Fire pro BJ 201 fire seal strip which is tested to AS1530:4 in 1997. – not tested in walls or in plaster.

They have actually used Ryan fire intuspan – which is only tested in expansion joints in concrete and has been assessed for use in masonry. It has not been tested for seismic resistance.

The Katoa base line specification is incorrect

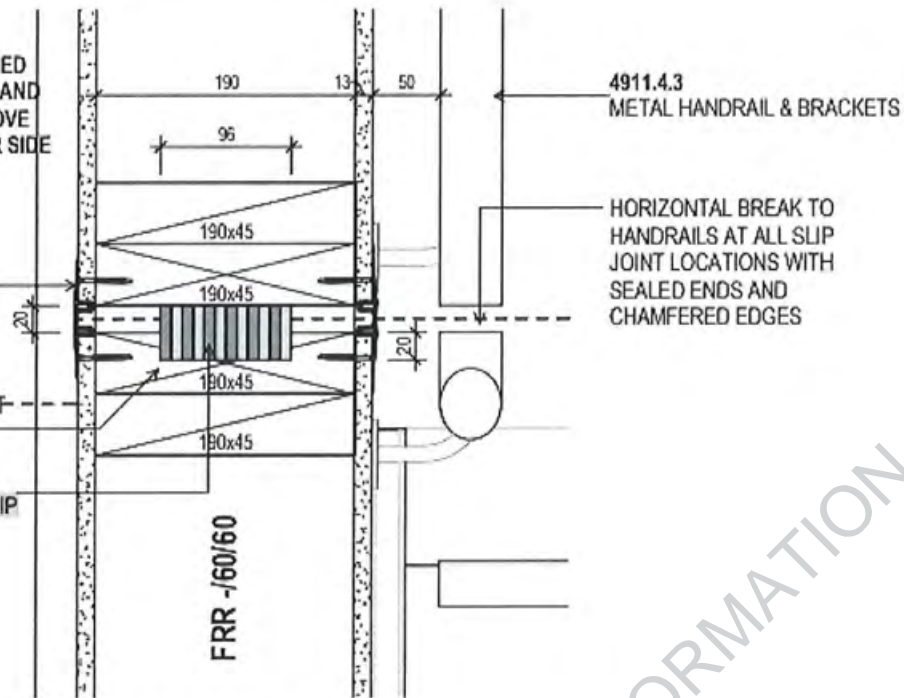
NOTE:

USE COVER FOR ALL EXPOSED SLIP JOINTS TO STAIRWELL AND ROOMS. NOT REQUIRED ABOVE CEILING LEVEL OR TO RISER SIDE OF WALLS

4824.4.2
PROPRIETARY SLIP JOINT COVER

REBATED FRAMING TO ACCOMMODATE FIRE SEALANT STRIP

7382.4.1
INTUMESCENT SEALANT STRIP



B STAIR SLIP JOINT DETAIL
AR-34-502 1:5

4 SELECTIONS

Substitutions are not permitted to the following, unless stated otherwise.

4.1 FIRE SEALANT STRIP

Location: Stair Walls and Base
Type/Brand: Firepro BJ201 Intumescent Fire Sealant Strip
Dwg Reference: Detail 2 Dwg 32-026

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Lift Pit Rattle Zone below Proprietary Seismic Floor Cover
Type/Brand: Firefly Intumescent Fire Protection Blanket
Dwg Reference: Detail B Dwg 34-502

4.3 FIRE RESISTANT SEALANT

Location: Door Jamb
Type/Brand: Intumex S or similar
Dwg Reference: Detail 1 Dwg 32-025

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



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Kay Jenkins

From: Tony.Lloyd@health.govt.nz
Sent: Friday, 6 March 2020 8:48 a.m.
To: John Hansen; Evan Davies; Margaret Wilsher (ADHB); Tony Lanigan; David Meates
Subject: Report back on Priority Areas - Passive Fire Remediation

Dear HRPB members,

As per your request at the last HRPB meeting, I can confirm the following areas are priority for passive fire completion in order to prepare in the event the building is required for a pandemic event:

Areas looking to be used if this scenario were to occur are:

- L4 inc D space for orderlies or support staff
- L7 inc D space for orderlies or support staff
- ICU – all noting likely south and middle pod only. Possible requirement for 4 swing beds in paed's
- Lifts 1, 2, 3, 7, 8, 9 (note 2 and 3 might be out due to bracket remediation)
- ED ambulance bay for vehicle movements
- Path from ambulance doors through ED monitored to lift 1 or lift 9
- LGF corridor
- Fully commissioned – air, water, gases, BMS etc
- Installation of phys mons in ICU
-

CPB continue to report they believe that they will have passive fire remediated by the end of March. We consider mid April would be more likely.

Kind regards

Tony

•
•

Tony Lloyd
 Programme Director
 DHB Performance, Support & Infrastructure
 Ministry of Health

133 Molesworth Street
 PO Box 5013
 WELLINGTON 6011
<mailto:from 29/5/19 tony.lloyd@health.govt.nz>

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Kay Jenkins

From: Tony Lanigan <tony.lanigan@adhb.govt.nz>
Sent: Friday, 6 March 2020 1:02 p.m.
To: Tony.Lloyd@health.govt.nz; John Hansen; Evan Davies; Margaret Wilsher (ADHB); David Meates
Subject: RE: Report back on Priority Areas - Passive Fire Remediation

Thanks Tony for the update.

Regards

Tony

Dr. Tony Lanigan

Group Director Estates

Auckland University of Technology

9(2)(a)

From: Tony.Lloyd@health.govt.nz <Tony.Lloyd@health.govt.nz>
Sent: Friday, 6 March 2020 8:48 AM
To: John Hansen <John.Hansen@cdhb.health.nz>; Evan Davies <evan.davies@adhb.govt.nz>; Margaret Wilsher (ADHB) <MWilsher@adhb.govt.nz>; Tony Lanigan <tony.lanigan@adhb.govt.nz>; David Meates <David.Meates@cdhb.health.nz>
Subject: Report back on Priority Areas - Passive Fire Remediation

Dear HRPB members,

As per your request at the last HRPB meeting, I can confirm the following areas are priority for passive fire completion in order to prepare in the event the building is required for a pandemic event:

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-

CPB continue to report they believe that they will have passive fire remediated by the end of March. We consider mid April would be more likely.

Kind regards

Tony

-
-

Tony Lloyd
 Programme Director
 DHB Performance, Support & Infrastructure
 Ministry of Health

133 Molesworth Street
PO Box 5013
WELLINGTON 6011
<mailto:from 29/5/19 tony.lloyd@health.govt.nz>

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Susan Fitzmaurice

From: David Meates
Sent: Tuesday, 14 April 2020 2:44 p.m.
To: John Hansen; Barry Bragg
Subject: Christchurch Hagley Update

A quick update re Hagley

- Over the weekend Fire testing of the collars inserted around the pipes failed, this means that these collars will need to be replaced it is likely to take a days work and the CPB are looking to do this tomorrow. It is our understanding that CPB will lodge a permit for this as they are in the ICU space (corridors).
- Black Start testing performed well and passed
- There are 110 passive fire defects (in the rest of the building) still to be remediated
- CPU will be issued by CCC either today or Wednesday
- CPB update programme to Tony L – Rest of building is estimated by CPB to be completed by mid June.
- Discussions with Tony, Evan Davies and CPB over weekend. Commercial issues playing out.
- Hose replacements (med gases pendants ICU) have not yet arrived from China.

Ngā mihi

David Meates, MNZM

Chief Executive | Canterbury District Health Board and West Coast District Health Board

T: 03 364 4110 (ext 62110) | E: david.meates@cdhb.health.nz

P O Box 1600, Christchurch 8140

www.cdhb.health.nz | www.westcoastdhb.org.nz



Values – Ā Mātou Uara

Care and respect for others - Manaaki me te whakaūte i te tangata | Integrity in all we do - Hāpai i ā mātou mahi katoa i runga i te pono |

Responsibility for outcomes - Te Takohanga i ngā hua

Simon Hemmings

From: Brad Cabell
Sent: Thursday, 23 April 2020 4:17 p.m.
To: [REDACTED] Angela Mills
Cc: Simon Hemmings
Subject: RE: Link Brige to CWH

Thanks hence my commentary. I want to ensure there is no risk to code compliance.

Brad Cabell B.App.Sc. M.B.A.
 Programme Director Construction & Property
 Canterbury District Health Board
 230b Antigua Street
 P.O. Box 1600 Christchurch

[REDACTED]

From: [REDACTED]@turntown.com>
Sent: Thursday, 23 April 2020 3:27 PM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>; Tony Smith <Tony.Smith@cdhb.health.nz>
 [REDACTED] Angela Mills <Angela.Mills@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Link Brige to CWH

Brad

CDHB are responsible for managing and delivering these works. However, as these works are being undertaken prior to Code Compliance these works will need to be reviewed and inspected by Aurecon and documentation will need to be supplied for the Code Compliance Lodgement to Council.

Thanks

[REDACTED]

Turner & Townsend

Level 1, Awly Building, 287-293 Durham Street, Christchurch 8013
 PO Box 1704, Christchurch 8140 New Zealand

[REDACTED]

www.turnerandtowntsend.com

Turner & Townsend Thinc New Zealand Pty Ltd
 Co.No.: 4637880

From: [REDACTED]@nzdata.co.nz]
Sent: Thursday, 23 April 2020 3:08 PM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>; Tony Smith <Tony.Smith@cdhb.health.nz>
 [REDACTED] Angela Mills
 <Angela.Mills@cdhb.health.nz>
Cc: [REDACTED] Simon Hemmings
 <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Link Brige to CWH

"Don't get caught out" - This email has come from an external source. Do not click on any links or open any attachments unless you are expecting them.

Brad

Just tried to call you

Cheers

9(2)(a)

NZ Data Ltd
Phone 0508-NZDATA

9(2)(a)



From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]

Sent: Thursday, 23 April 2020 3:05 p.m.

To: Tony Smith <Tony.Smith@cdhb.health.nz>; 9(2)(a) @turntown.com> 9(2)(a)

9(2)(a)

Angela Mills <Angela.Mills@cdhb.health.nz>

9(2)(a)

Subject: RE: Link Brige to CWH

Further to below I need some clarification as to who is signing off on these installs from a fire protection perspective. I believe this work is under the CDHB ISG control hence my involvement. It has been brought to my attention that the install of these voice ties will be in the link tunnel going through a wall which has fire penetration materials which are manufactured by Boss. The products include but are not limited to Boss fire mastic 300, Boss fire mortar 360 and Boss fire batts(I stand corrected if I haven't got the exact terminology correct). I want to ensure that there is no mixing of products as I understand that NZ data were looking to use Hilti fire collars in conjunction with the above mentioned products. This type of install is, I believe, non-compliant and should not happen. The use of dissimilar manufacturers materials is not a tested system and nor does it comply with the building act. This is simple to rectify by just using a Boss fire collar.

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

From: Tony Smith <Tony.Smith@cdhb.health.nz>

Sent: Thursday, 23 April 2020 2:33 PM

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>

9(2)(a)

Subject: Link Brige to CWH

Hi Brad

Regarding the fire penetrations between the Link bridge and CWH, the work is to be done by NZData. Please let me know the outcome of discussions and if there is anything I need to do.

9(2)(a)

Cheers

From: Brad Cabell
Sent: Thursday, 23 April 2020 2:24 PM
To: Tony Smith <Tony.Smith@cdhb.health.nz>
Subject:

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

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Simon Hemmings

From: Simon Hemmings
Sent: Wednesday, 23 September 2020 1:31 p.m.
To: Tim Lester; Brad Cabell
Subject: Sika Flex 400 and Intuspan in Gib / Boral walls / Joints
Attachments: asb notes.xlsx; ASB passive fire notes.docx; FW: intuspan inside gib fire wall intersection ; Re: intuspan inside gib fire wall intersection ; Sikaflex 400 Fire - Test Reports ; RE: intuspan inside gib fire wall intersection covered with Sika Flex 400.; TNZ-GCOR-031729: Passive Fire - OmTrak

Info found so far

The email named TNZ GCOR Pqassive Fire Omtrak is the report we collected the info from Ontrak

Extract:

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#ISS80621 PFR slip joint incomplete (GC)

Work Completed by 9(2)(a) (The Connect Group) on Jan 16, 2020 1:31 PM

(P) PODIUM » (G) GROUND FLOOR » (G.583) 8 BEDS

Type: (1) Consultant Site Visit Report

Sub Type: (5) Defect

Katoa Comments: (NIT) New Item

Aurecon Comments: (NI) New Item

Fire Zone Level: Ground

Fire Zone: G12

Assigned To: The Connect Group on Oct 31, 2019

Documents & Photos



Created by: Andrew Fowler (Aurecon) on Oct 31, 2019

Correspondence & History

Jan 16, 2020 1:31 PM - Reuben Harvey (The Connect Group): Job completed. Slip joint resealed with Sika flex 400 fire sealant. Please see before and after photo.

Jan 16, 2020 1:31 PM 9(2)(a) (The Connect Group): Work Completed

Dec 13, 2019 4:13 PM 9(2)(a) (CPB): Assigned

Dec 12, 2019 3:45 PM 9(2)(a) (CPB): Updated

Dec 3, 2019 3:38 PM 9(2)(a) (CPB): please comment with what exactly has been done here and what products have been used

Dec 2, 2019 1:29 PM 9(2)(a) (The Connect Group): Work Completed

Nov 29, 2019 2:03 PM 9(2)(a) (The Connect Group): In Progress

Nov 26, 2019 9:36 AM 9(2)(a) (CPB): Assigned to The Connect Group

Nov 13, 2019 3:46 PM 9(2)(a) (CPB): Assigned to CPB

Nov 13, 2019 3:46 PM 9(2)(a) (CPB): Updated

Nov 4, 2019 11:08 AM 9(2)(a) (The Connect Group):



From an Email from 9(2)(a) 21/10/19 to Brad Me and Terry

Items to be visually reviewed in some locations across the built works (These items have already had some extensive Consultant review but not across all the built works.):

- All slip joint details relying on Intuspan fire seals only. This excludes those already visually reviewed during the works within the Wards around Stair 1, Stair 4 and lifts 1 and 9.
- Benched fire wall details at lower ground around hammerheads.

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



Simon Hemmings

From: 9(2)(a)@nz.sika.com>
Sent: Thursday, 24 September 2020 10:23 a.m.
To: Simon Hemmings
Cc: 9(2)(a)
Subject: FW: Sika Flex 400[EXTERNAL SENDER]

Hi Simon

We have no fire test certificates or reports for Sikaflex 400 Fire and plasterboard substrates.

Best Regards

9(2)(a)

BUILDING TRUST



9(2)(a)

Sika (NZ) Ltd.
85-91 Patiki Road - 1026 Auckland

Phone: 9(2)(a)

9(2)(a)

From: 9(2)(a)@nz.sika.com>
Sent: Thursday, September 24, 2020 8:47 AM
To: 9(2)(a)@nz.sika.com>
Subject: FW: Sika Flex 400

9(2)(a)
Hi

Could you please assist with this email to the customer RE testing of the Sikaflex 400 Fire. I spoke to this guy about 8-10 months ago and sent him all of the test data for the 400 Fire but he is fighting with the applicators because they used it when they were told they shouldn't have.

He is wanting us to confirm that we do not have test data for the situation below.

Cheers

BUILDING TRUST



9(2)(a)

Sika (NZ) Ltd.

53 Edmonton Road - 8042 Christchurch

9(2)(a)

From: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>

Sent: Thursday, September 24, 2020 8:21 AM

To: 9(2)(a) <[REDACTED]@nz.sika.com>

Subject: Sika Flex 400

H 9(2)(a)

Further to our conversation yesterday please can you confirm if Sika have current test certificates for Sika flex 400 when used in a seismic slip joint on a stud wall with either Gib / Boral Board as the substrate, the sika flex 400 is being used a fire seal.

Thanks

Simon

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



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Simon Hemmings

From: Simon Hemmings
Sent: Thursday, 24 September 2020 11:43 a.m.
To: Brad Cabell; Edward Griffiths
Cc: 9(2)(a)
Subject: Passive fire Concerns raised and require addressing

Product	Description / Location	CDHB Concerns
Sika Flex 400	Sika flex 400 sealant used to close seismic gaps to walls constructed of Plaster Board (Boral / Gib)	CDHB raise concerns that the sealed using a mastic product been tested or designed to be in combination with plaster b
Intuspan	Ryan Fire - intuspan used to close seismic gaps to wall constructed of Plasterboard (Boral / Gib)	CDHB raise concerns that the sealed using a mastic / Foam not been tested or designed t used in combination with pla:
Boss FM 300	Boss FM 300 used in seismic joint between plasterboard and Speed wall,	CDHB raise concerns that the sealed using a mastic product tested or designed to be used combination with plaster boa Boss are CDHB primary passiv we hold all current test data j
Allproof mastic 310	Please confirm allproof mastic 310 is tested in concrete floors around steel pipes in oversized annuals.	CDHB raise concerns that the the manufactures tolerance f. between pipe and edge of an.
Promat Collar inside Batt	Please confirm if Promat sell red fire collars and are tested when installed inside batt.	CDHB raise concerns that a p installed into a passive fire bc manufacturers

Simon Hemmings

Project Manager
 Site Redevelopment
 CDHB
 230b Antigua St
 Christchurch

9(2)(a)

Simon Hemmings

From: Simon Hemmings
Sent: Thursday, 24 September 2020 2:59 p.m.
To: 9(2)(a)
Cc: Edward Griffiths; 9(2)(a) Brad Cabell
Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]From Subject Received Size Categories

9(2)(a)

Sika Flex 400 is a mastic sealant designed and tested for Control Joints in concrete based substrates – Walls and Floors, it has not been tested for seismic flexibility nor when applied in plaster board. As below movement capability once product has set is between 25 and 35%

This means it can expand and contract over a slow cycle. Not in an earthquake – having spoken to Sika they advised that it would simply snap the boards at the slip joint. More importantly its never been tested in a timber / metal stud plaster wall.

Thanks

Simon

Hi Simon

We have no fire test certificates or reports for Sikaflex 400 Fire and plasterboard substrates.

Best Regards

9(2)(a)

BUILDING TRUST



9(2)(a)

Sika (NZ) Ltd.

85-91 Patiki Road - 1026 Auckland

9(2)(a)

From: 9(2)(a) <[redacted]@proj-x.co.nz>

Sent: Thursday, 24 September 2020 2:52 p.m.

To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>

Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; 9(2)(a) <[redacted]@proj-x.co.nz>; Brad Cabell

<Brad.Cabell@cdhb.health.nz>

Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]

Can you please assist....

From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]

Sent: Thursday, September 24, 2020 2:50 PM

To: 9(2)(a) [redacted]@proj-x.co.nz>

Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; 9(2)(a) [redacted]@proj-x.co.nz>

Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]

Sorry I don't know. Best to ask Simon around the specifics. My gut feel is it will be about test certification.

From: 9(2)(a) [redacted]@proj-x.co.nz>

Sent: Thursday, 24 September 2020 2:49 PM

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>

Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; 9(2)(a) [redacted]@proj-x.co.nz>

Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]

Gents,

Just so I can be educated the NZ Sika Flex 400 data sheet has the following:

Secant Tensile Modulus	~0.30 N/mm ² at 100 % elongation (23 °C) ~0.45 N/mm ² at 100 % elongation (-20 °C)
Elongation at Break	~650 %
Elastic Recovery	~85 %
Tear Propagation Resistance	~5.0 N/mm
Movement Capability	±25 % ±35 %
Resistance to Fire	Refer to 'Approvals / Certificates', Sika P or contact Sika Technical Services for sp
Service Temperature	-40 °C to + 70 °C
Joint Design	Refer to 'Approvals / Certificates', Sika P or contact Sika Technical Services for sp

This has elastic recovery and flex information and they call it a flexible product.

What am I missing here and I expect there is something? Are the building internal wall movements outside of this range?

9(2)(a) [redacted]

Simon Hemmings

From: Simon Hemmings
Sent: Thursday, 24 September 2020 3:11 p.m.
To: 9(2)(a)
Cc: Edward Griffiths; 9(2)(a) Brad Cabell
Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]
Attachments: Sikaflex-400 Fire - Test Report - Exova fire resistance test.pdf; Sikaflex-400 Fire - Test Report - CSIRO fire resistance test - FSP 1839.pdf; Sikaflex-400 Fire - Test Report - CSIRO fire resistance test - FSP 1819.pdf

9(2)(a)
Hi

Here are the test reports for Sika Flex 400, as it states on each test they have only ever been tested in Concrete based.

Blow is the snip of Items #ISS 81186 from Page 27 of the last report we received from MOH on the remediation Total pages 6385, this defect reoccurs every few pages – I reviewed in detail upto page 2000 and scrim read after that

RELEASED UNDER THE OFFICIAL INFORMATION ACT

#ISS81186 **PFR cut back cover sheet. CSR**

Work Completed by ^{9(2)(a)} (The Connect Group) on Jan 9, 2020
(P) PODIUM » (L1) FIRST FLOOR » (1.345) TROLLEY BED HOLD

Type: (1) Consultant Site Visit Report

Sub Type: (5) Defect

Katoa Comments: (NIT) New Item

Aurecon Comments: (NI) New Item

Fire Zone Level: Level 1

Fire Zone: 1F8

Assigned To: The Connect Group on Nov 5, 2019

Documents & Photos



Created by: ^{9(2)(a)} (Aurecon) on Nov 4, 2019

Correspondence & History

Jan 9, 2020 11:52 AM - Reuben Harvey (The Connect Group): Sealed with sika flex 400 fi



Jan 9, 2020 11:52 AM - ^{9(2)(a)} (The Connect Group): Work Completed

Jan 6, 2020 1:25 PM - ^{9(2)(a)} (CPB): Connect group, please ensure the slip joint i
close out

From: ^{9(2)(a)} <[redacted]@proj-x.co.nz>
Sent: Thursday, 24 September 2020 2:52 p.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>

Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; [REDACTED] Brad Cabell
 <Brad.Cabell@cdhb.health.nz>
 Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]

Can you please assist....

From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]

Sent: Thursday, September 24, 2020 2:50 PM

To: [REDACTED]@proj-x.co.nz

Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; [REDACTED]@proj-x.co.nz

Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]

Sorry I don't know. Best to ask Simon around the specifics. My gut feel is it will be about test certification.

From: [REDACTED]@proj-x.co.nz

Sent: Thursday, 24 September 2020 2:49 PM

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>

Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; [REDACTED]

Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]

Gents,

Just so I can be educated the NZ Sika Flex 400 data sheet has the following:

Secant Tensile Modulus	~0.30 N/mm ² at 100 % elongation (23 °C) ~0.45 N/mm ² at 100 % elongation (-20 °C)
Elongation at Break	~650 %
Elastic Recovery	~85 %
Tear Propagation Resistance	~5.0 N/mm
Movement Capability	±25 % ±35 %
Resistance to Fire	Refer to 'Approvals / Certificates', Sika P or contact Sika Technical Services for spe
Service Temperature	-40 °C to + 70 °C
Joint Design	Refer to 'Approvals / Certificates', Sika P or contact Sika Technical Services for spe

This has elastic recovery and flex information and they call it a flexible product.

What am I missing here and I expect there is something? Are the building internal wall movements outside of this range?

[REDACTED]

Simon Hemmings

From: Simon Hemmings
Sent: Thursday, 24 September 2020 3:11 p.m.
To: [REDACTED]
Cc: Edward Griffiths [REDACTED] Brad Cabell
Subject: RE: Cover Letter 2.pdf[EXTERNAL SENDER]
Attachments: Sikaflex-400 Fire - Test Report - Exova fire resistance test.pdf; Sikaflex-400 Fire - Test Report - CSIRO fire resistance test - FSP 1839.pdf; Sikaflex-400 Fire - Test Report - CSIRO fire resistance test - FSP 1819.pdf

H [REDACTED]

Here are the test reports for Sika Flex 400, as it states on each test they have only ever been tested in Concrete based.

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Jan 9, 2020 11:52 AM ^{9(2)(a)} (The Connect Group): Work Completed

Jan 6, 2020 1:25 PM - ^{9(2)(a)} (CPB): Connect group, please ensure the slip joint i
close out

Simon Hemmings

From: Mark Newsome
Sent: Tuesday, 29 September 2020 2:04 p.m.
To: Angela Mills; Edward Griffiths; Simon Hemmings; Rob Ojala; Terry Walker
Subject: Re: Access to ASB

All

I have spoken with Tony Lloyd and sent him the draft report. He will review and respond as to his position on the plan we have in place.

At this stage keep planning for Friday's inspection.

Have cc'd Terry in as his team will be coordinating access.

Cheers

Mark Newsome

On 29/09/2020, at 13:38, Angela Mills <Angela.Mills@cdhb.health.nz> wrote:

Sounds a sensible start with no damage caused

From: Edward Griffiths
Sent: Tuesday, 29 September 2020 12:31 PM
To: Angela Mills <Angela.Mills@cdhb.health.nz>
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>;
 Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Access to ASB

Hi Angela,

I believe the plant rooms may be a good place to check and also the undercroft where a plate has been screwed to the wall instead of gib. We are in the process of arranging access with M&E.

We will go and look at places that have the gib cover over the seismic joint.

Cheers

Ed

From: Angela Mills <Angela.Mills@cdhb.health.nz>
Sent: Tuesday, 29 September 2020 11:33 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: Re: Access to ASB

Can I please remind all we do not legally own this building yet and any penetration has to have permit as damage has been done before as a result of similar and unknown services behind walls.

Get Outlook for iOS

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Sent: Tuesday, September 29, 2020 11:25 AM
To: Edward Griffiths; Angela Mills
Cc: Simon Hemmings; Mark Newsome
Subject: Re: Access to ASB

Thanks Ed - given the magnetic this issue - if it is unavoidable to do some destructive investigation then you have my permission to undertake this but please do so in consultation with Angela Mills and if there are any issues please contact Mark Newsome (whom I've cced)

From: Angela Mills <Angela.Mills@cdhb.health.nz>
Sent: Tuesday, September 29, 2020 11:14:37 AM
To: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Access to ASB

Visit to Hagley LGF and GF approved for 10am Friday.

Please advise me of where you are lifting tiles so a cleaner can be sent to clean the floor post.

Please avoid wards, L1, Sterile Services.

No permission to cut gib at all.

Thanks

From: Edward Griffiths
Sent: Tuesday, 29 September 2020 10:47 AM
To: Angela Mills <Angela.Mills@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Access to ASB

Hi Angela,

At this stage assume a walk and lifting ceiling tiles momentarily – on Friday mid-morning. We will aim to avoid clinical spaces.

I will await confirmation from Rob Ojala regarding removal of gib. We are tentatively lining up contractors to remove gib on Friday if required.

Cheers

Edward

From: Angela Mills <Angela.Mills@cdhb.health.nz>
Sent: Tuesday, 29 September 2020 10:34 AM
To: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Access to ASB

Hi

I just needed to know if it is a walk only, or if you are removing a ceiling tile momentarily.

Removing gib board is out of the question at this stage as the building will have completed a clinical clean and that is incredibly invasive. Whom has asked you to remove the gib walls?

If you have a higher level request ie from CEO as this could impact on go / no go then you will need a permit submitted to M&E. Not to mention the building is still crawling with contractors so you will be seen doing something invasive.

Thanks
Angela

From: Edward Griffiths
Sent: Tuesday, 29 September 2020 9:48 AM
To: Angela Mills <Angela.Mills@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Access to ASB
Importance: High

Hi Angela,

-Confidentially-

Without getting into detail, there are some concerns regarding compliance with the Building Code.

Proposed attendees on Friday are Rob Ojala, Mark Newsome (external consultant), (external consultant), Brad Cabell – and possibly a couple of specialist contractors.

If we were to remove the gib board from the walls on Friday (or at a later date) what is the approval process to do this?

Thanks

Edward

From: Angela Mills <Angela.Mills@cdhb.health.nz>
Sent: Monday, 28 September 2020 11:23 AM
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Dale Kennedy (Project Manager) <Dale.Kennedy@cdhb.health.nz>
Subject: Re: Access to ASB

Hi

Depends on what you are wanting to do?

Thanks

Get Outlook for iOS

From: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Sent: Monday, September 28, 2020 10:44 AM
To: Angela Mills

Cc: Edward Griffiths
Subject: Access to ASB

Hi Angela

Please can you confirm what we need to complete to request access to ASB,

This will be for at least 3 People.

Thanks

Simon

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

<image001.png>

<image002.jpg>

<image003.jpg>

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Simon Hemmings

From: Mark Newsome
Sent: Tuesday, 29 September 2020 2:04 p.m.
To: Angela Mills; Edward Griffiths; Simon Hemmings; Rob Ojala; Terry Walker
Subject: Re: Access to ASB

All

I have spoken with Tony Lloyd and sent him the draft report. He will review and respond as to his position on the plan we have in place.

At this stage keep planning for Friday's inspection.

Have cc'd Terry in as his team will be coordinating access.

Cheers

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Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
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Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: Re: Access to ASB

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From: Mark Newsome
Sent: Tuesday, 29 September 2020 3:11 p.m.
To: Angela Mills; Edward Griffiths; Simon Hemmings; Rob Ojala; Terry Walker; Brad Cabell^{9(2)(a)}
Subject: Re: Access to ASB

All

Have had further contact with Tony Lloyd. His position is that the joint does not by code require both fire rating and seismic. It is required to do one or the other. This is why there is a secondary passive fire system for each joint.

He has suggested a conversation with the consultant team and the DHB. Am stepping through getting this set up.

In the meantime, in communication with Rob, we should proceed with our plan and Friday's visit. No destructive works should be undertaken if visibility of the joints can be achieved at the locations previously discussed.

Cheers

Mark Newsome

On 29/09/2020, at 14:04, Mark Newsome <Mark.Newsome@cdhb.health.nz> wrote:

All

I have spoken with Tony Lloyd and sent him the draft report. He will review and respond as to his position on the plan we have in place.

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Subject: RE: Access to ASB

Hi Angela,

Simon Hemmings

From: Simon Hemmings
Sent: Tuesday, 29 September 2020 11:36 a.m.
To: Angela Mills; Rob Ojala; Edward Griffiths
Subject: RE: Access to ASB

We are trying to find a few areas that don't have the sacrificial gib on to inspect on lower gf and gf

From: Angela Mills <Angela.Mills@cdhb.health.nz>
Sent: Tuesday, 29 September 2020 11:33 a.m.
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
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Get [Outlook for iOS](#)

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Sent: Tuesday, September 29, 2020 11:25 AM
To: Edward Griffiths; Angela Mills
Cc: Simon Hemmings; Mark Newsome
Subject: Re: Access to ASB

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Sent: Tuesday, September 29, 2020 11:14:37 AM
To: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
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Thanks

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Sent: Tuesday, 29 September 2020 10:47 AM
To: Angela Mills <Angela.Mills@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: RE: Access to ASB

Hi Angela,

Simon Hemmings

From: Simon Hemmings
Sent: Tuesday, 29 September 2020 1:24 p.m.
To: Edward Griffiths; Rob Ojala; Brad Cabell
Subject: FW: Control Joint Fire Stopping[EXTERNAL SENDER]

Gents

Do we need permission to photograph the investigation areas?

-----Original Message-----

From: [REDACTED] <[REDACTED]@aquacoustics.biz>
 Sent: Tuesday, 29 September 2020 1:21 p.m.
 To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
 Subject: RE: Control Joint Fire Stopping[EXTERNAL SENDER]

Excellent Simon, thank you for attending to this so quickly.

I'll finish the edits tomorrow and resend you the report (in draft) so that it can be distributed for reference during Friday's meeting.

Yes, I'll be bringing a good camera along, but I'll probably need authorization to use it on site.

With kindest regards,

[REDACTED]

[REDACTED] s.), MSFPE, MNFPA, CMEngNZ, Int.

FireNZE (a trading division of Aquacoustics Limited)

[https://urldefense.com/v3/_http://www.fire.aquacoustics.biz_!!NUwMCyKv!LS049BUq4TgUW3JsGSVRrEiX_WplC5hBnglW-tjePOCB-v8zp0sUXW4_ic3pPLOqCzaj-Q\\$](https://urldefense.com/v3/_http://www.fire.aquacoustics.biz_!!NUwMCyKv!LS049BUq4TgUW3JsGSVRrEiX_WplC5hBnglW-tjePOCB-v8zp0sUXW4_ic3pPLOqCzaj-Q$)

[REDACTED]

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-----Original Message-----

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]

Sent: Tuesday, 29 September 2020 12:19 PM
 To: [REDACTED]@aquacoustics.biz
 Subject: RE: Control Joint Fire Stopping[EXTERNAL SENDER]

Hi [REDACTED]

Please see our comments in the report , as mentioned only very minor, one question

Please can we keep the report open until you have been to site as it might be worth you adding a few photos in the appendix

Or it can be issued out and then rev 1 could be the photos added,

Thanks

Simon

-----Original Message-----

From: [REDACTED]@aquacoustics.biz
 Sent: Tuesday, 29 September 2020 9:20 a.m.
 To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
 Subject: RE: Control Joint Fire Stopping[EXTERNAL SENDER]

Email instructions received Simon.

I'll see what I can arrange for Friday (arriving first flight, departing mid-evening) and get back to you before the end of the day.

In the interim, would you please complete you editorial of the formatted draft report so I can get this released.

With kindest regards,

[REDACTED]

FireNZE (a trading division of Aquacoustics Limited)
[https://urldefense.com/v3/__http://www.fire.aquacoustics.biz__;!!NUwMCyKv!LPiEjSfbl-Du7NYJ-F8IFYseZhqk2lUnxEmv3BRBRq6BMfsUqtgR1wDzhJhRphDFdbV_9w\\$](https://urldefense.com/v3/__http://www.fire.aquacoustics.biz__;!!NUwMCyKv!LPiEjSfbl-Du7NYJ-F8IFYseZhqk2lUnxEmv3BRBRq6BMfsUqtgR1wDzhJhRphDFdbV_9w$)

[REDACTED]

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From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]
 Sent: Tuesday, 29 September 2020 9:14 AM
 To: [REDACTED]@aquacoustics.biz
 Cc: Edward Griffiths
 Subject: RE: Control Joint Fire Stopping[EXTERNAL SENDER]

Hi [REDACTED]

Thanks for the report, the powers that be have asked if you can be in Christchurch on Thursday (Friday is second option) for a site visit and to discuss the report,

Please take this as an instruction to purchase tickets as required,

I will collect you from the airport and drop you off when we are finished,

Thanks

Simon

-----Original Message-----

From: [REDACTED]@aquacoustics.biz
 Sent: Monday, 28 September 2020 3:38 p.m.
 To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
 Subject: RE: Control Joint Fire Stopping[EXTERNAL SENDER]

Received thank you Simon.

The proposed edits are all fine (nothing controversial).

I will hold off completing these until you have had the opportunity of reviewing the draft report. This also gives me some time away from the document before I complete my own final review.

With kindest regards,

[REDACTED]

FireNZE (a trading division of Aquacoustics Limited)
[https://urldefense.com/v3/__http://www.fire.aquacoustics.biz__;!!NUwMCyKv!OJWsdEGhNpNDeXWng04U3SmCTF1MRMky7txSSsPEOUwCEYrrEwHVECYRtIX2Afqui9mXyA\\$](https://urldefense.com/v3/__http://www.fire.aquacoustics.biz__;!!NUwMCyKv!OJWsdEGhNpNDeXWng04U3SmCTF1MRMky7txSSsPEOUwCEYrrEwHVECYRtIX2Afqui9mXyA$)

[REDACTED]

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-----Original Message-----

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]

Sent: Monday, 28 September 2020 3:32 PM

To: [REDACTED]@aquacoustics.biz

Subject: RE: Control Joint Fire Stopping

Hi [REDACTED]

Draft report back with a few comments

Thanks

Simon

-----Original Message-----

From: [REDACTED]@aquacoustics.biz>

Sent: Monday, 28 September 2020 10:20 a.m.

To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>

Subject: Control Joint Fire Stopping

Thank you for your email Simon.

There is no pressing need for additional information at this time.

FireNZE can provide a strong supporting opinion for your position.

I have made significant progress on the formal report over the weekend.

Although still very much in draft the document is provided (attached) for your initial appraisal. Do let me know if you have any significant concerns with the draft, but note that there is no need to review this in detail at this time. CDHB will have editorial rights prior to release of the final report.

With kindest regards,

[REDACTED]

[REDACTED]

FireNZE (a trading division of Aquacoustics Limited)

[https://urldefense.com/v3/__http://www.fire.aquacoustics.biz__;!!NUwMCyKv!Nh20AFJJdXhTlakPxqYTX45ophd3buhgQajfR7ARyff-9Nqi0MLQzHvBS9iMnKftEAdKig\\$](https://urldefense.com/v3/__http://www.fire.aquacoustics.biz__;!!NUwMCyKv!Nh20AFJJdXhTlakPxqYTX45ophd3buhgQajfR7ARyff-9Nqi0MLQzHvBS9iMnKftEAdKig$)

[REDACTED]

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-----Original Message-----

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]

Sent: Monday, 28 September 2020 9:55 AM

To: [REDACTED]@aquacoustics.biz; Kylie Flanagan; Edward Griffiths

Subject: RE: Emailing: File0173.PDF

Hi [REDACTED]

Hope you are well,

Please let me know If you need any further info from us in order to complete your review,

Thanks

Simon

-----Original Message-----

From: [REDACTED]@aquacoustics.biz>

Sent: Friday, 25 September 2020 10:09 p.m.

To: Kylie Flanagan <Kylie.Flanagan@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>;

Edward Griffiths <Edward.Griffiths@cdhb.health.nz>

Subject: Emailing: File0173.PDF

Attached is the completed contract.

The project will commence with the document review tomorrow. This should identify any missing information and inform my initial opinion for delivery by email Monday.

A formal opinion will follow with a target date of Wednesday.

With kindest regards,

[REDACTED]

[REDACTED]

FireNZE (a trading division of Aquacoustics Limited)

https://urldefense.com/v3/_http://www.fire.aquacoustics.biz_!!NUwMCyKv!Js

mnEv3LSMBhWbGw6NwCmz4m4WnPtLA3kzllovz0hwbKxxu_Gj0ImHVMnfbx8FRbLRkJRw\$

[REDACTED]

Simon Hemmings

From: [REDACTED] <[REDACTED]@proj-x.co.nz>
Sent: Wednesday, 30 September 2020 12:10 p.m.
To: Simon Hemmings
Subject: RE: Access to ASB[EXTERNAL SENDER]

Yep understand.

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]
Sent: Wednesday, September 30, 2020 12:07 PM
To: [REDACTED] <[REDACTED]@proj-x.co.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: RE: Access to ASB[EXTERNAL SENDER]

[REDACTED]

Just needed to get my thoughts to the team

Cheers

Simon

From: [REDACTED] <[REDACTED]@proj-x.co.nz>
Sent: Wednesday, 30 September 2020 12:02 p.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: RE: Access to ASB[EXTERNAL SENDER]

Hello Simon,

We are on the way to very quickly getting an opinion from an external party that will either support your concerns or dispel them.

By your own admission you have been shut out of the building and I think we need to allow Tim (and us all) to view the building and examples of work before we go wider with any information.

Let's just sit tight until Tim's review is completed and then agree any required actions.

[REDACTED]

From: Simon Hemmings [mailto:Simon.Hemmings@cdhb.health.nz]
Sent: Wednesday, September 30, 2020 11:54 AM
To: [REDACTED] <[REDACTED]@proj-x.co.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>

Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>

Subject: FW: Access to ASB[EXTERNAL SENDER]

Gents

I have been thinking about this a lot because of the potential implication to the works planned in Parkside. I strongly believe this needs to be brought to the attention of Christchurch Council sooner rather than later, if they are proved unfounded then we have lost nothing but have still completed our due diligence.

CCC have been very vocal over the last 12 to 18 months about the lack of trust in the CDHB and that we are starting to rebuild this in leaps and bounds with the discussions that both SRU, M&E and our EMT have had recently as well as the progress made with both the fire and panels programmes as well as upcoming work. If we do not disclose our concerns either later or not at all and the information is discovered it will no doubt have a dramatic affect on the relationship and the leniency the Council have given to the DHB.

CCC have mentioned in meeting previously about some concerns they have regarding ASB but are relying on the Design team to provide compliant documentation.

This is obviously a decision way above my pay grade but feel it's an important point to raise and consider moving forward.

Thanks

Simon

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



From: Mark Newsome <Mark.Newsome@cdhb.health.nz>

Sent: Wednesday, 30 September 2020 10:32 AM

To: [REDACTED] <[REDACTED]@proj-x.co.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>

Cc: [REDACTED] <[REDACTED]@proj-x.co.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>

Subject: RE: Access to ASB[EXTERNAL SENDER]

Thanks.

Please continue to cc me in on this issue.

When we have more clarity after Friday we can then make a clearer plan with expectations. I will however keep Tony in the loop separately as its important we maintain the high ground in ensuring everyone has equal information so we can collectively resolve this issue.

Thanks

Mark

From: [REDACTED] <[REDACTED]@proj-x.co.nz>

Sent: Wednesday, September 30, 2020 9:32 AM

To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>

Cc: [REDACTED] <[REDACTED]@proj-x.co.nz>

Subject: FW: Access to ASB[EXTERNAL SENDER]

Loop

From: [REDACTED]

Sent: Wednesday, September 30, 2020 9:32 AM

To: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>

Cc: Brad Cabell <Brad.Cabell@cdhb.health.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>

Subject: RE: Access to ASB[EXTERNAL SENDER]

Thanks Ed,

[REDACTED] and I had this exact conversation last night and agree with his sentiment that the building is an IL4 post disaster structure and as such requires operation after any event. The view from MOH is that an earthquake will stop the building being occupied but there are a spectrum earthquakes smaller than that which the building must cope with without fire walls requiring remedial work.

I like this guy.

[REDACTED]

From: Edward Griffiths [mailto:Edward.Griffiths@cdhb.health.nz]

Sent: Wednesday, September 30, 2020 9:18 AM

To: [REDACTED] <[REDACTED]@proj-x.co.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>

Cc: Brad Cabell <Brad.Cabell@cdhb.health.nz>

Subject: FW: Access to ASB[EXTERNAL SENDER]

Hi [REDACTED]

I asked Simon to check with 9(2)(a) about this secondary passive fire approach claim.....Thought you might be interested in the response we received very early this morning. I've highlighted the relevant section in yellow.

In August Simon and I discovered that M&E hadn't received any passive fire data (for future BWOFF) or QA – we wanted to present the Parkside data in the same format for M&E.

I'm now intrigued that CPB found a Passive Fire Engineer that presumably has designed/agreed to an approach that other engineers say is blatantly non-compliant.

Cheers

Edward

From: 9(2)(a)@aquacoustics.biz>
Sent: Wednesday, 30 September 2020 12:22 AM
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Subject: RE: Access to ASB[EXTERNAL SENDER]

Dear Simon,

Mr Llyod's view has actually annoyed me. It appears to come from a position of trying to avoid rectifying what is clearly a problem by assuming that a seismic event will occur before a fire and will exceed the serviceability limit state of the structure. This is nonsense.

Another way of looking at this argument is that if the wall isn't required to be a fire wall then remove the fire rating (you can't because the Acceptable Solutions to the Building Code fire safety clauses require it). And if it isn't required to provide seismic relief then remove the control joint (I suspect that the structural engineers will say that this is an important aspect of their design, so you can't). So tell me which event is going to occur first, an earthquake or a fire? You can't.

While it is true that the New Zealand Building Code does not consider double jeopardy events (I stated this very point early in our correspondence) this is an Importance Level 4 building, required to remain operational and usable after a seismic event that does not exceed the serviceability limit state of the building. Note that I have deliberately avoided using the word safe because safe cannot be an absolute - sometimes stuff happens.

There is no such thing as 'a secondary passive fire system on each joint' when neither system demonstrate compliance with the Building Code and both are fixed to the same element of construction. In fact adding layers of protection in this manner may actually make the control joint fire and seismic performance worse. It is also a further non-compliance against the fire test prototype requirements of the cited Standards.

I'll be adding a paragraph or two to the report to preemptively dispel this myopic reasoning before it gets any traction.

Expect the revised draft complete with edits tomorrow.

9(2)(a)

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<http://www.fire.aquacoustics.biz>

9(2)(a)

9(2)(a)

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From: Simon Hemmings [<mailto:Simon.Hemmings@cdhb.health.nz>]
Sent: Tuesday, 29 September 2020 3:28 PM
To: 9(2)(a)@aquacoustics.biz
Subject: FW: Access to ASB

From: Mark Newsome <Mark.Newsome@cdhb.health.nz>
Sent: Tuesday, 29 September 2020 3:11 p.m.
To: Angela Mills <Angela.Mills@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; 9(2)(a)@proj-x.co.nz;
 9(2)(a)@proj-x.co.nz
Subject: Re: Access to ASB

All

Have had further contact with Tony Lloyd. His position is that the joint does not by code require both fire rating and seismic. It is required to do one or the other. This is why there is a secondary passive fire system for each joint.

He has suggested a conversation with the consultant team and the DHB. Am stepping through getting this set up.

In the meantime, in communication with Rob, we should proceed with our plan and Friday's visit. No destructive works should be undertaken if visibility of the joints can be achieved at the locations previously discussed.

Cheers

Mark Newsome

On 29/09/2020, at 14:04, Mark Newsome <Mark.Newsome@cdhb.health.nz> wrote:

All

I have spoken with Tony Lloyd and sent him the draft report. He will review and respond as to his position on the plan we have in place.

At this stage keep planning for Friday's inspection.

Have cc'd Terry in as his team will be coordinating access.

Cheers

Mark Newsome

Double Up

Simon Hemmings

From: Mark Newsome
Sent: Wednesday, 30 September 2020 12:31 p.m.
To: Simon Hemmings ^{9(2)(a)} Edward Griffiths; Brad Cabell; Terry Walker
Cc: Rob Ojala
Subject: RE: Access to ASB[EXTERNAL SENDER]

Also noted.

Mark

From: Simon Hemmings
Sent: Wednesday, September 30, 2020 12:07 PM
To: ^{9(2)(a)} Edward Griffiths
 <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Terry Walker
 <Terry.Walker@cdhb.health.nz>
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: RE: Access to ASB[EXTERNAL SENDER]

Thanks ^{9(2)(a)}

Just needed to get my thoughts to the team

Cheers

Simon

From: ^{9(2)(a)} @proj-x.co.nz
Sent: Wednesday, 30 September 2020 12:02 p.m.
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz> ^{9(2)(a)} @proj-x.co.nz; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
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CC: 9(2)(a) <[REDACTED]@proj-x.co.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>

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9(2)(a) <[REDACTED]>

Subject: FW: Access to ASB[EXTERNAL SENDER]

Loop

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Subject: RE: Access to ASB[EXTERNAL SENDER]

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^{9(2)(a)} [REDACTED]

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9(2)(a)

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Subject: Re: Access to ASB

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Cheers

Mark Newsome

Double Up

Simon Hemmings

From: Edward Griffiths
Sent: Friday, 2 October 2020 9:01 a.m.
To: Brad Cabell; 9(2)(a) Terry Walker
Cc: Simon Hemmings
Subject: CDHB_ASB_PFP 2020.10.01.pdf
Attachments: 20007 CDHB_ASB_Walkround_2020.10.01.pdf

Hi Brad, Terry, 9(2)(a)

Attendees: Edward Griffiths (CDHB), Simon Hemmings (CDHB), Alan Page (Pfifs Consultancy)

As requested, please find a short report from the inspection in ASB (Christchurch Hagley) on the 1 October 2020. We entered the LGF, the level 2 plant room, a couple of stairwells, and the plant room and one of the risers in Tower 1.

Under approval from Rob Ojala, we made one small cut to a passive fire bat in the level 2 plant room. This was found to be a defective installation. The remainder of the inspections were visual and we did not lift any ceiling tiles.

The walkthrough concluded:

- The workmanship of many installations is poor/defective. The contractor's **quality assurance** process should have failed many that we saw. The majority of the defect photos in the attached report were taken within a 50-metre radius from where we entered the LGF. The poor quality of some installations means that **future compliance** with the routine BWOFF inspections is at risk.
- Alan Page confirmed that it does appear that Sika Flex 400 has been used extensively in the seismic joints on the non-load-bearing walls and in the stairwells. The CDHB commissioned report from Firenze (draft revision dated 28 September 2020) states that the use of Sika Flex 400 in these situations **does not comply with the NZ Building Code**. Presumably, the project team had reservations about compliance too because a piece of gib-board has subsequently been laid over the joints on the non-load-bearing walls (but not in the stairwells).
- **Seismic performance** must be questioned because of potential Health & Safety implications. The application of Sika Flex 400 to the seismic joint is different from the original design. To our knowledge, the CDHB has received no information about the approval to change to using Sika Flex 400. The extensive application of Sika Flex 400 to the seismic joints may have the effect of glueing the seismic joints much more solidly than appears in the original design. The ability of the building's seismic systems to absorb a less than Ultimate Limit State (ULS) seismic event or a ULS seismic event if there is less flex in the building should be investigated.

PS – Alan Page advised that the contractor CPD has known about Passive Fire design issues since at least 2016. Pfifs Consultancy was invited to a meeting with the CPD in April 2016 to discuss Independent Passive Fire Inspection services, however, the offer to provide consultancy advice was not taken up.

Thanks

Edward Griffiths
 MMGT BRS
 Programme Manager Site Redevelopment

9(2)(a)

Simon Hemmings

From: Rob Ojala
Sent: Friday, 2 October 2020 3:19 p.m.
To: Brad Cabell; Mark Newsome
Cc: Edward Griffiths; Simon Hemmings; [REDACTED] Jenna Manahi
Subject: Re: Passive Fire/Seismic Meeting

Brad if separately you could include the timeline information around dates and emails (including anything on Aconex) that raised queries on this previously as part of the picture with as much detail as possible
 Thank you

From: Mark Newsome <Mark.Newsome@cdhb.health.nz>
Sent: Friday, October 2, 2020 11:40:15 AM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; [REDACTED] Rob Ojala
 <Rob.Ojala@cdhb.health.nz>; Jenna Manahi <Jenna.Manahi@cdhb.health.nz>
Subject: Passive Fire/Seismic Meeting

Brad

Ahead of this meeting on Tuesday, can your team put together a pack of information based on today's inspection and yesterday's inspections, including photo's and reports. This will need to be done by mid-afternoon Monday for Rob to sign out and send to Tony Lloyd ahead of the Tuesday meeting.

Thanks

Mark

Simon Hemmings

From: Brad Cabell
Sent: Monday, 5 October 2020 4:00 p.m.
To: Rob Ojala; Mark Newsome
Cc: Tim Lester; Edward Griffiths; Simon Hemmings
Subject: Firenze Report Revision 1 BC 2.pdf
Attachments: Firenze Report Revision 1 BC 2.pdf

I have made some minor tweaks and fixed some typos. Please note given this is a report by a registered engineer we will need him to sign off on this prior to release. This is confidential and is in draft form currently.

Regards

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

Simon Hemmings

From: Simon Hemmings
Sent: Friday, 9 October 2020 12:05 p.m.
To: Brad Cabell
Cc: Edward Griffiths
Subject: PFits - ASB

Brad

I have just received a call from Tony Parkes at PFits. Following the walk around at ASB last week by Alan Page, Ed and myself and what was witnessed (including the report they issued), they have indicated that they are concerned that the standard of the passive fire work is so poor they feel that as professional engineers it is their responsibility to further report their concerns to the Local BCA and IPENZ. They have previously raised concerns to IPENZ and the BCA when Alan visited the site with an installer and subsequently received a considerable number of photos from other concerned installers. As you may recall Alan passed this to the CDHB and this started the discussion with the ASB project team this time last year.

I am lead to believe that Tony and Alan tried to discuss their concerns with the ASB fire Engineer prior to speaking to IPENZ but did not receive a suitable response.

As requested I have not discussed the issues with Alan since we received the report, or made contact with Tony or any outside people associated with the Fire programme.

Tony has out of courtesy made the call, I asked that they wait until I have spoken to you for advice.

Please can you either speak to Tony directly or advise myself /Ed on the best approach.

Thanks

Simon

Simon Hemmings

Project Manager
 Site Redevelopment
CDHB
 230b Antigua St
 Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha

Simon Hemmings

From: Simon Hemmings
Sent: Saturday, 10 October 2020 10:20 a.m.
To: Brad Cabell; Edward Griffiths
Subject: RE: Sika Tech Manual[EXTERNAL SENDER]
Attachments: sikaflex_-400_fire.pdf

Hi Brad.

Also found this that provides the depth to width info that I believe Tim might be looking for.

Please can you send this to him if appropriate, I think he needs it for his report.

Thanks

Simon

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Date: 10/10/20 09:53 (GMT+12:00)
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>, Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Subject: RE: Sika Tech Manual[EXTERNAL SENDER]

Brad / Ed.

As I have been told that all info has to pass through you, please can you respond to Tim urgently.

In response to his question

The only paper I can find is attached.

Thanks

Simon

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: [REDACTED] 9(2)(a) @aquacoustics.biz>
Date: 10/10/20 09:36 (GMT+12:00)
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: Sika Tech Manual[EXTERNAL SENDER]

Dear Simon,

Apologies for pestering you on your weekend.

Do have a pdf copy of the Sika Passive Fire Protection Handbook that you can send me?

The original has disappeared from the Sika web site. I have contacted Sika directly but I don't think I'll get a response until Monday at the earliest.

The issue that I'm trying to investigate is the Sikaflex -400 width to depth specifications for long control joints. The standard ratio 2:1 doesn't apply here but I can't find the technical reference.

With kindest regards,

9(2)(a)



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9(2)(a)



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Simon Hemmings

From: 9(2)(a)@proj-x.co.nz>
Sent: Monday, 12 October 2020 12:31 p.m.
To: Brad Cabell; Rob Ojala; Mark Newsome
Cc: Tim Lester; Simon Hemmings; Edward Griffiths; 9(2)(a)
Subject: RE: Works

Gents,

With respect to the slip joint detail we only opened up a small – about 150mm long section of the joint.

The detail provided by the MOH showed a slip channel that appeared to me to be continuous on the drawing and was not visible on the portion we viewed. When we discussed this with 9(2)(a) the only explanation was that it may be a short section of the channel every so often but this is yet to be confirmed.

Since we will have repairer on site I suggest we strip back a couple of metres of joint to see if the channel is in place; document and then remediate.

Thanks

9(2)(a)

From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]
Sent: Monday, October 12, 2020 11:33 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Cc: Tim Lester <Tim.Lester@cdhb.health.nz>; 9(2)(a)@proj-x.co.nz>; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Subject: FW: Works

Rob further to the minor invasive inspection works carried out last week, Simon has organised for a contractor to go up to the shelled ICU space to make good. Are we all ok with this??

From: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Sent: Monday, 12 October 2020 11:30 AM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Subject: Works

Gents,

I have 9(2)(a) lined up to do the repairs from last week, 9(2)(a) they are new to our installer list, they can do the work tomorrow am, if this is acceptable please let me know

Thanks

Simon

Simon Hemmings

Project Manager

Site Redevelopment

CDHB

230b Antigua St

Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



RELEASED UNDER THE OFFICIAL INFORMATION ACT

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Gents,

With respect to the slip joint detail we only opened up a small – about 150mm long section of the joint.

The detail provided by the MOH showed a slip channel that appeared to me to be continuous on the drawing and was not visible on the portion we viewed. When we discussed this with 9(2)(a) the only explanation was that it may be a short section of the channel every so often but this is yet to be confirmed.

Since we will have repairer on site I suggest we strip back a couple of metres of joint to see if the channel is in place; document and then remediate.

Thanks

9(2)(a)

From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]
Sent: Monday, October 12, 2020 11:33 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Cc: Tim Lester <Tim.Lester@cdhb.health.nz>; 9(2)(a)@proj-x.co.nz; Simon Hemmings <Simon.Hemmings@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Subject: FW: Works

Rob further to the minor invasive inspection works carried out last week, Simon has organised for a contractor to go up to the shelled ICU space to make good. Are we all ok with this??

From: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Sent: Monday, 12 October 2020 11:30 AM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>; Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Subject: Works

Gents,

I have 9(2)(a) lined up to do the repairs from last week, 9(2)(a) they are new to our installer list, they can do the work tomorrow am, if this is acceptable please let me know

Thanks

Simon

Simon Hemmings

Project Manager

Site Redevelopment

CDHB

230b Antigua St

Christchurch

9(2)(a)

Canterbury

District Health Board

Te Poari Hauora o Waitaha



RELEASED UNDER THE OFFICIAL INFORMATION ACT

CHC HAGLEY PASSIVE FIRE NON-COMPLIANT INSTALLATIONS

Canterbury

District Health Board

Te Poari Hauora o Waitaha

TO: Rob Ojala, Interim Executive Director of Facilities
 PREPARED BY: Edward Griffiths, Programme Manager Site Redevelopment Unit
 APPROVED BY: Brad Cabell, Programme Director Construction & Property
 DATE: 13 October 2020

Report Status – For: Decision ☐ Noting ☐ Information ☒

1. Christchurch Hagley Passive Fire Installation

The CDHB undertook an inspection of passive fire protection installation work in Christchurch Hagley on the 1st October 2020.

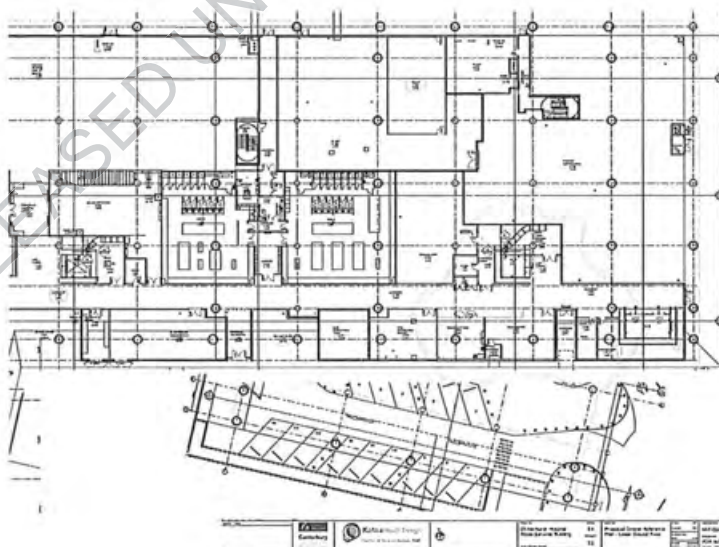
This report presents selected examples that demonstrate the questionable quality of the passive fire protection workmanship. Many appear to be non-compliant with the manufacturer's installation instructions and/or non-compliant with the requirements of the New Zealand Building Code (NZBC).

The questionable quality of the passive fire works observed in the few parts of the building visited is cause for concern because it implies that a high proportion of all installations throughout the building will be similar. On this basis, further investigations are recommended.

2. Lower Ground Floor

From the lower ground floor, the underside of the first-floor slab above is easily visible. It is easy to see the penetrations through the fire and smoke walls.

The following examples are from near the laundry chute room, as highlighted on the floor plan below.



Collar In Batt

The Waste Hold Room has examples of incorrectly installed passive fire batt. One example has the fire collars buried in the batt, and another has incorrectly mounted screws.

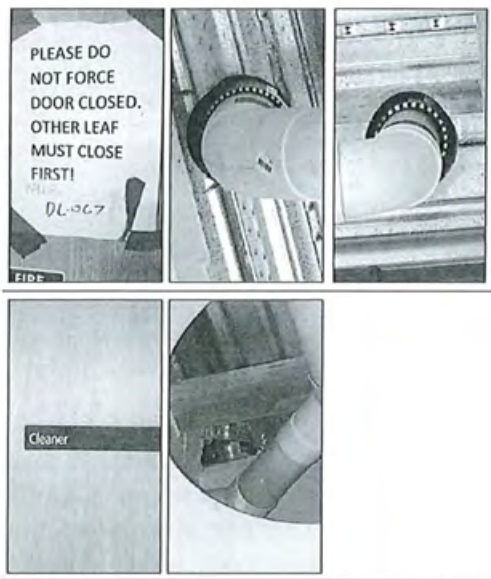


Oversized Annulus (Holes)

The Cleaner Room has examples where the penetrations in the floor slab have not been filled adequately.

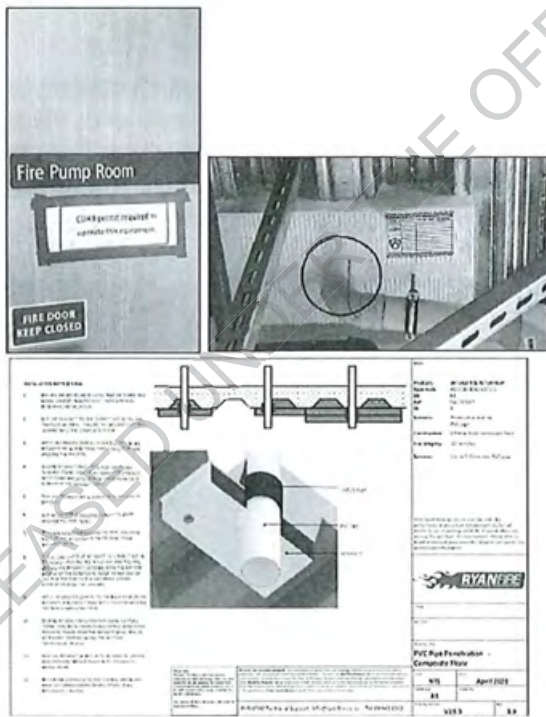
The first example shows where an oversized core hole has not been filled. The unfilled hole means that the mastic in the collar has to expand in 2 directions thus reducing its effectiveness to crush and seal the plastic pipe in the event of a fire. The gap also allows hot and cold smoke to pass through. The second example shows the fire collar buried in the GIB wall.

Theses examples sit outside the manufacturer's tested solutions and therefore do not meet the requirements of the NZBC.



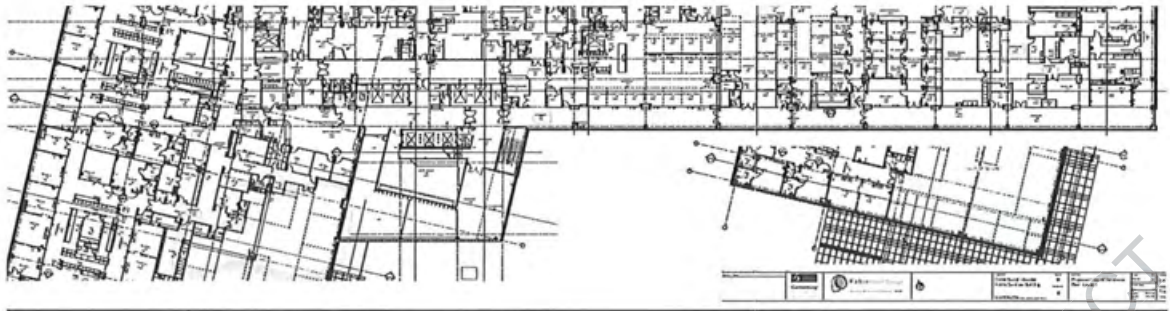
Intumastic Cracking

The Fire Pump Room has an example of what appears to be intumastic cracking. The manufacturer's product instructions are provided below that explain how the passive fire equipment should be correctly installed.



3. Level 1

An area next to ICU on Level 1 has not been fitted out. The passive fire treatments in the area are visible as there is no suspended ceiling or floor coverings. The seismic joint that runs horizontally (and occasional vertically) in the walls is visible.



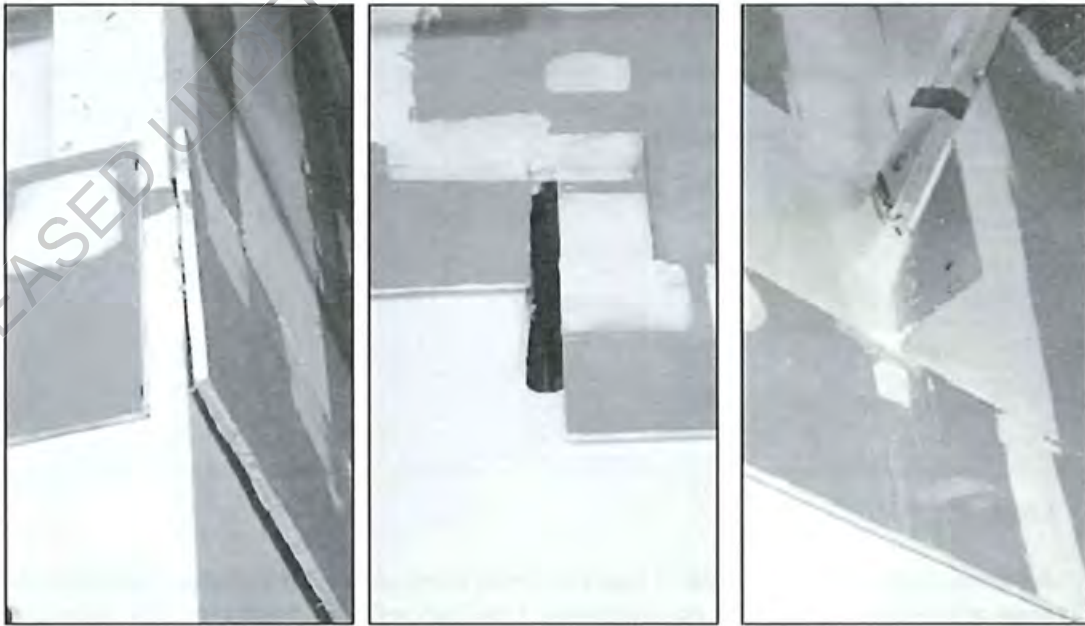
Untested Products in Gib

It appears that Sika Flex 400 (grey in the following photos) and Ryanfire Intuspan (black in the following photos) have been used in the seismic joints. Both of these products do not have the necessary testing required for NZBC compliance. For example, Sika Flex 400 has not been tested on gib-board and has not been tested for use in a seismic joint. As a result, it is uncertain if the firewalls will remain sealed following any seismic event.

Standard fire mastic has been used to protect timber purlins (in the right-hand photo below). There are no tests for any mastic product on timber passing through a fire wall. However, in other areas of the building, the timber purlins have been protected correctly using a specialised intumescent paint system. It is unclear why a different approach has been used in this situation.

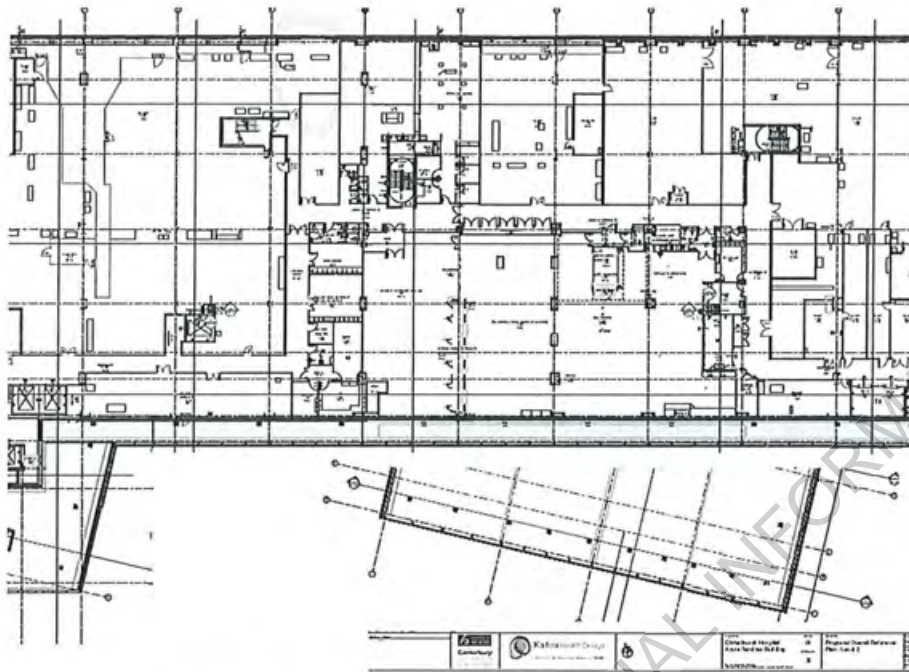
Destructive Testing Batt

Three batts have been destructive tested (they have been repaired). In each case, it was found that the joint in the middle of the batt had not been sealed closed with mastic as per the manufacturer's instructions. Therefore, the batts will provide less than the specified fire protection and be non-compliant with the NZBC (product tests are completed with the batts sealed together with mastic).



4. Level 2

An example where manufacturer products have been mixed was identified in the plant room on Level 2.



Mixing Products and Joint Infill

Passive fire brands should not be mixed to seal a penetration because there is no test to confirm that the combination of products will provide the required fire protection.

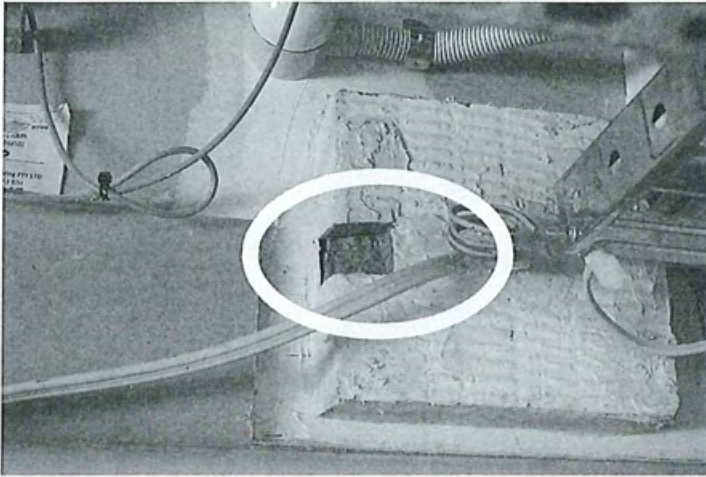
One test is to use ultraviolet light to identify different products. For example, Fire Therm mastic based products and the coating on the insulation batt have a chemical solution known as Optifire added to them. When ultraviolet light is placed over a Fire Therm product it will glow a luminous blue.

The light on the following photos below shows that only the mastic is glowing blue which suggests two differently branded products have been used.

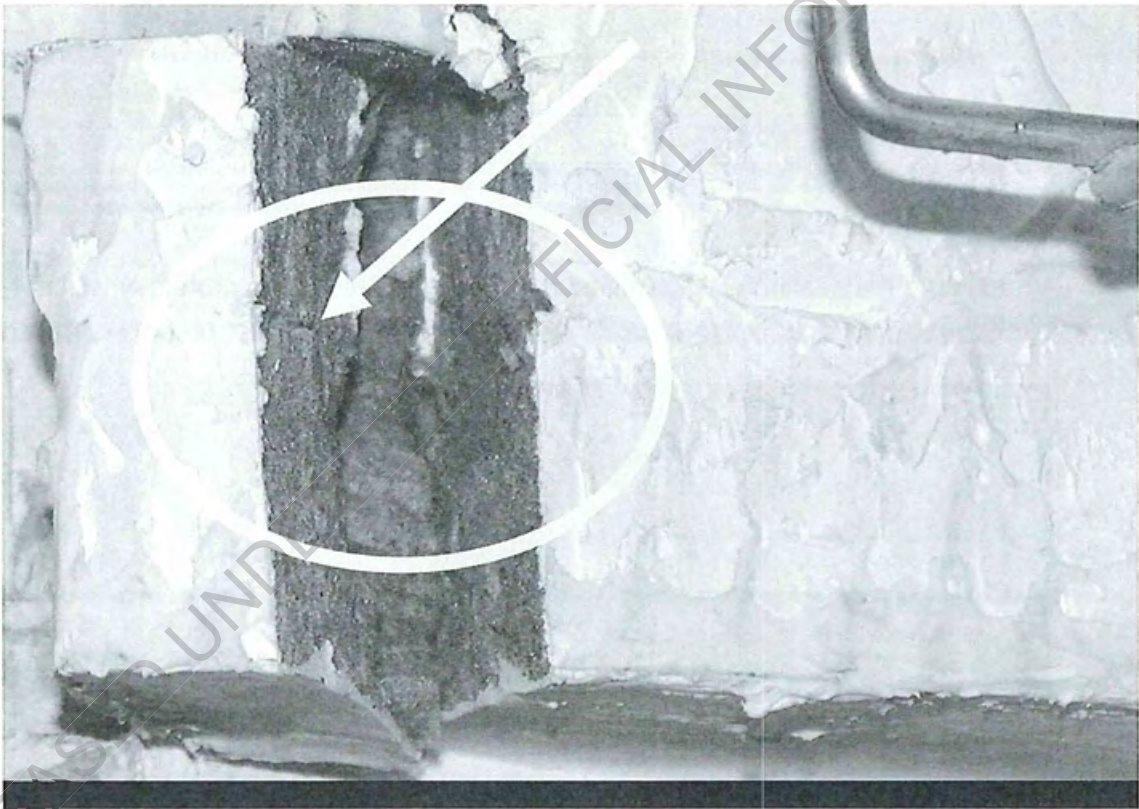


All manufacturer's tested solutions require a layer of sealant between any joints of batt in order to maintain integrity during a fire event. The sealant binds the two sections of batt together.

The above installation was destructively tested across the joint of the batt. As seen in the photo below, the horizontal joint in the batt was cut open approx 30mm above and below the joint. A line of sealant should have been applied to the joint. No sealant is present thus the installation does not match the manufacturer's installation and test criteria and is therefore non-compliant with the NZBC.

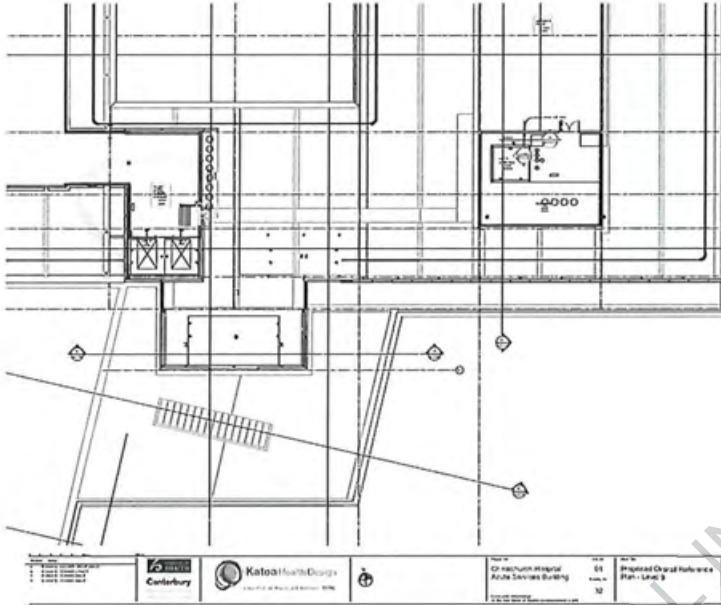


Another location



5. Level 9

The plant room on Level 9 was inspected.



Gap In Fire/Smoke Walls

A gap in the fire sealing was identified meaning that fire/smoke protection will not be occurring.

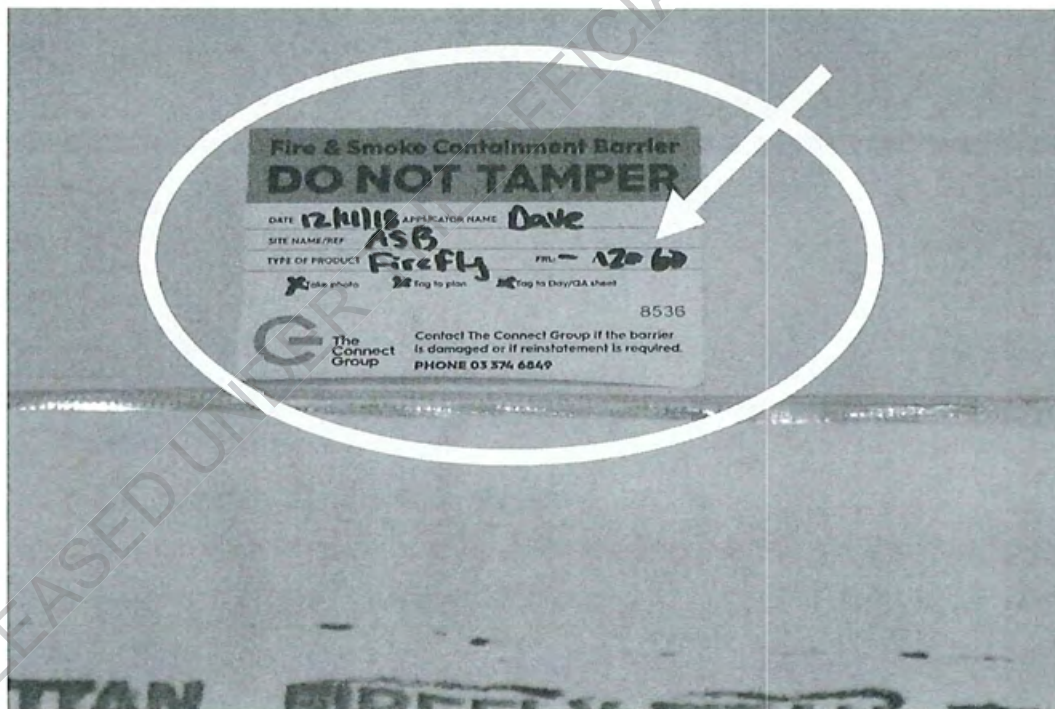
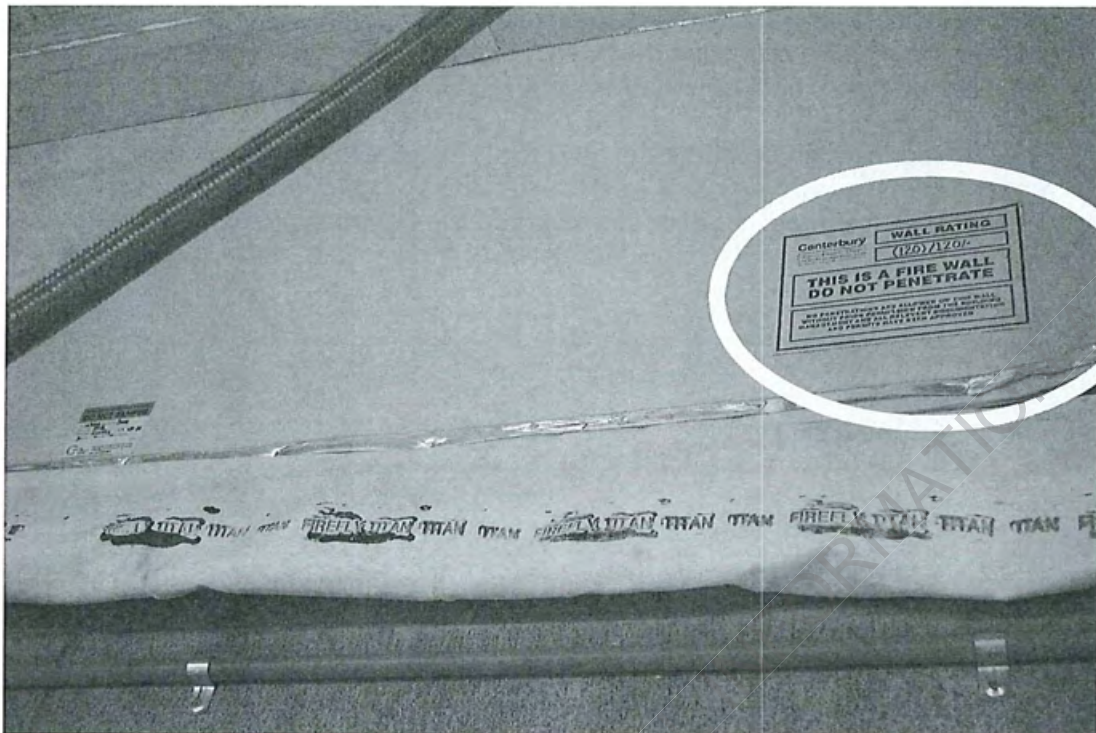


6. Lower Ground Floor

Incorrect Product for Fire Rated Wall.

The photos below were taken in the Med Gas Bottle store on the lower ground floor. As noted on the fire wall sticker the wall is rated at 120 / 120 / --. However, the fire protection product - Fire Fly Titan has been installed and labelled as 120 / 60 / --. This means that the fire wall has been designed and constructed to maintain 120 minutes for stability and integrity and no rating for insulation.

However, the Fire Fly Titan has a rating of 120 minutes for stability (if installed correctly) and only 60 minutes for Integrity (no insulation rating). In simple terms, this means that after 60 minutes the Fire Fly Titan will have been burnt away leaving a gap between sections of the wall and a compromised fire wall.



7. CONCLUSION

The inspection found a disproportionately high number of passive fire installations that have not followed the manufacturer's installation instructions. Examples include:

- Incorrect materials have been used
- Manufacturer instructions have not been followed
- Fire/smoke walls have not been sealed and gaps are evident
- Penetrations have been sealed using a mix of manufacturer products
- Products do not achieve the required fire rating of the wall

Incorrectly installed passive fire equipment means that the passive fire performance of the building may not be achieving the overall building design intent and therefore may not be compliant with the requirements of the NZBC.

Considering the high proportion of incorrectly installed passive fire work, the quality in the remainder of the building could be expected to have been completed to a similar questionable standard. Further investigation is recommended.

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Simon Hemmings

From: Terry Walker
Sent: Friday, 16 October 2020 8:11 a.m.
To: 9(2)(a) Simon Hemmings
Cc: Peter van Meer; Peter Russell; Brad Cabell
Subject: RE: Fire Stopping Strategy

Hi Mark,

As I said when you were here, Peter Russell has all of the information I believe you will need on how we are managing passive fire in the existing buildings and the accreditation programme and if you have any other questions I am happy to answer them.

Thanks

Terry Walker | Facilities and Engineering Manager
 Maintenance & Engineering | Canterbury District Health Board

9(2)(a)

✉ LGF, Parkside building, Private bag 4710, Christchurch 8140

Canterbury  **West Coast**
 District Health Board District Health Board
 Te Pōari Hauora o Waitaha Te Pōari Hauora o Rolleston / Tai Poutini

From: 9(2)(a) @marsh.com>
Sent: Friday, 16 October 2020 6:58 AM
To: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Cc: Peter van Meer <Peter.vanMeer@cdhb.health.nz>; Terry Walker <Terry.Walker@cdhb.health.nz>
Subject: Fire Stopping Strategy

Morning Simon,

Great seeing you the other day.

Are you able to provide me with a high level over view of how the passive fire protection is being managed in the existing Christchurch hospital? What's being completed and how your ensuring the contractors are trained.

Are you also able to provide me with a description on the FP on the seismic joints around the new ASB?

Ngā mihi

9(2)(a)

Marsh

Advisory NZ

Marsh Ltd | Level 18, 151 Queen Street, Auckland New Zealand 1010

9(2)(a) @marsh.com | w: www.marsh.co.nz

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 **MARSH**

Simon Hemmings

From: Simon Hemmings
Sent: Monday, 19 October 2020 12:21 p.m.
To: Edward Griffiths
Subject: RE: ASB Passive Fire Protection and the use of (Flamable) Allproof PU Foam to close penetrations and over cored apertures.

Hi Ed,

Just to ask,

If the ASB roof was installed incorrectly would this be a defect or a compliance issue? Same with the oxygen supply or power supply

From: Edward Griffiths <Edward.Griffiths@cdhb.health.nz>
Sent: Monday, 19 October 2020 11:25 a.m.
To: 9(2)(a) @proj-x.co.nz; Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Simon Hemmings <Simon.Hemmings@cdhb.health.nz>
Subject: FW: ASB Passive Fire Protection and the use of (Flamable) Allproof PU Foam to close penetrations and over cored apertures.

Hi Brad & 9(2)(a)

We have records of previous site visits going back years where concerns about passive fire were raised by installation contractors and CDHB staff and then raised with the MoH project team subsequently confirmed that they had been or would all be fixed or managed. I have asked Simon to check through some of the historic information about issues that have been identified to see if we can find examples where they haven't been fixed.

By chance, in the inspection this October we found an example of where builders foam appears to have been used for passive fire. At the time I didn't appreciate that builders foam is highly flammable – so hardly a suitable product for passive fire.

This photos was taken in October 2020. Impossible to tell if it is going through the fire wall – but I bet does.



And the following email and photos were from 2018.

In summary, I don't think it will be difficult to find examples of potential issues, but we will need some time before the walkthrough.

Regards

Edward

From: Simon Hemmings

Sent: Wednesday, 18 April 2018 3:15 p.m.

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>

Subject: ASB Passive Fire Protection and the use of Allproof PU Foam to close penetrations and over cored apertures.

Brad

Photo provided on aconex.

Details fromn the All proof tech literaure on there website.

In addition to the risk to life if this stuff catches fire, I have also been informed that the use of the PU foam in a comm floor has not been tested, and if it has been used it must be sealed with a allproof mastic.



3. HAZARDOUS IDENTIFICATION

Extremely Flammable

Irritating to eyes, respiratory system and skin

May cause sensitisation by inhalation and skin contact

10. STABILITY AND REACTIVITY

Stability:	Normally Stable, avoid heat, sparks and flames.
Materials to Avoid:	No incompatible groups noted.
Hazardous Decomposition Products:	Fire creates: Toxic Gasses / vapors / fumes of: Ammonia or Amines, Carbon Monoxides (CO), Oxides of Nitrogen, Hydrogen Cyanide (HCN), Nitrous Gases (Nox).

Simon Hemmings

Project Manager
Site Redevelopment
CDHB
230b Antigua St
Christchurch

9(2)(a)

Canterbury
District Health Board
Te Poari Hauora o Waitaha

Tim Lester

From: Rob Ojala
Sent: Wednesday, 21 October 2020 7:43 p.m.
To: Tim Lester; Mark Newsome
Subject: FW: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer

loop

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Date: Wednesday, 21 October 2020 at 7:38 PM
To: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Cc: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Subject: FW: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer

FYI given Dr Parkes' response to our direction I am compelled to share this so that we can understand what his concerns are and what next steps should be – suggest meeting tomorrow given we are all in town for HRPG

Rob Ojala

From: Brad <Brad.Cabell@cdhb.health.nz>
Date: Wednesday, 21 October 2020 at 4:18 PM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: FW: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer

From: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>
Sent: Wednesday, 21 October 2020 3:28 PM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Alan Page <alanp@pfitsconsultancy.co.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: RE: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer

Hi Brad

Thank you for your response, however whilst I am aware that the CDHB is not managing the project, you are fully aware of the concerns raised.

I would believe that our concerns with non-complaint passive fire installations are the same as yours; if not more so, as under the Health and Safety Legislation you are required to provide a workplace that is without risks to the health and safety of any person.

We presume that you have forwarded on our concerns to the appropriate parties including Mr Tony Lloyd (if required) as would be your responsibility as an individual who carries out work in any capacity for a PCBU.

My email to you is just a courtesy to let you know the actions that I am required to take as a Chartered Engineer regarding these concerns.

Regards

Tony

Dr Anthony Parkes
BE (Civil), ME(Fire), PhD, PMSFPE, CPEng, IntPE
Technical Director

M: +64 21 146 2020
E: tonyp@pfitsconsultancy.co.nz
W: www.pfitsconsultancy.co.nz
PO Box 42088, Tower Junction, Christchurch, 8149
CHRISTCHURCH: Level 1, 350 Lincoln Road, Addington
AUCKLAND: Unit 1, 113 Pavilion Drive, Mangere



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From: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Sent: Wednesday, 21 October 2020 2:58 PM
To: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>
Cc: Alan Page <alanp@pfitsconsultancy.co.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: RE: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.[EXTERNAL SENDER]

Tony we acknowledge receipt of your email. The CDHB are not managing this project. Please forward your concerns to Tony Lloyd at the Ministry of Health. Tony's email is tony.lloyd@health.govt.nz

Regards

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

From: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>
Sent: Wednesday, 21 October 2020 12:40 PM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Alan Page <alanp@pfitsconsultancy.co.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.[EXTERNAL SENDER]

Hi Brad

This is a brief email to advise you that I will be following up on my previous emails and correspondence with Christchurch City Council (CCC) and Engineering New Zealand (ENG NZ) regarding our observations of the non-compliant passive fire protection at the Acute Service Buildings; Christchurch Hospital. For your information we previously met with CCC in October last year and followed up with emails in November/December. I emailed ENG NZ in February this year.

I will be advising both parties that **I consider that the public is at risk should the building be opened and occupied.**

Please note that under the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 I have the following ethical obligations which I MUST fulfil.

Obligations in public interest

Heading: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (2016/121).

42B Take reasonable steps to safeguard health and safety

A chartered professional engineer must, in the course of the engineer's engineering activities, take safeguard the health and safety of people.

Rule 42B: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (2016/121).

42D Report adverse consequences

A chartered professional engineer who has reasonable grounds to believe that an engineering matter has adverse consequences must bring the matter to the notice of the relevant regulatory body unless they have made inquiries, is satisfied on reasonable grounds that the matter is being dealt with through an appropriate manner.

Rule 42D: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (2016/121).

If you have any queries, please do not hesitate to contact me.

Regards

Tony

Dr Anthony Parkes
BE (Civil), ME(Fire), PhD, PMSFPE, CPEng, IntPE
Technical Director

M: +64 21 146 2020
E: tonyp@pfitsconsultancy.co.nz
W: www.pfitsconsultancy.co.nz
PO Box 42088, Tower Junction, Christchurch, 8149
CHRISTCHURCH: Level 1, 350 Lincoln Road, Addington
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Tim Lester

From: Brad Cabell
Sent: Wednesday, 21 October 2020 4:45 p.m.
To: Mark Newsome; Tim Lester; [REDACTED]
Cc: Rob Ojala
Subject: RE: Response - Passive Fire Hagley[EXTERNAL SENDER]

I would strongly suggest this goes to [REDACTED] from FIRENZ for review so we can answer questions when quizzed at HRPG tomorrow. Please advise if you are comfortable with this approach.

From: Mark Newsome <Mark.Newsom@cdhb.health.nz>
Sent: Wednesday, 21 October 2020 2:52 PM
To: Tim Lester <Tim.Lester@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; [REDACTED]
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: FW: Response - Passive Fire Hagley[EXTERNAL SENDER]

FYI

From: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Sent: Wednesday, 21 October 2020 2:11 PM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsom@cdhb.health.nz>
Cc: John Hazeldine <john.hazeldine@health.govt.nz>; Karl Wilkinson <Karl.Wilkinson@health.govt.nz>
Subject: Response - Passive Fire Hagley[EXTERNAL SENDER]

Dear Rob and Mark

Please find attached response to the memo raised by M&E alleging a number of non compliances with passive fire in Hagley.

1. Hagley Passive Fire Installation

CDHB have undertaken a short inspection of small, isolated parts of the building, have found some potential passive fire issues for concern or query.

CDHB's memo states that many passive fire items identified in the small sample areas "appear to be non-compliant with the manufacturer's instruction and/or non-compliant with the requirements of the New Zealand Building Code". CDHB are concerned this implies a high proportion of non-compliance will therefore exist throughout the building.

Before considering the rest of the building, it is important to establish if the specific items raised are actually concerns or non-compliant. The Hagley Design Team therefore respond below to the specific items raised.

2. LG - Fire Fly Installation lower ground floor

CDHB states that the Fire Fly has been installed and labelled as 120/60/- Fire Resistance Rating. This is incorrect. The photo supplied clearly shows a -/120/60 rating (NOT a 120/60/- rating), indicating the Fire Fly has no stability rating, an integrity rating of 120 minutes and an insulation rating of 60 minutes, which is compliant. [Note: The stability rating refers to how long a fire rated element will hold up a load (i.e. load bearing capacity in fire). The integrity rating is how long the fire rated element will remain in place, and the insulation rating is how long the fire rated element will withstand heat transfer.]

Further, the overall wall details around the Med Gas Store (as shown on the attached drawing KAT-DWD-0132-AR-52-237[1] LGF 120min FRR WALL DETAILS) are designed to provide two levels of protection – a combination of Fire Fly blanket and fire sealant either side of the block wall, each of which provide the required fire rating. The reason for incorporating two levels of protection is that this detail is at the seismic movement plane and has potential for up to 650mm of movement in any direction. The sealant provides a weather seal and initial protection against smaller movement, and the Fire Fly blanket provides protection for larger movements. The exterior sealant is detailed so that the cover flashing moves out in seismic events, prompting inspection and repair work, all while the Fire Fly maintains fire protection.

Conclusion – the installed detail is compliant with NZBC and provides a “low damage” solution at the seismic plane.

3. Level 9 – Gap in fire/smoke walls

CDHB state the visible gap in fire/smoke walls at the L9 lift shaft wall means a lack of fire/smoke protection. This is incorrect.

The gaps to fire walls to lift shafts and risers are protected from fire penetration with Intuspan (a heat expanding product) which can be set back from the edge of the gap (as seen in the photo) and protected from smoke penetration by a fire sealant, in this case fitted to the other side of the wall (not visible in the photo). During construction, the Design Team identified some issues with smoke sealing to these walls to lift shafts and risers and this was remedied with sealant fully installed to the gap from the shaft side, which is not visible in the photo.

Conclusion – the installed detail is compliant with NZBC.

4. Level 2

a. Mixing Products

CDHB state that different brands or products should not be used to seal penetrations in fire walls and present photos under UV light as evidence of different products in use on site.

Firstly, the photos are difficult to review, potentially show the presence of only a small amount of different product and do not conclusively demonstrate use of different products in the joint. For example, the area could have been contaminated by sealant falling from another adjacent seal.

CPB have confirmed there has not been a mixture of suppliers for the completion of a penetration. Details of product to use for a penetration have been provided by that supplier and they have been installed by a single fire rating specialist.

Conclusion – the issue is not proven.

Secondly, the presumption that a detail using different brands or products can only be compliant if tested is incorrect. Specialist passive fire installers often use different products in details, based on a highly detailed understanding of the performance and compatibility of passive fire products, and of the specific installation requirements. Use of all products on site was rigorously reviewed and approved, and this is recorded in passive fire registers as part of the consent documentation.

Conclusion – use of different products in passive fire details is compliant with NZBC.

b. Joint Infill

CDHB undertook destructive testing on fire rated batt infill installation on site and advised the lack of sealant between batt layers is not compliant.

A number of different batt types have been used on the project with different requirements, depending on whether the batt is friction fitted or pattress fitted. The fire engineer has witnessed similar batt installation on

site by Connect Group, who were the primary installer of the majority of intubatt, and noted the presence of sealant at edges as recommended by the manufacturer. On that basis, we are confident that the majority of the batt installed on site is compliant. For the specific batt shown in the CDHB photo, we are yet to identify the batt type and installer.

Conclusion – the issue is not clearly established.

Note that, while we are advised CDHB's destructive testing has been repaired, it is not clear who has done the repair, and what their qualification area is. This should be confirmed as soon as possible as it could potentially undermine building compliance and warranties.

5. Level 1

a. Level 1 ICU

CDHB state Sikaflex 400 and Ryanfire Intuspan are not compliant for seismic slip joints in plasterboard walls as there is no test for this. This is incorrect.

Firstly, products do not need to be tested in order to be compliant. An Alternative Solution, based on manufacturer's technical recommendations, engineering judgements, peer review and Council approvals is a well-established and robust method of achieving compliance, especially in specific circumstances such as specialist seismic design in hospital buildings.

Secondly, the Sikaflex 400 Fire sealant applied to this joint was recommended by Connect Group, one of CPB's specialist fire installers. It was reviewed and approved by USG Boral and the project fire engineer as suitable for this detail.

Further, technical advice from the sealant manufacturer confirms that the sealant may be (and has been) used on plasterboard substrates, and there is no technical reason why it would not perform as usual in a framed wall. The alternative sealant, Sikacryl 621, while tested in framed walls, is primarily an internal sealant for smaller joints (say 5-10mm) and does not declare a movement capacity. Use of Sikaflex 400 Fire provides extra assurance in both interior and more exposed or exterior situations, without the need to change sealant type for different circumstances.

Thirdly, the Intuspan product is an intumescent strip, specifically designed for joints in fire rated elements. It is part of the seismic slip joint detail agreed, reviewed and approved as part of the consent and Code Compliance process.

Conclusion – use of SikaFlex 400 and Intuspan in seismic joints in plasterboard walls is compliant with NZBC.

b. Mastic to Timber Braces

CDHB state use of standard fire mastic to protect timber braces to fire walls is not compliant as there is no test for this. This is incorrect.

As already noted, products do not need to be tested in order to be compliant. An Alternative Solution, based on manufacturer's technical recommendations, engineering judgements, peer review and Council approvals is a well-established and robust method of achieving compliance, especially in specific circumstances such as specialist seismic design in hospital buildings.

In this case, the proposed Alternative Solution involved using a fillet of Boss FireMastic 300 around the timber braces in combination with the char factor of the timber to provide the required fire rating. The engineering judgement was produced by Boss Fire, agreed by the Fire Engineer, and Peer Reviewer and approved by Council.

Conclusion – use of Boss FireMastic 300 to timber braces in plasterboard walls is compliant with NZBC.

c. Batt Testing

Refer to comments on Joint Infill in section 4b above.

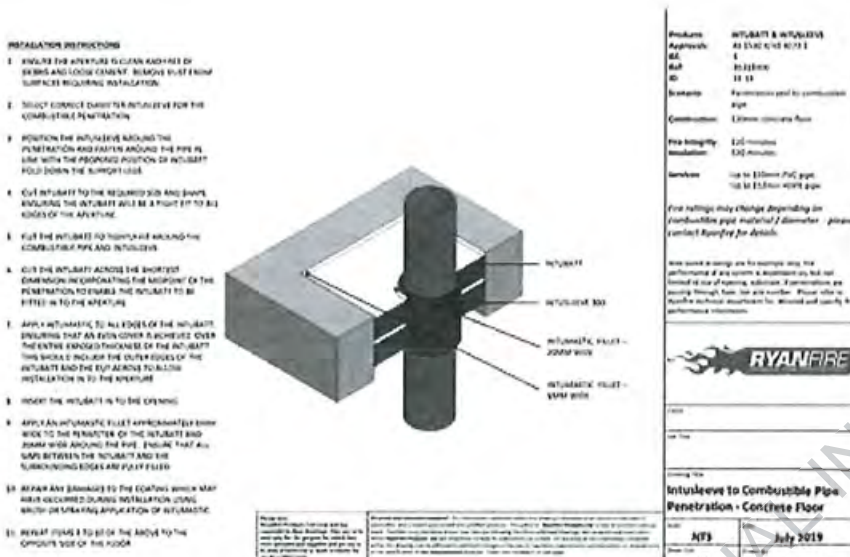
6. Lower Ground Floor

The photos are not clear however we have responded where we can below.

a. Collar in Batt

CDHB state that a fire collar is buried in the batt is non-compliant. This is incorrect.

The fire collar in question appears to be a Ryanfire Intusleeve which by design is located in the batt in their approved detail below.



Conclusion – use of Ryanfire Intusleeve within a fire batt is compliant with NZBC.

b. Incorrectly Mounted Screws

CDHB state a fire collar has incorrectly mounted screws. It is not possible to review based on photos supplied.

Conclusion – the issue is not proven.

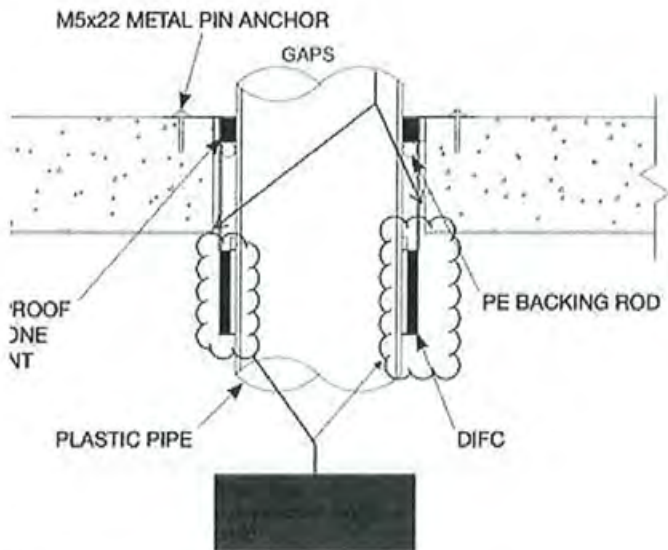
c. Oversized Annulus (Holes)

CDHB state that the size of holes in concrete slab around fire collars are larger than manufacturer's tested solutions and so are non-compliant. This is incorrect.

The fire collars used are drop-in collars which are dropped in to larger holes in slabs, with the holes sealed at the top of the collar (not visible in photos), leaving a visible gap at the bottom.

During construction, an extensive audit, including destructive testing, was carried out on drop-in fire collars to review holes sizes and infilling by a number of parties with experience and expertise in fire collar installation. CPB have confirmed that Allproof, the collar manufacturer, carried out spot audits of the works and the penetrations for the drop in fire collars were audited by PFFA (Fire Specialist) using criteria that was provided by Allproof. Any oversize coreholes were remediated with a detail that was approved by Allproof.

CDHB state "the unfilled hole means the mastic in the collar has to expand in directions reducing its effectiveness to crush and seal the plastic pipe." We assume this means if the steel fire collar is not held tight by core hole in concrete the expanding intumescent mastic will push both outwards and inwards negating its effectiveness. This statement cannot be true as the drop in collar specifications allow the mastic strip to be completely outside (below) of the concrete floor slab as illustrated below where there is no concrete on the other side of the collar. The fire collars are designed so that the mastic strip is contained by the steel fire collar and expands inwards when heated and the gap to concrete is not relevant, provided it is properly sealed at the top.



Conclusion – drop-in fire collars are installed to manufacturer’s requirements and are compliant with NZBC.

d. Intumastic Cracking

CDHB state that they observed examples of cracks in intumastic sealant, which may not comply with manufacturer’s requirements, so maybe non-compliant.

It is not possible to review the cracking size and extent in the photos supplied. However, minor intumastic fire cracking is common in fire stopping and accepted in industry. The extent of cracking (and shrinkage) was discussed with manufacturers during construction with acceptable limits agreed, reviewed and implemented on site. On site review of intumastic in these specific locations may be required to confirm if cracking observed is within agreed and compliant limits.

Conclusion – the issue is not proven.

Conclusion

On the basis of CDHB’s limited inspections in sample areas and specific issues raised and responded to above, the Design Team concludes that the passive fire installations in Hagley are in fact compliant and, in many cases are more than compliant, providing a more resilient, “low damage” approach to passive fire detailing in a seismic context.

Further, the Design Team conclude that, on the basis of the evidence provided, there is no reason to expect a high level of non-compliance in the rest of the building.

It is worth noting that we recommended and carried out an extensive passive fire audit in Nov/Dec 2019, resulting in identification and remediation of over 12,000 passive fire defects in the building.

It appears that CDHB have not consulted the project documentation prior to their review nor sought to gain a full understanding of the systems installed. We consider this would likely change many of their statements. We would recommend CDHB undertake a detailed review of documentation provided and, potentially, attend a detailed briefing from the Design Team to communicate the intent and built reality of passive fire installations in Hagley.

As a general note, we advise Hagley is a very complex building with a high number of specific fire design solutions used across the building, often to address non-typical situations. Fire rating solutions have been contained within consented documents and service penetrations and architectural passive fire registers (copies of which are available to CDHB). These solutions have been developed in consultation with various fire stopping specialists, suppliers and, in some cases, actual fire testing.

With respect to overall life safety in Hagley, we confirm the building features many layers of fire safety measures from sprinkler system with enhanced reliability (via 2 water supplies), an early warning fire alarm system, mechanical pressurisation, and evacuation procedures, in addition to passive fire protection. In event of a real fire, the hospital is designed in most cases to evacuate multiple fire and smoke cells away from the fire incident, and on that basis a defect in any one single system is not expected to be a life safety issue.

Tony Lloyd
 Programme Director
 Health Infrastructure Unit
 DHB Performance Support & Infrastructure
 tony.lloyd@health.govt.nz | b(2)(a)



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Tim Lester

From: Tim Lester
Sent: Wednesday, 21 October 2020 4:30 p.m.
To: Rob Ojala; Mark Newsome; Brad Cabell
Subject: FW: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer

9(2)(a) response below.

Appears he is not interested in engaging with the Ministry/Ministry's responsible engineer on his concerns.

We will therefore need to forward his email on to Tony Lloyd/Ministry of Health to consider/escalate.

Under his Rules, any engineer can complain:

1. to his Registration Authority if he believes the engineer has committed a significant breach of the Code of Ethics; and/or
2. to the Regulatory Body (Council) if he believes an engineering matter could have *adverse consequences*

Where:

"adverse consequences" includes:

significant harm, or an unacceptable likelihood of significant harm, to the health or safety of people; or

Regards

Tim Lester

Corporate Solicitor

Canterbury District Health Board

9(2)(a)

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>

Sent: Wednesday, 21 October 2020 3:28 p.m.

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>

Cc: Alan Page <alanp@pfitsconsultancy.co.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>

Subject: RE: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer

Hi Brad

Thank you for your response, however whilst I am aware that the CDHB is not managing the project, you are fully aware of the concerns raised.

I would believe that our concerns with non-complaint passive fire installations are the same as yours; if not more so; as under the Health and Safety Legislation you are required to provide a workplace that is without risks to the health and safety of any person.

We presume that you have forwarded on our concerns to the appropriate parties including Mr Tony Lloyd (if required) as would be your responsibility as an individual who carries out work in any capacity for a PCBU.

My email to you is just a courtesy to let you know the actions that I am required to take as a Chartered Engineer regarding these concerns.

Regards

Tony

Dr Anthony Parkes
BE (Civil), ME(Fire), PhD, PMSFPE, CPEng, IntPE
Technical Director

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From: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Sent: Wednesday, 21 October 2020 2:58 PM
To: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>
Cc: Alan Page <alanp@pfitsconsultancy.co.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: RE: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.[EXTERNAL SENDER]

Tony we acknowledge receipt of your email. The CDHB are not managing this project. Please forward your concerns to Tony Lloyd at the Ministry of Health. Tony's email is tony.lloyd@health.govt.nz

Regards

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

From: Anthony Parkes <tonyp@pfitsconsultancy.co.nz>
Sent: Wednesday, 21 October 2020 12:40 PM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Alan Page <alanp@pfitsconsultancy.co.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.[EXTERNAL SENDER]

Hi Brad

This is a brief email to advise you that I will be following up on my previous emails and correspondence with Christchurch City Council (CCC) and Engineering New Zealand (ENGNZ) regarding our observations of the non-compliant passive fire protection at the Acute Service Buildings; Christchurch Hospital. For your information we previously met with CCC in October last year and followed up with emails in November/December. I emailed ENGNZ in February this year.

I will be advising both parties that I consider that the public is at risk should the building be opened and occupied.

Please note that under the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 I have the following ethical obligations which I MUST fulfil.

Obligations in public interest

Heading: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (2016/121).

42B Take reasonable steps to safeguard health and safety

A chartered professional engineer must, in the course of the engineer's engineering activities, take safeguard the health and safety of people.

Rule 42B: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (2016/121).

42D Report adverse consequences

A chartered professional engineer who has reasonable grounds to believe that an engineering matter has or may have adverse consequences must bring the matter to the notice of the relevant regulatory body unless the engineer, after making inquiries, is satisfied on reasonable grounds that the matter is being dealt with through an appropriate manner.

Rule 42D: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (2016/121).

If you have any queries, please do not hesitate to contact me.

Regards

Tony

Dr Anthony Parkes
BE (Civil), ME(Fire), PhD, PMSFPE, CPEng, IntPE
Technical Director

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Tim Lester

From: Rob Ojala
Sent: Wednesday, 21 October 2020 3:52 p.m.
To: Tim Lester; Mark Newsome; Mark Newsome
Cc: Brad Cabell
Subject: Re: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.
Attachments: image001.jpg; image002.jpg; image003.png

Agreed path

Brad to respond that these concerns should be addressed to the client of the project - MOH via Tony L

I have spoken with Tony and indicated the party concerned may contact them directly
 I will be briefing the CE further (he has visibility of the email you have received)

Further conversation at HRPG

From: Mark Newsome <Mark.Newsome@cdhb.health.nz>
Sent: Wednesday, October 21, 2020 3:27:44 PM
To: Tim Lester <Tim.Lester@cdhb.health.nz>; Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <mark.newsome@cdhb.health.nz>
Cc: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: RE: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.

Thanks Tim.

From: Tim Lester
Sent: Wednesday, 21 October 2020 12:50 PM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <mark.newsome@cdhb.health.nz>
Cc: Brad Cabell <Brad.Cabell@cdhb.health.nz>
Subject: FW: Acute Services Building Passive Fire Issues and Obligations as a Chartered Engineer.

Hi Rob, Mark

Below email just sent to Brad from PFITS

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

T 9(2)(a) E: tim.lester@cdhb.health.nz
 Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

Tim Lester

From: Rob Ojala
Sent: Thursday, 22 October 2020 4:23 p.m.
To: Mark Newsome; Brad Cabell; 9(2)(a) Tim Lester
Subject: FW: Draft documentation regarding Passive fire protection in Hagley facility
Attachments: Firenze Report Draft 5[1].doc; Email Comments[1].pdf; Opinion Draft 1 (002).docx; RE: Response - Passive Fire Hagley[EXTERNAL SENDER]

fyi

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Date: Thursday, 22 October 2020 at 4:22 PM
To: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Cc: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Subject: Draft documentation regarding Passive fire protection in Hagley facility

Tony,

As per request by HRPg please find documentation both draft report and email dialogue to clarify unclear elements.

You will note that the report is incomplete – in part because the engineer has made some assumptions and requested further design information to provide a more definitive view. My assumption is as part of us all obtaining a shared view on this, that those requested design details are 'on their way'.

Please find

1. Draft report Firenze 10/10/20 – 9(2)(a) Fire engineer, Wellington)
2. Letter from Firenze 10/10/20 reflecting response to queries raised with design team seeking clarification
3. Letter Firenze 14/10/20 further response
4. Email 9(2)(a) early hours 22/10/20 further clarification

One would hope that further design information and a conversation with Firenze, the Katoa design team and the Project's fire engineer might provide the parties comfort that concerns raised are adequately dealt with in the facility.

I reiterate the passive fire question at this late point arose entirely out a routine completion of outstanding items/queries as formal handover from MoH to CDHB approached on Nov1. The approach to this was to conduct an 'in-house' piece of work to identify whether the question around a product in the seismic slip/knee wall joint was a legitimate question to be raised more formally – being conscious of the lengthy work that has gone on in this space and the desire not to 'shroud wave' and cause unnecessary angst. Clearly we have not been able to determine if this is a real issue – but equally been unable to assuage the uncertainty.

I accept in hindsight a different approach may have been more helpful – please accept my apology if you, or anyone else, perceives the approach was counter-productive – it was certainly not intended.

Please feel free to call me if further information/clarification is required.

Regards,

Rob Ojala
 Interim Executive Director CDHB Facilities



Consulting Fire Engineers

34 Satara Crescent

Khandallah

Wellington 6035

New Zealand

Assessment of Control Joint Fire Seals
in the
Christchurch Hospital
Acute Services Building

Prepared by: 9(2)(a)

For: Canterbury District Heath Board

Dated: 10 October 2020

Revision: Draft 5

9(2)(a)

fire@aquacoustics.biz

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1 Executive Summary

Canterbury District Health Board have sought advice about the compliance of fire rated control joint seals in the Christchurch Hospital Acute Services Building.

On the basis of the information provided and a site visit FireNZE considers that the specified Firepro BJ201 control joint seals and the substitute Sikaflex -400 and/or Firetherm Intuspan seals:

- are not compliant with the requirements of the Acceptable Solutions or for the purposes of Verification Method C/VM2.

- have no evidential basis for demonstrating compliance with the fire resistance rating specified in the Fire Report, or seismic performance.

- are not installed in accordance with the manufacturer's instructions or design specifications.

- lack adequate quality assurance to ensure that installation is in accordance with manufacturer's requirements.

Hence the fire resistance rating of the control joints use in the Christchurch Hospital Acute Services Building cannot be assured.

FireNZE has concerns about the seismic performance of the control joint fire seal systems and the quality assurance applied to fire stopping for passive fire protection.

The rationale for these conclusions is contained in the body of this report.

This report does not make recommendations but any building owner would reasonably require that these matters be addressed by the contractor and the relevant statutory authorities prior to assuming ownership and potential liability.

2 Purpose and Scope

This report is to determine the adequacy and New Zealand Building Code (NZBC) compliance of the control joint fire stopping based on the specified design of elements of construction for the Christchurch Hospital Acute Services Building (ASB) for Canterbury District Health Board (CDHB).

The specified design includes, but is not limited to, the non-load bearing timber framed cavity wall, materials, fire stopping and sealant specifications, dimensions and application methods.

The report is based on documentation provided by CDHB, the NZBC fire safety clauses (including C/VM2 and C/AS3, product data sheets and fire test reports).

The Fire Engineering Brief (FEB) , Fire Engineering Calculations and Structural Fire Engineering Report (which are used to establish the FRR in accordance with C/VM2 Section 2.2.2), the Fire and Emergency New Zealand (FENZ) Statutory Advice (memorandum), and applicable Producer Statements were not available for this review.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

3 Assumptions and Limitations

A number of assumptions are incorporated in the body of the report including the design basis (understood to be C/VM2), the fire rated system specification of the element of construction (assumed to be Winstone Wallboards Limited GBT 60a) and the function of the control joint (assumed to be for seismic separation).

Assumptions have been justified against the referenced documentation or through discussions with CDHB.

A site visit was completed on 2 October 2020 (Appendix B).

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4 Review

4.1 Design Basis

The Fire Report (Reference A) states that the design basis for this hospital is C/VM2. The Fire Report states:

- 2.3.1 All fire separations in the building and supporting structure shall achieve a FRR of (60)/60/60.

FireNZE notes from the site visit that Medical Gas Rooms have a Fire Resistance Rating (FRR) of 120/120/-, at variance with the Fire Report specification.

The design basis for passive fire protection is stated to be C/AS2 to C/AS7 in Reference B (hereinafter referred to as the Katoa Design Specification). While this may appear to be at variance with the Fire Report, the appropriate Acceptable Solution is C/AS3 Amendment 3 dated July 2014 applicable to risk group SI which includes hospitals. It prescribes Life and Property ratings of 60 minutes which are compatible with the FRR specified in the Fire Report.

Section 7382 of the Katoa Design Specification describes fire stopping systems in terms of test Standards and products. The specified test Standards conform to the requirements of C/AS3 Appendix C, Test Methods.

4.2 Control Joint Specification

CDHB have provided four drawings showing a number of fire rated joints including two control (slip) joints. CDHB understands that the purpose of these control joints is for seismic separation, allowing differential movement between vertically adjacent elements of construction in a seismic event. FireNZE cannot confirm the purpose of the control joints from the information provided, but given that they are termed a 'slip joint', dynamic differential movement is assumed.

The FRR of the elements of construction that form the control joint is identified in the drawings as -/60/60. This specification complies with the FRR specified in the Fire Report and C/AS3 Section 2.3.1.

FRR values

- 2.3.1 Unless explicitly stated otherwise in this Acceptable Solution, the *fire resistance ratings (FRRs)* that apply for this *risk group* shall be as follows:

Life rating = 60 minutes. This applies to *fire* rating requirements in Part 3: Means of escape and Part 4: Control of internal fire and smoke spread.

Property rating = 60 minutes. This applies to *fire* rating requirements in Part 5: Control of external fire spread.

C/AS3 Section 2.3.1 does not require an insulation rating for risk group SI, Section 4.4.5 does not require an insulation rating fire stops for risk group SI provided that combustible material is kept at least 300 mm from the element

2.3.13 *Insulation ratings are not required in risk group SI.*

4.4.5 A fire stop for a penetration is not required to have an insulation rating if means are provided to keep combustible materials at a distance of 300 mm away from the penetration and the fire stop to prevent ignition.

However the Fire Report design basis is stated to be C/VM2 so the specified FRR which includes an insulation rating takes precedence.

4.2.1 Stair Slip Joint Detail

Figure 1 shows the stair slip joint detail, Detail B from drawing KAT-DWD-0132-AR-34-502 (Reference C).

The elements of construction comprise a proprietary plasterboard-lined timber-framed non-load bearing fire rated walls separated by a 20 mm high horizontal slip (control) joint.

The fire rated system is assumed to be Winstone Wallboards Limited GBT 60a based on Section 5171G of the Katoa Design Specification.

The stair slip joints viewed during the site visit on 2 October (Appendix B) do not conform to this detail even though destructive examination was not completed. A proprietary slip joint cover was not fitted, and the control joint was sealed with gray mastic (assumed to be Sikaflex -400 Fire).

The fire stopping of the control joint is specified to be a Firepro BJ201 intumescent strip compressed in a 20 mm deep rebate, central in the timber top plate framing (Katoa Design Specification, 7382 Section).

4.1 FIRE SEALANT STRIP

Location: Stair Walls and Base
Type/Brand: Firepro BJ201 Intumescent Fire Sealant Strip
Dwg Reference Detail 2 Dwg 32-026

Email correspondence and discussions with CDHB identifies that the specified slip joint fire seals may have been changed from the Firepro BJ201 specification to either Sikaflex -400 Fire and/or Firetherm Intuspan fire sealants. This variation has not been confirmed but should be verifiable from public records for building consent held by the relevant Building Consent Authority (BCA).

This variation is contrary to the requirements of the Katoa Design Specification, 7382 Section 4.1 which states:

Substitutions are not permitted to the following, unless stated otherwise.

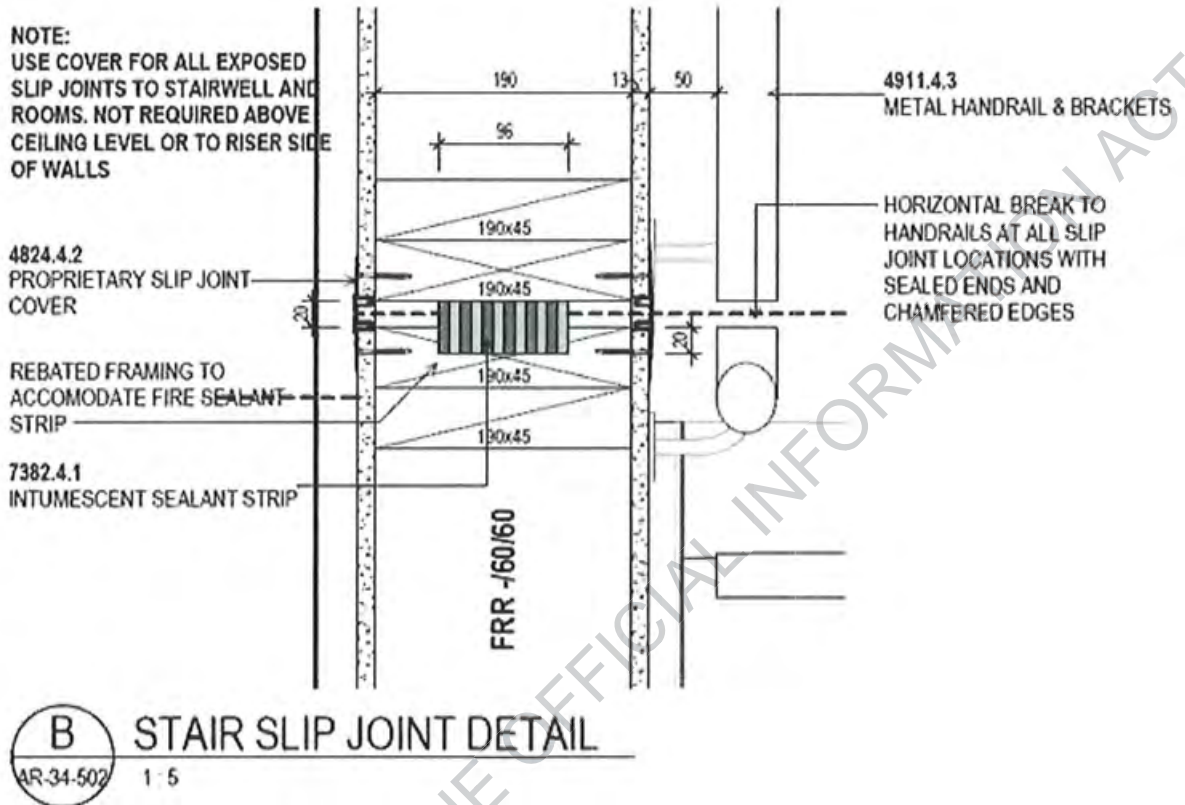


Figure 1. Stair Slip Joint Detail (Reference C)

There is no manufacturer's reference to an identical tested fire stopping system. This is therefore an ad hoc design with no basis for either the FRR or intended control joint function.

The Firepro BJ201 intumescent strip has not been tested with timber framed plaster board lined elements of construction.

It is unclear from the detail how this control joint could possibly function to provide dynamic movement without damage as the proprietary cover is fastened across the control joint.

4.2.2 Fire Rated Slip Joint Detail

Figure 2 shows the stair slip joint detail, Detail A from drawing USG-DWG-0132-AR0012 (Reference D).

The ICU slip joints viewed during the site visit on 2 October (Appendix B) do not conform to this detail based on witnessed destructive examination.

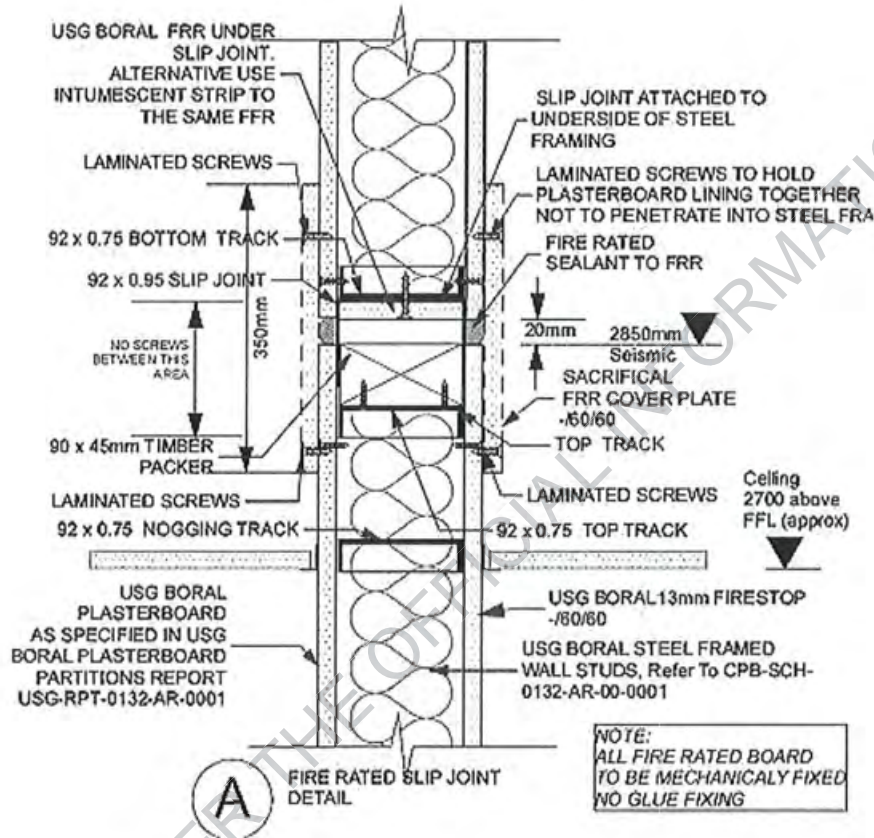


Figure 3. Fire Rated Slip Joint Detail (Reference D)

There is no manufacturer's reference to an identical tested fire stopping system. This is therefore an ad hoc design with no basis for either the FRR or intended control joint function.

The FIRE RATED SEALANT TO FRR is not specified. It is understood to be Sikaflex -400 Fire. This sealant has not been tested with metal framed plasterboard lined elements of construction. It does not meet the insulation requirements of the FRR specified in the Fire Report.

The timber packer is a significant variation from the USG specified fire rated construction for single clad non-load bearing steel framed walls. This potentially compromises the FRR of the element of construction.

Plasterboard fasteners through the steel framing at the top of the control joint do not comply with the USG Boral system detail for plate fastenings (these are not permitted).

The ALTERNATIVE USE INTUMESCENT STRIP TO SAME FRR is unspecified.

The Polyethylene (PE) backing rod specified by Sika to maintain prescribed sealant depth is not shown.

It is unclear from the detail how this control joint could possibly function to provide dynamic movement without damage as the SACRIFICIAL FRR COVER PLATE -60/60 is fastened across the control joint.

The control joint specification is incomplete. There can be no surety of what will actually be constructed, or assurance of adequate FRR or control joint performance.

4.2.3 Other Specified Joints

The drawings at References D, E and F include several other wall details with FRR's. Reference E and F are tender documents and it is not clear whether these were incorporated in the plans and specifications for building consent.

The specifications are incomplete to the extent that a wall built on the basis of these drawings cannot be assured of complying with any tested system to achieve the required FRR. There are numerous specification deficiencies including:

- no reference to FRR tested elements of construction.

- unspecified FRR sealants.

- alternative unspecified acoustic sealants in a FRR applications.

It is not clear from the drawing at Reference D whether the radiation walls based on the Winstone Wallboards Limited Gib X-Block system are intended to have a FFR. The details in the drawing are not in accordance with the manufacturer's specified systems for control joints for radiation performance, and X-Block has a lower insulation rating than comparable thickness fire rated plasterboard due to increased density.

4.3 Cited Test Methods for FRR

C/VM2 does not cite test Standards for determining FRR. Comment 2 to Section 1.5 states:

2. *Fire and smoke separations should be fire stopped with appropriate proprietary products for the orientation and be specific for use in that separating element.*

Clearly any fire stopping which has no formal basis for required seismic or fire performance for use with a particular separating element cannot be considered an appropriate proprietary product specific for use in a particular separating element.

The Acceptable Solutions for the NZBC fire safety clauses (as specified in the Katoa Design Specification) cite the following test Standards for FRR in Appendix C. These Standards would meet the requirements of C/VM2.

BS 476: Part 22. This Standard describes methods for determination of the fire resistance of non-load bearing elements of construction. Control joints and penetrations that are typically used in conjunction with the element of construction under test are incorporated in the specimen.

AS1530.4. This Standard is a test method for fire resistance tests of elements of building construction.

AS 4072.1. This Standard is a test method for service penetrations and control joints protecting openings in fire-resistant separating elements using the AS1530.4 test method.

AS 4072.1 Appendix C contains testing criteria for control joints and penetrations subject to dynamic movement. These test criteria are strictly applicable to dynamic control joints. The note to Clause 2.4.2 is informative:

Note: Appendix C provides a test procedure for evaluating the movement capability of a fire sealing system in a particular joint configuration. Joints should only be used in applications where the expected movement is not greater than the amplitude for which a specimen performed satisfactorily in this test.

AS 4072.1 requires that any control joint shall be tested as a complete prototype incorporating any additional sealants, supports and facing materials.

A6. Control Joints

...

Typical examples of fire stopping systems for movement control joints are shown at Figure A1. The fire stopping system comprises the whole assembly including backing materials and sealants (whether serving a fire stopping function or not). Changes to any components of the system should be evaluated and reported by a registered testing authority.

C/AS2 to 7 Appendix C requires that control joints and penetration seals are subject to testing in accordance with AS4072.1. It follows that AS1530.4 is the applicable test Standard for fire rated elements of construction incorporating control joints and penetration seals for the purposes of the Acceptable Solutions to the NZBC fire safety clauses.

4.4 Acceptable Solution Requirements for Control Joints

Control joints and penetration seals are subject to testing in accordance with AS 4072.1.

C5.1.2 *Fire stops* shall be tested:

- a) In circumstances representative of their use in service, paying due regard to the size of expected gaps to be *fire stopped*, and the nature of the *fire separation* within which they are to be used, and
- b) In accordance with AS 4072: Components for the protection of openings in fire resistant separating elements – Part 1: Service penetrations and control joints.

Further, penetration seals and control joints are required to have at least the FRR of the element of construction.

Fire stops

4.4.2 *Fire stops* shall have an *FRR* of no less than that required for the *fire separation* within which they are installed, and shall be tested in accordance with Appendix C C5.1.

4.5 Variations Based on Formal Opinion

C/AS3 Sections 4.4.3 and 4.4.4 do not allow variations to tested control joints by formal opinion, even though AS 4072.1 and AS1530.4 make provision for these.

4.4.3 *Fire stops* and methods of installation shall be identical to those of the prototype used in tests to establish their *FRR*.

4.4.4 The material selected for use as *fire stops* shall have been tested for the type and size of the gap or *penetration*, and for the type of material and *construction* used in the *fire separation*.

Two notable exceptions are the length of control joints and thin decorative surface finishes. Standard fire tests have practical limitations regarding the dimensions of the test specimen. With appropriate specimen mounting criteria (as specified in the test Standard) the dimensions of elements of construction may be extrapolated subject to test outcomes. The test Standards make specific provisions for decorative surface finishes.

Note: Formal opinions are only permitted by an Accredited authority (a qualification which, while granted to an individual, is only retained while employed by an accredited fire testing laboratory). The author of this report has been an IANZ accredited signatory for the fire resistance tests and associated opinions cited in the Acceptable Solutions for the fire safety clauses of the NZBC. It is inconceivable that a reputable accredited laboratory would grant a favorable opinion for a penetration or control gap seal where the elements of construction had changed from the base fire test.

4.6 Ad Hoc Fire Stopping

Applying multiple layers of fire stop systems (compliant or otherwise) to a control joint in a fire rated wall does not ensure that the specified fire resistance rating of the wall will be achieved. In fact this ad hoc (and arguably economically imprudent) design approach may reduce the fire resistance rating of the wall and/or compromise the function of the control joint.

Interactions (positive or negative) between different fire stopping systems applied to a particular control joint on an element of construction cannot be predicted with surety. This is why fire stopping systems are required to be tested and the cited test methods extend to dynamic movement for control joints.

4.7 Control Joint Compliance

The three identified control joint fire sealing systems, Firepro BJ201, Sikaflex -400 Fire, and Firetherm Intuspan (References G, H and I) do not demonstrate compliance for the purposes of the NZBC Acceptable Solutions or C/VM2. In particular:

These systems have not been tested on gypsum board lined timber or steel framed elements of construction. This is a direct non-compliance with the requirements of the Acceptable Solutions for the fire safety clauses of the NZBC. It also exceeds any allowable variation by formal opinion in test Standard AS 4072.1.

The fire resistance insulation rating of Sikaflex -400 Fire control joint seals does not provide an insulation fire resistance rating, and is therefore not suitable for the specified FRR of the element of construction. Sika have provided a fire test report at Reference J showing insulation criteria failure in masonry elements of construction after 28 minutes. The product test report designates an FRR of -/240/0 to the system. This does not comply with the FRR specified in the Fire Report.

Firetherm Intuspan has not been tested to AS1530.4. Photographs in the ASB Project Team Defect Register (Reference K) show that the control joints are sealed in accordance with Reference B, Section 7382. It is not clear that these systems have been tested incorporating sealing detail as required by the Acceptable Solutions and AS4072.1.

No documentation has been provided indicating that these systems have been tested for dynamic movement in accordance with AS 4072.1 Appendix D. Any fire stops in control joints that do not have a test basis for dynamic movement performance would require re-work as a matter of course following a seismic event. Visual inspection is unlikely to provide assurance of the seal integrity.

Control joint preparation in the product data sheets appears to be entirely based on masonry elements of construction. This is unlikely to be appropriate for timber or steel framed plasterboard walls.

Notes: While Sika have kindly provided CDHB with the relevant fire test report for their product, these reports are considered proprietary intellectual property. They are not available from Accredited testing laboratories without written manufacturer approval, and manufacturers will often decline such requests.

A lack of cited testing is a non-compliance with the requirements of the NZBC but this does not infer that a system will not provide the required FRR.

Formal opinions based on a successful test to a cited test Standard by an Accredited testing laboratory are not permitted by the Acceptable Solutions, and are of limited scope. Assurance of the performance of a control joint fire seal requires testing to a cited Standard.

4.8 Quality Assurance

In completing this review it was noted that CDHB has identified a considerable number of passive fire defects which were passed to the ASB Project Team for resolution. The Omtrak report, Christchurch Hospital Acute Services Building, Site Works - Work list dated 30 January 2020 (Reference K) identifies over 7,000 passive fire protection defects covering a diverse range of faults.

A fundamental tenet of Quality Systems is that you cannot inspect quality into a product. The number of passive fire defects identified by CDHB and the ASB Project Team implies a lack of adequate quality assurance.

Destructive examination of three fire stops were witnessed during the site visit on 2 October 2020 (Appendix B). All were found to be defective. It would be reasonable to conclude on the basis of this limited sample that many other fire stops have latent (hidden) defects and that quality assurance has been inadequate.

The extent and diversity of documented defects should reasonably raise concerns about the integrity of those aspects of installation that are not visually discernible from the exterior of fire stopping.

The Sikaflex -400 Fire data sheet (Reference H) provides an example of the quality assurance typically required for control joints. This appears to be lacking on fire rated penetration and control joint seals throughout this project.

5 Remediation

5.1 To Current Specifications

Without remediation there can be no surety that the fire stops in the ASB will provide the specified FRR or seismic performance. The extent of the inadequate installation is unquantified, but on the basis of reported defects and witnessed limited-sample destructive tests it is likely to be significant.

The control joint fire stopping in particular cannot be assessed visually. Remediation would require deconstruction of non-load bearing walls.

Remediation of the fire stopping in the ASB to the manufacturer's installation Standards would likely be a costly and time-consuming undertaking resulting in extensive delay before the building was available for use.

Further, this would not ensure that the building would actually meet the FRR specified in the Fire Report and any seismic performance requirements because the specified systems do not have any reasonable basis (testing to cited Standards or otherwise) to ensure adequate performance as applied.

5.2 Post Seismic Event

During the anticipate life of the ASB it can reasonably be expected to experience a moderate seismic event within the serviceability limit state (Appendix A). The current control joints are likely to be damaged (Section 4.2 above) and the FRR could be compromised, even though the building might otherwise be serviceable.

Compromised fire safety systems may make the ASB unsafe for occupancy (or dangerous). This potentially makes the building unusable until the fire stopping, which is not tested for seismic performance, has been inspected and if necessary repaired. As noted previously fire stopping in general and the control joint fire stopping in particular cannot be visually inspected to assure serviceability.

This is a potential future cost and loss of utility, not appropriate for an Importance Level 4 building.

6 Conclusions

On the basis of the information provided and the site visit FireNZE considers that the specified Firepro BJ201 control joint seals and the substitute Sikaflex -400 and/or Firetherm Intuspan seals:

are not compliant with the requirements of the Acceptable Solutions or for the purposes of Verification Method C/VM2.

have no evidential basis for demonstrating compliance with the FRR specified in the Fire Report, or seismic performance.

are not installed in accordance with the manufacturer's instructions or design specifications.

lack adequate quality assurance to ensure that installation is in accordance with manufacturer's requirements.

Hence the fire resistance rating of the control joints use in the Christchurch Hospital ASB cannot be assured.

T.G. O'Brien, PG Cert Eng. (Fire), BE(Hons.), MSFPE, MNFPA, MEngNZ, CP Eng., Int. PE
Consulting Fire Engineer
FireNZE (a trading division of Aquacoustics Limited)

Appendix A Commentary on Double Jeopardy Events

The New Zealand Building Code does not anticipate double jeopardy events. For example a fire immediately following a severe seismic event, or a severe seismic event immediately following a fire. Double jeopardy events may result in occupants being unable to evacuate or prevent emergency response, resulting in loss of life.

Although double jeopardy events are extremely rare the historical record indicates that fire following a seismic event is not uncommon. In essence the seismic event actually causes fire. The two events are no longer independent so the situation is not one of double jeopardy. The probability of a fire given that a seismic event has occurred is significantly higher than the probability of either a fire or a significant seismic event.

A.1 Building Importance Level

A hospital is an Importance Level 4 building as defined by the New Zealand Building Code Clause A3:

Importance level 4	<i>Buildings that are essential to post-disaster recovery or associated with hazardous facilities.</i>	Hospitals and other health care facilities having surgery or emergency treatment facilities
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A hospital is expected to remain operational following a disaster.

A.2 Limit State Design

It is not possible to design a building to withstand every conceivable force of nature that might be imparted over the anticipated life of the building. In New Zealand structural design is based on the concept of limit states. The design limit for extreme events is the ultimate limit state, above which a building may fail catastrophically.

The serviceability limit state is established below the ultimate limit state. It defines the demarcation between an event that causes no damage, loss of utility or availability; or some damage with some loss of utility but not extending to compromised life safety systems.

Importance Level 4 Buildings, have relatively high limit states compared to buildings of lower Importance Levels to ensure utility after relatively severe events.

While the New Zealand Building Code does not anticipate double jeopardy events, it is based on the premise that buildings subject to a single event within the serviceability limit state will continue to provide full utility, and buildings subject to a single event below the ultimate limit state will maintain life safety.

A.3 Seismic Protection of Fire Safety Systems

The functionality of fire safety systems following anticipated seismic events is embodied in the New Zealand Building Code and cited Standards because New Zealand is considered to be regionally seismically active and fire following seismic events is anticipated.

For example the New Zealand Standard for Automatic Fire Sprinkler Systems, NZS 4541 (a cited Standard) makes specific provisions for seismic bracing, seismically imparted differential movement and water supply reliability. The purpose of these provisions is to ensure that fire safety systems remain operational following a credible seismic event, and also to prevent consequential damage (such as wet down) in the building.

The NZBC cited Standards for testing of control joint fire stopping also anticipates fire following seismic events. The cited test methods ensures that one or more seismic events within the serviceability limit should not compromise the fire resistance of the element of construction, and that the fire stopping should not compromise the seismic performance of the control joint.

Appendix B Fire Stopping Inspections

B.1 Destructive Examination

A site visit was completed on 2 October 2020. The destructive investigation of two control joint fire seals and one penetration fire seal was witnessed in the Intensive Care Unit.

Note: The nature of construction often makes post-installation visual inspection for conformance to design impossible without invasive (destructive) examination. The performance of such systems can only be assured by product testing, with installation conformance established by quality assurance.

Examination and borescope inspection identified:

- a control joint fire stop with no internal intumescent and incorrect substrate (Figures B.1 and 2).

- a control joint fire stop with incomplete Sikaflex -400 Fire sealant, unidentified white mastic, and incorrect substrate (Figures B.3 and 4).

- a penetration fire seal with inadequate interlayer adhesive on the sacrificial board (Figure B.5).

A 13 mm gypsum board sacrificial curtain was inadequately secured over the control joints with inappropriate fasteners for gypsum board (Figure B.3). Fasteners were not applied to the lower edge as shown in Figure 2.

Fastener spacing was not in accordance with the USG Boral specification for fire walls. In particular fasteners were applied into the top plate (not permitted). Abutting sheet fasteners could not be examined for staggering and maximum spacing due to plaster stopping.

Sikaflex -400 Fire sealant is generally applied with a 2:1 width to depth ratio in control joints within manufacturer's limits. However for relatively long control joints (many metres) the manufacturer requires a ratio adjustment to ensure adequate movement performance. The Sikaflex -400 Fire sealant removed from the ICU control joint was 22 mm wide and 10 mm deep. Additional information is being sought from Sika to confirm the required width to depth ratio in relatively long control joints.

Given that all three of the fire stops that were destructively examined were found to be defective it would be reasonable to conclude that many more have latent defects, and that quality assurance has been inadequate.

B.2 Stair Control Joint Inspection

A stair control joint was visually inspected. This confirmed that the elements of construction were not appropriate for the specified fire stopping.

A Proprietary Slip Joint Cover 4824.4.2 as shown in Reference C was not fitted (Figure B.6).

B.3 Service Shaft Seal Width

Sikaflex -400 Fire joint seals in a services shaft appear to exceed the maximum rated width of 40 mm for the product (Figure B7).



Figure B1. Defective Control Joint Fire Stopping



Figure B2. No Intumescent Installed

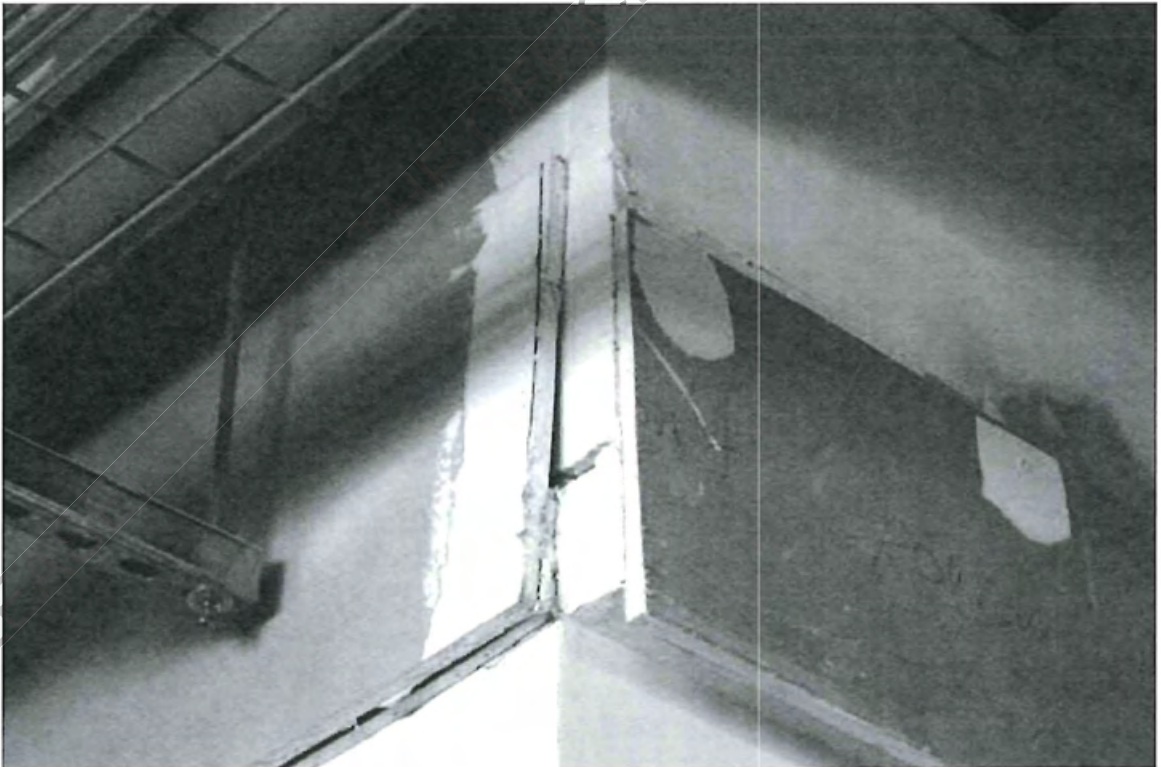


Figure B3. Unsealed Control Joint with Inappropriately Fixed and Incomplete Sacrificial Curtain Board



Figure B4. Unidentified Mastic in Control Joint Fire Stopping

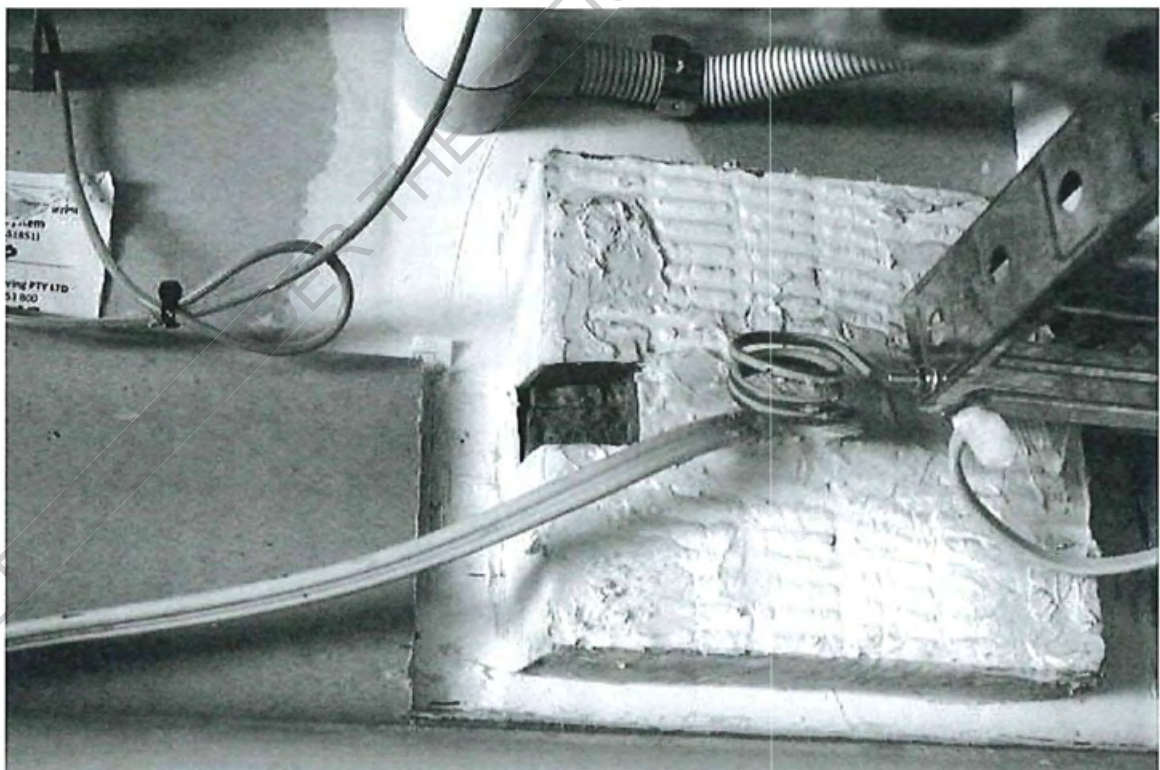


Figure B5. Inadequate Penetration Fire Seal



Figure B6. Control Joint in Stairwell without Proprietary Cover

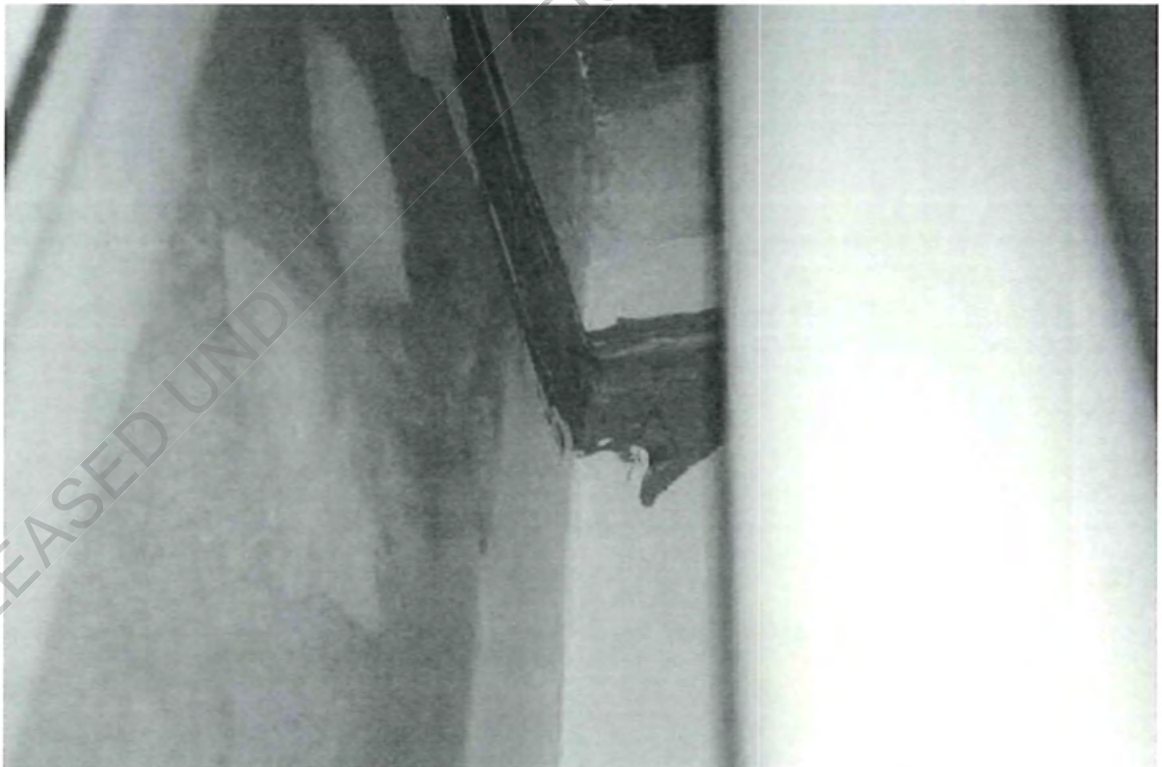


Figure B7. Excessive Width Fire Stopping

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- C. Drawing: Typical Stair Details, KAT-DWD-0132-AR-34-502, Rev. 2, 29 February 2016
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- E. Drawing: Typical Wall Section Details, KAT-DWD-0132-AR-52-230, Rev. A, dated 17 July 2015
- F. Drawing: Typical Wall Section Details, KAT-DWD-0132-AR-52-229, Rev. B, dated 21 August 2015
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Consulting Fire Engineers
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10 October 2020

Mr B. Cabell
Programme Director Construction & Property
Canterbury District Health Board (CDHB)
230b Antigua St
Christchurch

by email

Dear Brad

**Commentary on Correspondence
Seismic Joint Fire Stopping**

Thank you for forwarding the email from [REDACTED] ChowHill, dated 6 October 2020.

While many of [REDACTED] comments are addressed in FireNZE's assessment report I have elected to respond to these separately in this letter to provide you greater distribution flexibility.

[REDACTED] email states:

The detail is more than simply NZBC-compliant and is intended to reduce the extent of inspection and remediation that may be required a post-seismic event.

We are confident the detail will perform as designed, which is to provide a "low damage" solution to the need to both address interfloor movement and to maintain fire separation

Seismic details in fire walls - a brief history

- Brief & Compliance - NZBC does not require fire and seismic to be considered together. However, as Hagley is an IL4, post-disaster facility, it is important to remain operational immediately post-seismic event & to minimise extent of inspection & remediation required. Policy direction from CDHB is required.

[REDACTED]

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- Late 2013 - early 2014 - CDHB request a "no damage" approach. Project team advised that is not practical, so a "low damage" approach to detailing was discussed & agreed.
- Feb 2014 - Hagley team met Burwood team, reviewed details, and agreed to adopt similar details for Hagley.
- 2014-2015 - Hagley fire wall details documented in timber framing using Gib systems with "second line of defence" to minimise extent of inspection & remediation.
- Late 2015 - Post tender, CPB proposed alternative details in steel framing & USG Boral systems, equivalent wall systems & details proposed, revised and approved, including an equivalent "second line of defence."
- 2015-2020 walls constructed in line with CPB alternative, with modifications as required for specific construction issues. Alternative sealant proposed and approved Sep/Oct 2017. Noted some construction issues identified by consultants - eg fixing & stopping of plasterboard, fixings bridging seismic joint, proximity of services & other elements - all remedied on site by CPB
- Nov/Dec 2019 - Passive Fire Audit, noted some issues with workmanship & QA - remedied prior to PC
- August 2020 - PC granted on basis of close out of all defects, issue of Producer Statements, Code Compliance Certificate & review of all required documentation

I make the following comments and observations in response:

1. No evidential basis is provided that demonstrates the seismic joint detail is compliant with the specified FRR of the element of construction or the unspecified anticipated seismically induced inter-floor movement.

The NZBC is a performance document. The seismic and fire safety construction requirements are not prescribed – they are determined by the designer to meet the functional requirements of the building code in accordance with the selected design methodology.

2. In the event of a seismic event within the serviceability limit state there should be no requirement for inspection or remediation of seismic joint or fire stopping details.

The term '*low damage*' is undefined and it is unclear how this assumed performance level is assured.

Any level of damage to the integrity of a specified fire wall compromises the fire safety systems of the building. If this were not the case then there would be no requirement for fire rated walls in the building.

Any damage to the specified fire resistance ratings could make the building unfit for occupancy (unable to be used until the fire safety systems have been inspected and if necessary repaired).

3. The serviceability of the fire stopped control joints cannot be readily determined by external visual inspection. Many are covered by proprietary covers. The actual integrity of intumescent central to the wall cavity cannot be non-destructively assessed.
4. Confidence that *'the detail will perform as designed'* is unfounded. The fire stopping details have no test basis for fire or seismic performance. There is no evidence that the detail has actually been designed for seismic performance or fire resistance. The specified fire sealant does not meet the insulation requirements of the specified fire resistant rating.

Short of demonstrating that the control joints will achieve the required seismic and fire performance through testing, the only way of instilling confidence in the joint detail is a formally acceptance of liability for post seismic event inspection and repair over the anticipated life of the building.

But acceptance of liability cannot compensate for loss of utility following a seismic event where the building's occupancy may be critical to regional disaster response. Accepting building hand-over with known defects should be a significant risk management concern for CDHB.

5. The statement *'NZBC does not require fire and seismic to be considered together.'* only relates to a seismic event that exceeds the serviceability limit state. It does not consider the more likely scenario where the building experiences a seismic event less than the serviceability limit state followed by a consequential or independent fire event.

The building's fire safety systems are expected to remain fully functional following such a seismic event. If this were not the case then the building will not have met the design serviceability limit state. The issue of double jeopardy events is discussed in Appendix A of FireNZE's assessment report.

6. The concept of *'a second line of defence'* is flawed. Fire rated penetration and control joint seals in elements of construction are, by definition, a single system. Placing several untested noncompliant products side by side in a control joint in a single element of construction creates a new single untested non-compliant system.
7. The validity of agreements between CPB Contractors and CDHB that compromise the design compliance with the NZBC are of questionable legal standing. It appears that CDHB requested a compliant system and CPB proposed a non-compliant (and therefore not an alternative) system.

8. It is apparent that the quality assurance applied to the construction of the control joint fire stopping in this building has failed, as evidenced by the destructive inspection of three fire stops witnessed on 2 October 2020. On the basis of this limited sample it is highly probable that the majority of the fire seals in this building are not installed as specified.

And even if the control joint fire stopping had been installed as specified, the systems have no basis for seismic or fire performance.

9. The use of Producer Statements (PS3 and PS4) as a means of quality assurance is highly questionable. PS3's are a self-certification statement by the installing contractors that they have completed the work in accordance with the specification. These are, quite frankly, not worth the paper they are written on as evidenced by the number of defects identified by CDHB.

The PS4 (produced by the Fire Engineer) is supposed to be based on site construction monitoring (the appropriate level is CM5 for this building) which, in the case of fire stopping, would require a sampling regime for destructive testing. It is apparent that this level of monitoring has not occurred. The PS4 is understood to have been generated based on the collation of PS3's.

In my professional opinion this email provides CDHB with absolutely no assurance that the fire seals in the Acute Services Building will meet the required fire resistance and seismic performance.

Yours faithfully,

9(2)(a)



FireNZE (a trading division of Aquacoustics Limited)



Consulting Fire Engineers

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New Zealand

14 October 2020

9(2)(a)

Project-X Solutions Limited

cc:

Mr B. Cabell
Programme Director Construction & Property
Canterbury District Health Board (CDHB)

by email

Dea 9(2)(a)

Ministry of Health Rationale for Fire Rated Control Joint Performance

On 8 October 2020 you wrote to the Ministry of Health Team (MOH) seeking a reasoned assurance that the fire rated control joints in the Christchurch Hospital Acute Services Building would remain serviceable following a seismic event within the Serviceability Limit State (SLS).

You asked the following five astute questions of the MOH:

1. Clarification of the actual installed detail of the slip joint portion of the knee joint; as drawn there appears to be a continuous slip joint channel (in the detail A provided) but not installed this way in the observed sample on site
2. Confirmation of the specific performance required by the slip joint (as per detail A provided by you) in terms of movement in an SLS event at the knee joint; noting that building movement at SLS is 30mm floor to floor (as advised by 9(2)(a))

9(2)(a)

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3. Confirmation that the fire rated sealants(s) used in the above detail are appropriate for the dynamic movement anticipated in an SLS event
4. Confirmation that the knee joint system can comply with the Building Act requirements given that the specific design of the knee joint has not been tested in this situation (to our knowledge)
5. Confirmation that the sealant(s) used in the detail are approved for use in a plasterboard wall system

You have provided the MOH reply and have requested that FireNZE review and respond.

FireNZE does not have access to the Fire Engineering Brief (FEB) , Fire Engineering Calculations and Structural Fire Engineering Report, the Fire and Emergency New Zealand (FENZ) Statutory Advice and applicable Producer Statements. These documents would clarify the design basis for the fire rated control joints and determine whether or not this was actually a design consideration.

FireNZE has provided a draft assessment of the several fire rated control joint details specified for the Acute Services Building. It may be helpful if the report is read in conjunction with this letter.

FireNZE's response is as follows.

1. Additional Questions

Two relevant questions that were not been raised in your enquiry to MOH are:

- a. Would the fire stopping design actually perform in accordance with the specification as installed without being subject to an SLS seismic event?
- b. Given the extent of identified and observed fire stopping installation deficiencies can CDHB be assured that the fire stopping has been installed in accordance with specifications?

2. Overview of MOH Response

FireNZE considers that the MOH response does not address any of the five questions that you have asked.

Affirmative responses with supporting evidence identifying the veracity of the fire rated control joint design against the specified -/60/60 Fire Resistance Rating (FRR) may have provided CDHB with a degree of assurance that the control joint fire performance would meet the specification following an SLS seismic event.

Of course this assumes that the control joints are actually installed in accordance with the design which is questionable.

The MOH response provides no considered basis (fire engineering, testing or otherwise) for the control joint design against the specification. They have sought to obfuscate by:

claimed scrutiny of the control joint fire stops involving CDHB.

MOH's opinion of compliance.

building consent and code compliance certificates

sign-off by consultants and building inspectors.

MOH also claim that the control joint fire stopping:

is an Alternative Design.

does not require testing.

has been reviewed by the Fire Engineer and subjected to peer review.

permits low damage to the control joint to prevent uncontrolled cracking and other damage to the fire wall.

is part of a layered design incorporating automatic fire sprinklers, fire detection and passive fire controls.

is reasonable and complaint to minimize potential damage, remedial work, operational disruption, and future costs.

The following sections will examine each of these MOH arguments.

3. Scrutiny of Design

FireNZE's recent review of the control joint fire stopping details found no evidence that these would reasonably be expected to perform to specification.

The fire stopping applied to the control joints appears to have no formal design basis. In essence it appears to be an architectural detail without a robust fire engineering or structural design basis.

The fire rated sealant and intumescent strips have not been subject to testings with comparable elements of construction.

The Sikaflex -400 Fire fails to provide the specified 60 minute insulation rating.

The claimed scrutiny has not established that the fire rated control joints can be expected to perform to the specified fire FRR with or without being subject to seismically induced movement.

It is apparent that CDHB's concerns about the design, performance and installation of the fire rated control joints have not been resolved by past scrutiny. Recent assessments of the control joint detail and installation should reasonably have increased CDHB concerns.

4. MOH Opinion

The basis for the MOH opinion regarding the fire and seismic performance of the control joints is unsupported by evidence.

The qualification to make assertions about the fire performance of fire rated control joints also warrants justification.

The relevant cited test Standards are AS 1530.4 and AS4072.1. These Standards place significant limitations on the extent of any variation from a tested specimen, and restrict the authorship to Accredited testing laboratories based on successful testing. The reason for this level of apparent conservatism is that the state of the art cannot predict with confidence the actual FRR performance of elements of construction without a test basis.

Even minor changes to a specimen can result in unexpected failure modes. The situation is even more precarious when the specimen is also required to sustain fire rating after seismically induced movement.

The MOH opinion is unqualified and without factual basis.

5. Building Consent and Code Compliance Certification

Building consent and code compliance certification are both issued on the basis of being *satisfied on reasonable grounds* under the Building Act 2004 (the Act). They do not provide any guarantee of compliance or performance.

49 Grant of building consent

- (1) A building consent authority must grant a building consent if it is satisfied on reasonable grounds that the provisions of the building code would be met if the building work were properly completed in accordance with the plans and specifications that accompanied the application.

94 Matters for consideration by building consent authority in deciding issue of code compliance certificate

(1) A building consent authority must issue a code compliance certificate if it is satisfied, on reasonable grounds,—

- (a) that the building work complies with the building consent; and
- (b) that,—
 - (i) in a case where a compliance schedule is required as a result of the building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent; or...

It is not clear if the relevant Building Consent Authority (BCA – Christchurch City Council) is fully aware of the basis for the CDHB concerns about the design, specification and implementation of the fire rated control joints in the ASB. Nor is it apparent that they are aware that the design basis is actually an Alternative Solution.

While it is possible that the BCA have not prudently exercised due diligence in exercising their role under the Act, it is also possible that they have been misled by the veracity of information (including plans, specifications, evidence of testing, producer statements and the like) provided by the applicant.

6. Sign-off by Consultants and the Building inspector

Sign Off is not a building control mechanism or a defined term under the Act.

In order to understand exactly what consultants and building inspectors have signed off CDHB would need to see the relevant documents, form an understanding of how they relate to the fire rated control joints, the basis for acceptance, and that the consultants and building inspectors are actually working within their qualification and competency.

7. Alternative Solution

The design basis for the fire safety clauses of the New Zealand Building Code (NZBC) is stated in the Fire Report to be verification method C/VM2.

The Verification Document to the Building Code, C/VM2 (Amendment 4), has been used as the design basis for this report.

Hospitals are not in the scope of C/VM2 (Comment to Section 1.2.1).

3. Examples of *buildings* outside of the scope include hospitals, care homes, stadia, principal transport terminals, large shopping malls (greater than 10,000 m² and contain mezzanine floors), tall *buildings* (greater than 60 metres or 20 storeys in height) or tunnels.
4. *Fire safety design for buildings* that are outside of the scope can be performed using the Fire Engineering Brief (FEB) process and the appropriate parts of this Verification Method, which can be considered by the *building consent authority*

While the NZBC is widely regarded as a performance based, the Acceptable Solutions (C/AS3 is applicable to hospitals) are prescriptive, and Verification Method C/VM2 is a prescriptive design method. It is entirely possible to the design a compliant hospital using C/AS3, but otherwise the design must be an Alternative Design.

While there can be advantages in using an Alternative Design over Acceptable Solutions there can also be disadvantages. As a design becomes less prescriptive the engineering and documentation required to demonstrate compliance with the NZBC becomes increasingly complex, and often the inherent margins of safety incorporated in prescriptive design solutions are reduced.

8. FRR Testing

Practically there is no alternative to testing to determine the FRR of elements of construction and associated control joints and penetrations.

While fire testing is certainly not without issues (it does not demonstrate actual performance in real fires) it does provide a comparable measure of performance under standard conditions from which relative performance in real fires can be inferred.

First-principle engineering design, small scale testing, and modelling do not provide surety of FRR performance. But in any case no evidence has been provided that the FRR of the fire rated control joints in the ASB would meet the -/60/60 FRR design specification based on any recognised methodology.

Test evidence from the Sikaflex -400 Fire sealant shows that it fails to achieve the specified 60 minute insulation rating in seals between masonry elements of construction.

All fire rated control joint details reviewed by FireNZE for the ASB are materially different from manufacturers' tested specimens, not only in the configuration of the control joints but also in the elements of construction which use masonry (concrete) as opposed to the gypsum plaster walls in the ASB. The physical and thermal performance of gypsum plaster board is entirely different from masonry.

Further the control joints do not comply with gypsum plasterboard manufacturer's fire rated systems.

These arguments also extend to seismic performance.

While FRR testing may not be required for Alternative Design, no information has been provided that would provide comparable assurance of performance.

9. Fire Engineer and Peer Review

These design reviews are completed prior to granting building consent and are documented through Producer Statements PS1 design and PS2 design review.

FireNZE has not seen these documents or the underlying fire engineering design or test evidence to support the specified FRR of the fire rated control joint details. Nor have we seen the scope of the peer review and any questions that might reasonably have arisen from this.

On the face of it, it would appear that the actual control joints are contrived architectural details with no underlying engineering design or test basis for either fire resistance or seismic performance. They are certainly not supported by comparable testing by the intumescent, sealant or construction element manufacturer's systems.

The veracity of these reviews is therefore questionable as means of assurance of specified fire and seismic performance.

10. Low Damage

This aspect of the design is addressed in FireNZE's review of the fire rated control joint details.

In essence if a fire rated wall is expected to remain serviceable following an SLS seismic event then it cannot sustain damage that would make the building unserviceable. A failed fire rated control joint compromises the building's fire safety systems making it unusable.

A hospital is an Importance Level 4 building as defined in the NZBC Clause A3:

Importance level	<i>Buildings</i> that are essential	Hospitals and other health
4	to post-disaster recovery	care facilities having surgery
	or associated with	or emergency treatment
	hazardous facilities.	facilities

A hospital is expected to remain operational following a disaster. It follows that a design basis that permits damage to a fire rated control joint cannot be an appropriate design strategy.

The actual control joint detail includes a proprietary plate fastened across the control joint which is likely to fail in a moderate seismic event.

While MOH infer that either the control joint or the fire wall could sustain damage in a seismic event these are not alternatives. There are other design options where the control joint should perform its intended function in an SLS seismic event while preserving the integrity of the fire wall.

11. Layered Design with Multiple Fire Safety Systems

The fire safety systems required in the ASB are not considered to be mutually exclusive.

Other aspects of the fire safety design are likely reliant on multiple fire safety systems. For example the severity of fire based on the presence of automatic fire sprinklers may have allowed for a reduction in FRR and tenability criteria for evacuation from fire. There are many similar concessions in C/AS3 and C/VM2.

These systems are expected to work in concert to achieve the requirements of the fire safety clauses of the NZBC in accordance with the design. The notion that any of these systems is somehow redundant is a mischievous MOH notion.

While '*... life safety and compliance is not solely dependant on this slip joint detail.*' this does not infer that life safety provisions of the NZBC will be achieved if the fire rating of the control joints is compromised.

12. Minimized Damage, Remedial Work, Disruption, and Cost

A complaint design for this building would not be expected to suffer any damage in an SLS seismic event that would result in damage, remedial work, disruption (loss of utility) or cost.

Acceptance of potentially compromised fire safety systems, loss of utility, and cost is considered to be an unquantified but potentially significant risk for CDHB. Risk is often considered as probability multiplied by consequence. But there are some low to moderate risks that are untenable due to public outrage. Disruption to a hospital following an SLS seismic event may be in this category.

The fact that many of the installed fire stopping elements are already compromised by inadequate specification and poor installation is a recognised concern that has not been addressed by MOH.

In my professional opinion the MOH response provides no evidential basis for assuring the CDHB that the fire rated control joints in the ASB will perform adequately in an SLS seismic event. To the contrary there is a significant body of evidence that the fire stopping in this building will not perform as specified even without seismic event due to inadequate design and installation.

The MOH response also raises significant concerns about the design framework used in establishing compliance with the fire safety clauses of the NZBC.

Yours faithfully,

9(2)(a)



FireNZE (a trading division of Aquacoustics Limited)

Tim Lester

From: 9(2)(a)@aquacoustics.biz>
Sent: Thursday, 22 October 2020 1:01 a.m.
To: 9(2)(a)
Cc: Rob Ojala; Brad Cabell; Mark Newsome; Tim Lester 9(2)(a)
Subject: RE: Response - Passive Fire Hagley[EXTERNAL SENDER]

Gentlemen,

I have received two emails, one from Brad (with attachments) and one from 9(2)(a) today. Both request a response by 12 midday on 22 October 2020.

It is rather late and I cannot reasonably incorporate a reply in the draft report in the required timeframe (although many of the matters are addressed to some extent). So I will comment below in the hope that this will meet your immediate needs.

Referring to 9(2)(a) specific questions (in red) and Brad's email (in green):

1. The MOH are very clear that a solution that is tested and approved **is not** a requirement for Building Code Compliance in passive fire installations – do you agree with this?

This is not actually what MOH are saying. They claim that an Alternative Solution does not require testing of fire seals.

The design basis is still not clear to me. The Fire Report states that this is a Verification Method C/VM2 design. C/VM2 is not applicable to hospitals. However if a Fire Engineering Brief (FEB) is completed then C/VM2 can still be used as the basis for an Alternative Solution. My understanding is that an FEB has been completed but I have not seen this. If the design is based on C/CM2 as an Alternative Solution (which is a reasonable assumption) then the requirement for fire seals is:

C/VM2 Comment to Section 1.5 Fire and smoke separations should be fire stopped with appropriate proprietary products for the orientation and be specific for use in that separating element.

The alternative is that the FEB and Fire Engineering Calculations provide an Alternative Design basis for fire seals.

The reality is that there is no alternative to fire testing of fire stops using identical elements of construction. It is not possible to reliably predict the performance of fire rated seals without a test basis.

So while I agree with MOH, I have yet to see any evidence that the specified fire stops will perform adequately, and the tested performance of one of their specified fire sealants, Sikaflex -400 Fire, does not provide the insulation rating specified in the Fire Report.

2. The MOH state that one suppliers batt and another suppliers sealant untested are a compliant install in line with the Building Code – do you concur?

I do not agree with this statement without a robust documented engineering basis that clearly demonstrates that the composite untested design complies. I am of the opinion that no competent fire engineer would provide such a design without a test basis.

3. In the email below, under item 5, are a series of statements in relation to the slip joint in the full height fire walls – the one we viewed on site. Again the “products do not need to be tested in order to be compliant” is quoted – can you please provide your opinion on the validity of this statement.

The response at 1 above applies, but also extends to the anticipated SLS movement due to a seismic event (understood to be 30 mm). So testing is not required but I have yet to see any evidence that the specified fire stops will perform adequately, and the tested performance of one of their specified fire sealants, Sikaflex -400 Fire, does not provide the insulation rating specified in the Fire Report, or provide for 30 mm (or even +/- 15 mm) movement with a 20 mm wide by 10 mm deep seal.

While MOH refer to manufacturer's technical recommendations, engineering judgements, peer review and Council approval, they have not provided information from these sources that demonstrates that the control joints will perform in plasterboard. There is every reason to believe, based on manufacturer's recommendations that the fire seals in the control joints will fail.

Thirdly, the Intuspan product is an intumescent strip, specifically designed for joints in fire rated elements. Not quite. Intuspan is specifically designed for masonry elements of construction (as are all of the fire sealants and intumescent specified).

There is no such thing as standard fire mastic.

... Boss FireMastic 300 around the timber braces in combination with the char factor of the timber to provide the required fire rating. I have not studied this particular sealant, but a design based on the rate of char in timber is questionable. Char rate is highly variable, even with defined timber species, density, moisture content and grain direction. At best it is a estimate. This is why FRR testing is so important as a design basis. Please request the analysis.

The fire engineer has witnessed similar batt installation on site ... An installer working under examination can be expected to perform at a higher standard. I would like to see the Fire Engineer's field notes supported with a statistically sampled destructive testing analysis. The fact that CDHB found one failure on the basis of a single sample should ring alarm bells.

Note that, while we are advised CDHB's destructive testing has been repaired, it is not clear who has done the repair, and what their qualification area is. This should be confirmed as soon as possible as it could potentially undermine building compliance and warranties. If one or two defective repairs compromise the compliance and warranties then so do the myriad of defects identified by CDHB (during the site visit of 2 October I observed numerous fire seals that did not comply with specification, and I have significant concerns that the specification cannot reasonably provide the specified FRR and control joint function).

The statement from the sealant (Sikaflex 400) supplier that there is no technical reason why the product would not perform as usual in a timber framed wall is also a statement we ask you to comment upon.

Further, technical advice from the sealant manufacturer confirms that the sealant may be (and has been) used on plasterboard substrates, and there is no technical reason why it would not perform as usual in a framed wall.

The response is always predicated on the question. I would need to see both to understand this statement. If the question were 'Can Sikaflex -400 be used with gypsum plasterboard?' then the response might be in line with the MOH statement above. If the question were 'Can Sikaflex -400 Fire be used in a timber framed gypsum plasterboard wall control joint and achieve a FRR of -/60/60 with 30 mm movement?' then the answer would be entirely different (likely – this product has not been tested with for this application and performance cannot be assured).

MOH are refuting valid concerns without providing unequivocal evidence-based responses. In my opinion the onus should be on MOH to resolve these questions to the satisfaction of CDHB. The reason that that won't is probably because they can't.

The statement ending ... resulting in identification and remediation of over 12,000 passive fire defects in the building, is particularly concerning. The passive fire protection quality assurance should ensure that the total

number of defects is exactly zero. The fact that I walked into this building on 2 October 2020 and observed three failed fire seals and numerous seals not installed to specification (and there is no evidence that the specification is compliant) is a significant life safety concern, even without a SLS seismic event.

I trust that this email will meet your immediate needs.

With kindest regards,

9(2)(a)

FireNZE (a trading division of Aquacoustics Limited)
<http://www.fire.aquacoustics.biz>

9(2)(a)

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From: 9(2)(a)@proj-x.co.nz]
Sent: Wednesday, 21 October 2020 5:58 PM
To: 9(2)(a)@aquacoustics.biz'
Cc: Rob Ojala; Brad Cabell; Mark Newsome; Tim Lester; 9(2)(a)
Subject: RE: Response - Passive Fire Hagley[EXTERNAL SENDER]

Afternoon 9(2)(a)

For the sake of clarity the memo sent to you now by Brad and the response from the MOH below relates to an email that was sent to the MOH addressing QA type issues. I am not sure what the drawing attached is of so I think you should not review that.

To make your response easier, given we are again on a time constraint, can you please focus on the following:

The MOH are very clear that a solution that is tested and approved is not a requirement for Building Code Compliance in passive fire installations – do you agree with this?

The MOH state that one suppliers batt and another suppliers sealant untested are a compliant install in line with the Building Code – do you concur?

In the email below, under item 5, are a series of statements in relation to the slip joint in the full height fire walls – the one we viewed on site. Again the “products do not need to be tested in order to be compliant” is quoted – can you please provide your opinion on the validity of this statement.

The statement from the sealant (Sikaflex 400) supplier that there is no technical reason why the product would not perform as usual in a timber framed wall is also a statement we ask you to comment upon.

If you could please respond to the above questions first that would be of assistance to us.

With reference to the other questions sent to the MOH requesting confirmation of design in relation to the slip joints – the MOH has not provided this information.

Thanks

9(2)(a)

From: Brad Cabell [mailto:Brad.Cabell@cdhb.health.nz]

Sent: Wednesday, October 21, 2020 5:28 PM

To: 9(2)(a) @aquacoustics.biz>

Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>; 9(2)(a) @proj-x.co.nz>

Subject: FW: Response - Passive Fire Hagley[EXTERNAL SENDER]

9(2)(a)

further to our recent correspondence we have now received commentary (attached below) in response to our queries. Can you please review and come back to us with your thoughts on this.

I am not sure if there is all of the information you need to update your report (I'll take your advice on this) so happy to keep it draft at this stage. it is very important we get some feed back on the below statements before 12.00 tomorrow. I will understand if you cannot update your report in this time frame.

This information remains confidential.

Look forward to your response.

Regards

Brad Cabell B.App.Sc. M.B.A.
Programme Director Construction & Property
Canterbury District Health Board
230b Antigua Street
P.O. Box 1600 Christchurch

9(2)(a)

From: Mark Newsome <Mark.Newsome@cdhb.health.nz>

Sent: Wednesday, 21 October 2020 2:52 PM

To: Tim Lester <Tim.Lester@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; 9(2)(a) @proj-x.co.nz>

9(2)(a)

Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>

Subject: FW: Response - Passive Fire Hagley[EXTERNAL SENDER]

FYI

From: Tony Lloyd <Tony.Lloyd@health.govt.nz>

Sent: Wednesday, 21 October 2020 2:11 PM

To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>

Cc: John Hazeldine <john.hazeldine@health.govt.nz>; Karl Wilkinson <Karl.Wilkinson@health.govt.nz>

Subject: Response - Passive Fire Hagley[EXTERNAL SENDER]

Dear Rob and Mark

Please find attached response to the memo raised by M&E alleging a number of non compliances with passive fire in Hagley.

1. Hagley Passive Fire Installation

CDHB have undertaken a short inspection of small, isolated parts of the building, have found some potential passive fire issues for concern or query.

CDHB's memo states that many passive fire items identified in the small sample areas "appear to be non-compliant with the manufacturer's instruction and/or non-compliant with the requirements of the New Zealand Building Code". CDHB are concerned this implies a high proportion of non-compliance will therefore exist throughout the building.

Before considering the rest of the building, it is important to establish if the specific items raised are actually concerns or non-compliant. The Hagley Design Team therefore respond below to the specific items raised.

2. LG - Fire Fly Installation lower ground floor

CDHB states that the Fire Fly has been installed and labelled as 120/60/- Fire Resistance Rating. This is incorrect. The photo supplied clearly shows a -/120/60 rating (NOT a 120/60/- rating), indicating the Fire Fly has no stability rating, an integrity rating of 120 minutes and an insulation rating of 60 minutes, which is compliant. [Note: The stability rating refers to how long a fire rated element will hold up a load (i.e. load bearing capacity in fire). The integrity rating is how long the fire rated element will remain in place, and the insulation rating is how long the fire rated element will withstand heat transfer.]

Further, the overall wall details around the Med Gas Store (as shown on the attached drawing KAT-DWD-0132-AR-52-237[1] LGF 120min FRR WALL DETAILS) are designed to provide two levels of protection – a combination of Fire Fly blanket and fire sealant either side of the block wall, each of which provide the required fire rating. The reason for incorporating two levels of protection is that this detail is at the seismic movement plane and has potential for up to 650mm of movement in any direction. The sealant provides a weather seal and initial protection against smaller movement, and the Fire Fly blanket provides protection for larger movements. The exterior sealant is detailed so that the cover flashing moves out in seismic events, prompting inspection and repair work, all while the Fire Fly maintains fire protection.

Conclusion – the installed detail is compliant with NZBC and provides a "low damage" solution at the seismic plane.

3. Level 9 – Gap in fire/smoke walls

CDHB state the visible gap in fire/smoke walls at the L9 lift shaft wall means a lack of fire/smoke protection. This is incorrect.

The gaps to fire walls to lift shafts and risers are protected from fire penetration with Intuspan (a heat expanding product) which can be set back from the edge of the gap (as seen in the photo) and protected from smoke penetration by a fire sealant, in this case fitted to the other side of the wall (not visible in the photo). During construction, the Design Team identified some issues with smoke sealing to these walls to lift shafts and risers and this was remedied with sealant fully installed to the gap from the shaft side, which is not visible in the photo.

Conclusion – the installed detail is compliant with NZBC.

4. Level 2

a. Mixing Products

CDHB state that different brands or products should not be used to seal penetrations in fire walls and present photos under UV light as evidence of different products in use on site.

Firstly, the photos are difficult to review, potentially show the presence of only a small amount of different product and do not conclusively demonstrate use of different products in the joint. For example, the area could have been contaminated by sealant falling from another adjacent seal.

CPB have confirmed there has not been a mixture of suppliers for the completion of a penetration. Details of product to use for a penetration have been provided by that supplier and they have been installed by a single fire rating specialist.

Conclusion – the issue is not proven.

Secondly, the presumption that a detail using different brands or products can only be compliant if tested is incorrect. Specialist passive fire installers often use different products in details, based on a highly detailed understanding of the performance and compatibility of passive fire products, and of the specific installation requirements. Use of all products on site was rigorously reviewed and approved, and this is recorded in passive fire registers as part of the consent documentation.

Conclusion – use of different products in passive fire details is compliant with NZBC.

b. Joint Infill

CDHB undertook destructive testing on fire rated batt infill installation on site and advised the lack of sealant between batt layers is not compliant.

A number of different batt types have been used on the project with different requirements, depending on whether the batt is friction fitted or pattress fitted. The fire engineer has witnessed similar batt installation on site by Connect Group, who were the primary installer of the majority of intubatt, and noted the presence of sealant at edges as recommended by the manufacturer. On that basis, we are confident that the majority of the batt installed on site is compliant. For the specific batt shown in the CDHB photo, we are yet to identify the batt type and installer.

Conclusion – the issue is not clearly established.

Note that, while we are advised CDHB's destructive testing has been repaired, it is not clear who has done the repair, and what their qualification area is. This should be confirmed as soon as possible as it could potentially undermine building compliance and warranties.

5. Level 1

a. Level 1 ICU

CDHB state Sikaflex 400 and Ryanfire Intuspan are not compliant for seismic slip joints in plasterboard walls as there is no test for this. This is incorrect.

Firstly, products do not need to be tested in order to be compliant. An Alternative Solution, based on manufacturer's technical recommendations, engineering judgements, peer review and Council approvals is a well-established and robust method of achieving compliance, especially in specific circumstances such as specialist seismic design in hospital buildings.

Secondly, the Sikaflex 400 Fire sealant applied to this joint was recommended by Connect Group, one of CPB's specialist fire installers. It was reviewed and approved by USG Boral and the project fire engineer as suitable for this detail.

Further, technical advice from the sealant manufacturer confirms that the sealant may be (and has been) used on plasterboard substrates, and there is no technical reason why it would not perform as usual in a framed wall. The alternative sealant, Sikacryl 621, while tested in framed walls, is primarily an internal sealant for smaller joints (say 5-10mm) and does not declare a movement capacity. Use of Sikaflex 400 Fire provides extra assurance in both interior and more exposed or exterior situations, without the need to change sealant type for different circumstances.

Thirdly, the Intuspan product is an intumescent strip, specifically designed for joints in fire rated elements. It is part of the seismic slip joint detail agreed, reviewed and approved as part of the consent and Code Compliance process.

Conclusion – use of SikaFlex 400 and Intuspan in seismic joints in plasterboard walls is compliant with NZBC.

b. Mastic to Timber Braces

CDHB state use of standard fire mastic to protect timber braces to fire walls is not compliant as there is no test for this. This is incorrect.

As already noted, products do not need to be tested in order to be compliant. An Alternative Solution, based on manufacturer's technical recommendations, engineering judgements, peer review and Council approvals is a well-established and robust method of achieving compliance, especially in specific circumstances such as specialist seismic design in hospital buildings.

In this case, the proposed Alternative Solution involved using a fillet of Boss FireMastic 300 around the timber braces in combination with the char factor of the timber to provide the required fire rating. The engineering judgement was produced by Boss Fire, agreed by the Fire Engineer, and Peer Reviewer and approved by Council.

Conclusion – use of Boss FireMastic 300 to timber braces in plasterboard walls is compliant with NZBC.

c. Batt Testing

Refer to comments on Joint Infill in section 4b above.

6. Lower Ground Floor

The photos are not clear however we have responded where we can below.

a. Collar in Batt

CDHB state that a fire collar is buried in the batt is non-compliant. This is incorrect.

The fire collar in question appears to be a Ryanfire Intusleeve which by design is located in the batt in their approved detail below.

INSTALLATION INSTRUCTIONS

1. ENSURE THE APERTURE IS CLEAN AND FREE OF DEBRIS AND LOOSE MATERIAL. REMOVE EXISTING SURFACES REQUIRING INSTALLATION.
2. SELECT CORRECT DIAMETER INTUSLEEVE FOR THE COMBUSTIBLE PENETRATION.
3. POSITION THE INTUSLEEVE AROUND THE PENETRATION AND TAPER AROUND THE PIPE IN LINE WITH THE PROPOSED POSITION OF INTUSLEEVE FOLD DOWN THE SUPPORT LEGS.
4. CUT INTUSLEEVE TO THE REQUIRED SIZE AND SHAPE, ENSURING THE INTUSLEEVE WILL BE A TIGHT FIT TO ALL SIDES OF THE APERTURE.
5. CUT THE INTUSLEEVE TO OVERLAP AROUND THE COMBUSTIBLE PIPE AND INTUSLEEVE.
6. CUT THE INTUSLEEVE ACROSS THE SHORTEST DIMENSION INCORPORATING THE WIDEST PART OF THE PENETRATION TO ENSURE THE INTUSLEEVE IS FITTED IN TO THE APERTURE.
7. APPLY AN INTUSLEEVE TO ALL EDGES OF THE INTUSLEEVE, ENSURING THAT AN EVEN COVER IS ACHIEVED OVER THE ENTIRE EXPOSED THICKNESS OF THE INTUSLEEVE. THIS INCLUDES INCLUDING THE OUTER EDGES OF THE INTUSLEEVE AND THE CUT ACROSS TO BUILD PENETRATION IN TO THE APERTURE.
8. PROTECT THE INTUSLEEVE IN TO THE OPENING.
9. APPLY AN INTUSLEEVE FLEET APPROXIMATELY 20MM WIDE TO THE PERIMETER OF THE INTUSLEEVE AND JOINTS AROUND THE PIPE. ENSURE THAT ALL GAPS BETWEEN THE INTUSLEEVE AND THE SURROUNDING EDGES ARE FULLY COVERED.
10. REPAIR ANY DAMAGE TO THE FINISHES WHICH MAY HAVE OCCURRED DURING INSTALLATION USING APPROPRIATE REPAIR MATERIALS.
11. REPAIR JOINTS & TOP OF THE ABOVE TO THE COMPLETE SURFACE FINISH.

Product:	INTUSLEEVE & INTUSLEEVE
Approval:	AS 1532.4, AS 1532.1
AS:	1
Ref:	15.12.2016
Rev:	15.15
Scenario:	Penetration seal to a combustible pipe
Construction:	1.0mm concrete floor
Fire Integrity:	120 minutes
Insulation:	120 minutes
Details:	100 to 115mm PVC pipe 100 to 115mm HDPE pipe
Fire ratings may change depending on combustible pipe material / diameter - please contact Ryanfire for details.	
Note: Whilst it is a good practice to use the performance of any system is dependent on the quality of the system, substrate, installation and details. Please refer to Ryanfire technical requirements for detailed and specific performance information.	
<p>Intusleeve to Combustible Pipe Penetration - Concrete Floor</p>	
Rev:	July 2019
Rev:	July 2019

Conclusion – use of Ryanfire Intusleeve within a fire batt is compliant with NZBC.

b. Incorrectly Mounted Screws

CDHB state a fire collar has incorrectly mounted screws. It is not possible to review based on photos supplied.

Conclusion – the issue is not proven.

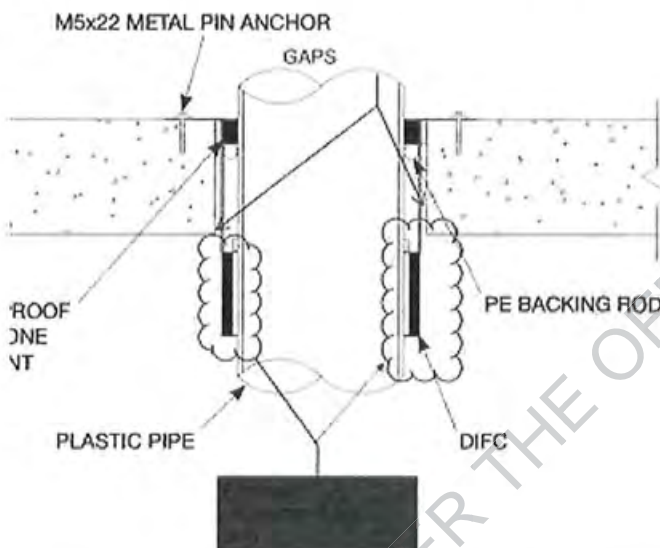
c. Oversized Annulus (Holes)

CDHB state that the size of holes in concrete slab around fire collars are larger than manufacturer's tested solutions and so are non-compliant. This is incorrect.

The fire collars used are drop-in collars which are dropped in to larger holes in slabs, with the holes sealed at the top of the collar (not visible in photos), leaving a visible gap at the bottom.

During construction, an extensive audit, including destructive testing, was carried out on drop-in fire collars to review holes sizes and infilling by a number of parties with experience and expertise in fire collar installation. CPB have confirmed that Allproof, the collar manufacturer, carried out spot audits of the works and the penetrations for the drop in fire collars were audited by PFPA (Fire Specialist) using criteria that was provided by Allproof. Any oversize coreholes were remediated with a detail that was approved by Allproof.

CDHB state "the unfilled hole means the mastic in the collar has to expand in directions reducing its effectiveness to crush and seal the plastic pipe." We assume this means if the steel fire collar is not held tight by core hole in concrete the expanding intumescent mastic will push both outwards and inwards negating its effectiveness. This statement cannot be true as the drop in collar specifications allow the mastic strip to be completely outside (below) of the concrete floor slab as illustrated below where there is no concrete on the other side of the collar. The fire collars are designed so that the mastic strip is contained by the steel fire collar and expands inwards when heated and the gap to concrete is not relevant, provided it is properly sealed at the top.



Conclusion – drop-in fire collars are installed to manufacturer's requirements and are compliant with NZBC.

d. Intumastic Cracking

CDHB state that they observed examples of cracks in intumastic sealant, which may not comply with manufacturer's requirements, so maybe non-compliant.

It is not possible to review the cracking size and extent in the photos supplied. However, minor intumastic fire cracking is common in fire stopping and accepted in industry. The extent of cracking (and shrinkage) was discussed with manufacturers during construction with acceptable limits agreed, reviewed and implemented on site. On site review of intumastic in these specific locations may be required to confirm if cracking observed is within agreed and compliant limits.

Conclusion – the issue is not proven.

Conclusion

On the basis of CDHB's limited inspections in sample areas and specific issues raised and responded to above, the Design Team concludes that the passive fire installations in Hagley are in fact compliant and, in many cases are more than compliant, providing a more resilient, "low damage" approach to passive fire detailing in a seismic context.

Further, the Design Team conclude that, on the basis of the evidence provided, there is no reason to expect a high level of non-compliance in the rest of the building.

It is worth noting that we recommended and carried out an extensive passive fire audit in Nov/Dec 2019, resulting in identification and remediation of over 12,000 passive fire defects in the building.

It appears that CDHB have not consulted the project documentation prior to their review nor sought to gain a full understanding of the systems installed. We consider this would likely change many of their statements. We would recommend CDHB undertake a detailed review of documentation provided and, potentially, attend a detailed briefing from the Design Team to communicate the intent and built reality of passive fire installations in Hagley.

As a general note, we advise Hagley is a very complex building with a high number of specific fire design solutions used across the building, often to address non-typical situations. Fire rating solutions have been contained within consented documents and service penetrations and architectural passive fire registers (copies of which are available to CDHB). These solutions have been developed in consultation with various fire stopping specialists, suppliers and, in some cases, actual fire testing.

With respect to overall life safety in Hagley, we confirm the building features many layers of fire safety measures from sprinkler system with enhanced reliability (via 2 water supplies), an early warning fire alarm system, mechanical pressurisation, and evacuation procedures, in addition to passive fire protection. In event of a real fire, the hospital is designed in most cases to evacuate multiple fire and smoke cells away from the fire incident, and on that basis a defect in any one single system is not expected to be a life safety issue.

Tony Lloyd
Programme Director
Health Infrastructure Unit
DHB Performance Support & Infrastructure
tony.lloyd@health.govt.nz | 9(2)(a)



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Kay Jenkins

From: Rob Ojala
Sent: Tuesday, 27 October 2020 7:32 p.m.
To: Andrew Brant
Cc: John Hansen; barry@ [REDACTED]
Subject: Hagley passive fire remediation

Andrew
(cc. Sir John and Barry as follow up to HRPg meeting)

Re; Hagley passive fire and outstanding questions around both product (like the Sikaflex 400); and adequacy of remediation of previously acknowledged defects.

Please note my recommendation in the final paragraph.

From my understanding there are two main areas of concern that have been raised through our DHB team.

The first relates to the quality of the passive fire installation

- It covers various items such as mismatched products, installation not in line with technical data and installed products not suitable for the specific application according to limited areas observed by commissioned fire engineers.
- A caveat to this relates to the small sample observed by the experts, where they assert at face value there appeared a very high instance of non-compliance. It raises a question around further investigation to provide confidence that it is not an endemic issue.
- It would be hoped that this category of items would be at the lower level from a risk basis, as there is a product installed and likelihood is that smoke and fire would be contained in an isolated event.

The second issue relates to the fire wall design and installation which is seismically connected through a slip or knee joint.

- Our experts are of the view that the design has not been tested in a formal test laboratory and therefore is a risk. The concern relates more to the ability of the slip joints in the wall to move in a seismic event and still retain its ongoing passive fire integrity in a less than SLS2 event
- Simply put, the joint is designed to act like a flexible link between the floor and the underside of the next level. The main product (Sikaflex) used to seal the slip joint has not been tested in a plasterboard wall and does not appear to be able to move as far as may be required in a *moderate* earthquake according to the product description. This is in the context of a building designed to cope with an SLS2 event.
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In this setting -

- While there are assertions by the project that both of the concerns (product and the defects remediation) can be assuaged by understanding the innovative design, there remains a question of its actual performance in a less than SLS2 event; and/or the acceptability by council inspectors in the annual BWO of assessment, which could compel extensively disruptive remediation that could take years.
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Next steps-

From the HRP meeting and subsequent conversations I understand that there is a proposal for a third-party assessment of the views and the design plus in-situ elements. I understand that this task is proposed to be allocated to Beca. It should be noted that Beca is already a key engineering consultant for the Hagley project (across mechanical, electrical, hydraulic, communications and security engineering services). Whomever the MoH elect to engage to perform this review function, as well as holding the requisite technical expertise in this area, there ought to be an appropriate degree of independence (for perception purposes, if nothing else). This is especially the case given the interest from certain third-party fire engineers within the sector and a complaint to Council and the engineering registering body that we/MOH have been made aware of.

Recommendation

My hope is that we discover the questions have suitable answers ultimately obviating the need for remedial action now and in the future. Irrespective of this, my strong recommendation is that we

1. agree a mutually acceptable third party assessment
2. obtain from the MoH, while the MoH remain the entity responsible for the project and principal to the construction contracts, an explicit acknowledgement of these questions and consequential liability if the materials/design either fail to perform or are deemed non-complaint by regulatory bodies and require extensively disruptive remediation.

Regards,

Rob Ojala

Interim Executive Director, CDHB Facilities

Kay Jenkins

From: Andrew Brant
Sent: Wednesday, 28 October 2020 6:57 a.m.
To: John Hansen
Subject: RE: Passive Fire Hagley

Hi John

I was going to suggest that we had provided the project team with the two independent fire reports, project have considered them and responded to us on them - I believe. They are now seeking a third party assessment - which is their call and not a joint request, we can seek assurance of independence of rest of project BECA rather than to suggest another process. For CDHB we have noted our concerns for the record throughout.

IS that OK

Andrew

-----Original Message-----

From: John Hansen
Sent: Wednesday, 28 October 2020 3:00 AM
To: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Subject: Passive Fire Hagley

Andrew in my view the email from Rob needs to go straight to Chair HROG John

Sent from my iPhone

Kay Jenkins

From: Rob Ojala
Sent: Wednesday, 28 October 2020 7:55 a.m.
To: John Hansen
Subject: Re: Hagley passive fire remediation

Legal experts - our own - mainly Tim Lester

In terms of the move - I can only venture a personal view.

From what I'm told the knee joints should work in the absence of any prior seismic challenge - so the issue would be impact of disruptive remediation post occupation - difficult indeed but manageable
 The other question around adequacy of work to redress acknowledged passive fire deficiencies is based on a small sample and perhaps as the design team asserts those observations have been made without understanding the broader design strategy (they had requested this information but it hasn't been forthcoming to date)
 If these latter deficiencies are isolated then I would think we should continue on - noting the consequences of delay are also considerable.

From: John Hansen <John.Hansen@cdhb.health.nz>
Sent: Tuesday, October 27, 2020 8:43:21 PM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: Re: Hagley passive fire remediation

Rob
 There are references to legal experts. Who? Where are their reports?
 Are you still of your earlier view that this should not stop the move?
 I agree if HEPG can't resolve we need to receive some sort of indemnity.

John

Sent from my iPhone

On 27/10/2020, at 19:31, Rob Ojala <Rob.Ojala@cdhb.health.nz> wrote:

Andrew
 (cc. Sir John and Barry as follow up to HRPG meeting)

Re: Hagley passive fire and outstanding questions around both product (like the Sikaflex 400); and adequacy of remediation of previously acknowledged defects.

Please note my recommendation in the final paragraph.

From my understanding there are two main areas of concern that have been raised through our DHB team.

The first relates to the quality of the passive fire installation

1. It covers various items such as mismatched products, installation not in line with technical data and installed products not suitable for the specific application according to limited areas observed by commissioned fire engineers.
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3. If there is concern that the slip joint has failed after even a moderate event, the CDHB would be required to directly inspect the walls (noting that many are inaccessible without removing solid ceilings as they are in areas like operating theatres, ICU and sterile services etc.) and if required repair the damage.

In this setting -

4. While there are assertions by the project that both of the concerns (product and the defects remediation) can be assuaged by understanding the innovative design, there remains a question of its actual performance in a less than SLS2 event; and/or the acceptability by council inspectors in the annual BWOFA assessment, which could compel extensively disruptive remediation that could take years.
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Next steps-

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Recommendation

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Regards,

Rob Ojala
Interim Executive Director, CDHB Facilities

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Kay Jenkins

From: Andrew Brant
Sent: Wednesday, 28 October 2020 8:25 a.m.
To: Rob Ojala
Cc: John Hansen; barry@
Subject: RE: Hagley passive fire remediation

Hi Rob

I understand that the MOH project team have now had and considered both the seismic reports we supplied them, and presume they have responded to both. The MOH project team HRPg are now seeking a third party assessment, it isn't a joint request. You could write to them noting that BECA are engaged and seeking assurance around independence considering they have worked on other aspects of project.

Im less clear about the second question less clear. From previous discussion - I thought we already agreed that we had all the information required to demonstrate different views on seismic for any eventualities in the future. It would be helpful if Tim could provide the actual request of the MOH team you refer to.

Kind Regards
 Andrew

From: Rob Ojala
Sent: Tuesday, 27 October 2020 7:32 PM
To: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Cc: John Hansen <John.Hansen@cdhb.health.nz>; barry@bclimited.co.nz
Subject: Hagley passive fire remediation

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Regards,

Rob Ojala
Interim Executive Director, CDHB Facilities

Kay Jenkins

From: Rob Ojala
Sent: Wednesday, 28 October 2020 5:58 p.m.
To: Andrew Brant; John Hansen; barry@^{9(2)(a)}
Subject: CDHB legal advice regarding transfer of Hagley facility from MoH to CDHB on 1st November 2020- draft
Attachments: Advice regarding Hagley Transfer 28-10-20.doc

Herewith Draft report from Tim Lester our corporate solicitor specializing in property and faciolity matters.

IN essence on Nov1 we assume liabilities including those that are unresolved.
There is a short commentary on the Passive fire question

Regards,

Rob Ojala

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Canterbury

District Health Board

Te Poari Hauora o Waitaha

CORPORATE OFFICE

MEMORANDUM

To: Rob Ojala, Facilities Lead

From: Tim Lester, Corporate Solicitor

Date: 28 October 2020

Subject: Legal Transfer – Liabilities/Defects

I have been asked to provide advice on:

- how legal transfer occurs;
- what is being transferred; and
- responsibility for building defects,

with a focus on questions raised about passive fire compliance within the building (and anything else that may materialise as the building is transferred from the Ministry to CDHB).

Background

The Crown (by and through the Ministry of Health) (*Ministry*) are responsible for the Christchurch Hospital Hagley build on Canterbury DHB (*CDHB*) land. The Ministry engaged the contractors and consultants. The build is overseen by the Hospital Redevelopment Partnership Group (*HRPG*) that was appointed by the Minister of Health in 2012. HRPG provides project governance to the Ministry.

Executive Summary

Pursuant to an Order in Council dated 3 August 2020, all assets, liabilities and construction contracts relating to the Hagley building (including the tunnel works, the links and certain additional scope items) transfer from the Ministry to CDHB, effective 1 November 2020.

The CDHB steps into the Ministry's shoes on and from that date.

Health Sector Transfers Act

The Health Sector Transfers Act 1993 provides a mechanism for assets and liabilities within the public health sector to be transferred between the Crown and certain specified bodies including DHBs. Transfer can occur either *by Agreement* (section 4) or *by Order in Council* (section 5). For Hagley (the same as Christchurch Outpatients before it), the transfer occurs by Order in Council.

Order in Council

The **attached** Health Sector Transfers (Christchurch Hospital Hagley Facility) Order 2020 was signed by the Governor-General on 3 August 2020. It becomes law on 1 November 2020.

As at 1 November 2020, all assets, liabilities and construction contracts transfer to CDHB.

The 3 August 2020 Order in Council cannot be withdrawn or amended without another Order in Council.

By agreement with the Ministry, the CPB main construction contract has been expressly excluded from the Order in Council transfer given certain contractor claims/disputes that remain outstanding as between the Ministry and CPB. This contract will instead be novated by the Ministry to CDHB later at a date to be agreed once all outstanding matters have been resolved with CPB.

Liabilities/Defects

Any current or contingent liabilities arising under the contracts (excluding the CPB contract until transferred) and any building defects transfer to CDHB with the transfer on 1 November 2020.

CDHB and Ministry have agreed in a separate handover agreement that, notwithstanding the transfer of the contracts to CDHB, the Ministry will continue to manage, *on behalf of the CDHB*, the contracts including defect remediation for the defect liability periods. While the Ministry has agreed to assist CDHB with managing the defects process, CDHB is ultimately responsible.

CDHB has the same rights under the contracts as the Ministry with regard to any issues identified in the building. The Ministry has provided CDHB with the construction contracts, the warranties and guarantees. CDHB will be reliant on the Ministry to the extent that the contracts are not the complete picture (where there have been separately agreed contract variations, scope changes etc).

Passive Fire Concerns

Following an audit in early 2020, 12,000 passive fire defects were identified in the building. The Ministry and its contractors supported by its fire engineer undertook an extensive remediation programme. CDHB has sought subsequent comfort that all issues have been rectified. CDHB and the Ministry have since been informed of a complaint by a third party to the local authority and the fire engineer's professional body regarding perceived issues with passive fire installations within the building.

As noted above, unless the Ministry expressly agrees to take responsibility/hold the CDHB harmless for any passive fire issues that transpire, responsibility lies with CDHB to resolve.

CDHB's ability to get any issues resolved from the responsible party is only as good as its rights under the contracts. There may, for example, be defects that are not the fault of the contractor (where, for instance the contractor has undertaken the contract works in accordance with an agreed specification or an agreed solution was approved by the respective design engineer and Principal).

Insurance Risk

CDHB has previously advised its insurers of known, legacy passive fire non-compliances across its Christchurch Campus. This is an obligation under CDHB's policies of insurance. CDHB has since implemented a passive fire rectification programme and installer accreditation programme (that involves installer testing and certification on CDHB's test wall at the Design Lab). CDHB has also agreed with Council and Fire and Emergency New Zealand certain conditions on its BWO compliance schedule. To

date, these actions towards compliance and better practices has been viewed positively by the insurer. If any issues transpire with the Hagley building, CDHB will similarly need to notify its insurer.

CDHB recently had the insurer's risk assessor (also a fire engineer) on its Christchurch campus. The site visit included Hagley (Hagley is already on CDHB's property insurance schedule).

Conclusions

CDHB steps into the Ministry's shoes following the transfer on 1 November and is therefore responsible for any issues arising under the transferred contracts and the building on and from that date.

With respect to passive fire, the Ministry and its consultants remain comfortable that the design and installations are compliant, noting Ministry holds Producer Statements from the installing contractors and fire engineer, and shortly expects Council to issue its code of compliance certification. However, given questions raised by CDHB and others, CDHB understands that the Ministry are looking to engage a third party to undertake a review and provide requisite comfort to the parties.

Any issues identified will not affect the Order in Council transfer. It may, however have an operational impact if issues are identified and rectification works are required. Unless Ministry expressly agrees to take responsibility for any issues identified, rectification will be CDHB's responsibility to manage.

Please let me know if you would like to discuss.

Tim Lester
CORPORATE SOLICITOR

Kay Jenkins

From: John Hansen
Sent: Wednesday, 28 October 2020 7:11 a.m.
To: Andrew Brant
Subject: Re: Passive Fire Hagley

Yep. But I am concerned to know when did we raise with HRPg? When did we decide to go get our own expert? When did we advise HRPg if this? When was CEO notified and when was board? The board should've been advised as soon as whoever it was decided that an independent view was required? And why was it left so late? Maybe all this has been done but it doesn't appear to have been done in a transparent and cooperative way. I can be persuaded otherwise by a paper trail.

Sent from my iPhone

> On 28/10/2020, at 06:57, Andrew Brant <Andrew.Brant@cdhb.health.nz> wrote:

>

> Hi John

> I was going to suggest that we had provided the project team with the two independent fire reports, project have considered them and responded to us on them - I believe. They are now seeking a third party assessment - which is their call and not a joint request, we can seek assurance of independence of rest of project BECA rather than to suggest another process. For CDHB we have noted our concerns for the record throughout.

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> -----Original Message-----

> From: John Hansen

> Sent: Wednesday, 28 October 2020 3:00 AM

> To: Andrew Brant <Andrew.Brant@cdhb.health.nz>

> Subject: Passive Fire Hagley

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> Sent from my iPhone

Tim Lester

From: Rob Ojala
Sent: Wednesday, 28 October 2020 8:39 a.m.
To: Tim Lester
Subject: FW: Hagley passive fire remediation

Tim – thoughts?

From: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Date: Wednesday, 28 October 2020 at 8:24 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Hansen John <John.Hansen@cdhb.health.nz>, "barry@bclimited.co.nz" <barry@bclimited.co.nz>
Subject: RE: Hagley passive fire remediation

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Cc: John Hansen <John.Hansen@cdhb.health.nz>; barry@
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Regards,

Rob Ojala
Interim Executive Director, CDHB Facilities

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Kay Jenkins

From: John Hansen
Sent: Thursday, 29 October 2020 9:15 a.m.
To: Rob Ojala
Cc: Andrew Brant
Subject: Re: CDHB legal advice regarding transfer of Hagley facility from MoH to CDHB on 1st November 2020- draft

Rob

Is this saying Passive Fire issues are not covered by the CPB contract? If not what contract does it fall under?

John

Sent from my iPad

On 28/10/2020, at 17:57, Rob Ojala <Rob.Ojala@cdhb.health.nz> wrote:

Herewith Draft report from Tim Lester our corporate solicitor specializing in property and facioly matters.

IN essence on Nov1 we assume liabilities including those that are unresolved.
There is a short commentary on the Passive fire question

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<Advice regarding Hagley Transfer 28-10-20.doc>

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From: Rob Ojala
Sent: Thursday, 29 October 2020 9:27 a.m.
To: John Hansen
Cc: Andrew Brant
Subject: RE: CDHB legal advice regarding transfer of Hagley facility from MoH to CDHB on 1st November 2020- draft

John
 [I have CCed Tim Lester to confirm my assertion [or otherwise]]

All assets and liabilities including the work done under CPB contract [and their subcontractors] transfer to us 1 Nov

The part of the CPB contract that remains with MoH is the disputed claims process [given these parties are already engaged in that process]

In short – come Sunday any issues such as a question around passive fire will become the DHBs to directly manage. The slight exception to this is defect – which the Ministry has a role in managing. So the question around the passive fire remediation already undertaken is if it transpires they are defective then the MoH would have a responsibility in this beyond 1 Nov

The question around the Sikea Product is not a construction defect because it has [presumably] been installed as per the design specification

Rob

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From: Rob Ojala
Sent: Thursday, 29 October 2020 11:22 a.m.
To: Andrew Brant
Cc: John Hansen
Subject: FW: Hagley Transfer- Passive Fire
Attachments: Hagley Transfer- Passive Fire 29-10-20.doc

Andrew

Tim has provided a suggested letter we might send to the ministry in relation to the Passive fire question

Rob

From: Tim Lester <Tim.Lester@cdhb.health.nz>
Date: Thursday, 29 October 2020 at 11:15 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: Hagley Transfer- Passive Fire

Hi Rob

As requested, a draft letter for your consideration **attached**

Not sure of likelihood of Ministry agreeing to take responsibility/hold CDHB harmless should any issues transpire following review or in the future. We therefore decide whether we have a conversation first, put the letter to them first, or we rely on the fall-back position i.e. that we have put Ministry on notice and if anything transpires, a conversation is to be had.

Happy to discuss

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

Kay Jenkins

From: Andrew Brant
Sent: Thursday, 29 October 2020 12:04 p.m.
To: Rob Ojala
Cc: John Hansen
Subject: RE: Hagley Transfer- Passive Fire

Hi

It still isn't clear what we are trying to achieve, is it just having our concerns on the record, if this is the case the letter should just be saying that. But the letter finishes off that we need an urgent meeting - but to what end, what is the outcome we are seeking beyond getting concerns on the record? Maybe we can be clear about what happens if the third party raises issues.

Surely transferring an asset like this with outstanding concerns must happen in other sectors - what would be the normal approach to dealing with this - this can't be a unique situation (albeit maybe not for the DHB?)

Do we know when the third party review is going to be completed, is it this week?

Kind regards
 Andrew

From: Rob Ojala
Sent: Thursday, 29 October 2020 11:22 AM
To: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Cc: John Hansen <John.Hansen@cdhb.health.nz>
Subject: FW: Hagley Transfer- Passive Fire

Andrew

Tim has provided a suggested letter we might send to the ministry in relation to the Passive fire question

Rob

From: Tim Lester <Tim.Lester@cdhb.health.nz>
Date: Thursday, 29 October 2020 at 11:15 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: Hagley Transfer- Passive Fire

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Corporate Solicitor

Canterbury District Health Board

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RELEASED UNDER THE OFFICIAL INFORMATION ACT

Kay Jenkins

From: Rob Ojala
Sent: Thursday, 29 October 2020 1:00 p.m.
To: Andrew Brant
Cc: John Hansen
Subject: Re: Hagley Transfer- Passive Fire

Tim is re-casting the letter to reflect an action around third party findings as discussed

Third party review -- have asked Tony Lloyd for update on this

From: Andrew Brant <Andrew.Brant@cdhb.health.nz>
Date: Thursday, 29 October 2020 at 12:04 PM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Hansen John <John.Hansen@cdhb.health.nz>
Subject: RE: Hagley Transfer- Passive Fire

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It still isn't clear what we are trying to achieve, is it just having our concerns on the record, if this is the case the letter should just be saying that. But the letter finishes off that we need an urgent meeting - but to what end, what is the outcome we are seeking beyond getting concerns on the record? Maybe we can be clear about what happens if the third party raises issues.

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Happy to discuss

Regards

Tim Lester

Corporate Solicitor

Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

Tim Lester

From: Tim Lester
Sent: Thursday, 29 October 2020 1:24 p.m.
To: Rob Ojala
Subject: RE: Hagley Transfer- Passive Fire
Attachments: Hagley Transfer- Passive Fire 29-10-20.doc

Hi Rob

Updated letter attached, setting out CDHB's request in more direct terms (see extract below)

CDHB therefore seeks Ministry agreement that, should issues be evidenced:

- *Ministry will take primary responsibility for remediation including managing the remediation with relevant contractors and consultants; and*
- *CDHB will be held harmless from any additional costs of remediation (noting that projects costs are currently passed on to CDHB as part of the consideration paid by the CDHB for the Hagley building asset).*

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: Tim Lester
Sent: Thursday, 29 October 2020 11:15 a.m.
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: Hagley Transfer- Passive Fire

Hi Rob

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Canterbury
District Health Board
Te Poari Hauora o Waitaha

CHIEF EXECUTIVE'S OFFICE

Commented [TL1]: CEO letterhead?

29 October 2020

Tony Lloyd
Programme Director
Health Infrastructure Unit
DHB Performance, Support & Infrastructure
Ministry of Health

Commented [TL2]: To Tony? Or Ministry copying Tony?

Dear Tony

Christchurch Hospital Hagley handover- Passive Fire

Background

Previous concerns raised around the compliance of the passive fire installation in the Hagley Building led to the Ministry of Health agreeing to undertake an audit of the passive fire installations in November/December 2019. That audit led to identification and rectification of over 12,000 passive fire installations.

In February 2020, Canterbury DHB again expressed concerns relating to passive fire and were informed by the Ministry representatives that all issues were being resolved within the existing remediation programme. CDHB's concerns were largely centred on the quality of the passive fire installation, specifically mismatched products, installation not in line with suppliers' technical data and installed products not being suitable for the specific application.

CDHB, now having access to the Building, decided to investigate further seeking comfort that the previously identified issues had been resolved. CDHB obtained input from an independent third-party expert that was recommended from the current President of the Institute of Fire Engineers and Chief Fire Engineer at Auckland City Council. The engineer reviewed drawings provided and undertook a limited site inspection. His reports were provided to the Ministry.

The previous concerns raised by CDHB have not yet been allayed.

Way forward

CDHB understands that the Ministry are engaging an independent and appropriately qualified third party to review. The third-party review may give a determinative position on the appropriateness and compliance of the building's passive fire installations for the parties. However, that review will not be concluded by 1 November when the building and related construction contracts transfer by Order in Council from the Ministry to the CDHB.

CDHB clearly hopes that the third-party review will allay all concerns. If, however issues are identified as part of that review or subsequently, CDHB wants agreement with the Ministry on how issues will be resolved.

CDHB therefore seeks Ministry agreement that, should issues be evidenced:

- Ministry will take primary responsibility for remediation including managing the remediation with relevant contractors and consultants; and
- CDHB will be held harmless from any additional costs of remediation (noting that projects costs are currently passed on to CDHB as part of the consideration paid by the CDHB for the Hagley building asset).

CDHB should not be expected to inherit non-compliant passive fire installations from the Ministry's construction project. The Ministry, having managed the project and the party that has held the construction contracts and the relationships with the contractors/ consultants and Council remains best placed to continue to resolve any issues for the benefit of the parties.

Conclusions

Transfer of the Hagley building and construction contracts by Order in Council has come around without resolution of outstanding passive fire concerns to CDHB's satisfaction. Again, CDHB hopes that concerns raised by it and independent third parties transpire to be unfounded. If, however, that is not the case the parties should have an agreed plan for how any issues will be resolved.

We look forward to your urgent response to CDHB's proposal.

Yours faithfully

||

Commented [TL3]: signoff

Tim Lester

From: Tim Lester
Sent: Thursday, 29 October 2020 12:28 p.m.
To: 9(2)(a); 'Liz Thompson'; Tony.Lloyd@health.govt.nz
Cc: Rob Ojala
Subject: RE: Hagley: update on CoC and responsibility for first BWO[EXTERNAL SENDER]

Noted, thanks 9(2)(a)

Can Ministry please seek confirmation from Council that in the meantime (pending issue of CoC), CDHB will be able to occupy the building pursuant to CPU, noting your advice yesterday that the current CPU expires on 16 November? Can we seek an extension of the current CPU now?

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

9(2)(a) E: tim.lester@cdhb.health.nz
 Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: 9(2)(a)@turntown.com>
Sent: Thursday, 29 October 2020 11:40 a.m.
To: Tim Lester <Tim.Lester@cdhb.health.nz>; 'Liz Thompson' <Liz.Thompson@health.govt.nz>; Tony.Lloyd@health.govt.nz
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: RE: Hagley: update on CoC and responsibility for first BWO[EXTERNAL SENDER]

Tim

As mentioned in FDGG last week and Integration Meeting yesterday, Council are currently responding to a request from a Passive Fire company and have placed all CoC applications on hold due to this request.

- Stage 4
 - All documentation accepted by Council
 - Final Inspection Passed
- Stage 6
 - All documentation accepted by Council
 - Final Inspection Passed
- Women's Seismic Works
 - All documentation with Council
 - Final Inspection Passed

When the Contractor applied for Practical Completion the Code Compliance Certificate was delayed by the hoarding. The Contractor had achieved a CPU further to this Council had accepted all of the Contractor's documentation and provided a Final Inspection stating the only failure was the hoarding on the LGF. Contractually it was deemed unreasonable to withhold Practical Completion due to an action outside of the Contractor's control and when they had supplied all of the required documentation and inspections to Council.

Thanks

9(2)(a)

Turner & Townsend

Level 1, Awly Building, 287-293 Durham Street, Christchurch 8013
PO Box 1704, Christchurch 8140 New Zealand

9(2)(a)

www.turnerandtownsend.com

Turner & Townsend Thinc New Zealand Pty Ltd
Co.No.: 4637880

From: Tim Lester <Tim.Lester@cdhb.health.nz>

Sent: Wednesday, 28 October 2020 12:19 PM

To: 9(2)(a) <@turntown.com>; 'Liz Thompson' <Liz.Thompson@health.govt.nz>;
Tony.Lloyd@health.govt.nz

Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>

Subject: Hagley: update on CoC and responsibility for first BWO

"Don't get caught out" - This email has come from an external source. Do not click on any links or open any attachments unless you are expecting them.

Hi 9(2)(a) Liz and Tony

Any update on issue of CoC by Council? Will this be issued prior to 1 November?

Under the main contract, CoC was a pre-requisite to issue of PC. For my record, can you please explain why this was waived/varied?

Also, the consultant agreements note that:

"The building contractor will be responsible for providing the new development/refurbishment building WOF to the Client 12 months following the issue of the final code compliance certificate;"

Can you please confirm that this is still the case/expectation from CPB under the main contract?

Thanks

Tim Lester

Corporate Solicitor

Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

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Tim Lester

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Regards

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Canterbury District Health Board

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Canterbury
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 Te Poari Hauora o Waitaha

CHIEF EXECUTIVE'S OFFICE

Commented [TL1]: CEO letterhead?

29 October 2020

Tony Lloyd
 Programme Director
 Health Infrastructure Unit
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Commented [TL2]: To Tony? Or Ministry copying Tony?

Dear Tony

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Background

Previous concerns raised around the compliance of the passive fire installation in the Hagley Building led to the Ministry of Health agreeing to undertake an audit of the passive fire installations in November/December 2019. That audit led to identification and rectification of over 12,000 passive fire defects.

In February 2020, Canterbury DHB again expressed concerns relating to passive fire installation and were informed by the Ministry representatives that all issues were being resolved within the remediation programme. CDHB's concerns were largely centred on the quality of the passive fire installation, specifically mismatched products, installation not in line with suppliers' technical data and installed products not being suitable for the specific application.

CDHB, now having access to the Building, decided to investigate further seeking comfort that the previously identified issues had been resolved. CDHB obtained input from an independent third-party expert that was recommended from the current President of the Institute of Fire Engineers and Chief Fire Engineer at Auckland City Council. The engineer reviewed drawings provided and undertook a limited site inspection. His reports were provided to the Ministry.

The previous concerns raised by CDHB have not yet been allayed.

Way forward

CDHB understand that the Ministry are engaging a third party to review. The third-party review may give a determinative position on the appropriateness and compliance of the building's passive fire installations. However, that review will not be concluded by 1 November when the building and related construction contracts transfer by Order in Council from the Ministry to the CDHB.

CDHB clearly hopes that the third-party review will allay concerns. If, however issues are identified as part of that review or subsequently, CDHB wants agreement with the Ministry on how any issues will be resolved.

CDHB should not be expected to inherit defects requiring remediation resulting from the Ministry's construction project. CDHB's position is that the Ministry (supported by the CDHB) should take primary responsibility for resolving any identified passive fire issues alongside its contractors and fire engineers.

Presently the transfer price for the Hagley building is the total costs expended by the Ministry once the final account has been determined (after all project costs have been paid). Any costs of any defect remediation programme should not be borne by the CDHB. Therefore, CDHB's position is that the Ministry should hold the CDHB harmless from any such costs, and look to its responsible contractors, subcontractors and fire engineers for relief by either re-performance of the defective contract works and/or seeking recovery of any costs.

Conclusions

Transfer of the Hagley building and construction contracts by Order in Council has come around without resolution of outstanding passive fire concerns to CDHB's satisfaction. Again, CDHB hopes that concerns raised by it and independent third parties transpire to be unfounded. If, however, that is not the case the parties should have a plan for how any issues will be resolved.

CDHB welcomes an urgent discussion to agree how any issues will be resolved.

Yours faithfully

||

Commented [TL3]: signoff

Kay Jenkins

From: Rob Ojala
Sent: Friday, 30 October 2020 4:01 p.m.
To: Andrew Brant; John Hansen; Barry Bragg
Subject: Passive fire - recent sequence
Attachments: SRU memo re Passive fire Hagley.docx

Please find a memo from Brad Cabell in SRU

I asked him to provide a summary of the recent events to articulate how we appear to have come to this point so late in the piece and the commissioning of consultants.

As an aside I understand that ^{9(2)(a)} [REDACTED] from PFITS has asserted to the council that his concerns are as a result of destructive testing and observations in Hagley. However, I am assured by my team that they have never escorted this individual on site and never been party to an assessment with him or any destructive testing - although he apparently had been engaged by subcontractors on the project to verify their work. I believe we have had input from one of his colleagues in PFITS on site as part of identifying areas mentioned in the memo – but again I have been assured that he undertook no destructive testing and his presence was not a formal engagement [no services charged etc.

Rob

Canterbury

District Health Board

Te Poari Hauora o Waitaha

CDHB Site Redevelopment Unit
230b Antigua Street
Private Bag 4710
Christchurch

MEMORANDUM

TO: Rob Ojala **Date:** 20th October 2020

COPY: Mark Newsome

FROM: Brad Cabell **Pages:** 2
(including this one)

SUBJECT: Hagley Building – Passive Fire Briefing Paper

What is Passive Fire? – Passive fire protection refers to the use of construction elements within a building that are designed to prevent or delay the spread of fire and/or smoke to different parts of the building. Passive fire protection is one of the methods used to protect buildings and people from fire. Other methods that may also be used include active fire protection such as fire sprinklers and alarms (BRANZ description).

Concerns around the compliance of the passive fire installation in the Hagley Building have previously been raised by CDHB and MOH has undertaken, by their own records, identification and remediation of over 12,000 passive fire defects in the building following an audit in November/December 2019.

In February 2020, CDHB again expressed their ongoing concerns relating to passive fire installation and were informed by MOH representatives that the matter was being dealt within the remediation programme. These concerns have largely centered on the quality of the passive fire installation, specifically mismatched products, installation not in line with suppliers' technical data and installed products not suitable for the specific application.

CDHB has over recent years developed an advanced in-house passive fire specification / installation and record keeping system. CDHB offered the use of this system to be used on the Hagley project but this offer was turned down by MOH representatives.

During the remediation process undertaken for most of this year; subcontractors working in the building for MOH latterly provided CDHB staff with photographic evidence of potential further non-compliances. We understand there has been no access for CDHB to the Facility during this remediation to observe progress and QA since November 2019.

CDHB staff involved alerted their senior management to these potentially unresolved issues and given CDHB had open access to the facility following handover to CDHB of control of access permits on 5th October 2020 it was decided prudent to investigate further, to either disprove the information provided or verify their concerns. This would include a further CDHB check on outstanding queries in relation to passive fire issues including the slip joint design and use of sealants such as Sikaflex 400 questioned in the preceding February meeting.

Understanding the potential ramifications of any investigation; CDHB senior management agreed that obtaining input from a third-party expert not previously connected to the project or CDHB would be sensible. CDHB Site Redevelopment received a recommendation from the current President of the

Institute of Fire Engineers and Chief Fire Engineer at

9(2)(a)

to use

9(2)(a)

9(2)(a)

9(2)(a)

was engaged by CDHB and has subsequently assisted with the limited site inspection on 2nd October and has provided reports on his observations as well as responses to MOH correspondence.

During this inspection several questions were raised around the full height fire wall design and installation. Our experts are of the view that the design has not been tested in a formal test laboratory and therefore is a risk. The concern relates more to the ability of the slip joints in the wall to move in a seismic event and still retain its ongoing passive fire integrity. Simply put the joint is designed to act like a flexible link between the floor and the underside of the next level. The main product used to seal the slip joint has not been tested in a plasterboard wall and does not appear to be able to move as far as may be required in a moderate earthquake. Detailed questions around this topic were asked of MOH representatives and final responses have not yet been received.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Tim Lester

From: Tim Lester
Sent: Friday, 30 October 2020 10:07 a.m.
To: Brad Cabell
Cc: Rob Ojala
Subject: FW: Hagley Passive Fire Briefing Paper
Attachments: Hagley Passive Fire Briefing Paper.docx

Tim Lester

Corporate Solicitor
 Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: 9(2)(a) <[redacted]@proj-x.co.nz>
Sent: Wednesday, 28 October 2020 5:26 p.m.
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Cc: 9(2)(a) <[redacted]@proj-x.co.nz>
Subject: Hagley Passive Fire Briefing Paper

Hi Rob

As requested a high level briefing document responding to the points you wanted covered.

Some of the history re SRU questioning MOH about installation comes from discussions with Brad and his team.

Tim is looking at legal position on liabilities post Nov 1.

Thanks

9(2)(a)

Hagley Building – Passive Fire Briefing Paper

What is Passive Fire? – Passive fire protection refers to the use of construction elements within a building that are designed to prevent or delay the spread of fire and/or smoke to different parts of the building. Passive fire protection is one of the methods used to protect buildings and people from fire. Other methods that may also be used include active fire protection such as fire sprinklers and alarms (BRANZ description).

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CDHB has over recent years developed an advanced in-house passive fire specification / installation and record keeping system. CDHB offered the use of this system to be used on the Hagley project but this offer was turned down by MOH representatives.

During the remediation process undertaken for most of this year; subcontractors working in the building for MOH provided CDHB staff with significant amounts of photographic evidence of potential further non compliances.

CDHB staff involved alerted CDHB senior management to this potential issue and given CDHB had open access to the facility decided it was prudent to investigate further to either disprove the information provided or verify their concerns.

Understanding the potential ramifications of any investigation; CDHB senior management agreed that obtaining input from a third party expert not previously connected to the project or CDHB would be sensible. CDHB Site Redevelopment received a recommendation from the current President of the Institute of Fire Engineers and Chief Fire Engineer at Auckland Council City Council (Ed Claridge) to use Tim O'Brien Managing Director of FireNZE.

Tim was engaged by CDHB and has subsequently assisted with the limited site inspection on 2nd October and has provided reports on his observations as well as responses to MOH correspondence.

During this inspection a number of questions were raised around the full height fire wall design and installation. Our experts are of the view that the design has not been tested in a formal test laboratory and therefore is a risk. The concern relates more to the ability of the slip joints in the wall to move in a seismic event and still retain its ongoing passive fire integrity. Simply put the joint is designed to act like a flexible link between the floor and the underside of the next level. The main product used to seal the slip joint has not been tested in a plasterboard wall and does not appear to be able to move as far as may be required in a moderate earthquake. Detailed questions around this topic were asked of MOH representatives and final responses have not yet been received.

Tim Lester to respond re post Nov 1 liability

Tim Lester

From: Brad Cabell
Sent: Monday, 2 November 2020 2:46 p.m.
To: Rob Ojala; Tim Lester; Mark Newsome
Subject: RE: Moh query

Rob further to our discussion, and also with Tim Lester, I am unaware of any destructive testing being undertaken by any representatives from PFITS while they have been engaged by us. Allan Page was engaged to identify potential locations of poor or noncompliant passive fire installs by us and that's the extent of it. I have been informed that they were working for subcontractors previously but I don't know in what capacity.

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Sent: Monday, 2 November 2020 12:49 PM
To: Brad Cabell <Brad.Cabell@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: Moh query

Brad et al - I need to respond to a direct question from moh (tony) about an assertion by dr Parkes to ccc about destructive testing in hagley as he alleges they undertook
Can you three please meet asap and discuss a draft response
Tim - Andrew would like us to send something to the ccc around this depending on this conversation
I am clinical today

Tim Lester

From: Rob Ojala
Sent: Monday, 2 November 2020 1:04 p.m.
To: Andrew Brant; Tim Lester
Cc: Mark Newsome
Subject: Fwd: Pfits[EXTERNAL SENDER]

Fyi

From: rob.ojala@cdhb.health.nz <rob.ojala@cdhb.health.nz>
Sent: Monday, November 2, 2020 1:03:28 PM
To: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Cc: Mark Newsome <Mark.Newsome@cdhb.health.nz>; Karl Wilkinson <Karl.Wilkinson@health.govt.nz>
Subject: Re: Pfits[EXTERNAL SENDER]

Tony - happy to investigate further - the advice to date i have received is that Dr Parkes hasn't been in the facility with the cdhb including conducting assessments in this matter and to my knowledge the only destructive testing (two small openings i believe) occurred after we have control of the facility after oct 5th and where conducted during assessment but ^{9(2)(a)} [REDACTED] FIRENZE PFITs have been in the facility i believe to help some contractors confirm their QA

In order to help me bottom this out more thoroughly - if you are in possession of any additional information in this respect - could you share this?

While the question of 'how we got to this point with the council' is very important i guess my primary concern is around addressing whether or not there actually is an issue in the facility. This should be the part that will give comfort to the ccc and us all. To that end can you confirm the proposed path to this - you had mentioned a third party approach - how is this progressing?

Regards

Rob Ojala

From: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Sent: Monday, November 2, 2020 9:07:54 AM
To: 'Ojala, Rob' <rob.ojala@cdhb.health.nz>
Cc: Mark Newsome <Mark.Newsome@cdhb.health.nz>; Karl Wilkinson <Karl.Wilkinson@health.govt.nz>
Subject: Pfits[EXTERNAL SENDER]

Rob,

The email below is from Pfits to Christchurch City Council. The Council have passed this to us to understand some of the context for suspending the issuance of a code of compliance. In the email, Dr Parkes indicates that he has completed destructive testing - this seems different to our understanding that it was ^{9(2)(a)} [REDACTED] from Wellington who performed the destructive testing.

Could you confirm if Parkes was on site or not, if he undertook testing and on what authority was he there? Council were of the view that they are unclear how PFITS had access to the building and their relationship to the MOH or CDHB. It would be useful to have an answer so we can discuss this further with Council.

Regards

Tony

From: Anthony Parkes <tonyp@pfitsconsultancy.co.nz<mailto:tonyp@pfitsconsultancy.co.nz>>

Sent: Wednesday, 21 October 2020 3:32 pm

To: 9(2)(a) @ccc.govt.nz>> 9(2)(a)

9(2)(a) @ccc.govt.nz>>

9(2)(a)

Subject: Passive Fire Concerns at Acute Services Building - Christchurch Hospital

Importance: High

Dea 9(2)(a)

This is a follow up email concerning the matters I raised directly with you last year (emails are attached for reference), as I have received no response by way of either a phone call or email.

I note that after our meeting and notification of the issues identified on site, the delays contributed to these issues officially making the news headlines.

[https://urldefense.com/v3/_https://www.odt.co.nz/star-news/star-christchurch/500m-hospital-building-delayed-again-after-issues-fire-system_!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYttm4M2y8\\$](https://urldefense.com/v3/_https://www.odt.co.nz/star-news/star-christchurch/500m-hospital-building-delayed-again-after-issues-fire-system_!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYttm4M2y8$)

<[https://urldefense.com/v3/_https://scanmail.trustwave.com/?c=15517&d=68Ca35Y_bnydu-W440AJ2GuKysJk1qgEYOLXzL_QCw&u=https*3a*2f*2fwww*2eodt*2eco*2enz*2fstar-news*2fstar-christchurch*2f500m-hospital-building-delayed-again-after-issues-fire-system_!JSUIJSUIJSUI!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtYc0GHas\\$](https://urldefense.com/v3/_https://scanmail.trustwave.com/?c=15517&d=68Ca35Y_bnydu-W440AJ2GuKysJk1qgEYOLXzL_QCw&u=https*3a*2f*2fwww*2eodt*2eco*2enz*2fstar-news*2fstar-christchurch*2f500m-hospital-building-delayed-again-after-issues-fire-system_!JSUIJSUIJSUI!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtYc0GHas$)>.

[https://urldefense.com/v3/_https://www.stuff.co.nz/the-press/news/119339311/new-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects_!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtU9d3QUE\\$](https://urldefense.com/v3/_https://www.stuff.co.nz/the-press/news/119339311/new-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects_!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtU9d3QUE$)

<[https://urldefense.com/v3/_https://scanmail.trustwave.com/?c=15517&d=68Ca35Y_bnydu-W440AJ2GuKysJk1qgEY0eEyr-IXA&u=https*3a*2f*2fwww*2estuff*2eco*2enz*2fthe-press*2fnews*2f119339311*2fnew-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects_!JSUIJSUIJSUIJQ!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtEJw_Lkk\\$](https://urldefense.com/v3/_https://scanmail.trustwave.com/?c=15517&d=68Ca35Y_bnydu-W440AJ2GuKysJk1qgEY0eEyr-IXA&u=https*3a*2f*2fwww*2estuff*2eco*2enz*2fthe-press*2fnews*2f119339311*2fnew-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects_!JSUIJSUIJSUIJQ!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtEJw_Lkk$)>

The identification of over 7000 defects late at completion of construction is a concern especially when considering that these numbers would relate only to what was accessible due to works being significantly completed and covered over.

We have not been contacted by Christchurch City Council regarding the issues identified by us, nor have we seen any Quality Assurance (QA) documentation that leads us to believe that the issue are being dealt with through an appropriate process.

We assume that Christchurch City Council has a significant QA process for this IL4 building and substantial documentation to confirm that ALL passive fire protection has been installed as tested and is compliant. We welcome the opportunity to review such information.

Regardless of the above, I am obligated to write this email as it is my understanding that the building has a Certificate of Public Use (CPU) and further to inspections undertaken by us this this month we have identified numerous visual defects within the passive fire installs including; fixings missing and/or wrong fixings used, oversized cores for pipes, oversized collars, collars incorrectly installed or collars missing entirely. We also completed some destructive tests. All were identified as non-compliant.

In addition, the seismic joint was also constructed with a fire rated system assumed to be Winstone Wallboards GBT 60a or USG Boral (mixing products is a non-tested solution). The specified slip joint fire seal is either Sikaflex-400

and Firetherm Intuspan seals. Sikaflex and Firetherm are not tested in seismic/control joints, and neither product is tested together. This is a non-compliant detail, and for an IL4 building which is to remain operational after a seismic event this is a major concern.

I note a recent article regarding the 230 Hight Street building that quoted:

9(2)(a) praised the engineer who identified the issues with 230 High Street for reporting it.

"One of the outcomes of the Royal Commission of Inquiry into the Canterbury Earthquake was a change to the Code of Ethical Conduct for Engineers. They are now obligated to report to the relevant regulator any issue with a building that they believe might result in adverse consequences.

"This is exactly what happened in this case which shows that engineers are taking their ethical responsibilities seriously," 9(2)(a)

As a Chartered Engineer I have raised concerns, we have still observed non-compliant work, yet to date we have had no response from Christchurch City Council.

In summary, we have identified issues regarding a Hospital that is an IL4 building including seismic joints and passive fire protection that do not comply.

Therefore I am obligated to advise you that I consider that the public is at risk should the building be opened.

Employees will also be at risk, and this would fall under the requirements noted in Health and Safety legislation.

However under the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (42B and 42D noted below), I advise that have taken reasonable steps to safeguard the health and safety of people by notifying you, and have advised you of the adverse consequences.

[cid:image001.jpg@01D6B0F7.A47EC370]

[cid:image002.jpg@01D6B0F7.A47EC370]

I feel that I have exhausted all options to ensure that this IL4 building is constructed correctly and will provide the high level of care that the public want and deserve, including offering our time free.

I look forward to hearing from you so I can be confident that the matter has been dealt with appropriately .

If you have any queries, please do not hesitate to contact me.

Regards

Dr Anthony Parkes
BE (Civil), ME(Fire), PhD, PMSFPE, CPEng, IntPE
Technical Director

M: +64 21 146 2020

E: tonyp@pfitsconsultancy.co.nz<<mailto:tonyp@pfitsconsultancy.co.nz>>

W: <https://urldefense.com/v3/http://www.pfitsconsultancy.co.nz> ;!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtFOoJDeM\$

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PO Box 42088, Tower Junction, Christchurch, 8149

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Tony Lloyd
Programme Director
Infrastructure Unit
DHB Performance Support & Infrastructure
Tony.Lloyd@health.govt.nz<mailto:Tony.Lloyd@health.govt.nz>

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Tim Lester

From: Rob Ojala
Sent: Monday, 2 November 2020 3:30 p.m.
To: Andrew Brant; Tim Lester
Subject: FW: Pfits[EXTERNAL SENDER]

From: Tony Lloyd [mailto:Tony.Lloyd@health.govt.nz]
Sent: Monday, 2 November 2020 3:25 p.m.
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Subject: RE: Pfits[EXTERNAL SENDER]

Rob, This is the only information I have regarding bottoming out the issue more thoroughly. We are drafting a technical response, which as you may imagine is taking some time. We have a list of names for an independent which we will share when these are solidified a bit more.

Regards

Tony

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Sent: Monday, 2 November 2020 1:03 pm
To: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Cc: Mark Newsome <Mark.Newsome@cdhb.health.nz>; Karl Wilkinson <Karl.Wilkinson@health.govt.nz>
Subject: Re: Pfits[EXTERNAL SENDER]

Tony - happy to investigate further - the advice to date i have received is that Dr Parkes hasn't been in the facility with the cdhb including conducting assessments in this matter and to my knowledge the only destructive testing (two small openings i believe) occurred after we have control of the facility after oct 5th and where conducted during assessment bu tim o'brien from FIRENZE
 PFITs have been in the facility i believe to help some contractors confirm their QA

In order to help me bottom this out more thoroughly - if you are in possession of any additional information in this respect - could you share this?

While the question of 'how we got to this point with the council' is very important i guess my primary concern is around addressing whether or not there actually is an issue in the facility. This should be the part that will give comfort to the ccc and us all. To that end can you confirm the proposed path to this - you had mentioned a third party approach - how is this progressing?

Regards

Rob Ojala

Double Up



Tim Lester

From: Tim Lester
Sent: Monday, 2 November 2020 9:48 a.m.
To: Andrew Brant
Cc: Rob Ojala
Subject: Draft letter for Ministry relating to passive fire review- Hagley
Attachments: Letter to Ministry- Hagley Transfer- Passive Fire Review 02-11-20.doc

Morning Andrew

As requested on Friday, I have updated the draft letter for your further consideration. Happy to discuss/amend

Kind regards

Tim Lester
Corporate Solicitor
Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

Canterbury

District Health Board

Te Poari Hauora o Waitaha

CHIEF EXECUTIVE'S OFFICE

Commented [TL1]: CEO letterhead?

2 November 2020

Karl Wilkinson
Director of Health Infrastructure
DHB Performance, Support & Infrastructure
Ministry of Health

Commented [TL2]: Who is this being sent to?
Copying Tony Lloyd (see footer)

Dear Karl

Christchurch Hospital Hagley handover- Passive Fire Review

Canterbury DHB supports the Ministry of Health's decision to engage an independent third-party to undertake a review of the passive fire installations within the new Christchurch Hospital Hagley building.

We note the legal transfer of the Hagley building from the Ministry to CDHB by Order in Council, effective 1 November 2020. Notwithstanding that transfer, CDHB seeks comfort from the Ministry that, if any passive fire issues are identified that require remediation, the Ministry will continue to work with the consultants, contractors and Council to resolve for the Ministry and CDHB.

CDHB notes the previous assurances given by Ministry representatives that this is indeed the case, that the main construction contract has been held back from the Order in Council transfer and that the Ministry has agreed to manage the defects notification period for CDHB under the handover arrangements.

Please confirm by return, or let me know if you wish to discuss.

CDHB thanks the Ministry and its project team for its ongoing support.

Yours faithfully

||

Commented [TL3]: signoff

Copy to: Tony Lloyd, Programme Director, Health Infrastructure, Ministry of Health

Kay Jenkins

From: John Hansen
Sent: Wednesday, 4 November 2020 8:57 a.m.
To: Rob Ojala
Cc: Andrew Brant; Barry Bragg
Subject: Re: Waipapa passive fire

I have a call in to Evan

Sent from my iPhone

On 4/11/2020, at 07:14, Rob Ojala <Rob.Ojala@cdhb.health.nz> wrote:

We remain without clarity on the proposed third party review or differing views plus the QA inspection (as signaled below)

Obviously we'd all like reassurance and resolution on this and any inspection really needs to occur prior to occupation by public for logistical reasons

Rob

From: rob.ojala@cdhb.health.nz <rob.ojala@cdhb.health.nz>
Sent: Wednesday, 4 November 2020, 06:38
To: Tony Lloyd/MOH
Subject: Waipapa passive fire

Tony

I understand the moh are providing a technical response to the design and product suitability questions raised by Dr Parkes to the CCC and this should be completed soon.

What hasn't been progressed and gives me cause for concern is the question of quality of install and if products in places where not as specified.

The questions have been responded to by you. However the areas visualised were very limited (3-4) and a number of the assertions remain unproven presumably based on the limitations of photographic information rather than physical inspection?

This QA question was going to be progressed with a inspection of these areas involving ddb and moh including a broader assessment of areas to provide comfort to all parties.

I am concerned this hasn't progressed given our timeframes. Can you advise on availability of suitable folk such as tge project fire engineer so we can make arrangements at our end

Thank you

Rob Ojala

Kay Jenkins

From: Rob Ojala
Sent: Wednesday, 4 November 2020 10:32 a.m.
To: Andrew Brant; John Hansen; Barry Bragg
Subject: FW: Independent Fire Engineer[EXTERNAL SENDER]

I have asked the team to provide a recommendation before discussing further

On 4/11/20, 9:49 AM, "Tony Lloyd" <Tony.Lloyd@health.govt.nz> wrote:

Rob,

We have spoken with [REDACTED] (Society of Fire Engineers) as to who could look dispassionately at the information provided by [REDACTED] and our consultants and assess the merits or otherwise of the information. The names suggested are:

[REDACTED]

As yet I have not approached any of these people to determine availability but will do so when the preferred is agreed.

I would like the DHB to provide me with your preference from the names above at which time I will contact them and check availability and if free will contract them to assess the information.

Regards

Tony

Tony Lloyd
 Programme Director
 Infrastructure Unit
 DHB Performance Support & Infrastructure
 Tony.Lloyd@health.govt.nz<mailto:Tony.Lloyd@health.govt.nz>

[REDACTED]

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Tim Lester

From: Tim Lester
Sent: Wednesday, 4 November 2020 9:06 a.m.
To: 9(2)(a) Rob Ojala
Cc: Mark Newsome
Subject: RE: Waipapa passive fire[EXTERNAL SENDER]

Email from Council to 9(2)(a) @1:09pm yesterday:

"I'm working on this CPU application today, with the hope of being in a position to issue it tomorrow. Currently it is with 9(2)(a) for consideration. I believe that we should have sufficient grounds to issue this based on the current information however will know for sure once 9(2)(a) has confirmed."

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

9(2)(a) E: tim.lester@cdhb.health.nz
 Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: 9(2)(a) <@proj-x.co.nz>
Sent: Wednesday, 4 November 2020 8:05 a.m.
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Cc: Tim Lester <Tim.Lester@cdhb.health.nz>; Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: Re: Waipapa passive fire[EXTERNAL SENDER]

More importantly what is the status with the CPU?

9(2)(a)

On 4/11/2020, at 7:15 AM, Rob Ojala <rob.ojala@cdhb.health.nz> wrote:

From: rob.ojala@cdhb.health.nz <rob.ojala@cdhb.health.nz>
Sent: Wednesday, 4 November 2020, 07:14
To: Andrew Brant (Andrew.Brant@cdhb.health.nz); Hansen John (John.Hansen@cdhb.health.nz); Barry Bragg
Subject: Fwd: Waipapa passive fire

We remain without clarity on the proposed third party review or differing views plus the QA inspection (as signaled below)

Obviously we'd all like reassurance and resolution on this and any inspection really needs to occur prior to occupation by public for logistical reasons

Rob

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Sent: Wednesday, 4 November 2020, 06:38
To: Tony Lloyd/MOH
Subject: Waipapa passive fire

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What hasn't been progressed and gives me cause for concern is the question of quality of install and if products in places where not as specified.

The questions have been responded to by you. However the areas visualised were very limited (3-4) and a number of the assertions remain unproven presumably based on the limitations of photographic information rather than physical inspection?

This QA question was going to be progressed with a inspection of these areas involving dhb and moh including a broader assessment of areas to provide comfort to all parties.

I am concerned this hasn't progressed given our timeframes. Can you advise on availability of suitable folk such as tge project fire engineer so we can make arrangements at our end

Thank you

Rob Ojala

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Susan Fitzmaurice

From: Susan Fitzmaurice on behalf of Andrew Brant
Sent: Thursday, 5 November 2020 11:02 a.m.
To: 'Karl.Wilkinson@health.govt.nz'
Cc: Rob Ojala; Tim Lester
Subject: Christchurch Hospital Hagley Handover - Passive fire
Attachments: 21869.pdf

Please find attached letter from Dr Andrew Brant, Acting Chief Executive Canterbury DHB and West Coast DHB

Regards

Susan Fitzmaurice | EA to Chief Executive
 Canterbury District Health Board and West Coast District Health Board

9(2)(a)

Canterbury
 District Health Board
 Te Pōari Hauora o Waitaha



Values – Ā Mātou Uara

Care and respect for others - Manaaki me te whakaute i te tangata | Integrity in all we do - Hāpai i ā mātou mahi katoa i runga i te pono |
 Responsibility for outcomes - Te Takohanga i ngā hua

Canterbury

District Health Board

Te Poari Hauora o Waitaha

CHIEF EXECUTIVE'S OFFICE

Tel: (03) 364 4110

E-Mail: chiefexecutive@cdhb.health.nz

5 November 2020

Karl Wilkinson
Director of Health Infrastructure
DHB Performance, Support & Infrastructure
Ministry of Health

Dear Karl

Christchurch Hospital Hagley handover- Passive Fire

Canterbury DHB supports the Ministry of Health's decision to engage an independent third-party to undertake a review of the passive fire installations within the new Christchurch Hospital Hagley building.

We note the legal transfer of the Hagley building from the Ministry to Canterbury DHB by Order in Council, effective 1 November 2020. Notwithstanding that transfer, Canterbury DHB seeks comfort from the Ministry that, if any passive fire issues are identified that require remediation, the Ministry will continue to work with the consultants, contractors and Council to resolve for the Ministry and Canterbury DHB.

Canterbury DHB notes the previous assurances given by Ministry representatives that this is indeed the case, that the main construction contract has been held back from the Order in Council transfer and that the Ministry has agreed to manage the defects notification period for Canterbury DHB under the handover arrangements.

Please confirm by return, or let me know if you wish to discuss.

Yours sincerely



Dr Andrew Brant
Acting Chief Executive

CEO 21869

Tim Lester

From: Rob Ojala
Sent: Thursday, 5 November 2020 11:17 a.m.
To: Brad Cabell^{9(2)(a)}
Cc: Mark Newsome; Tim Lester
Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

Not yet – however if something of concern is observed please give us a call

From: Brad <Brad.Cabell@cdhb.health.nz>
Date: Thursday, 5 November 2020 at 10:25 AM
To: ^{9(2)(a)} @proj-x.co.nz
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>, Mark Newsome <mark.newsome@wcdhb.health.nz>, Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: RE: Independent Fire Engineer[EXTERNAL SENDER]

Further to below. Do we now start an assessment of passive fire installs and start logging defects or is this not appropriate at this time????

From: ^{9(2)(a)} @proj-x.co.nz
Sent: Thursday, 5 November 2020 10:05 AM
To: ^{9(2)(a)} @proj-x.co.nz
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>; Mark Newsome <mark.newsome@wcdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

Morning all,

Now that the CDHB own the building I wonder if it is time to take a bit more of a lead in this process rather than be told what is happening?

I think that we need to enquire about these proposed individuals specific passive fire experiences and if they are informed enough to provide expert advice in this area.

Possibly a conversation with the ^{9(2)(a)} guy might assist as well.

Many fire engineers steer clear of this aspect as they do not understand it well and we have the added complication of being an IL4 structure to boot and experience in this field would be good too.

Remember we still have not received the base information we requested. Maybe a discussion with Darryl now he is contracted to CDHB may be appropriate?

^{9(2)(a)}

On 5/11/2020, at 9:41 AM, ^{9(2)(a)} @proj-x.co.nz wrote:

Morning Rob,

So what he is saying in the last line of his email isn't what he is actually doing ie you believe he is both shortlisting and selecting?

" I would like the DHB to provide me with your preference from the names above at which time I will contact them and check availability and if free will contract them to assess the information."

Taken at his written word we need to do some digging and see who we believe is most impartial / knowledgeable (which will be relative given I assume MOH are paying? Or is it split?) or it closed already?

Thanks

9(2)(a)

-----Original Message-----

From: Rob Ojala [mailto:Rob.Ojala@cdhb.health.nz]

Sent: Wednesday, 4 November 2020 4:57 PM

To: 9(2)(a) @proj-x.co.nz; Brad Cabell

<Brad.Cabell@cdhb.health.nz>

Cc: Mark Newsome <mark.newsome@wcdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>

Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

The Position from Tony is they have asked 9(2)(a) in his role to provide some names and they have run with this

On 4/11/20, 4:53 PM, 9(2)(a) @proj-x.co.nz wrote:

Afternoon

Reiterating comments below really; I worked with 9(2)(a) who operated as an intermediary between CCC and Cosgroves on Forte Health when there were some philosophical fire engineering debates between parties.

9(2)(a) is a competent fire engineer and was certainly useful in closing out the issues but they were very much fire engineering in nature rather than passive fire.

Thanks

9(2)(a)

-----Original Message-----

From: 9(2)(a)

Sent: Wednesday, 4 November 2020 1:55 PM

To: Brad Cabell <Brad.Cabell@cdhb.health.nz>

Cc: Rob Ojala <rob.ojala@cdhb.health.nz>; Mark Newsome <mark.newsome@wcdhb.health.nz>;

Tim Lester <Tim.Lester@cdhb.health.nz>; 9(2)(a) @proj-x.co.nz

Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

Please keep 9(2)(a) in the loop as he is asking a few questions and we have worked with one of these guys before.

Do support Brads comment that passive fire expertise is imperative and many practices do not understand this area very well

9(2)(a)

> On 4/11/2020, at 1:26 PM, Brad Cabell <Brad.Cabell@cdhb.health.nz> wrote:

>

> Please note that to the best of our understanding none of these people are specialists in passive fire all be it they are competent engineers. However if we had to choose one we would be happy

with 9(2)(a) from Origin Fire Consultants but before forwarding this out please speak to me first. Please note we have suggested 9(2)(a) from Building Compliance and Fire consulting limited who is in our opinion sufficiently experienced with passive fire and compliance.

>

> -----Original Message-----

> From: Rob Ojala <Rob.Ojala@cdhb.health.nz>

> Sent: Wednesday, 4 November 2020 10:50 AM

> To: Mark Newsome <mark.newsome@wcdhb.health.nz> 9(2)(a) @proj-x.co.nz;

Brad Cabell <Brad.Cabell@cdhb.health.nz>

> Cc: Tim Lester <Tim.Lester@cdhb.health.nz>

> Subject: FW: Independent Fire Engineer[EXTERNAL SENDER]

>

>

>

> On 4/11/20, 10:49 AM, "Rob Ojala" <Rob.Ojala@cdhb.health.nz> wrote:

>

> Thank you Tony - I will come back to you with a DHB preference. Can you clarify the scope of works for this piece - review of reports and presumably onsite look at the areas identified as raising concern and what else?

>

> On 4/11/20, 9:49 AM, "Tony Lloyd" <Tony.Lloyd@health.govt.nz> wrote:

>

> Rob,

>

> We have spoken with 9(2)(a) (the Society of Fire Engineers) as to who could look dispassionately at the information provided by 9(2)(a) and our consultants and assess the merits or otherwise of the information. The names suggested are:

> 9(2)(a)

>

>

>

>

> As yet I have not approached any of these people to determine availability but will do so when the preferred is agreed.

>

> I would like the DHB to provide me with your preference from the names above at which time I will contact them and check availability and if free will contract them to assess the information.

>

> Regards

>

> Tony

>

> Tony Lloyd

> Programme Director

> Infrastructure Unit

> DHB Performance Support & Infrastructure

> Tony.Lloyd@health.govt.nz<mailto:Tony.Lloyd@health.govt.nz> 9(2)(a)

>

>

>

*

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Tim Lester

From: Rob Ojala
Sent: Thursday, 5 November 2020 11:16 a.m.
To: Mark Newsome; Brad Cabell; [REDACTED] Tim Lester
Subject: FW: Independent Fire Engineer[EXTERNAL SENDER]

On 5/11/20, 11:13 AM, "Rob Ojala" <Rob.Ojala@cdhb.health.nz> wrote:

[REDACTED]

The team are looking at the suggested list and a bit uncertain about their background beyond being fire engineers - obviously we all want someone who has suitable passive fire and seismic knowledge which is quite a specialised area. Can we get CVs from those recommended so we can come back to you with a more informed view on which of the three looks best - we can turn this around in a day so as not to hold the process up.

Regards

Rob

On 4/11/20, 3:45 PM, "Tony Lloyd" <Tony.Lloyd@health.govt.nz> wrote:

Rob,

We haven't considered anyone, just requested from [REDACTED] some names of reputable Fire Engineers who gave us these people. We don't have a specific view or knowledge of them.

Regards

Tony

-----Original Message-----

From: Rob Ojala <Rob.Ojala@cdhb.health.nz>
Sent: Wednesday, 4 November 2020 2:36 pm
To: Tony Lloyd <Tony.Lloyd@health.govt.nz>
Cc: Mark Newsome <Mark.Newsome@cdhb.health.nz>; Karl Wilkinson <Karl.Wilkinson@health.govt.nz>; John Hazeldine <john.hazeldine@health.govt.nz>
Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

Tony - just checking on an option raised by the team - did you consider [REDACTED] from Building Compliance and Fire consulting limited in the mix of options?

Rob

On 4/11/20, 9:49 AM, "Tony Lloyd" <Tony.Lloyd@health.govt.nz> wrote:

Rob,

We have spoken with [REDACTED] (Society of Fire Engineers) as to who could look dispassionately at the information provided by [REDACTED] and our consultants and assess the merits or otherwise of the information. The names suggested are:

As yet I have not approached any of these people to determine availability but will do so when the preferred is agreed.

I would like the DHB to provide me with your preference from the names above at which time I will contact them and check availability and if free will contract them to assess the information.

Regards

Tony

Tony Lloyd
Programme Director
Infrastructure Unit
DHB Performance Support & Infrastructure
Tony.Lloyd@health.govt.nz<mailto:Tony.Lloyd@health.govt.nz> / 9(2)(a)

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Tim Lester

From: Rob Ojala
Sent: Thursday, 5 November 2020 9:55 a.m.
To: 9(2)(a) Brad Cabell
Cc: Mark Newsome; Tim Lester
Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

Not closed but we need to move fast

From: 9(2)(a) @proj-x.co.nz
Date: Thursday, 5 November 2020 at 9:42 AM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>, 9(2)(a) @proj-x.co.nz, Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Mark Newsome <mark.newsome@cdhb.health.nz>, Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: RE: Independent Fire Engineer[EXTERNAL SENDER]

Morning Rob,

So what he is saying in the last line of his email isn't what he is actually doing ie you believe he is both shortlisting and selecting?

"I would like the DHB to provide me with your preference from the names above at which time I will contact them and check availability and if free will contract them to assess the information."

Taken at his written word we need to do some digging and see who we believe is most impartial / knowledgeable (which will be relative given I assume MOH are paying? Or is it split?) or it closed already?

Thanks

9(2)(a)

-----Original Message-----

From: Rob Ojala [mailto:Rob.Ojala@cdhb.health.nz]
Sent: Wednesday, 4 November 2020 4:57 PM
To: 9(2)(a) @proj-x.co.nz; 9(2)(a) @proj-x.co.nz; Brad Cabell <Brad.Cabell@cdhb.health.nz>
Cc: Mark Newsome <mark.newsome@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

The Position from Tony is they have asked 9(2)(a) in his role to provide some names and they have run with this

On 4/11/20, 4:53 PM, 9(2)(a) @proj-x.co.nz wrote:

Afternoon

Reiterating comments below really; I worked with 9(2)(a) who operated as an intermediary between CCC and Cosgroves on Forte Health when there were some philosophical fire engineering debates between parties.

9(2)(a) is a competent fire engineer and was certainly useful in closing out the issues but they were very much fire engineering in nature rather than passive fire.

Thanks

9(2)(a)

-----Original Message-----

From: [REDACTED]
 Sent: Wednesday, 4 November 2020 1:55 PM
 To: Brad Cabell <Brad.Cabell@cdhb.health.nz>
 Cc: Rob Ojala <rob.ojala@cdhb.health.nz>; Mark Newsome <mark.newsome@wcdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>
 Subject: Re: Independent Fire Engineer[EXTERNAL SENDER]

Please keep [REDACTED] in the loop as he is asking a few questions and we have worked with one of these guys before.

Do support Brads comment that passive fire expertise is imperative and many practices do not understand this area very well

[REDACTED]

> On 4/11/2020, at 1:26 PM, Brad Cabell <Brad.Cabell@cdhb.health.nz> wrote:

>

> Please note that to the best of our understanding none of these people are specialists in passive fire all be it they are competent engineers. However if we had to choose one we would be happy with [REDACTED] from

Origin Fire Consultants but before forwarding this out please speak to me first. Please note we have suggested [REDACTED]

[REDACTED] from Building Compliance and Fire consulting limited who is in our opinion sufficiently experienced with passive fire and compliance.

>

> -----Original Message-----

> From: Rob Ojala <Rob.Ojala@cdhb.health.nz>

> Sent: Wednesday, 4 November 2020 10:50 AM

> To: Mark Newsome <mark.newsome@wcdhb.health.nz>; [REDACTED] <[REDACTED]@proj-x.co.nz>; Brad Cabell <Brad.Cabell@cdhb.health.nz>

> Cc: Tim Lester <Tim.Lester@cdhb.health.nz>

> Subject: FW: Independent Fire Engineer[EXTERNAL SENDER]

>

>

>

> On 4/11/20, 10:49 AM, "Rob Ojala" <Rob.Ojala@cdhb.health.nz> wrote:

>

> Thank you Tony - I will come back to you with a DHB preference. Can you clarify the scope of works for this piece - review of reports and presumably onsite look at the areas identified as raising concern and what else?

>

> On 4/11/20, 9:49 AM, "Tony Lloyd" <Tony.Lloyd@health.govt.nz> wrote:

>

> Rob,

>

> We have spoken with [REDACTED] (Society of Fire Engineers) as to who could look dispassionately at the information provided by [REDACTED] and our consultants and assess the merits or otherwise of the information. The names suggested are:

>

> [REDACTED]

>

>

>

> As yet I have not approached any of these people to determine availability but will do so when the preferred is agreed.

>

> I would like the DHB to provide me with your preference from the names above at which time I will contact them and check availability and if free will contract them to assess the information.

>
> Regards

>
> Tony

> Tony Lloyd

> Programme Director

> Infrastructure Unit

> DHB Performance Support & Infrastructure

> Tony.Lloyd@health.govt.nz<mailto:Tony.Lloyd@health.govt.nz> /

9(2)(a)

> *****

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Tim Lester

From: Tim Lester
Sent: Friday, 6 November 2020 8:05 a.m.
To: Rob Ojala
Subject: FW: Pfits[EXTERNAL SENDER]

Hi Rob. As instructed by Andrew, I've put together a draft email to Council (below). As discussed yesterday, you are checking with Tony Lloyd as to whether Council are expecting this from us, or whether Tony has already addressed with Council based on the information we have previously provided to Tony. Let me know if you want to discuss. - Tim

Dear [REDACTED]

We have been provided with a copy of Dr Tony Parkes email to Council dated 21 October 2020 (below).

We understand from Mr Tony Lloyd of the Ministry of Health that Council want to know:

if Tony Parkes was on site or not, if he undertook testing and on what authority was he there? Council were of the view that they are unclear how PFITS had access to the building and their relationship to the MOH or CDHB. It would be useful to have an answer so we can discuss this further with Council.

CDHB is not aware of Dr Tony Parkes being on the Hagley site. CDHB invited Tony Parkes' colleague, Mr Alan Page of PFITS, to provide technical advice to CDHB on a Hagley site visit on 1 October 2010. During that visit, a single square cut was made into an installation in a plant room to check whether it was a compliant mastic joint, and subsequently made good (as installed) by CDHB. CDHB is not aware of any other visit to site by PFITS, nor any other destructive testing having occurred by/observed by, PFITS.

CDHB has previously engaged PFITS to provide technical advice to CDHB. This includes advice and quality assurance of passive fire installations at the CDHB's Burwood Spinal project. CDHB is aware that PFITS also provided advice and quality assurance services to the main contractor and installers on the Ministry of Health's Grey Hospital redevelopment project. There will be installers on the Hagley project that will also have a pre-existing relationship with PFITS from other projects.

Please let us know if you have any further questions for CDHB.

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

[REDACTED] E: tim.lester@cdhb.health.nz
 Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: Anthony Parkes <tonyp@pfitsconsultancy.co.nz<<mailto:tonyp@pfitsconsultancy.co.nz>>>

Sent: Wednesday, 21 October 2020 3:32 pm

To: [REDACTED] <[\[REDACTED\]@ccc.govt.nz](mailto:[REDACTED]@ccc.govt.nz)>>; [REDACTED]

[REDACTED] <[\[REDACTED\]@ccc.govt.nz](mailto:[REDACTED]@ccc.govt.nz)>>

[REDACTED]

Subject: Passive Fire Concerns at Acute Services Building - Christchurch Hospital
 Importance: High

Dear ^{9(2)(a)} [REDACTED]

This is a follow up email concerning the matters I raised directly with you last year (emails are attached for reference), as I have received no response by way of either a phone call or email.

I note that after our meeting and notification of the issues identified on site, the delays contributed to these issues officially making the news headlines.

[https://urldefense.com/v3/https://www.odt.co.nz/star-news/star-christchurch/500m-hospital-building-delayed-again-after-issues-fire-system;!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYttm4M2y8\\$](https://urldefense.com/v3/https://www.odt.co.nz/star-news/star-christchurch/500m-hospital-building-delayed-again-after-issues-fire-system;!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYttm4M2y8$)
 <[https://urldefense.com/v3/https://scanmail.trustwave.com/?c=15517&d=68Ca35Ybnydu-W440AJ2GuKysJk1qgEY0LXzLQCw&u=https*3a*2f*2fwww*2eodt*2eco*2enz*2fstar-news*2fstar-christchurch*2f500m-hospital-building-delayed-again-after-issues-fire-system;JSUIJSUIJSUI!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtYc0GHas\\$](https://urldefense.com/v3/https://scanmail.trustwave.com/?c=15517&d=68Ca35Ybnydu-W440AJ2GuKysJk1qgEY0LXzLQCw&u=https*3a*2f*2fwww*2eodt*2eco*2enz*2fstar-news*2fstar-christchurch*2f500m-hospital-building-delayed-again-after-issues-fire-system;JSUIJSUIJSUI!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtYc0GHas$)>.
[https://urldefense.com/v3/https://www.stuff.co.nz/the-press/news/119339311/new-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects;!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtU9d3QUE\\$](https://urldefense.com/v3/https://www.stuff.co.nz/the-press/news/119339311/new-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects;!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtU9d3QUE$)
 <[https://urldefense.com/v3/https://scanmail.trustwave.com/?c=15517&d=68Ca35Ybnydu-W440AJ2GuKysJk1qgEY0eEyr-IXA&u=https*3a*2f*2fwww*2estuff*2eco*2enz*2fthe-press*2fnews*2f119339311*2fnew-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects;JSUIJSUIJSUIJQ!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtEJwLkk\\$](https://urldefense.com/v3/https://scanmail.trustwave.com/?c=15517&d=68Ca35Ybnydu-W440AJ2GuKysJk1qgEY0eEyr-IXA&u=https*3a*2f*2fwww*2estuff*2eco*2enz*2fthe-press*2fnews*2f119339311*2fnew-christchurch-hospital-opening-delayed-again-due-to-fire-protection-defects;JSUIJSUIJSUIJQ!!NUwMCyKv!NH5eJiFs15BP9CeWzI8JUKYnzWOfBI7PvuB4KvjRcbFglu67qAf-WHqQROYtEJwLkk$)>

The identification of over 7000 defects late at completion of construction is a concern especially when considering that these numbers would relate only to what was accessible due to works being significantly completed and covered over.

We have not been contacted by Christchurch City Council regarding the issues identified by us, nor have we seen any Quality Assurance (QA) documentation that leads us to believe that the issue are being dealt with through an appropriate process.

We assume that Christchurch City Council has a significant QA process for this IL4 building and substantial documentation to confirm that ALL passive fire protection has been installed as tested and is compliant. We welcome the opportunity to review such information.

Regardless of the above, I am obligated to write this email as it is my understanding that the building has a Certificate of Public Use (CPU) and further to inspections undertaken by us this this month we have identified numerous visual defects within the passive fire installs including; fixings missing and/or wrong fixings used, oversized cores for pipes, oversized collars, collars incorrectly installed or collars missing entirely. We also completed some destructive tests. All were identified as non-compliant.

In addition, the seismic joint was also constructed with a fire rated system assumed to be Winstone Wallboards GBT 60a or USG Boral (mixing products is a non-tested solution). The specified slip joint fire seal is either Sikaflex-400 and Firetherm Intuspan seals. Sikaflex and Firetherm are not tested in seismic/control joints, and neither product is tested together. This is a non-compliant detail, and for an IL4 building which is to remain operational after a seismic event this is a major concern.

I note a recent article regarding the 230 High Street building that quoted:

Mr Wright praised the engineer who identified the issues with 230 High Street for reporting it.

"One of the outcomes of the Royal Commission of Inquiry into the Canterbury Earthquake was a change to the Code of Ethical Conduct for Engineers. They are now obligated to report to the relevant regulator any issue with a building that they believe might result in adverse consequences.

"This is exactly what happened in this case which shows that engineers are taking their ethical responsibilities

9(2)(a)

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Tim Lester

From: Tim Lester
Sent: Monday, 9 November 2020 10:27 a.m.
To: Anna Craw; Rob Ojala
Cc: Karalyn van Deursen; Alex Taylor (Communications)
Subject: RE: Legal report
Attachments: item xx-legal report (needs updating) (002) (002) TL.docx

Hi Anna

With apologies for the delay, please find **attached** the legal report

Rob- please see below extract for your approval prior to release. This will undoubtedly raise further questions from the Board, and I therefore suggest it may be appropriate for Andrew/Sir John to raise it as part of CEO/Chair emerging issues update at the front end of the meeting?

Christchurch Hospital Hagley Handover

Transfer of the assets, liabilities and agreed construction contracts occurred by Order in Council on 1 November 2020. The Hagley building is now owned and managed by CDHB.

CDHB and Ministry have been made aware of a third party's email to Council raising concern with the passive fire installations within Hagley. This is the second time this party (a fire engineer) has raised concerns with Council (the first being last year). Council are yet to issue a code of compliance certificate for the building, presumably while they are reviewing the issues raised.

CDHB has also raised its own questions to Ministry about specific passive fire installations observed, namely around the seismic joints. Ministry and its consultants remain adamant that there are no issues with the design and installation. Ministry have agreed to engage a third party to provide an independent review to give comfort and we await Ministry advice of the scope of that review.

In the meantime, a replacement certificate of public use has been granted by Council, permitting public access while we await issue of code of compliance. The CPU expires in May 2021.

Happy to discuss

Tim Lester

Corporate Solicitor
 Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: Greg Brogden
Sent: Friday, 6 November 2020 10:00 a.m.
To: Judith McInnes <Judith.McInnes@cdhb.health.nz>
Cc: Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: Legal report

Hi Judith

My section attached, may need some tidying of format. Once Tim has done his section, can you send to Anna cc Comms.

Greg

Greg Brogden

Senior Corporate Solicitor

Canterbury and West Coast District Health Boards

9(2)(a)



RELEASED UNDER THE OFFICIAL INFORMATION ACT

Tim Lester

From: Rob Ojala
Sent: Wednesday, 18 November 2020 1:48 p.m.
To: Mark Newsome; Brad Cabell; 9(2)(a) Tim Lester
Subject: FW: Passive Fire[EXTERNAL SENDER]

On 18/11/20, 1:41 PM, "Tony Lloyd" <Tony.Lloyd@health.govt.nz> wrote:

Rob,

9(2)(a) has been requested to review the passive fire rating review of the passive fire protection at the new Acute Services Building. This is to be undertaken initially by examining the documentation provided by the DHB (the 9(2)(a) draft report) and the design consultants response to that report.

Upon confirmation of the having examined the documentation, the Fire Engineer is to advise of further steps including examination of the passive fire details and/ or interviewing the various parties.

He is to determine if:

1. Passive fire protection nonexistent
2. Passive fire has been attempted but may not always pass an invasive test and sometimes the wrong products are used.
3. Passive fire is all compliant.

He will consider the outcome and if the consequence of the defect is a breach of the Building Code and warrants a repair he will advise if it needs ratification or it whether or not can remain as is.

Regards

Tony

Tony Lloyd
 Programme Director
 Infrastructure Unit
 DHB Performance Support & Infrastructure
 Tony.Lloyd@health.govt.nz<mailto:Tony.Lloyd@health.govt.nz>

9(2)(a)

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Tim Lester

From: Rob Ojala
Sent: Monday, 30 November 2020 4:28 p.m.
To: Tim Lester; Mark Newsome
Cc: Susan Fitzmaurice
Subject: Re: Christchurch Hospital Hagley Handover - Passive fire
Attachments: 21869[1].pdf

Not that iam aware

From: Tim Lester <Tim.Lester@cdhb.health.nz>
Date: Monday, 30 November 2020 at 3:41 PM
To: Rob Ojala <Rob.Ojala@cdhb.health.nz>, Mark Newsome <Mark.Newsome@cdhb.health.nz>
Subject: FW: Christchurch Hospital Hagley Handover - Passive fire

Do you know whether Andrew got confirmation back from Karl on this?

Regards

Tim Lester
 Corporate Solicitor
 Canterbury District Health Board

9(2)(a) [Redacted]
 E: tim.lester@cdhb.health.nz
 Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: Susan Fitzmaurice **On Behalf Of** Andrew Brant
Sent: Thursday, 5 November 2020 11:02 a.m.
To: 'Karl.Wilkinson@health.govt.nz' <Karl.Wilkinson@health.govt.nz>
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Subject: Christchurch Hospital Hagley Handover - Passive fire

Please find attached letter from Dr Andrew Brant, Acting Chief Executive Canterbury DHB and West Coast DHB

Regards

Susan Fitzmaurice | EA to Chief Executive
 Canterbury District Health Board and West Coast District Health Board

9(2)(a) [Redacted]

Canterbury
 District Health Board
 Te Pōari Hauora o Wāitaha



Values – Ā Mātou Uara

Care and respect for others - Manaaki me te whakaute i te tangata | Integrity in all we do - Hāpai i ā mātou mahi katoa i runga i te pono |
 Responsibility for outcomes - Te Takohanga i ngā hua

Canterbury

District Health Board

Te Poari Hauora o Waitaha

CHIEF EXECUTIVE'S OFFICE

Tel: (03) 364 4110
E-Mail: chiefexecutive@cdhb.health.nz

5 November 2020

Karl Wilkinson
Director of Health Infrastructure
DHB Performance, Support & Infrastructure
Ministry of Health

Dear Karl

Christchurch Hospital Hagley handover- Passive Fire

Canterbury DHB supports the Ministry of Health's decision to engage an independent third-party to undertake a review of the passive fire installations within the new Christchurch Hospital Hagley building.

We note the legal transfer of the Hagley building from the Ministry to Canterbury DHB by Order in Council, effective 1 November 2020. Notwithstanding that transfer, Canterbury DHB seeks comfort from the Ministry that, if any passive fire issues are identified that require remediation, the Ministry will continue to work with the consultants, contractors and Council to resolve for the Ministry and Canterbury DHB.

Canterbury DHB notes the previous assurances given by Ministry representatives that this is indeed the case, that the main construction contract has been held back from the Order in Council transfer and that the Ministry has agreed to manage the defects notification period for Canterbury DHB under the handover arrangements.

Please confirm by return, or let me know if you wish to discuss.

Yours sincerely



Dr Andrew Brant
Acting Chief Executive

TO: Chair & Members, Canterbury District Health Board

PREPARED BY: Tim Lester, Corporate Solicitor
Greg Brogden, Senior Corporate Solicitor

APPROVED BY: David Green, Acting Executive Director, Finance & Corporate Services

DATE: 17 December 2020

Report Status – For: Decision ☐ Noting ☒ Information ☐

1. ORIGIN OF THE REPORT

The purpose of this report is to provide a legally privileged status update on significant legal issues currently affecting Canterbury District Health Board (CDHB) and the risks involved.

2. RECOMMENDATION

That the Board:

- i. notes the Legal Report.

3. CORONERS

Out of Scope

7. COMMERCIAL

New Updates

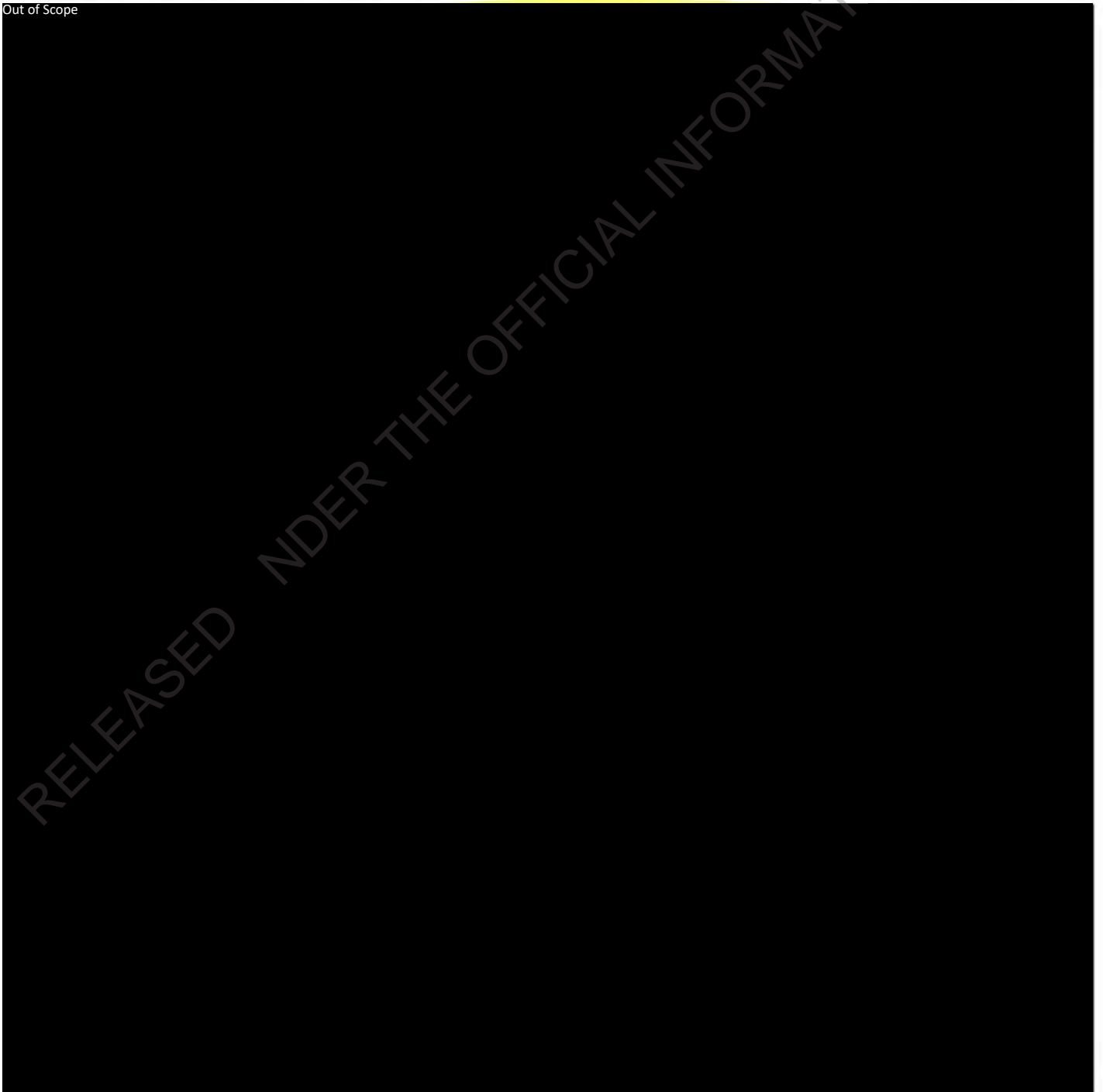
Waipapa Outstanding Issues

CDHB and Ministry have been made aware of a third party's email to Council raising serious concerns with the passive fire installations within Hagley. This is the second time this individual (a fire engineer) has raised concerns direct with Council (the first being last year).

CDHB has also raised its own questions to the Ministry about specific passive fire installations observed, including around the seismic joints. Ministry and its consultants remain satisfied that there are no issues with passive fire design and installation. The parties have agreed to engage a third party to review to give comfort. We await confirmation of the scope of that review.

Council are yet to issue a code of compliance certificate for the building. In the meantime, a replacement certificate of public use (CPU) has been granted by Council, permitting public access while the project awaits the code of compliance certificate. The CPU expires in May 2021.

Out of Scope



Tim Lester

From: Alex Taylor (Communications)
Sent: Tuesday, 1 December 2020 9:51 a.m.
To: Rob Ojala; Mark Newsome; Tim Lester
Cc: Karalyn van Deursen
Subject: FINAL RESPONSE GOING SHORTLY FW: Code of compliance for Waipapa[EXTERNAL SENDER]

Thanks all – will send the below shortly.

To be attributed to Dr Rob Ojala, Executive Lead for Facilities Management:

Canterbury DHB awaits advice from the Ministry of Health regarding code of compliance certification (CoC) for Waipapa.

Requests for updates on the status of CoC and any specific aspects of construction, including passive fire, should be directed to the Ministry as the consent holder.

In the meantime, the DHB continues to operate from Waipapa pursuant to a certificate of public use.

From: Rob Ojala
Sent: Monday, 30 November 2020 3:16 p.m.
To: Alex Taylor (Communications) <Alex.Taylor2@cdhb.health.nz>; Mark Newsome <mark.newsome@wcdhb.health.nz>; Tim Lester <Tim.Lester@cdhb.health.nz>
Cc: Karalyn van Deursen <Karalyn.Vandeursen@cdhb.health.nz>
Subject: Re: MEDIA ENQUIRY FW: Code of compliance for Waipapa[EXTERNAL SENDER]

Yes I'm happy with this

From: Tim Lester <Tim.Lester@cdhb.health.nz>
Sent: Monday, November 30, 2020 3:00:40 PM
To: Alex Taylor (Communications) <Alex.Taylor2@cdhb.health.nz>; Mark Newsome <mark.newsome@wcdhb.health.nz>
Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Karalyn van Deursen <Karalyn.Vandeursen@cdhb.health.nz>
Subject: RE: MEDIA ENQUIRY FW: Code of compliance for Waipapa[EXTERNAL SENDER]

Hi Alex

Subject to Rob and Mark's direction, I'd suggest Ministry should answer these questions (noting that CDHB would need to follow up with the Ministry to get a status update to in turn provide to Cecile anyway).

Perhaps a response along the below lines?

CDHB awaits advice from the Ministry of Health on code of compliance certification (CoC) for Waipapa. As the consent holder, the Ministry continues to liaise with Council direct, and remains best placed to provide you with an update on the status of CoC and in relation to any specific aspects of construction, including passive fire.

In the meantime, CDHB continues to operate from Waipapa pursuant to a certificate of public use.

Rob/Mark- perhaps a heads up to Tony L on this and also the OIA request received today?

Kind regards

Tim Lester

Corporate Solicitor
Canterbury District Health Board

9(2)(a)

E: tim.lester@cdhb.health.nz

Level 1, 32 Oxford Terrace, Christchurch | PO Box 1600 | Christchurch | www.cdhb.govt.nz.

From: Alex Taylor (Communications)

Sent: Monday, 30 November 2020 1:33 p.m.

To: Tim Lester <Tim.Lester@cdhb.health.nz>; Mark Newsome <mark.newsome@wcdhb.health.nz>

Cc: Rob Ojala <Rob.Ojala@cdhb.health.nz>; Karalyn van Deursen <Karalyn.Vandeursen@cdhb.health.nz>

Subject: MEDIA ENQUIRY FW: Code of compliance for Waipapa[EXTERNAL SENDER]

Hi both,

See below – is this something we would look to answer?

Have asked the Ministry if it's something that sits with them still...

Ngā mihi

Alex

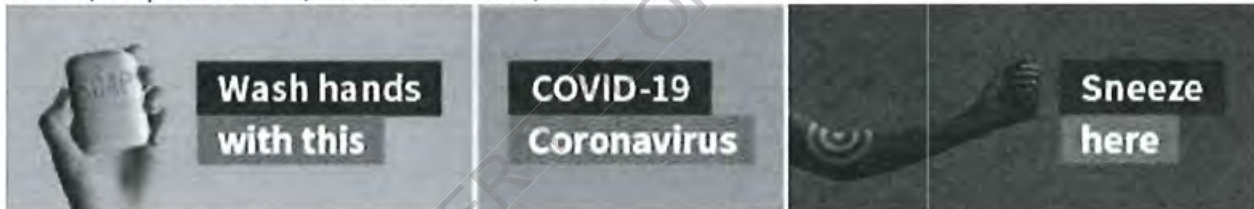
Alex Taylor

Senior Media Advisor

Canterbury and West Coast District Health Boards

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Out of Scope

Tim Lester

From: Alex Taylor (Communications)
Sent: Wednesday, 2 December 2020 11:36 a.m.
To: Rob Ojala; Tim Lester; Andrew Brant
Cc: Karalyn van Deursen
Subject: FW: Waipapa compliance[EXTERNAL SENDER]

FYI

From: Kirsty Doig <Kirsty.Doig@health.govt.nz>
Sent: Wednesday, 2 December 2020 11:35 a.m.
To: Alex Taylor (Communications) <Alex.Taylor2@cdhb.health.nz>; Karalyn van Deursen <Karalyn.Vandeursen@cdhb.health.nz>
Subject: FW: Waipapa compliance[EXTERNAL SENDER]

FYI, response has gone, already got some follow up qus from [REDACTED]

From: Kirsty Doig <Kirsty.Doig@health.govt.nz>
Sent: Wednesday, 2 December 2020 11:21 am

Subject: Waipapa

Hi there

Here's the response to your qus on code of compliance for Waipapa (technically called a Code Compliance Certificate). I believe the Council has now completed four of the six stages required for the certification.

FYI, I'll get back to you shortly re your follow up qus from Friday, the response isn't too far away.

Attributable to a Ministry spokesperson:

It's not unusual for a new facility like Waipapa to operate initially without a Code Compliance Certificate from the Council. The Ministry has provided Christchurch City Council with all the necessary documentation required for the Code Compliance Certificate for Waipapa, this takes time to process given the significant amount of paperwork required for such a large facility.

In large complex builds like this, it's routine practice for a Certificate for Public Use to be issued by the Council to enable the facility to be occupied while the detailed documentation for the Code Compliance Certificate is processed. The same approach has been taken on other Ministry led build projects. Ensuring public safety is paramount in all our capital build projects which support DHBs to deliver fit for purpose, future ready facilities which will benefit New Zealanders.

The Ministry expects Christchurch City Council to complete issuing the Code Compliance Certificate for Waipapa shortly. The DHB continues to operate from Waipapa under a Certificate for Public Use from the Council, this means people in Canterbury can be reassured the building meets the appropriate safety standards.

As required as part of the process to obtain a Certificate for Public Use from the Council for Waipapa, all known issues regarding passive fire safety and seismic remediation works were rectified by our contractor and independently checked.

At the DHB's request, we have recently agreed to a second independent review on passive fire safety to provide further assurances. This is a separate process and is not required by the Council, who would not have issued a Certificate for Public Use if there were any ongoing fire safety concerns. The details of the review are currently being agreed, including finalising the timeline, therefore we don't have further details at this stage.

Thanks, Kirsty

Kirsty Doig
Principal Communications Advisor
Ministry of Health

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Tim Lester

From: Mark Newsome
Sent: Monday, 7 December 2020 10:47 a.m.
To: Tim Lester
Cc: Rob Ojala
Subject: Re: Legal report- Waipapa outstanding issues

CoC received Thursday!
 Sorry for not alerting you to that.
 No other updates that I am aware of.

Mark Newsome

On 7/12/2020, at 10:40, Tim Lester <Tim.Lester@cdhb.health.nz> wrote:

Hi Rob and Mark

In my legal report for the Board it flags that we await the CoC, the passive fire concerns
 Out of Scope

Any update on any of these matters from Ministry?

Extract from the report below. Please advise if any issues.

We can speak to any subsequent development in the meeting

Waipapa Outstanding Issues

Council are yet to issue a code of compliance certificate for the building. CDHB is operating from Waipapa in the meantime pursuant to a Certificate of Public Use (expires in May).

Out of Scope

Concerns have been raised by a third-party fire engineer and CDHB regarding passive fire installations observed, including around the seismic joints. The Ministry, supported by its design and fire engineers, remain confident that the passive fire installations in Waipapa are installed correctly and are compliant. A third-party review is being undertaken to give comfort. CDHB and Ministry have since received Official Information Act requests on this matter.

Regards

Tim Lester
 Corporate Solicitor

Canterbury District Health Board

9(2)(a)

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