

**UNDER THE COMMISSIONS OF INQUIRY ACT 1908**

**IN THE MATTER OF ROYAL COMMISSION OF INQUIRY INTO BUILDING  
FAILURE CAUSED BY CANTERBURY EARTHQUAKES**

**KOMIHANA A TE KARAUNA HEI TIROTIRO I NGĀ  
WHARE I HORO I NGĀ RŪWHENUA O WAITAHA**

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**STATEMENT OF EVIDENCE OF STEPHEN JAMES MCCARTHY IN RELATION TO 194  
GLOUCESTER STREET**

**DATE OF HEARING: 15 FEBRUARY 2012**

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## INTRODUCTION

1. My name is Stephen James McCarthy. I am the Environmental Policy and Approvals Manager of the Christchurch City Council. I have worked for the Council since 1 May 2006. During the State of Emergency following the earthquake of 4 September 2010, I was one of the Building Evaluation Managers in the Christchurch City Emergency Operations Centre.
2. I have 36 years of experience working for local government, including 16 years in building control. I have a Degree in Applied Science and a Post Graduate Diploma in Management from Massey University and a Royal Society Diploma in Environmental Health from Wellington Polytechnic.
3. I have been asked to provide evidence to the Royal Commission relating to specific aspects of the Council's involvement with 194 Gloucester Street before and after the earthquake of 4 September 2010 and the Boxing Day aftershock.

## DOCUMENTS PROVIDED TO THE ROYAL COMMISSION

4. The documents relating to this building that have been provided to the Royal Commission are:
  - (a) the Building Permit/Building Consent file for 194 Gloucester Street; and
  - (b) post earthquake files.

## SCOPE OF EVIDENCE

5. My evidence will address the following matters:
  - (a) The Civil Defence Emergency Management Response in relation to the building after the 4 September 2010 earthquake.
  - (b) Council involvement with the building subsequent to the lifting of the state of emergency on 16 September 2010.
  - (c) The Council's response in relation to 194 Gloucester Street following the Boxing Day aftershock.

- (d) Information about any cordons/barricades around 194 Gloucester Street following the 4 September 2010 earthquake.
- (e) Whether 194 Gloucester Street was assessed as 'earthquake-prone' for the purposes of section 122 of the Building Act 2004.
- (f) The effect of any strengthening undertaken.
- (g) The application of the Council's earthquake prone policies of 2006 and 2010 to the building.

#### **EVENTS BETWEEN 4 SEPTEMBER 2010 EARTHQUAKE AND 22 FEBRUARY 2011 EARTHQUAKE**

6. On 5 September 2010, a Level 1 rapid assessment was carried out and the building received a green placard (**BUI.GLO194.0012.32**). The assessment noted that the parapet on the south side had come down over the courtyard and noted restricted access to the back courtyard due to this brick fall.
7. I understand from information on the Royal Commission's secure website that a Level 2 Rapid Assessment was carried out by Beca on behalf of the owners on 6 September 2010. This resulted in a yellow placard (**BUI.GLO194.0008C.41**). There does not appear to be a copy of the Rapid Assessment form on the Council's files.
8. On 5 October 2010, a Level 2 rapid assessment was carried out and the building was classified as "restricted use – yellow" (**Annexure "A"**).
9. On 12 October 2010, the owner of the building was written to, care of the property manager (Devonia Realty Limited) notifying the owner that a section 124(1)(c) Building Act notice had been issued for the building (**BUI.GLO194.0012.34**). The Building Act notice stated that the building had been damaged, that there were structural defects, and that Council records showed a toppling hazard at the rear and some minor cracking to the side wall. The Building Act notice included a deadline of 31 January 2011 to carry out work on the building to remove the danger.

10. The cover letter accompanying the Building Act notice advised the building owner to contact the Council's Building Recovery Office to discuss any building assessments and the particulars in the Building Act notice, before undertaking any steps to remedy the danger and the letter recommended that the building owner contact their insurer. As a CPEng report would have been required to certify that the danger had been removed, the Council's letter also recommended the building owner seek structural engineering advice from a qualified structural engineer on how to remove the danger.
11. The Council's files show correspondence between the property manager and the Council on 16 November 2010 discussing repair work required (**BUI.GLO194.0007A**).
12. A USAR Damaged Building Reconnaissance Report dated 27 December 2010 at 10.15am stated that an engineering assessment was required but additional cordon/fencing was not required (**BUI.GLO194.0012.38**). A further USAR Damaged Building Reconnaissance Report dated 27 December 2010 at 12.00pm states that the west parapet has fallen and that the top north west window was loose by 6 inches (**BUI.GLO194.0012.39**). This report recommended that an engineering assessment and cordons/fencing were required. Cordons were in place on 31 December 2010 as shown by the attached photographs (**Annexure "A"**).
13. On 27 December 2010, the Council wrote to the building owner, care of the property manager, issuing Building Act notices (**BUI.GLO194.0012.41**). The Building Act notices specified that the building had been damaged, there were structural defects to the building and that Council records showed the top storey, north face window columns were precarious and that there was damage to the west wall and windows. The Building Act notice included the same deadline of 31 January 2011 to undertake work to remove the danger.
14. On 5 January 2011, the building's property manager emailed John Higgins (Resource Consents Manager) and Aaron Haymes attaching photos of the building following the Boxing Day earthquake and work notes from Beca detailing the works required (**BUI.GLO194.0012.46**).

15. On 6 January 2011, the building's property manager emailed the Council and attached an updated version of Beca's notes detailing the works required following closer inspection of the damage by crane (**BUI.GLO194.0012.46**).
16. The Council's files show correspondence between John Higgins, Fiona Wykes (Urban Design and Heritage) and Beca, regarding urgent works required to make the building safe (**BUI.GLO194.0012.48-50**). On 6 January 2011, an email from Fiona Wykes states "please go ahead with works to make safe, recording work as undertaken for the retrospective resource consent" (**BUI.GLO194.0012.49**).
17. The correspondence between the building owner, Beca, and the Council on 6 January 2011 indicates that works were to commence immediately.
18. On 3 February 2011, an engineer contracted to the Council, Raj Unka, re-inspected the building. The assessment noted that there was cracking to the parapets and that repair work was currently in progress. This form also records that the existing fencing was adequate (**BUI.GLO194.0012.52**).
19. The Council files indicate that on or about 3 February 2011 a meeting had been called to assess the current status of the building and the requirements for the future (**Annexure "B"**). The next steps/action points note that a further report was due from Beca in 4-5 weeks and that a resource consent and building consent would be required for any further work to strengthen the building.
20. On 14 February 2011, Beca wrote a letter to the building owner, care of the property manager, advising that "any potentially dangerous features have been removed or secured, and that the stability of the structure is sufficient that it does not pose a threat to adjacent buildings or the public that is significantly greater than prior to the earthquake" (**BUI.GLO194.0012.61**). This letter was attached to an email to the property manager, copied to the Council's Building Recovery Office, stating that the works were complete (**BUI.GLO194.0012.60**).

#### *Cordons*

21. The USAR Damaged Building Reconnaissance Report of 27 December 2010 at 12.00pm notes that a cordon is urgently required. The photographs taken on 31 December 2010 indicate that the cordon was in place by this date (**Annexure**

“A”). It is noted that in general the location of all cordons was determined by a CPEng engineer.

22. Council records indicate that no cordon was in place on 18 February 2011 (BUI.GLO194.0007.1 and BUI.GLO194.0007B.1). Council records appear to indicate that cordons were removed as a result of the letter received from the Beca engineer confirming "*any potential dangerous features have been removed or secured, and that the stability of the structure is sufficient that it does not pose a threat to adjacent buildings or the public that is significantly greater than prior to the earthquake*". The Council instructed Fulton Hogan and the cordon was removed.

#### **APPLICATION OF RELEVANT LEGISLATION AND THE COUNCIL'S EARTHQUAKE PRONE POLICY**

23. In terms of the Council's Earthquake Prone Building Policy 2006 and the Building Act Regulations 2005, the building was recorded in the Council's files as a possible earthquake prone building. The building had some strengthening work in the past. According to a report by Holmes Consulting Group dated 19 January 2002 (BUI.GLO194.0012.19-24) the building was not considered to be earthquake prone in terms of section 66 of the Building Act 1991.
24. If a building consent application had been made after the commencement of the Earthquake Prone Building Policy 2006 the application would have been assessed in terms of the Policy. However, no building consent applications were applied for after the commencement of the Policy.

DATED 13<sup>th</sup> day of January 2012

  
\_\_\_\_\_  
Stephen James McCarthy

"A"

# Christchurch Eq RAPID Assessment Form - LEVEL 2

Inspector Initials: R. POPP Date: 5/10/2010 Final Posting (e.g. UNSAFE): Yellow 2  
 Territorial Authority: Christchurch City Time: 10:20 AM

**Building Name** WINNIE BOGGS HOUSE

**Short Name** \_\_\_\_\_

**Address** 194 CLOUDESTON

**GPS Co-ordinates** S<sup>o</sup> \_\_\_\_\_ E<sup>o</sup> \_\_\_\_\_

**Contact Name** \_\_\_\_\_

**Contact Phone** \_\_\_\_\_

**Stores at and above ground level** 3 Below ground level 0

**Total gross floor area (m<sup>2</sup>)** \_\_\_\_\_ Year built \_\_\_\_\_

**No of residential Units** 1/1/1

**Photo Taken** Yes  No  1, 2, 3

**Type of Construction**

<input type="checkbox"/> Timber frame	<input type="checkbox"/> Concrete shear wall
<input type="checkbox"/> Steel frame	<input checked="" type="checkbox"/> Unreinforced masonry
<input type="checkbox"/> Tilt-up concrete	<input type="checkbox"/> Reinforced masonry
<input type="checkbox"/> Concrete frame	<input type="checkbox"/> Confined masonry
<input type="checkbox"/> RC frame with masonry infill	<input type="checkbox"/> Other: _____

**Primary Occupancy**

<input type="checkbox"/> Dwelling	<input checked="" type="checkbox"/> Commercial/ Offices
<input type="checkbox"/> Other residential	<input type="checkbox"/> Industrial
<input type="checkbox"/> Public assembly	<input type="checkbox"/> Government
<input type="checkbox"/> School	<input type="checkbox"/> Heritage Listed
<input type="checkbox"/> Religious	<input type="checkbox"/> Other

Investigate the building for the conditions listed on page 1 and 2, and check the appropriate column. A sketch may be added on page 3

Overall Hazards / Damage	Minor/None	Moderate	Severe	Comments
Collapse, partial collapse, off foundation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Previous notice states "TIPPING HAZARD AT REAR - NO ACCESS THROUGH BACK DOORS TO GARAGE TARD"</p> <p>SOME MINOR CRACKING TO SIDE WALL</p> <p>PART OF ROOF PARALLEL WITH BEEN REPAIRED</p>
Building or storey leaning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wall or other structural damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Overhead falling hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Ground movement, settlement, slips	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Neighbouring building hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Electrical, gas, sewerage, water, hazmats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Record any existing placard on this building:

Existing Placard Type (e.g. UNSAFE) YELLOW

Choose a new posting based on the new evaluation and team judgement. Severe conditions affecting the whole building are grounds for an UNSAFE posting. Localised Severe and overall Moderate conditions may require a RESTRICTED USE. Place INSPECTED placard at main entrance. Post all other placards at every significant entrance. Transfer the chosen posting to the top of this page.

INSPECTED GREEN  G1  G2

RESTRICTED USE YELLOW  Y1  Y2

UNSAFE RED  R1  R2  R3

Record any restriction on use or entry:

Further Action Recommended:

- Tick the boxes below only if further actions are recommended
- Barricades are needed (state location):
  - Detailed engineering evaluation recommended
    - Structural
    - Geotechnical
    - Other:
  - Other recommendations:

Estimated Overall Building Damage (Exclude Contents)

None	<input type="checkbox"/>		<input type="checkbox"/>
0-1 %	<input type="checkbox"/>	31-60 %	<input type="checkbox"/>
2-10 %	<input checked="" type="checkbox"/>	61-99 %	<input type="checkbox"/>
11-30 %	<input type="checkbox"/>	100 %	<input type="checkbox"/>

Inspection ID: CL-NM01 (Office Use Only)

Sign here on completion

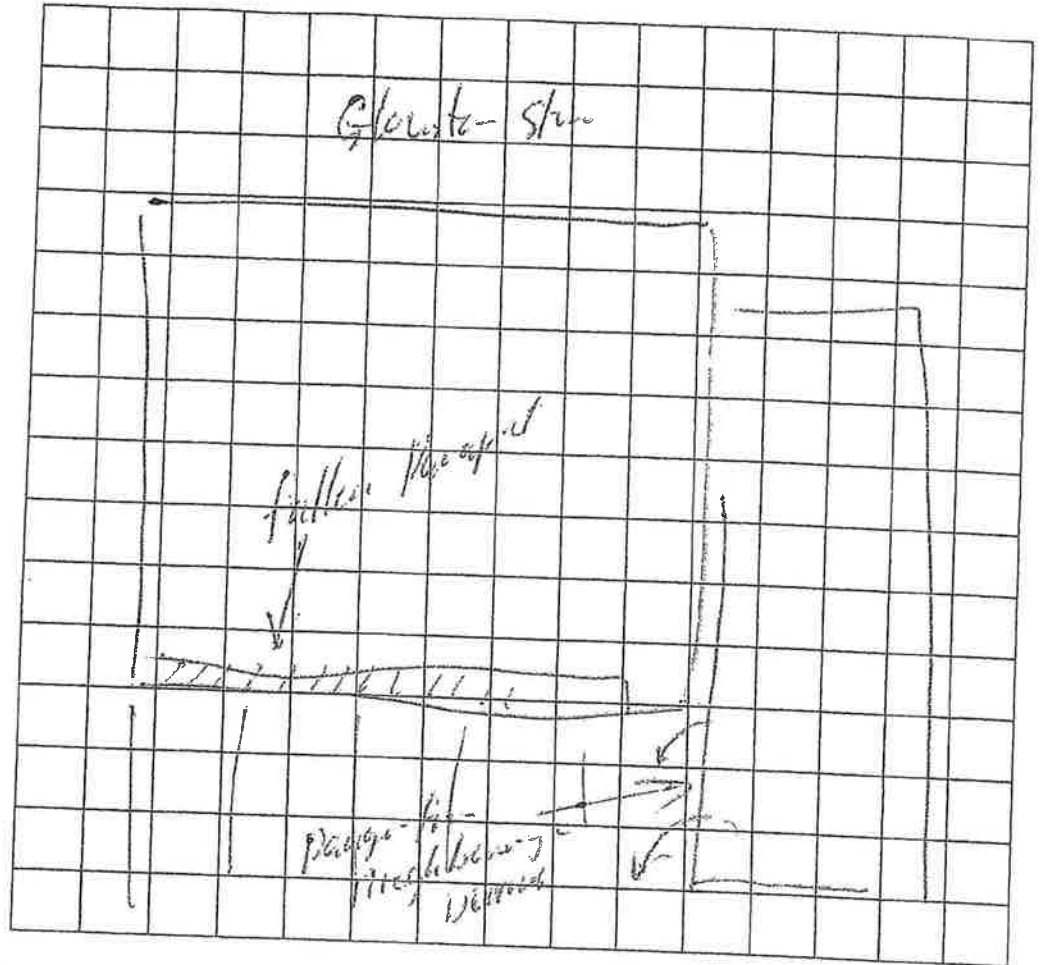
[Signature]

Date & Time: 5/10/2010  
ID: 10:20 AM



**Sketch (optional)**

Provide a sketch of the entire building or damage points. Indicate damage points.



**Recommendations for Repair and Reconstruction or Demolition (Optional)**

Should be able to be repaired







" B "



31/12/2010





31/12/2010



**Environmental Policy & Approvals Unit**  
**Christchurch City 2010 Earthquake Recovery**

# Building Enquiry Record

For:  Building       Planning       Heritage / Character  
 Other:

**Staff Involved**

 Initiating Officer:  
 Fiona Clayton

 Date of Enquiry:  
 3/2/2011

 Consulting Officer:  
 Philip Hector

 Date of Consultation /  
 Response:  
 4/2/2011

 Saved to TRIM: 

## 1. Enquirer Details

Initiating Officer to complete and save to address in TRIM, record enquiry on

**Enquirer Name:** David Wallace

**Email Address:** david.wallace@devonairealty.co.nz

**Enquirer Phone:**
**Mobile:**
**Postal Address of Enquirer:** Devonia Realty Ltd

**Relationship to the Enquiry:**     Building Owner                       Owners Agent                       Engineer  
 Architect                                       Heritage Consultant               Building Contractor  
 Other (please specify):

**Building Details:**
**Address:** 194 Gloucester Street

**Name of Building:** Wave House - Winnie Bagoes

**Number of Levels:** 2

**Response Type Required:**     Meeting     Email     Telephone

## 2. Enquiry Details

- Initiating Officer to enter details where Customer has a specific query for telephone or email response.
- Consulting Officer to complete response details and save to address in TRIM.

**Details of the Enquiry:**

Meeting called to asses the current status of the building and the requirements for the future. Building is category 3 under City Plan and on HPT register

**Next Steps / Action Points:**

Further report due from Becas in 4 - 5 weeks. Resource consent and building consent required for any work to strengthening etc.

**NOTE: Officers are reminded that Customer Service Principles apply to this enquiry.**