

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**

**STATEMENT OF EVIDENCE OF STEPHEN JAMES MCCARTHY IN RELATION TO
89/89A CASHEL STREET**

DATE OF HEARING: 24 JANUARY 2012

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 89/89A Cashel Street before and after the earthquake of 4 September 2010 and the Boxing Day aftershock. I note that the property is known as 89 Cashel St in the Council's records and I understand that the building was tenanted by Three Wise Men and Duval.

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 89/89A Cashel 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 89/89A Cashel Street following the Boxing Day aftershock.
- (d) Information about any cordons/barricades around 89/89A Cashel Street following the 4 September 2010 earthquake.
- (e) Whether 89/89A Cashel 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 yellow placard (**BUI.CAS91.0015.14**). The assessment noted the parapet of the neighbouring building was a hazard.
- 7. On 6 September 2010, a Level 2 rapid assessment was carried out and the building's placard was changed from yellow to green (**BUI.CAS91.0015.16**).
- 8. An Enforcement Team Notices Coversheet dated 6 October 2010 records that an assessment was carried out by Simon Baker, a CPEng, on behalf of the Building Evaluation Transition Team. Mr Baker is not an employee of Council. The Enforcement Team Notices Coversheet records the "new placard status" to be yellow (**BUI.CAS91.0015.13**).
- 9. A Level 1 rapid assessment was carried out on 27 December 2010 following the Boxing Day aftershock and this resulted in the building receiving a red placard (**BUI.CAS91.0015.16**). A section 124(1)(b) Building Act notice was affixed to the building on 28 December 2010 (**BUI.CAS91.0005.14**). The rapid assessment form notes "need to remove/inspect parapet of building adjacent."

10. I understand that only a section 124(1)(b) Building Act notice was issued in relation to the building because the risk was posed by the adjacent property (91A Cashel Street). A letter was posted to the owners' postal address notifying them of the Building Act notice.
11. On 31 December 2010 a CPEng certification form was received from Alistair Boyce (**BUI.CAS91.0015.20**). The 31 December 2010 CPEng certificate from Mr Boyce stated "securing work to parapet (91 Cashel St) completed on 31/12/2010". The Council relied on this report to conclude that 91 Cashel Street no longer posed a risk to 89 Cashel Street and the section 124(1)(b) notice was accordingly removed. A Boxing Day Earthquake File Closure form was subsequently completed (**BUI.CAS91.0015.21**).

Cordons

12. The Council has been advised by its sub-contractors that 50 metres of 1.8 metre high fencing was installed at this location on 29 December 2010. However, I understand that the Council cannot independently confirm the date of installation. This may be due to the fact that Cashel Mall was completely closed off after the Boxing Day earthquake and the sub-contractors were working directly with the Council engineers at this time to erect the appropriate cordons.
13. The Council does have a record of photographs taken of the cordon on 30 December 2010 (**BUI.CAS91.0015.39-41**). Council records indicate that these cordons were in place until at least 7 January 2011. The Council also has a map of the existing cordons as at 4 February 2011, and it appears that the cordons had been removed by this date (**BUI.CAS91.0015.42**).

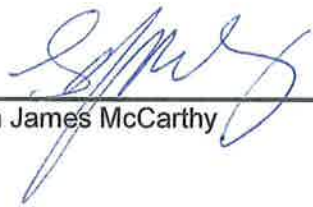
APPLICATION OF RELEVANT LEGISLATION AND THE COUNCIL'S EARTHQUAKE PRONE POLICY

14. The Building was noted as Earthquake Prone in the Council's records as at 4 September 2010.
15. From the commencement of the Earthquake Prone Building Policy in 2006, if a building consent application had been received for a significant alteration the

structural strength of the building would have been reviewed in terms of the Policy. However, no such applications were received.

16. There are no records of permits or consents for structural strengthening noted on file after 1957. In 1957 a building permit was issued for fire reinstatement.
17. There have been no assessments made of the building in terms of the Council's Earthquake Prone Buildings Policy 2006. In 1990 a visual assessment of the building was made by the Council.

DATED *13th* Day of January 2012



Stephen James McCarthy