

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 93-
95 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 93 Cashel 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 93-95 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 the building following the Boxing Day aftershock.

- (d) Information about any cordons/barricades around the building following the 4 September earthquake.
- (e) Whether the building 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 6 September 2010, a Level 1 rapid assessment was carried out on the building and a yellow placard was issued (**BUI.CAS91.0015.33**).
7. It appears that on 10 September 2010, a further Level 1 rapid assessment was carried out and the building received a green placard. I understand that the Council does not have a copy of the assessment form. However, there is a photograph of the placard that relates to this assessment that records an assessment did take place on 10 September 2010 (**BUI.CAS91.0015.38**). The placard appears to be signed by a "private engineer" in the Inspector ID section, and so it is possible that the assessment was carried out by an engineer acting for the owner.
8. On 12 October 2010, a Level 2 rapid assessment was carried out and the green placard was confirmed (**BUI.CAS91.0015.35**). The assessment records "*no damage evident*".
9. On 26 December 2010, a Level 1 rapid assessment was carried out and a green placard was issued (**BUI.CAS91.0019.111**). The assessment form noted "*cracking in front façade to be reviewed by structural engineer*" and the "inspected – green" assessment was noted as "subject to evaluation by Eng".
10. I understand there is also an undated Level 1 rapid assessment form that resulted in a red placard due to the danger from the parapet at the 123 Mart (91

Cashel Street) (**BUI.CAS91.0019.113**). A photograph was taken of the red placard affixed to the building, this is attached as **Annexure "A"**.

11. It is likely that this assessment was carried out after the 26 December 2010 Level 1 assessment, as the "red" no entry Building Act notice was subsequently issued for the Building on 28 December 2010. Therefore, it seems likely that an engineer did inspect the "cracking in front façade" as noted on the initial Level 1 rapid assessment.
12. On 28 December 2010, the Council sent a letter to the building owner, Hereford Holdings Limited, informing the owner that a section 124(1)(b) Building Act notice was issued because of the risk posed by the adjacent property (91A Cashel Street) (**BUI.CAS91.0019.112**).
13. On 31 December 2010, the Council received a CPEng certification from Alistair Boyce (**BUI.CAS91.0015.20**). The certification states that the securing work to the parapet on 91 Cashel Street was completed on 31 December 2010. The Council relied on this report to conclude that 91 Cashel Street no longer posed a risk to 93-95 Cashel Street and the section 124(1)(b) notice was removed accordingly (**BUI.CAS91.0015.21**).

Cordons

14. The undated Level 1 rapid assessment referred to in paragraph 10 above, noted that barricades were required due to the danger posed by the parapet at 91 Cashel Street (123 Mart).
15. 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.
16. The Council does have a record of photographs taken of the cordon on 30 December 2010 (**BUI.CAS91.0015.39-41**). 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 then (**BUI.CAS91.0015.42**).

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

17. A letter on the Council files from Holmes Wood Poole and Johnstone Limited dated 15 March 1983, suggests that in 1983 the south wall was tied into the floor and the roof to prevent the wall collapsing into the street during a moderate earthquake. Extra ties were added to the parapets. I understand that this work was to secure the building but there is no record on file of the level of strength that the building reached after the securing work was done.
18. In 1991, a hazardous appendages survey was undertaken and noted that the parapet seemed likely to topple in an earthquake. However, it appears that the author of the comment may have been unaware of the previous work done to tie the parapet to the roof, as the photograph of the building taken on 21 March 2011 after the 22 February earthquake, shows the parapet damaged but in position (**BUI.CAS91.0015.34**). This photograph seems to confirm the parapet had been secured.
19. The Council's records note the building as a possible earthquake prone building in terms of the definition in Section 66 of the Building Act 1991. It appears that this status continued to apply when the Building Act 2004 was introduced. The building was also listed as a Group 4 Heritage building by the Council and was listed by the Historic Places Trust as a Category 2 building.
20. After the commencement of the Earthquake Prone Building Policy in 2006, any building consent applications received would have been required to be dealt with in accordance with the Policy (see in particular section 1.7).

DATED *13th Day of* January 2012



Stephen James McCarthy

"A"

\$39



Notice under s124(1)(b) of the Building Act 2004 (as inserted by the Canterbury Earthquake (Building Act) Order 2010) for hoarding to restrict entry to a commercial or residential building

DO NOT APPROACH OR ENTER THIS BUILDING

THIS BUILDING IS A DANGEROUS BUILDING UNDER SECTIONS 121 AND 124 OF THE BUILDING ACT 2004

USING OR OCCUPYING THIS BUILDING IS AN OFFENCE PURSUANT TO S128 OF THE BUILDING ACT 2004

Contact the Christchurch City Council Building Recovery Office for approval of any proposed action to remedy the danger: 947-8989 or buildingrecovery@ccc.govt.nz
Ground Floor Civic Offices, 53 Hereford Street

DO NOT REMOVE THIS NOTICE

Placed by the Christchurch City Council pursuant to s124(1)(b) of the Building Act 2004

ISSUED ON

ISSUED AT 5:11 PM (GMT) BY THE CHRISTCHURCH CITY COUNCIL



\$15

YES, I care
OPEN

\$78