

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 309
DURHAM STREET**

DATE OF HEARING: 31 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 309 Durham 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 309 Durham 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) Whether 309 Durham Street was assessed as 'earthquake-prone' for the purposes of section 122 of the Building Act 2004.
- (d) The effect of any strengthening undertaken.
- (e) 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 was issued with a red placard (**BUI.DUR309.0011A.1**).
- 7. On 5 September 2010, a Level 2 rapid assessment was carried out and the unsafe red posting was confirmed due to substantial structural damage to the building (**BUI.DUR309.0011A.2**).
- 8. On 11 October 2010, Tim Fahy, a Project Manager from Arrow International, emailed the Council with plans for temporary propping for the building. These plans had been prepared by R D Sullivan, a CPEng Civil and Structural Engineer. Mr Fahy's email advised that tenders for the propping work were to close on that day. Council records indicate that "extensive shoring works" were in place by 25 November 2011 (**BUI.DUR309.0013.38-47**).
- 9. Further correspondence was received by the Council from Tim Fahy on 23 November 2010 setting out proposed work in relation to the removal of stained glass windows and the removal of the organ (**Annexure "A"**).
- 10. The Council replied by email on 30 November 2010. The email advised Mr Fahy that resource consent would be required for the various works set out in his email, including retrospective resource consent for some work already carried out (**Annexure "A"**).
- 11. On 1 December 2010, approval was given for the removal of the stained glass windows and work was to proceed the following week (**Annexure "B"**).

12. On 21 January 2011, the Council followed up with Tim Fahy to check progress on the application for resource consent for retrospective works and the removal of the organ (**Annexure “C”**).
13. Council staff attended an on site meeting on 10 February 2011 with Arrow International staff to discuss the proposed works from a heritage perspective.
14. Tim Fahy provided the Council on 11 February 2011 with information relating to the removal of the organ from the building (**BUI.DUR309.0011D.1, BUI.DUR309.0011E, BUR.DUR309.0011F and BUR.DUR309.0011G**).
15. The “Organ Removal Outline Methodology” provided to the Council by Arrow International refers to the identification of a safe passage out of the building. The Methodology states that “the most efficient safe passage out of the building has been identified as out thru the Aldersgate Atrium” (**BUI.DUR309.0011F.1**). This passage is marked on the attached site plan, which also indicates that temporary fencing was in place around the outside of the building (**BUI.DUR309.0011G.1**).
16. On 15 February 2011, the Council provided conditional approval by email for the removal of the organ before a resource consent was granted (**BUI.DUR309.0011C.1**). This approval was given on the understanding that a retrospective resource consent application would be made no later than 1 March 2011. The approval was also subject to a number of conditions to be detailed in the retrospective resource consent.
17. The Council requested that a full structural engineer’s report be prepared and provided to the Council for resource consent purposes. The Council had not received a structural engineer’s report by 22 February 2011.

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

18. The building was constructed from unreinforced masonry and so was deemed to be earthquake prone under the Building Act 1991. As it appears that no earthquake strengthening was carried out on the building, it would have

continued to be earthquake prone on the introduction of the Building Act 2004, and for the purposes of the Council's Earthquake Prone Building Policy 2006.

19. Upgrading in terms of the Council's 2006 Policy would only have been necessary if a building consent was sought for a significant alteration to the building. No inspection or assessment of the building had been carried out by the Council in terms of the 2006 or 2010 Earthquake Prone Building Policies.
20. A Seismic Risk Building Survey and a Hazardous Appendage Survey were carried out in December 1992, prior to the introduction of the Council's Earthquake Prone Building Policies (BUI.DUR309.0013.1-3).

DATED *13th Day of* January 2012



Stephen James McCarthy

"A"

Daines, Nadine

From: Revell, Clare
Sent: Tuesday, 30 November 2010 1:29 pm
To: 'Tim Fahy'
Cc: Ohs, Amanda; 'jenny@hms.net.nz'
Subject: 309 Durham Street Methodist Church - Leadlight and Organ Removal

Attachments: Picture (Metafile)

Hi Tim,

I have been asked to respond to your email of 23 November (see below) in relation to removal of the leadlight windows and the organ at the Methodist Church on Durham Street.

We have sought some advice from Heritage Consultant Jenny May on these matters. Generally we agree, subject to some further clarification that the windows can be removed with consent being obtained retrospectively, given the 6th December timeframe for this work. This approval for work to be undertaken without consent is being given on the understanding that a consent for the works will follow in a timely manner.

Given the longer time frame for the organ removal and that by then, retrospective consent will be needed for the significant making safe works that have already taken place, the window removal and the organ removal we consider that it is appropriate time for a consent to be lodged to cover all of these three elements. See further details below.

Leadlight Windows:

As I said above we are generally comfortable with the methodology and contractors involved for removing the windows and consider that consent for these works could be given retrospectively subject to the following further clarification being provided before the works commences:

- Can Graeme Stewart please provide some assurance that he considers the environmental conditions at the Pages Road storage area to be suitable for the storage of the windows? Such that damage will not be caused.
- Please also confirm that all items to be stored will be well recorded, marked/numbered and marked with a large sign as fragile.
- We would also appreciate if a large sign could be placed on the boxes stating the heritage team at the Council must be contacted if the boxes are for any reason to be moved. Can you please let me know if you are happy with this suggestion.

Organ:

Given that the organ will not be removed until after Christmas, I consider that there is time for a consent to be lodged and processed before this work occurs. In addition to the organ, by this time retrospective consent will already be required for two other items and it would make sense to combine all of these matters into one consent in the near future (ie: before the organ is removed).

This situation is different from the site at 165 Papanui Road which I have also been discussing with you. There I understand that you can shortly combine the retrospective works into a consent that also includes the repairs. In this case however, a consent for all of the repair works will likely be some time away? I also note that this is a Group 1 building under the City Plan with the highest level of protection and that for this reason we need to make sure a proper process is followed.

Please let me know if you have any questions about how to go about lodging consents for these work. Otherwise I'll wait to hear back from you in relation to the question above.

Regards

Clare

Clare Revell

Senior Planner

Environmental Policy and Approvals Unit

DDI: 03 941-8824

Email: clare.revell@ccc.govt.nzWeb: www.ccc.govt.nz**Christchurch City Council**

Civic Offices, 53 Hereford Street, Christchurch

PO Box 73013, Christchurch, 8154

Please consider the environment before printing this email

From: Tim Fahy [<mailto:tim.fahy@arrowinternational.co.nz>]**Sent:** Tuesday, 23 November 2010 5:27 pm**To:** Ohs, Amanda**Subject:** Durham St Methodist Church Leadlight and Organ removal

Hi Amanda,

Leadlight / Stained Glass windows:

I write to advise that we are currently preparing to remove and place into storage the Leadlight / stained glass windows from the Durham St frontage and flanks of both towers. The contractor is Graham Stewart of Stewart Stained Glass.

The removed panels will be photographed, existing conditions recorded and packaged into plywood crates, to be stored in the CCC / Arts Centre storage facility in Pages Rd adjacent to the Supershed.

The resultant openings will be infilled with temp framing and ply profile cut to suit.

Please see attached plan showing scope of windows to be removed.

Please also note Graham Stewart has recommended we 'ply over' the 3 No 'stained glass windows on the northern side ground floor, which will remain insitu. These windows are currently protected externally by metal mesh 2 No and acrylic panel 1No.

Our current programme has this work commencing Monday 6 Dec with a duration of approx 2 1/2 weeks.

Organ Removal

Likewise we are preparing to have the Organ dismantled and placed into storage for protection.

The Contractor is South Island Organ Co based in Timaru.

At present we have no firm programme except that this work will not occur before Christmas.

If you have any questions please contact me

Kind regards

Tim Fahy
Project Manager

Arrow International Limited

Level 1, 253 Madras Street
P O Box 42, Christchurch, New Zealand
Tel: 03 366 5418 | Fax: 03 366 4304
DDI: 03 363 6059 | Mob: 0275 303 800

[e-mail](#) | [web](#)

"B"

E-mail Message

From: [Revell, Clare \[EX:/o=NZGOVT/ou=Christchurch City Council/cn=Recipients/cn=Clare.Revell\]](mailto:Revell,Clare@ccc.govt.nz)
To: [Tim Fahy \[SMTP:tim.fahy@arrowinternational.co.nz\]](mailto:Tim.Fahy@arrowinternational.co.nz)
Cc:
Sent: 1/12/2010 at 10:38 am
Received: 1/12/2010 at 10:38 am
Subject: TRIM: RE: Durham St Lead lights

Attachments: attbef9.jpg

Hi Tim,

Thanks for the response. No problems with the answers to the questions at all. Happy for you to go ahead with the window removal next week.

Clare
 Clare Revell
 Senior Planner
 Environmental Policy and Approvals Unit
 DDI: 03 941-8824
 Email: clare.revell@ccc.govt.nz
 Web: www.ccc.govt.nz
 Christchurch City Council
 Civic Offices, 53 Hereford Street, Christchurch
 PO Box 73013, Christchurch, 8154
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From: Tim Fahy [<mailto:tim.fahy@arrowinternational.co.nz>]
 Sent: Wednesday, 1 December 2010 11:18 am
 To: Revell, Clare
 Subject: FW: Durham St Lead lights

Hi Clare,

Please see the response from Graham Stewart to your queries. Graham is also known to Jenny May and I couldn't think of any better person to have on this job. I am also very happy to speak to you about his methodology and tell you the whole store so that you are very satisfied we are taking every care.

Please feel free to give me a call.

Kind regards

Cheers
 Tim
 DDI 363 6059

From: Graham Stewart [<mailto:graham.stewart@extra.co.nz>]
 Sent: Tuesday, 30 November 2010 4:09 p.m.
 To: Tim Fahy
 Subject: Re: Durham St Lead lights

Hi Tim,

The storage facility is a council building used by the Christchurch Art Gallery. The only people who will use this facility is the the Art Gallery and now myself as I understand. {I guess the Ponds next door could conceivably effect those who take the boxes to and from the facility, but I think that is the only danger at present}

I will be recording the condition {photo's} and writing a condition note on each panel and marking the panels with numbers and certainly can add a large sign with fragile on the box.

We cannot gain access without first consulting with the Art Gallery and would not be able to shift these boxes without prior approval.

Best Regards

Graham Stewart
www.stewartstainedglass.co.nz

From: Tim Fahy
To: Graham Stewart
Sent: Tue, 30 November, 2010 2:00:03 PM
Subject: Durham St Lead lights

Hi Graham,

The following are questions or items of clarification being sought by CCC planners.

I am well aware you have answered these queries in previous correspondence, so please would you be willing to answer them specifically for CCC purposes.

NB CCC are not privy to your proposal/ methodology to be employed in this project

Can Graeme Stewart please provide some assurance that he considers the environmental conditions at the Pages Road storage area to be suitable for the storage of the windows? Such that damage will not be caused.

Please also confirm that all items to be stored will be well recorded, marked/numbered and marked with a large sign as fragile.

We would also appreciate if a large sign could be placed on the boxes stating the heritage team at the Council must be contacted if the boxes are for any reason to be moved. Can you please let me know if you are happy with this suggestion.

Thanks
Cheers

Tim Fahy
Project Manager

Arrow International Limited

Level 1, 253 Madras Street
P O Box 42, Christchurch, New Zealand
Tel: 03 366 5418 | Fax: 03 366 4304
DDI: 03 363 6059 | Mob: 0275 303 800

e-mail | web

E-mail Message

From: Revell, Clare [EX:/o=NZGOVT/ou=Christchurch City Council/cn=Recipients/cn=Clare.Revell]
To: Tim Fahy [SMTP:tim.fahy@arrowinternational.co.nz]
Cc:
Sent: 21/01/2011 at 1:09 pm
Received: 21/01/2011 at 1:09 pm
Subject: FW: 309 Durham Street Methodist Church - Leadlight and Organ Removal

Hi Tim,

Just a quick email to check how works are progressing at the Durham Street Methodist Church and to see if any progress has been made towards preparing an application for resource consent for the retrospective works and the removal of the organ. Can you please send me a brief update.

Please let me know if you require any assistance/ guidance with the preparation of the application.

Regards

Clare

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Senior Planner
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