

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 738
COLOMBO STREET**

DATE OF HEARING: 1 MARCH 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 738 Colombo 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 738 Colombo 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 738 Colombo Street following the Boxing Day aftershock.

- (d) Whether 738 Colombo Street was assessed as 'earthquake-prone' for the purposes of section 122 of the Building Act 2004.
- (e) The effect of any strengthening undertaken.
- (f) 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. It appears that on 5 September 2010, a Level 1 rapid assessment was undertaken and the building received a green placard (**BUI.COL738.0010.26**). The assessment form is undated and notes the inspector as "SR1". The Council's spreadsheet that records the rapid assessments carried out for each building, shows that a Level 1 Rapid Assessment was carried out by inspector "SR1" on 5 September 2010 (**BUI.COL738.0010.26**). On that basis, it is likely that the undated Level 1 Rapid Assessment form completed by "SR1" on the file is the form that relates to the inspection carried out on the building on 5 September 2010.
7. The Council has no record of further inspections being carried out on the building between 5 September 2010 and 27 December 2010. The Level 1 Rapid Assessment on 5 September 2010 did not recommend a Level 2 assessment or a detailed engineering evaluation. Not all buildings that had a Level 1 rapid assessment had a Level 2 rapid assessment. The process that was used to determine which buildings were to receive a Level 2 assessment is detailed at page 13 of the Council's "Report into Building Safety Evaluation Processes in the Central Business District Following the 4 September Earthquake 2010" (**the Council's Report**).
8. On 27 December 2010 at 11.00am, a USAR Damaged Building Reconnaissance Report was completed and noted side parapets and cracks in the lower façade (**BUI.COL738.0010.28**).
9. On 27 December 2010 at 4.00pm, a Level 1 rapid assessment was carried out and the building received a green placard (**BUI.COL738.0010.27** and **Annexure "A"**). The assessment form states that "*Powell Fenwick have inspected and*

approved. Report sighted 10.30 26/12/10". The Council has been unable to locate a copy of any Powell Fenwick report on its records.

10. The person who filled out the Level 1 form was Declan Bransfield who previously worked for the Council as a Building Inspector. I understand Mr Bransfield now works for the Fletcher Project Management Office. While Mr Bransfield signed the form, it is likely that he would have been working in an assessment team with a CPEng Engineer.
11. The Level 1 Rapid Assessment form completed on 27 December 2010 appears to recommend a Level 2 assessment. The Council has no record of whether or not a Level 2 assessment was carried out.
12. As a general comment, I understand that it was not common practice for the building inspectors and the respective engineers to refer to the USAR reports. After the Boxing Day earthquake, the USAR teams completed USAR Damaged Building Reconnaissance Reports for the buildings inspected. The USAR assessments were made from vehicles and involved only a drive by assessment of the walls that could be seen from the road. As such, they were a very preliminary assessment only. As far as I am aware, the USAR teams did not issue rapid assessment placards. Given the emergency circumstances, it is unlikely that the building inspector who completed the Level 1 rapid assessment form on 27 December 2010 would have been provided with the USAR assessment carried out at 11am on the same day.
13. There is no record of any further assessments between 27 December 2010 and 22 February 2011 on the Council's files.

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

14. In 1996, the building was strengthened to a level (0.1g) that was more than the defined level below which it would be classified as earthquake prone under Section 66 of the Building Act 1991. Therefore, after the strengthening work was done in 1996 and prior to the change in the defined earthquake strength level in 2005, the building would not have been considered to be earthquake prone. I understand that further details of the strengthening work carried out are available on the Royal Commission's secure website at **BUI.COL738.0010**.

15. However, the Building Regulations 2005 which commenced on 31 March 2005, raised the required strength level, and therefore the building would then have been considered to be an earthquake prone building, under the Building Act 2004, and for the purposes of the Council's Earthquake Prone Buildings Policy 2006.

16. After the commencement of the Earthquake Prone Building Policy 2006, if a building consent application for a significant alteration had been received the building application would have been dealt with in accordance with the Policy (see in particular section 1.7). However, no such building consent application was received.

DATED *17th Day of* January 2012



Stephen James McCarthy

WA

WIT.MCC.0028.6

10 714027 Building Safety Evaluation (BSE) Spreadsheet 27 December 2010 4 Mapping 20101227-0923.XLS

Inspectors	DateTime	Type	Posting	Display	Building	GISRateAcco untID	Address	ENTER CDB Number
DB	2010-12-27 00:00	Level 1	Green	Green	OK Gift Shop	86851	738 Colombo St	