



## Canterbury Earthquakes Royal Commission

### Te Komihana Rūwhenua a te Karauna

4 October 2011

Peter Mitchell  
General Manager Regulation and Democracy Services  
Christchurch City Council  
PO Box 73016  
Christchurch

Dear Mr Mitchell

#### **194 Gloucester Street, Christchurch**

The Royal Commission is currently examining the failure of the building at 194 Gloucester Street (the Building). Thank you for access to the Council files.

Would you now please provide the following information, by **14 October 2011**:

#### **Structural Integrity of the Building prior to the 4 September 2010 earthquake**

1. What was the status of the Building in terms of the Council's earthquake prone policy? Was it deemed an earthquake prone building? If so, please provide details. If not, please explain why not.
2. How was the Council's earthquake prone policy applied to the Building?
3. I understand that there had been various structural reports and work done on the Building prior to 4 September 2010. Could you please outline what those were and the impact any strengthening work had on the Building's status in terms of the Council's earthquake prone policy.

#### **Events post 4 September 2010 earthquake**

4. I note that an inspection by the Council on 5 October 2010 resulted in a Building Act notice being served on the owners of the Building on 12 October 2010. There does not appear to be anything on the Council file showing whether or not any work was done to comply with that notice.
  - (a) Could you please advise if the Council is aware if any work was done? If so, please provide details.
5. I note that a USAR inspection on 27 December 2010 showed that the west parapet had fallen and the top north west windows were loose by 6 inches. This inspection recommended urgent cordon/fencing and an

engineering assessment. A Building Act notice was served on the owner of the Building on 27 December 2010.

I note that application was made to the Council, accompanied by work notes from Beca, for urgent works to make the Building safe on 5 January 2011 and 6 January 2011. Approval by the Council to that urgent works appears to have been given on 6 January 2011.

Photos from the Council file appear to show the cordon/barricade fencing that had been placed in front of the Building along Gloucester Street. Presumably while the make safe works were being carried out in early February 2011.

An engineer's re-inspection of Damaged Buildings Form dated 3 February 2011 notes that the protection fencing in place was adequate.

- (a) There does not appear to be anything on the Council file assessing the protection fence requirements. Could you please advise what these were and how they were applied in this case?
  - (b) Who made the decision as to what protection fencing was required?
  - (c) Was any input sought from an engineer? If so, please provide details.
  - (d) How was the Council's policy on cordons/barricades applied in this case?
6. On the Council file there is an email from Samir Govind of Beca to the Council dated 14 February 2011 referring to a letter to remove fences. I presume that letter is the letter of the same date addressed to the owner of the Building.
- (a) Were the cordons/barricades in front of the Building on Gloucester Street removed as a result of that letter? If so, when.
  - (b) What was the Council policy in relation to removal of cordons/barricades that were placed in front of a red stickered building?
  - (c) How was that policy applied in this case?
  - (d) Was a CPEng engineer's certificate required? If so, was that provided in this case? If it was not required, please explain why not.

The above information is requested pursuant to the Royal Commission's powers of investigation under s 4C Commissions of Inquiry Act 1908.

Yours faithfully



Mark Zarifeh  
Counsel Assisting  
Canterbury Earthquakes Royal Commission

18 November 2011

LEX10610

**Canterbury Earthquakes Royal Commission**  
PO Box 14053  
Christchurch Mail Centre  
**CHRISTCHURCH 8544**

Attn: Mark Zarifeh

Dear Sir

**194 GLOUCESTER STREET, CHRISTCHURCH**

I refer to your letter of 4 October 2011 to Peter Mitchell. You have requested further information concerning 194 Gloucester Street, under section 4C Commissions of Inquiry Act 1908. Your letter has been referred to me for response.

The additional information below has been derived from the written information the Council holds (which you have been sent) and from further discussions with some of the officers involved. As you will appreciate, given that some of these events happened over a year ago, some of the officers' recollections are not always clear or complete.

The Council also considers that some of your questions go further than section 4C of the Commissions of Inquiry Act 1908 contemplates, which does not appear to require comments on or an assessment of information.

Although the Council wants to be helpful and provide as much assistance as it can to the Royal Commission, it simply cannot provide answers on everything you have asked.

Your questions are dealt with below.

**Structural Integrity of the Building prior to 4 September 2010 (Paragraphs 1-3 of your letter)**

1. *What was the status of the building in terms of the Council's earthquake prone policy? Was it deemed an earthquake prone building? If so, please provide details. If not, please explain why not.*

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 an earthquake prone building. The building had some strengthening work in the past. According to a report by Homes Consulting Group dated 19<sup>th</sup> January 2002 (previously provided) the building was not considered to be earthquake prone in terms of section 66 Building Act 1991.

2. *How was the Council's earthquake prone policy applied to the building?*

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, see in particular section 1.7. However, no building consent applications were applied for after the commencement of the Policy.

3. *I understand that there had been various structural reports and work done on the building prior to 4 September 2010. Could you please outline what those were and the impact any strengthening work had on the building's status in terms of the Council's earthquake prone policy.*

All information on the Council's files in relation to work on the building has been provided to the Royal Commission. As stated above, the strengthening work carried out meant that the building was assessed as not being earthquake prone in terms of the Building Act 1991. After the commencement of the Earthquake Prone Building Policy 2006 and the Building Act Regulations 2005, which redefined the seismic strength level required of a building the building was considered to be a possible earthquake prone building.

**Events post 4 September 2010 earthquake (Paragraphs 4 – 6 of your letter)**

4. *I note that an inspection by the Council on 5 October 2010 resulted in a Building Act Notice being served on the owners of the Building on 12 October 2010. There does not appear to be anything on the Council file showing whether or not any work was done to comply with that notice.*

- (a) *Could you please advise if the Council is aware if any work was done? If so, please provide details.*

Correspondence between the Property Manager and Council dated 16 November 2010 discussing repair works is attached. (**attachment #1**)

The Building subsequently was red stickered on 27 December 2010 and a further Building Act Notice was served on the owners. Correspondence between the building owner, Beca and the Council on 6 January 2011 indicate that works were to commence immediately. Council's engineer reinspected the building on 3 February 2011 and noted "repair work in progress presently".

The only other correspondence located on Council file that indicates work was done is the e-mail and letter from Beca dated 14 February 2011 referred to in paragraph 6 of your letter. This e-mail states that works were complete.

5. *An engineers re-inspection of Damaged Buildings Form dated 3 February 2011 notes that the protection fencing in place was adequate.*

- (a) *There does not appear to be anything on the Council file assessing the protection fence requirements. Could you please advise what these were and how they were applied in this case?*

The general guidelines used by engineers contracted for the Council for the monitoring and review of fencing are **attached** in Appendix 25 of the "Report into Building Safety Evaluation Processes in the Central Business District Following the 4 September Earthquake 2010" ("the Council's Report"). The engineers conducting re-inspections in February reviewed any cordons in place as part of their site inspections. The engineers were required to consider the safety of pedestrians from falling hazards as part of this review process, both in terms of the Guidelines and applying their own professional expertise. In this case, the engineer completed the re inspection form following a site visit on 3 February 2011.

The Council has been unable to locate any further documentation in relation to these assessments but understands from Council officers that checks were regularly made of the location of cordons but inspections may not have been documented.

*(b) Who made the decision as to what protection fencing was required?*

Council has been unable to confirm exactly when the Cordon was erected for this building. In addition, no documentation has been located regarding where it was to be placed. The USAR Damaged Building Reconnaissance Report of 27 December 2010 at 12.00pm notes that a cordon is urgently required. The attached photographs taken on 31 December 2010 indicate that the cordon was in place by this date. It is note that in general the location of all cordons was determined by a CPEng engineer.

*(c) Was any input sought from an engineer? If so, please provide details.*

As stated above, the general process was that decisions about the locations of new cordons would be made by CPEng engineers in accordance with the notes attached in Appendix 25 of the Council Report and their own professional expertise. If the Engineer was engaged by a building owner, his or her recommendation would also be peer reviewed by a BETT or BRO engineer. The Council has not located any documentation in relation to the erection of cordons around this particular building.

*(d) How was the Council's policy on cordons/barricades applied in this case?*

The Council's general process is identified above. This is not a Council "policy". As indicated, the Council has been unable to locate any specific information in relation to the placement of the cordon.

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6. *On the Council file there is an email from Samir Govind of Beca to the Council dated 14 February 2011 referring to a letter to remove fences. I presume that letter is the letter of the same date addressed to the owner of the building.*

(a) *Were the cordons/barricades in front of the building on Gloucester Street removed as a result of that letter? If so, when.*

Council records indicate that no cordons were in place on 18 February 2011. I **attach** a copy of the following:

- Cordon map dated 18 February 2011 showing the cordon had been removed **(attachment #2)**

- RFS 91246304 showing the cordon was removed before 18 February 2011. **(attachment #3)**

- E-mail correspondence between CCC staff dated 15 February 2011 discussing the cordon. **(attachment #4)**

- Fulton Hogan Job sheet which refers to the removal of the cordon. **(attachment #5)**

Council records appear to indicate that cordons were removed as a result of this letter.

(b) *What was the Council policy in relation to removal of cordons/barricades that were placed in front of a red stickered building?*

We refer you to Section 63 and Appendix 26 of the Council's Report provided to the Royal Commission. This records the Council's general process in relation to the removal of cordons. This was not a Council "policy" but rather a general process.

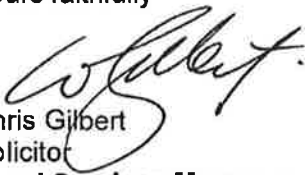
(c) *How was that policy applied in this case?*

In this case, the engineer (Beca) provided confirmation by letter dated 14 February 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". The Council instructed Fulton Hogan and the cordon was removed.

(d) *Was a CPEng engineer's certificate required? If so, was that provided in this case? If it was not required, please explain why not.*

The process identified in Appendix 26 of the Council's Report to the Commission refers to the requirement for a suitably qualified engineer/inspector to assess the building and produce a structural report stating that the building is safe to occupy and does not pose a threat to public safety. Council received the letter from Beca dated 14 February 2011 confirming that the building did not pose a threat to adjacent buildings or the public that was significantly greater than prior to the earthquake. Council has been unable to locate any additional CPEng engineer's certificate in this case.

Yours faithfully



Chris Gilbert  
Solicitor  
**Legal Services Manager**

#1

**Daines, Nadine**

**From:** Fitzpatrick, Karen  
**Sent:** Wednesday, 17 November 2010 8:24 am  
**To:** CDRescue  
**Subject:** FW: Winnie Bagoes Building, 194 Gloucester Street (HPT9 Trustee Ltd)  
S124 notice response for you

cheers

---

**From:** peter francis [mailto:peter.francis@devoniarealty.co.nz]  
**Sent:** Tuesday, 16 November 2010 12:46 pm  
**To:** Fitzpatrick, Karen  
**Cc:** BuildingRecoveryOffice  
**Subject:** Winnie Bagoes Building, 194 Gloucester Street (HPT9 Trustee Ltd)

Hi Karen

The above is one of the 5 earthquake damaged buildings we mentioned briefly when David and I came in to see you on 14 October. The building was yellow stickered by the civil defence team shortly after the earthquake and it has been evacuated.

We have engaged Beca engineers to advise on the repair of the building although they have not yet completed their report. The damage is extensive, but is considered to be repairable albeit very expensive and time consuming work. We are making a claim under our insurance policy for the repairs and the matter is being dealt with by a claims assessor at McLarens Young.

It appears very likely that the repairs will require consent. In due course, after the engineers have progressed their complex work further, either Devonia or the engineers will be back in touch with the Council to discuss the matter.

I have received on behalf of the building owner, HPT9 Trustee Ltd, a letter dated 12 October from Building Recovery Office comprising a notice under the Building Act to repair the building. I trust the above summary of the position is satisfactory for your records for the time being. It would be appreciated if you could confirm who we are to contact at the Council in relation to the repairs in more detail in due course.

Regards

**Peter Francis** FRICS MPINZ REINZ  
Associate Director/Property Management  
Devonia Realty Ltd  
Level 5, 164 Hereford St, PO Box 13 057 Christchurch  
Mob: 021 0292 5394 DDI: (03) 377 4435 Fax:(03) 377 7819 Email: peter.francis@devoniarealty.co.nz

**Devonia**

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13/09/2011



**Daines, Nadine**

**From:** Fitzpatrick, Karen  
**Sent:** Wednesday, 17 November 2010 8:51 am  
**To:** CDRescue  
**Subject:** RE: Winnie Bagoes Building, 194 Gloucester Street (HPT9 Trustee Ltd)

I have been in contact with peter but not in relation to the enforcement Notice - only building consents and exemption applications to which these two buildings have not had any lodged to date.

I talked to Richard Gant last night and he said to continue to send these through to Cdrescue to close off any CSR or extend any deadline date for the notice / letter you guys had arranged

Cheers  
Karen

**From:** Bronner, Laura **On Behalf Of** CDRescue  
**Sent:** Wednesday, 17 November 2010 8:43 am  
**To:** Fitzpatrick, Karen  
**Subject:** RE: Winnie Bagoes Building, 194 Gloucester Street (HPT9 Trustee Ltd)

Hi Karen,

Have you responded to Peter?

Regards,

Laura

**From:** Fitzpatrick, Karen  
**Sent:** Wednesday, 17 November 2010 8:24 am  
**To:** CDRescue  
**Subject:** FW: Winnie Bagoes Building, 194 Gloucester Street (HPT9 Trustee Ltd)

S124 notice response for you

cheers

**From:** peter francis [mailto:peter.francis@devoniarealty.co.nz]  
**Sent:** Tuesday, 16 November 2010 12:46 pm  
**To:** Fitzpatrick, Karen  
**Cc:** BuildingRecoveryOffice  
**Subject:** Winnie Bagoes Building, 194 Gloucester Street (HPT9 Trustee Ltd)

Hi Karen

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We have engaged Beca engineers to advise on the repair of the building although they have not yet completed their report. The damage is extensive, but is considered to be repairable albeit very expensive and time consuming work. We are making a claim under our insurance policy for the repairs and the matter is being dealt with by a claims assessor at McLarens Young.

It appears very likely that the repairs will require consent. In due course, after the engineers have progressed their complex work further, either Devonian or the engineers will be back in touch with the Council to discuss the matter.

I have received on behalf of the building owner, HPT9 Trustee Ltd, a letter dated 12 October from Building Recovery Office comprising a notice under the Building Act to repair the building. I trust the above summary of the position is satisfactory for your records for the time being. It would be appreciated if you could confirm who we are to contact at the Council in relation to the repairs in more detail in due course.

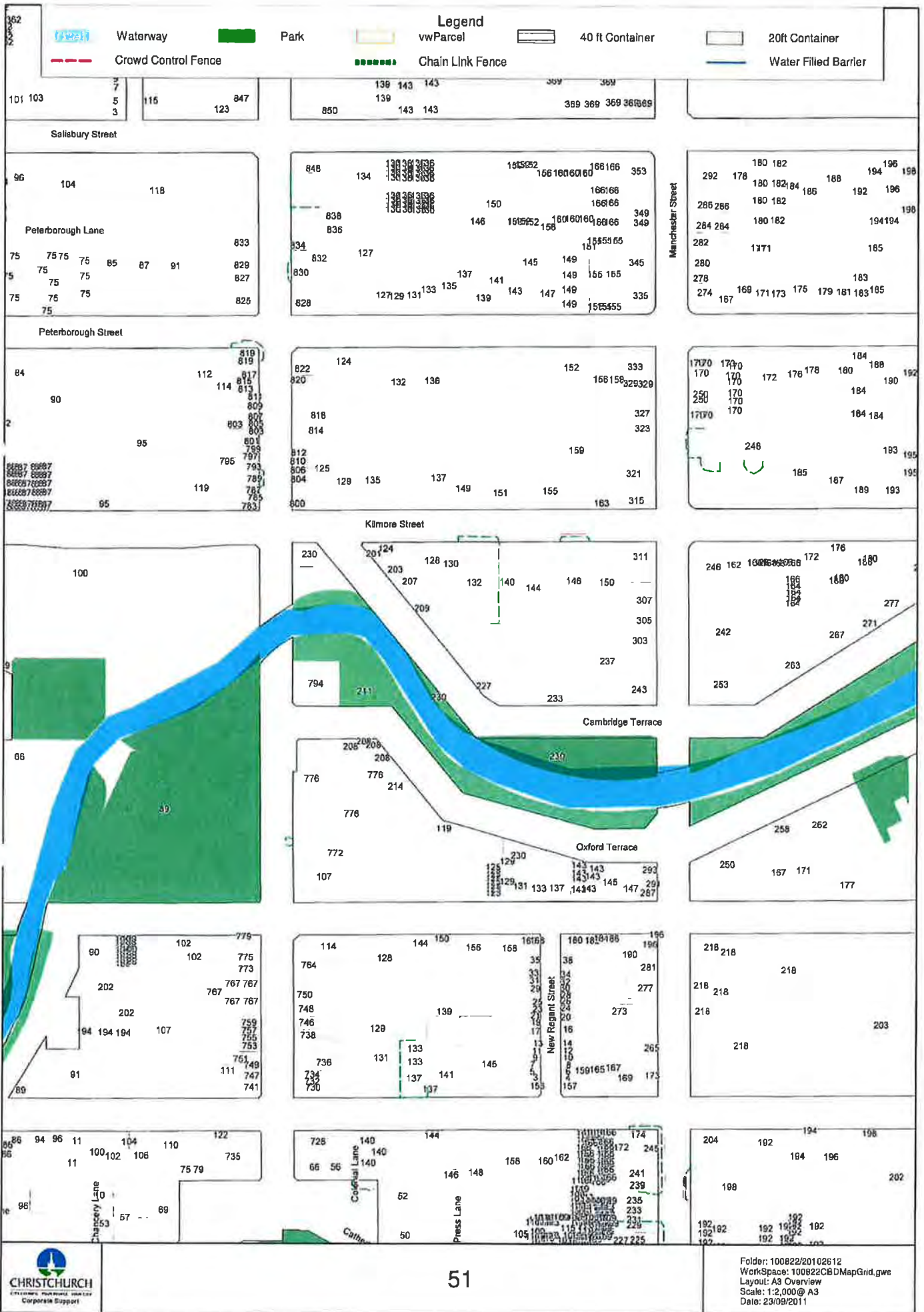
Regards

**Peter Francis** FRICS MPINZ REINZ  
Associate Director/Property Management  
Devonian Realty Ltd

Level 5, 164 Hereford St, PO Box 13 057 Christchurch  
Mob: 021 0292 5394 DDI: (03) 377 4435 Fax:(03) 377 7819 Email: peter.francis@devonianrealty.co.nz

**Devonian**

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**Legend**

- Waterway
- Park
- Chain Link Fence
- Water Filled Barrier
- Crowd Control Fence
- vwParcel
- 40 ft Container
- 20ft Container





Send Message

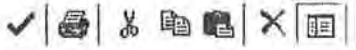
Extra Data

Create Time Record

#3

Event Details

Event Code	<input checked="" type="checkbox"/> COM	CSR Completed	Added	22/02/2011 13:00
Existing event being updated, no auto updates will be made.				
Event Status	<input checked="" type="checkbox"/> C	Completed	<input type="checkbox"/>	Customer advised by email
Planned Date		Time	Planned Officer	
Actual Date	18/02/2011	Time 1:00 pm	Actual Officer	FHC Fulton Hogan, Central Maintenan
Logged By	<input checked="" type="checkbox"/> PF2	Peters, Fiona	<input type="checkbox"/>	Warning
Details	Closed via bulk upload.completed 18/02/11			
Stage No			<input type="checkbox"/>	Complete Stage
Action No			<input type="checkbox"/>	Complete Action
Susp Start Date	<input checked="" type="checkbox"/>	Susp Start Time	<input checked="" type="checkbox"/> 12:00 am	Stage for Susp <input checked="" type="checkbox"/>



WorkSmart Menu

- WorkSmart
- Booking Requests
- Time Recording
- WorkSmart Report
- Environmental Monitoring
- Processing
- Setup & Configuration

**WorkSmart Details**

Group	<input checked="" type="checkbox"/> CSR   CUSTOMER SERVICE REQUESTS				
House No	<input type="text"/>	Alpha/Unit	<input type="text"/>	Road Name	<input type="text"/>
Road Type	<input type="text"/>	Road Suffix	<input type="text"/>	Property Type	<input type="text"/>
Property ID	893841	<input checked="" type="checkbox"/>	192 GLOUCESTER STREET, CITY, CHRISTCHURCH 80		
Locn Descn	192 Gloucester Street				
Details	URGENT. Remove cordon.				
Last Prmry Event	CSR Complete				
Type	<input checked="" type="checkbox"/> EGR	<input checked="" type="checkbox"/>	Earthquake Recovery		
App. Recd Date	<input checked="" type="checkbox"/> 15/02/2011	Time Recd	<input checked="" type="checkbox"/> 10:51 am	Start Date	<input checked="" type="checkbox"/> 15/02/2011
Other Ref 1	<input type="text"/>			Other Ref 2	<input type="text"/>
Receiving	<input checked="" type="checkbox"/> HV2	Hardie, Vlv		Authorising	SM7
Handling	<input checked="" type="checkbox"/> FHC	Fulton Hogan, Central Maintene		External	<input type="text"/>
Area	<input type="text"/>	<input type="text"/>		Ren Fee Level	<input type="text"/>

**Contact Details**

First Contact	<input type="text"/>	Email	<input type="text"/>
Home	<input type="text"/>	Business	<input type="text"/>
Mailing Address	<input type="text"/>		
Second Contact	<input type="text"/>	Email	<input type="text"/>

Record is being updated



Send Message

Extra Data

Create Time Record

Event Details

Event Code	<input checked="" type="checkbox"/> RF				Added	15/02/2011 10:55
Existing event being updated, no auto updates will be made.						
Event Status	<input checked="" type="checkbox"/> C	Completed	<input type="checkbox"/> Customer advised by email			
Planned Date		Time		Planned Officer		
Actual Date	15/02/2011	Time	10:55 am	Actual Officer	HV2	Hardie, Viv
Logged By	<input checked="" type="checkbox"/> HV2	Hardie, Viv			<input type="checkbox"/> Warning	
Details	Service Request referred to TL2 Timpson, Lawrence (Lawrence.Timpson@ccc.govt.nz )					
Stage No						<input type="checkbox"/> Complete Stage
Action No						<input type="checkbox"/> Complete Action
Susp Start Date	<input checked="" type="checkbox"/>	Susp Start Time	<input checked="" type="checkbox"/> 12:00 am	Stage for Susp	<input checked="" type="checkbox"/>	

**Event Details**

Event Code	<input checked="" type="checkbox"/> RF				Added	17/02/2011 14:58
Existing event being updated, no auto updates will be made.						
Event Status	<input checked="" type="checkbox"/> C	Completed			<input type="checkbox"/> Customer advised by email	
Planned Date		Time		Planned Officer		
Actual Date	17/02/2011	Time	2:58 pm	Actual Officer	TL2	Timpson, Lawrence
Logged By	<input checked="" type="checkbox"/> TL2	Timpson, Lawrence			<input type="checkbox"/> Warning	
Details	Service Request referred to FHC Fulton Hogan, Central Maintenance Contract (CCC.Central04.05_303@fh.co.nz)					
Stage No						<input type="checkbox"/> Complete Stage
Action No						<input type="checkbox"/> Complete Action
Susp Start Date	<input checked="" type="checkbox"/>	Susp Start Time	<input checked="" type="checkbox"/> 12:00 am	Stage for Susp	<input checked="" type="checkbox"/>	

#4

**Roberts, Jason L**

---

**From:** Clayton, Fiona  
**Sent:** Tuesday, 15 February 2011 2:19 pm  
**To:** Weir, Sharon; Kerr, Chris  
**Cc:** Thomas, Steffan; Higgs, Neville; Timpson, Lawrence  
**Subject:** RE: 192 Gloucester Street

I have received the engineer's report today in Sarah's absence. See TRIm ref 11/83949. Will forward to Neville with rest of file for sign off.

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**From:** Weir, Sharon  
**Sent:** Tuesday, 15 February 2011 1:05 pm  
**To:** Kerr, Chris  
**Cc:** Thomas, Steffan; Higgs, Neville; Timpson, Lawrence; Clayton, Fiona  
**Subject:** RE: 192 Gloucester Street

Hi Chris

The cordons will be removed today, Lawrence and Craig are taking care of this. I have phoned Phil Berry and updated him, I have also given him my cell number so any issues he can call me directly, giving him the fluffy treatment!. He is happy with this outcome.

Thanks Lawrence and Craig for dealing with this so urgently.

Cheers  
 Sharon

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**From:** Weir, Sharon  
**Sent:** Tuesday, 15 February 2011 11:06 am  
**To:** Timpson, Lawrence  
**Cc:** Kerr, Chris; Thomas, Steffan; Higgs, Neville  
**Subject:** 192 Gloucester Street

Hi Lawrence

We have a urgent requirement to remove the cordons off the 192 - 194 Gloucester Street block. This has been signed off by the engineer to remove, Neville Higgs.

We have loaded a ~~RFS~~ number 91246304 marked urgent, this does need to be completed today as the property owners have been in contact with Chris Kerr and the Media is a threat to us.

Can you please let me know when this will be completed so we can phone the 192 Gloucester Street owner and advise.

Thanks Lawrence

Cheers  
 Sharon





Company: Fulton Hogan Business Unit: 50969 #5

Contract: Fences

Contract no: 509219

Foreman:

Week ending: 20-02-11

Job Sheet

Labour & drivers.	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.	Sun.	Total.	Office use.
Ray Friend	6 1/2	6 1/2		6 1/2	7				

Item.	No.	Fulton Hogan plant & track (hours)							
ute	62371	.75	.75		1	1			

Item.	Supplier.	Hired plant (hours)							

Material used.									
Type.	Source	Quantity (Attach all dockets to job sheet.)							

Job diary.	Achievements/extras/comments
Mon.	check sites with council, pull back fence at Westminster St
Tue.	remove 8 water-filled barriers, mark out sites for removal check fences, alter or remove fences at Barbadoes, #75 Manchester, #192-194 Gloucester, ramp at #73 Fenderston
Wed.	
Thur.	- Check pedestrian access through Central City Install eight containers at Nurse Maude Madras St.
Fri.	check pedestrian access, fence on containers Madras, remove fence across lanes, open
Sat.	road, check sites with council.