

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
THE CTV BUILDING**

HEARING BEGINNING 25 JUNE 2012

INTRODUCTION

1. My name is Stephen James McCarthy. I have worked for the Christchurch City Council ("the Council") since 1 May 2006. I was the Environmental Policy and Approvals Manager for the Council from 1 May 2006 until 1 March 2012. In March 2012 the Council's Environmental Policy and Approvals Unit was reorganised, to assist with streamlining earthquake recovery processes. As a result of this reorganisation, I am now the Resource Consents and Building Policy Manager.
2. 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.
3. 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.
4. I have been asked to provide evidence to the Royal Commission relating to specific aspects of the Council's involvement with the CTV building at 249 Madras Street before and after the earthquake of 4 September 2010 but before the 22 February 2011 earthquake.

DOCUMENTS PROVIDED TO THE ROYAL COMMISSION

5. The documents relating to this building that have been provided to the Royal Commission are:
 - (a) the Council's property file for the CTV building, including Building Permit and Building Consent records; and
 - (b) post earthquake files.

SCOPE OF EVIDENCE

6. My evidence will address the following matters:
- (a) The Council's record keeping system as relevant to the CTV building file.
 - (b) The building permitting process in place at the time the CTV building permit was issued.
 - (c) The inspection and certification process relevant to the construction of the CTV building.
 - (d) Comments on the Holmes Consulting Group Report of 1990.
 - (e) Current Council processes for assessing building consent applications.
 - (f) The Council's involvement with the building following the completion of construction but before the earthquake on 4 September 2010.
 - (g) The Civil Defence Emergency Management Response relating to the CTV Building after the 4 September 2010 earthquake.
 - (h) Council involvement with the building subsequent to the lifting of the state of emergency on 16 September 2010, but before the February 2011 earthquake.
 - (i) Questions asked by Counsel Assisting the Royal Commission regarding access to the building permit and consent files for 249 Madras Street following the September earthquake.
 - (j) Questions asked by Counsel Assisting the Royal Commission regarding the demolition of buildings at 213 Cashel Street.

THE COUNCIL'S RECORDS

7. As I will explain in the course of my evidence, it is clear that the Council's records relating to the CTV building are incomplete and the documents on the file have been reordered at some stage. In order to provide some context to this, I will outline how the Council currently organises its records and give some historical detail regarding the storage and sorting of the relevant records since the 1980s.
8. The practice currently, as it was during the 1980s, is that the Council holds a single file relevant to each property considered a single unit for rating purposes. All building applications, planning approvals and other correspondence specific to that property are stored on this file. The Council currently holds approximately 250,000 current and historical property files. Over the years storage of these files has been an issue. They have been stored in a number of different locations and various methods have been used to try to reduce the volume of paper required to be stored long term.
9. In the late 1980s and early 1990s, the Council instituted a system of copying documents held on some of the Council's files to microfiche. During this period drawings received with building permit applications were made into microfiche cards and the inspection records were entered on these cards during site inspections carried out by Council inspectors. This was the case for the inspection records for the 249 Madras Street building which subsequently became known as the CTV building.
10. There was a separate period during the early 1990s when the decision was taken to reduce the whole of some of the property files (including the CTV file) to microfiche. This process required the files to be taken apart and copied and this may have resulted in the physical files being reordered. This process was discontinued after about 18 months when it was realised that it was becoming unwieldy and the storage of paper files resumed.
11. In 2008, the Council contracted Recall Limited to store and organise ongoing access to all of the property files. The files are stored offsite at a purpose built facility. Recall delivers files required by Council staff or when a member of the public asks to view a particular file.

12. In 2002, the Council began recording activity relevant to each rating unit and corresponding property file in a system known as the Worksmart database. The Council has also introduced an electronic data management system called TRIM. Documents relevant to a particular property are now saved to TRIM under the property address. The hard copy property files are gradually being scanned and saved to the TRIM database.
13. Copies of the property file and Worksmart database printout relevant to the CTV building have been provided to the Royal Commission. Following the September 2010 earthquake there were a number of requests from the public to be given access to the CTV building file. I detail these requests later in my evidence.
14. When a member of the public is given access to a commercial property file such as the CTV building file, that person is permitted only to view the file on the Council's premises. If the person wishes to copy any documents from the file, then they tag the required documents and these are subsequently copied by Council staff for later collection by the customer.
15. During the September earthquake, the Recall storage facility was significantly damaged. The vertical shelves fell over one onto another creating a domino effect. A large number of the Council's files came off the shelves and needed to be sorted and repackaged, and again this may have resulted in some reordering of the material on the files. There was a period between 4 September 2010 and January 2011 when the Council did not have access to all of its files as a result of the damage to the facility. Access to the CTV building file was however available from 6 October 2010.

THE BUILDING PERMIT PROCESS – CTV BUILDING

16. The building permit application for the construction of the CTV building was made by Alun Wilkie Associates on 17 July 1986. The application form (**BUI.MAD249.0141.8**), identifies Prime West Corporation Limited as the owner and Williams Construction Limited as the builder. The application was received and processed at the Council by Mr Leo O'Loughlin, although his role was largely to co-ordinate the building permit process.

17. I was not employed at the Christchurch City Council in 1986. My comments below concerning the Council's processes followed at the time are based on a review of material on the Council building file, the requirements of the Bylaw that was current at the time and from discussions with some of the Building Consent Officers and other staff who were employed by the Council at the time.
18. It should be borne in mind that the CTV building was permitted and constructed around 25 years ago. There are very few Council officers involved in permitting and inspections in the 1980s who are currently employed by the Council. There is only one current staff member, Mr O'Loughlin, who had any direct (although peripheral) involvement in the building permit processes for the CTV building. A separate statement is being provided to the Commission from Mr O'Loughlin.
19. In 1986, the relevant building bylaw was Christchurch City Council Bylaw 105 (1985) Building (**ENG.CCC.0044**). Clauses 2.5, 2.15, 2.16, 2.19 and 8.2 of the Bylaw set out various relevant obligations for the owner, the builder, the engineer, and the Council, in relation to the construction of a building.
20. Building permitting was handled at the time by the building control team of the Council's City Works & Planning Department. The Council's Chief Buildings Engineer at the time was Bryan Bluck. Graeme Tapper was the Assistant Buildings Engineer and he reported to Bryan Bluck. There were also other, more junior staff members involved in structural assessments from time to time. My understanding is that Mr Tapper and the other structural checking engineers carried out the structural assessments undertaken by the Council in the context of considering building permit applications, and Mr Bluck would oversee this work as is indicated by Mr Nichols at paragraph 12 of his evidence (**WIT.NICHOLS.0001.3**). Both Bryan Bluck and Graeme Tapper are now deceased.
21. The building permit application appears to have been accompanied by plans and specifications for the building. From a review of the documentation held by the Council and in light of the Building Bylaw, it appears that in 1986 drawings, specifications and calculations would have been required to be supplied to the Council. An alternative to the supply of calculations was allowed for in clause 8.2.5 of the Building Bylaw relating to concrete

structures. The designer could certify in an approved manner that the design method conformed with the requirements of a recognised Code of Practice. Clause 2.6.2.2 of the Building Bylaw also required a "design features" report to be submitted to the Council in specified circumstances.

22. From the Council's file, it appears that Graeme Tapper was involved with the structural assessment of the proposed building. Mr Tapper wrote to Alan Reay Consultants on 27 August 1986, seeking information and details that appear to have been missing from the documentation supplied with the application (**BUI.MAD249.0141.14 - 15**). The letter asks for calculations and a signature on the drawings to show the plans had been checked and approved by the designer (Section 2.8 of the Building Bylaw). The letter requests a list of other matters be clarified. For example, the letter refers to Plan S16 (Structural Plan 16) and says "*Shear Core floor slab and stair landing details are missing*".
23. The Council's file does not contain all of the documents that were submitted by Alan Reay Consultants in response to this request. The only record the Council has of a response is the notes in red ink on the letter. Next to the underlined words "*calculations*" and "*foundation report*" there is a note written in red ink stating "*rec'd a day or two after letter sent*". There are also a number of "ticks" in the margins against various items.
24. It appears likely that these notes were made by someone at the Council recording documents and information received in response to the 27 August 1986 letter. A document transfer form dated 5 September 1986 on the file indicates that the drawings have been amended as requested and calculations relating to the Bondek structure after fire were supplied by Alan Reay Consulting (**BUI.MAD249.0141.1**). I note that Mr Wayne Strachan has stated at paragraph 16 of his evidence (**WIT.STRACHAN.0001.4**) that he was involved in preparing a second more detailed set of drawings.
25. A further letter from Alan Reay Consultants dated 19 August 1987 (**BUI.MAD249.0259A.4**), also states "*I have had a recent meeting with Mr Tapper of the City Council and can confirm that the Council holds copies of our drawings and calculations*". However, the calculations are not now held on the Council's file.

26. The Council's files do not contain any specific information as to the role Mr Bluck may have had in the CTV building permit process, although I note that Mr Nichols in his statement of evidence at paragraph 26 (**WIT. NICHOLS.0001.6**) refers to a conversation with Bryan Bluck which would indicate that he was involved in discussions about the design of the building.
27. I note that in evidence Mr John Henry suggests that Bryan Bluck did not have a sufficient understanding of technical matters to confidently support Graeme Tapper in discussions with design engineers concerning building permit applications (**WIT.HENRY.0001.39**). This appears to be contrary to the evidence of Mr Peter Nichols. Mr Nichols states at paragraph 11 of his evidence that Mr Bluck had "considerable experience in structural engineering" and that he was "almost an institution in his own right" (**WIT.NICHOLS.0001.3**). Mr Nichols also notes in paragraph 11 that Mr Bluck's expertise was recognised through his appointment to various standards and building bylaw committees.
28. Mr Alan Reay also states in paragraph 43 of his evidence that Mr Bluck was a dedicated and competent engineer. Mr Reay also states that he respected Mr Bluck (**WIT.REAY.0001.8**).

The Structural Checking Process

29. It has been difficult to find contemporary information about the level of checking that a Council structural checking engineer such as Mr Tapper would normally have carried out in respect of the plans and calculations submitted with a building permit application.
30. I have however read the Statement of Evidence of Peter Nichols in relation to the CTV building. At paragraphs 10 to 17 of his evidence (**WIT. NICHOLS.0001.3 to 0001.5**), Mr Nichols discusses the method that he adopted when reviewing the plans, specifications, calculations and other documents submitted with building permit applications. I have no reason to doubt that the process described by Mr Nichols was the usual process carried out by structural checking engineers employed by the Council at the time.

31. Mr Nichols says (paragraph 14) that in checking a structural design, his usual practice was to review the plans and identify critical points in the structure which would be isolated out for an independent check. He would do a series of manual computational analyses as best he could as spot checks. I understand that "checking calculations" such as these, made by the Council's engineers were, at least in the mid to late 1980s, generally recorded in large hard cover books. The Council has searched its archived records but has been unable to locate any of these books.
32. Mr Nichols goes on at paragraph 15 (**WIT.NICHOLS 0001.4**) to record that sometimes full structural computations would be requested. This in fact occurred in the case of the CTV Building.

Building Permit Conditions

33. Council records indicate that the building permit to erect the building was approved and issued on 30 September 1986. The plans and foundation specifications for the building are stamped the same day. The stamped plans are the only set of drawings on the Council's file. Copies of the permit approval, the building permit and the permit conditions have been provided to the Royal Commission (**BUI.MAD249.0141.6**, **BUI.MAD249.0010A.1** and **BUI.MAD249.0141.10**).
34. The Building Permit issued on 30 September 1986 contained a range of standard conditions. Counsel for the Royal Commission has asked the Council to comment on Condition 2. This condition required the Design Engineer to provide a written confirmation that the intent of his design had been complied with before the building was occupied. The Council has not been able to locate a record of a confirming document from the Design Engineer in relation to the CTV building. It is possible that some or all of these confirming letters were held on a file separate to the property files but the Council has been unable to confirm this.
35. I can confirm however that it was the Council's practice to include conditions of this kind in building permits. There were for example similar conditions in building permits for the Forsyth Barr and Hotel Grand Chancellor buildings. The Council's expectation would have been that the building permit conditions should have been complied with. The Council has located some examples of

letters received from Engineers in relation to other building permits certifying that the work as built is in accordance with their design, and also examples of letters from the Council to Engineers requesting that certification (**BUI.MAD249.0245.5-8**). The Council letters are not clear copies as they were photographed on microfiche film.

Compliance with Bylaw and Standards

36. Counsel Assisting has asked whether it is the Council's view that the CTV building did comply, first, as permitted, and second, as-built, with the then applicable design codes and standards.
37. The building permit was signed by a representative of the Council, which indicates the Council considered at the time that the proposed building complied with the Building Bylaw and applicable standards.
38. There is no record of Council approval of the completed works. As noted by Mr Anthony Scott at paragraph 23 of his first statement of evidence (**WIT.SCOTT.0001.5**), there was no requirement in the Christchurch City Bylaw No. 105 (1985) Buildings for an as-built set of drawings to be supplied to the Council on the completion of construction work. There was also no requirement in the Bylaw for the Council to certify compliance with the permit plans on completion of the work. As discussed in paragraph 48 of my evidence, there were requirements in the Bylaw for the design engineer to supervise the works. In addition, as already mentioned, it was a condition of the building permit that the building was not to be occupied until there was confirmation from the engineer responsible for the structural design that the structural design had been complied with.
39. As for a detailed assessment as to whether the building in fact complied with the applicable Standards and the Building Bylaw I refer to the evidence of Mr O'Loughlin and Mr O'Leary.

Nature of the Land

40. Counsel Assisting has asked the Council to provide evidence about the information it holds in relation to the nature of the land associated with the CTV building at the time of construction and at the time of the Canterbury

Earthquakes.

41. Prior to construction, a "Site Inspection Report" was prepared by Soils and Foundations Limited for Alan Reay (**BUI.MAD249.0203**). The report is dated 18 June 1986. The report states that the subsurface conditions were not consistent over the whole site. However, it was concluded that either a shallow foundation or piled foundation would be suitable, if there was an appropriate reduction of bearing pressures in the north east corner to limit settlements for a shallow foundation and to allow for a lower bearing capacity for a piled foundation.
42. It is unclear whether this Site Inspection Report was submitted to the Council with the building permit application. It was a requirement of clause 2.5.2(ii) of the Christchurch City Bylaw No. 105 (1985) Buildings, that a building permit application included information relating to the nature of the ground on which a building was to be placed and the subjacent strata. In addition, Mr Tapper appears to have requested such a report in his letter of 27 August 1986 to Alan Reay Consultants (**BUI.MAD249.0141.14 - 15**). The Council does not now hold a copy of the Site Inspection Report on the CTV property file. However, the Council has no reason to disagree with the findings in the report.
43. As to the nature of the land at the time of the Canterbury Earthquakes, Tonkin and Taylor have prepared a report for StructureSmith for the purposes of the CTV technical investigation (**BUI.MAD249.0083**). The Council again has no reason to disagree with the contents of this report.

THE BUILDING INSPECTION PROCESS AT THE TIME OF CONSTRUCTION OF THE CTV BUILDING

44. Counsel Assisting has asked what level of supervision the Council would have engaged in during the construction of the CTV building and whether this differs from the current practice. I discuss this matter generally below. Further information is also included in the statement of evidence of Mr O'Loughlin. The Council's current building inspection practices are discussed later in my evidence.

General Building Inspection Processes

45. Clause 2.15.2 of the Bylaw states that it is the duty of the owner of the land on which work is being carried out, the employer for whom work is being carried out, and the builder or contractor who is carrying out the work, to ensure that the provisions of the Bylaw are fully complied with in the commencement and execution of building work.
46. Inspections were covered by clause 2.19 of the Building Bylaw. Other than clause 2.19.3, which refers to an inspection of the foundation excavations before the placing of any site concrete or part of the foundation structure, the Building Bylaw does not specify any particular mandatory inspections. This suggests the nature and frequency of inspections was intended to be left to the discretion of the Council Engineers and building inspectors.
47. In addition, clause 2.19.4 of the Bylaw provided as follows:

'If the Engineer should require that inspection be made of, or before, other particular operations, for example the placing of concrete in key parts of the structure and the closing in of timber framing, he shall so notify the builder in writing or endorse his requirements on the drawings at the time of issue of the permit. The builder shall give the inspector specific notes of such operations.'

48. There were also specific requirements for supervision by designers in various sections of the Building Bylaw. For concrete, section 8.2.6 states:

"8.2.6 Supervision

The designer of any concrete element shall supervise the construction of that element or arrange to have the work supervised by an agent appointed by him. Supervision in this context means general supervision only and includes such periodic supervision and inspection as may be necessary to ensure that the structural work is executed generally in accordance with the design as distinct from any special supervision that may be required for a particular situation."

49. Similar supervision requirements are provided for in the steel and masonry section of the Building Bylaw. Mr Harding notes in paragraphs 9 and 32 of his evidence that he would typically visit a site prior to any concrete pour to inspect reinforcement placement. He also states that he would visit after concrete pours to view the concrete after form removal and to view the concrete supplier documents (WIT.HARDING.0001.5). Mr Jones also notes in his evidence that the Council building inspectors would rely on the design engineer to carry out appropriate supervision at the site (WIT.JONES.0001.14).
50. The Council has not been able to locate any guidance document current in 1986 that would indicate the level of supervision that the Council is likely to have engaged in during the construction of the CTV building, or other similar buildings constructed at the time. The actual inspection records relating to the CTV building have already been supplied to the Royal Commission and are discussed later in my evidence.
51. The Council has however located a document developed by staff in September 1989 which sets out general guidelines to Council building inspectors about the scope of inspections to be carried out for particular types of buildings (BUI.MAD249.0259A.6). It is likely that the 1989 guidance document was developed out of existing inspection practices within the Council and to this extent it may provide some indication of inspection practices current in 1986.
52. I can also perhaps add from my own experience, but not in Christchurch, that a building inspector would usually undertake inspections prior to concrete being placed at each floor or in columns. These inspections would be carried out with the site foreman or construction manager in attendance. The inspector would check that the formwork was secure and that steel was tied in place and was appropriately sized. The building plans would be held on site and the inspector would check these to ensure that the steel matched what was agreed to in the specifications. The inspector would be auditing to detect faults on site which might require further investigation. The inspector would also check that the site records showed that the design engineer had checked or was due to check before the concrete was poured. The building inspector would be unlikely to be on site during the pouring of the concrete.

Inspection Records for CTV Building

53. The Council's inspection records relating to the original construction of the CTV building (**BUI.MAD249.0117**) are written on inspection cards which contain a microfiche transparency of each of the architectural and structural plans for the building. As all of the plans were microfiched, there were often many more cards produced than were required for the amount of space needed for the inspection record. This was the case with the CTV building and explains why many of the inspection cards for this building are blank.
54. The cards show that inspections were carried out at various stages of the building process. There were also other interactions between Council staff and the Design Engineers during construction. Attached as **Annexure "A"** is a schedule reconciling the date of the recorded inspections, the comments on the inspection cards and other Council correspondence on the Council file. It appears from the records on the file, as summarised in the schedule, that not all of the site inspections were reflected in a written comment on the inspection cards.
55. I particularly note that in August 1987 an issue apparently arose about the Hi-Bond floor system and whether it had been built in accordance with the plans. However, this issue was not the subject of an inspection record. On 17 August 1987 Christchurch City Council wrote to Williams Construction Limited stating that the Hi-Bond system had not been built in accordance with the plans and so did not have the required fire resistance rating (**BUI.MAD249.0259A.5**). The letter noted that as the building was nearing completion and this was a fire safety matter, it was imperative an approved solution be achieved prior to the building being occupied.
56. In a response dated 19 August 1987 (**BUI.MAD249.0259A.4**), Alan Reay Consultants disputed this. Alan Reay Consultants stated that they believed the fire resistance rating was as it should be. The Council responded on 2 September indicating that they accepted the explanation and withdrew the request of 17 August.
57. The schedule attached as **Annexure A** indicates a 5 month gap in inspection records and is subject to comment in the evidence of various witnesses. The inspection record on 20 August 1987, at the end of the 5 month gap, refers to

a new foreman on site. This is discussed in the evidence of William Jones (WIT.JONES.0001.4). Mr Jones indicates in paragraph 15 of his evidence that there must have been a change of foreman at this time as the inspection record suggests. However, Mr Anthony Scott expresses a different view in his evidence. Mr Scott does not believe that there was a change in foreman (WIT.SCOTT.0002.3) The evidence of Mr Scott indicates that there was a change in the construction manager during the course of building work (WIT.SCOTT.0002.3-4).

58. Mr Michael Brooks also refers, at paragraph 53 of his evidence (WIT.BROOKS.0001.8), to a suggestion that progress on the building had slowed after March 1987. He suggests that this was due to non payment of suppliers and subcontractors.
59. There is another inspection record on 16 October 1987 which states that there had been no contact from the site following an inspection on 9 October 1987, so the inspector visited anyway. This suggests that the inspector was being pro-active in following up on progress on site. Given the absence of further information on the Council file, or any other clear evidence on the topic, I cannot comment further about the 5 month gap in the inspection records.

Concrete Testing

60. Counsel Assisting has asked whether the Council at the time the CTV building was constructed required any testing of concrete strength during the course of construction, either at the CTV building or more generally. Counsel Assisting has also asked whether the Council now has any requirement for the testing or auditing of concrete used in multi-storey buildings.
61. The relevant standard in the Building Bylaw was NZS 3109:1980 Specification of Concrete Construction. Section 8 Concrete 8.3.1 required concrete to be manufactured in accordance with a recognised standard. The quality control was provided at the Certified Concrete Production Plant. I note that Mr Jones, the site foreman, states in evidence that he would receive a docket from the concrete supplier with each delivery of concrete. This docket would confirm that the concrete delivered met the strength that he had ordered (WIT.JONES.0001.12). As referred to earlier, Mr Harding also notes that he would check the documents from the concrete supplier

(WIT.HARDING.0001.5 and 11).

62. There is no contemporary record of the Council testing concrete strength during the course of construction at the CTV building, or more generally.
63. The Council's current practice in relation to concrete testing is discussed later in my evidence.

Construction Issues

64. Counsel assisting has referred to certain construction deficiencies mentioned in the HylandSmith report. Mr O'Leary has discussed these construction deficiencies in his evidence, in particular in relation to the ability of a Council building inspector to identify the issues. I would also make the general comment that a Council building inspector is not required to be a Clerk of Works or a project manager during the construction of a building. This was confirmed in a letter from the Office of the Ombudsman dated 18 December 1986 (**Annexure "B"**). As I referred to earlier, the Council must instead place some reliance on the design engineer to determine the appropriate site practices with the Construction Manager/Site Foreman early in the project and to carry out appropriate supervision during construction.

THE HOLMES REPORT 1990

65. Counsel Assisting has asked the Council to provide evidence in relation to a number of matters concerning the Holmes Consulting Group Report 1990. There is no record of the Council having been notified about the design matters identified in the Holmes Report of 1990 nor is there any record of a building permit application having been made for the remedial work carried out on the building around that time.
66. Counsel Assisting has asked whether there was any change in the applicable design codes and standards between the date on which the building permit was issued for the building and the date of the Holmes report.

67. The Building Regulatory Framework Briefing Paper¹ prepared by the Department of Building and Housing for the Royal Commission records at section 3.2.3 that design requirements changed in 1984 and 1992. The 1984 standard therefore applied in 1986 and 1990.
68. The question also arises whether the work carried out on the building, in response to the Holmes Consulting Group's report, required a building permit. The Council understands from information on the Royal Commission's secure website that the remedial work was undertaken in the latter part of 1991. At this time Christchurch City Building Bylaw 1990 ("the 1990 Bylaw") applied. The relevant parts of the 1990 Bylaw came into force on 4 July 1990.
69. Clause 2.16.1 of the 1990 Bylaw states that:
- "After a permit has been issued no departure shall be made from any of the particulars supplied or endorsements made upon any plan, drawing, specification, or document deposited with the application upon which the permit was issued, or from any condition of any permit, unless amended particulars clearly describing the intended departure are supplied to the Engineer, and the Engineer shall have given his written approval of the departure".*
70. This requirement was also set out in clause 2.16.1 of the Christchurch City Bylaw No. 105 (1985) Buildings. There is no record of amended particulars submitted to the Council in relation to the remedial work.
71. Further, the approvals process in clause 2.16.1 would appear to have only been intended to apply while the work authorised under the building permit was still in progress. In this case, the work was carried out approximately five years after the permitted construction work was completed.
72. Under clause 2.2.1 of the 1990 Bylaw, a building permit was required for any erection of a building. The Bylaw states that "Erection of a Building" includes:
- (i) *[...] the making of any alteration, repair or addition to any building theretofore or hereafter erected [...].*

¹ ENG.DBH.0002.18

73. The same requirement existed under Christchurch City Bylaw No. 105 (1985) Buildings.
74. The corrective work in this case appears to have been an addition/alteration to the building. Therefore, the Council's view is that the work would at the relevant time have required a building permit.

CURRENT COUNCIL PROCESS FOR ASSESSING BUILDING CONSENT APPLICATIONS AND CONDUCTING BUILDING INSPECTIONS

75. Counsel Assisting has asked the Council to give evidence regarding the procedure within the Council for checking and satisfying itself in respect of the structural integrity of designs presented for multi-storey commercial buildings at the time the CTV building was constructed, and whether the current process today is any different to that used in 1986.
76. I have already given evidence in relation to the procedure followed at the time the CTV Building Permit application was considered. The situation has changed considerably since that time. The current requirements for obtaining building consents are set out in the Building Act 2004 and the Building Code. The Christchurch City Council operates as a Building Consent Authority. This means that the Council has been accredited by International Accreditation New Zealand ("IANZ") against the standards and criteria in the Building (Registration of Building Consent Authorities) Regulations 2007. The accreditation process involves IANZ assessing the technical competencies, resources, equipment, procedures, systems and processes of a local authority to ensure they are adequate, are being followed and that identified outcomes are being achieved. No accreditation process existed at the time the building permit for the CTV building was issued.
77. The current procedures for the processing of building consent applications are prescribed by the Accreditation Procedure Manual required by the Building Act 2004 and Regulations. In summary, the requirement in relation to a structure is for certification by a Chartered Professional Engineer. These procedures are in electronic form on the Council's intranet page.

- 78.** For commercial construction work, there are two paths that might be followed for the structural content. The most common practice is for the structural design to be supported by calculations (required by the Building Act 2004) **and** a producer statement design (PS1). The alternative practice is for the applicant to obtain an independent peer review of the structural design and provide the Council with the design calculations supported by a PS1 **and** with a peer review report supported by a producer statement design review (PS2). The PS1 and PS2 must be authored by a Chartered Professional Engineer, with appropriate Professional Indemnity insurance.
- 79.** The role of the structural engineers employed by the Council includes considering the plans submitted with the building consent applications and reviewing the associated producer statements, to determine whether the signatory is suitably experienced and qualified and that all aspects of the design are appropriately covered by the producer statement. The engineers do not carry out a detailed assessment of calculations submitted with the applications, but rather rely on the expertise of the external engineers in completing this check. This is particularly the case if the application is supported by a PS2 authored by another Chartered Professional Engineer.
- 80.** In terms of current practice for building inspections, while the Council carries out a number of inspections (for example in relation to matters such as the initial site set out, foundation, plumbing, drainage, wall linings and accessibility), site inspections by the Council of the structural aspects of commercial buildings are usually audit inspections. These inspections check that the Engineer has carried out the structural inspections agreed in the consent documentation or nominated in the Producer Statement by the Design Engineer.
- 81.** In terms of concrete testing, this is not requested by Council for commercial buildings, as most concrete is supplied from certified batching plants that have their own quality control systems. The Concrete Structures Standard NZS 3101:2006 in clauses 1.4.1 and 1.4.2, requires a construction reviewer and the extent of review is to be nominated by the Design Engineer. NZS 3109:1997 Concrete Construction clause 1.3.1 requires all stages of the construction to be adequately reviewed. The standard also defines Ready Mixed Concrete as concrete conforming to NZS 3104 and clause 6.1 requires compliance with NZS 3104.

82. NZS 3104 specifies the production of concrete at ready mix plants and the production and testing systems are carried out by a Plant Supervisor and Plant Engineer and audited by an Auditing Engineer.

THE COUNCIL'S INVOLVEMENT WITH THE CTV BUILDING FOLLOWING THE COMPLETION OF CONSTRUCTION AND BEFORE 4 SEPTEMBER 2010

83. The Council's property file indicates that there were a number of occasions in the period after construction when building permits/consents were sought for internal fit-outs conducted on floors in the CTV building. Applications for building permits or later building consents for internal fit-outs did not generally require a re-assessment of the structural elements of the building unless the application proposed structural alterations.

Change of Use

84. The structural condition of the building, and its ability to withstand a seismic event by comparison with the code requirements of the day, may also have been required to be addressed in an application proposing an alteration which resulted in a change of use of the building. A *change of use* is currently defined by the provisions of the Building Act 2004 and previously was defined in the Building Act 1991. Counsel Assisting has asked the Council to address whether the CTV, Going Places, Kings Education, and The Clinic tenancies were regarded as a change of use under the applicable statutes and regulations.

CTV Tenancy

85. On 26 April 2000 the Council received an application for a building consent (ABA10003981) for the internal fit out of the ground and first floors of the building. A building consent was issued on 11 May 2000 (BUI.MAD249.0009.31). The documentation submitted with the consent application refers to the "CHTV Fitout". The tenant is variously described as CHTV and CTV and this appears to be when CTV moved into the building.

86. The application was not considered to be for a change of use of the building and no structural upgrading was required. The Council will make legal submissions explaining the change of use provisions which existed at the time and their application to the CTV fit out.

Going Places Tenancy

87. A building permit application made on 16 May 2001 (ABA10013756) relating to the fit out to one of the levels of the CTV building, identified "Going Places" as the prospective tenant.
88. The application itself did not name the nature of the proposed tenancy. The application simply identified that the building would undergo a change of use as a result of the proposed works. The building consent subsequently issued on 20 June 2001 described the nature of the works as "Language School Fitout".
89. No structural upgrading work was required before the change of use could proceed, on the basis that the building complied with the building code in relation to structural behaviour, as nearly as was reasonably practicable to the same extent as if it were a new building. Upgrading work in relation to other building code requirements in section 46 was required.

Kings Education Tenancy

90. I understand that Mr John Drew's evidence is that Kings Education occupied floor 3 (level 4) of the CTV building, which was the floor above the Going Places Language School (WIT.DREW.0001.RED.5.20). The Council has no record of any notification of a change of use of the building or a separate application for a building consent relating to the Kings Education tenancy. The date that the tenancy began is therefore unclear.
91. As the Council was not notified of the new tenancy, the issue of whether this constituted a change of use of the building was not addressed by the Council.

The Clinic Tenancy

92. Evidence available on the Royal Commission's secure website indicates that The Clinic occupied floor 4 (level 5) of the CTV building from approximately the 5th or 6th of January 2011 (**WIT.LEE.0001.2**).
93. The Council has not located any written record advising it of The Clinic's tenancy of level 5 of the building and accordingly the Council never addressed whether there was a change of use. Whether the new tenancy would in fact have been a change of use is discussed in submissions filed on behalf of the Council.

Application of Earthquake Prone Policy

94. Counsel Assisting has also asked whether the CTV building was regarded as potentially earthquake prone by the Council as at 4 September 2010. Because the building was built after 1976 it was not recorded as a potentially earthquake prone building as at 4 September 2010.

THE CIVIL DEFENCE EMERGENCY MANAGEMENT RESPONSE IN RELATION TO THE CTV BUILDING AFTER 4TH SEPTEMBER 2010

95. The Council has provided to the Commission a "Report Into Building Safety Evaluation Processes in the Central Business District Following the 4 September 2010 Earthquake" ("**The Council's Report**", **ENG.CCC.0002F**). This report discusses the background to the rapid building assessment process and how the process operated following 4 September 2010.
96. The Council's records indicate that a Level 1 Rapid Assessment was undertaken of the CTV building on 5th September 2010 (**BUI.MAD249.0136**).
97. The form shows that no hazards were identified. There is a line through the *Minor / None* column in relation to all of the *Identified Potential Hazards* on the form. There is a tick in the *Inspected Green* box on the form and the overall building damage is indicated as *None*. From the enquiries the Council has carried out, the Council inspector present on 5 September, who was carrying out Civil Defence duties, was Peter Van der Zee. Mr Van der Zee is giving evidence separately before the Royal Commission.

98. A Level 2 Rapid Assessment form was completed on 7th September 2010 (**BUI.MAD249.0137**). The process for determining which buildings received a level 2 assessment is set out in the Council's Report (**ENG.CCC.0002F.14-15**). The spreadsheet attached as **Annexure "C"** to my evidence records rapid building assessments carried out on 7 September 2010 by Civil Defence teams. The CTV building is included in the list and is categorised as "MH", medium / high, priority.
99. The Level Two form has the following note:
- "Green Tag first assessment call in to inspect, looked at by 3 CCC senior officials, interviewed Manager / no issues sighted by users of building."*
100. The building was assessed and placarded as *Green* with a G2 rating. The overall building damage is indicated as 0-1%.
101. From enquiries the Council has conducted, the 3 senior Council employees who inspected the building were Graeme Calvert, Russell Simson and David Flewellen, who were all employed by the Council at the time. The Council's Report states that Level 2 assessment teams included CPEng engineers (**ENG.CCC.0002F.13**). This was generally the case.
102. It is unclear why no engineer accompanied the three Council employees to the CTV building on 7 September 2010. The spreadsheet referred to earlier and attached as **Annexure "C"** shows that the three officers carried out other assessments with "Allister" on 7 September. The Council understands that "Allister" refers to a CPEng engineer. Mr Calvert, Mr Simson and Mr Flewellen are separately giving evidence before the Royal Commission.
103. The level 1 and level 2 inspections of the CTV building were entered into the Council's *Building Safety Evaluation Spreadsheet*. An extract from the spreadsheet showing the entries relevant to the CTV inspections is attached and marked **Annexure "D"**. The spreadsheet shows the building was rated "G2 – Occupiable repairs required" and "G2 Green Inspected" by the level 2 inspectors on 7 September.

104. There is no record of the Council having any further involvement with the building until 27th December 2010, following the Boxing Day aftershock. Following this aftershock, the building was inspected on 27 December 2010 by a USAR Team and a Level 1 rapid assessment was also carried out (**BUI.MAD249.0167**).
105. The USAR assessment (**WIT.AYERS.0001.4**) indicates that the Estimated Overall Building Damage was 0-1%. The form also identified a glass hazard (moderate) and there is a note stating:
- “2m x 1m window on 2nd floor south face is broken and in danger of falling on carpark”.*
106. The form indicates that temporary hazard tape was applied and that an Engineering Assessment was not required.
107. The Level 1 rapid assessment form similarly identifies an overhead falling hazard “glazing” (minor/none) and there is a note –
- “glazing if dislodged will fall into self contained balcony.”*
108. The building is noted as inspected *Green*.
109. The post Boxing Day database also records that the building was assessed as *Green* (**Annexure “E”**).
110. From the enquiries the Council has carried out, the Council inspector present on 27 December 2010 was Marie Holland. Ms Holland is giving evidence separately before the Royal Commission.
111. The only other record the Council has regarding the building from around this time is an entry in the WorkSmart Database indicating that a message was received from a Joanne at Relationship Services on 5th January 2011 (**WIT.VIVIAN.0001.16-17**). The database then contains the following statement:-

"5th floor has a round structural pillar, it is just outside lift and has cracks", Joanne was in the building since the Boxing Day quake and feels it should be rechecked. Staff on site but please liaise through her as she is the Manager based in Wellington".

112. There is a further entry in the WorkSmart database on 7th January 2011 stating *"Joanne has stated that Landlord has had checked by Structural Engineer and all ok (Paul Campbell 6/1/11)".* I understand from evidence filed by Ms Jo-Ann Vivian from Relationship Services that she rang the Council and advised that no Council inspection was required because the building manager had already arranged an inspection (**WIT.VIVIAN.0001.6**).

BUILDING FILE FOR 249 MADRAS STREET

113. Counsel Assisting has asked the Council to advise whether its records show, or whether any relevant Council officers can recall, if Mr John Drew attended the Council to view the CTV building file following requests made by him on 12 October 2010 and 31 January 2011.

12 October 2010 Request

114. A Council IntraRFS record refers to a request made by Mr Drew on 12 October 2010 to view the complete property file for the CTV building (**BUI.MAD249.0236.RED**) Council staff accordingly requested that the property file be returned from the Recall storage facility. The Council requires payment from customers before any files are requested from Recall. Therefore, it appears that Mr Drew would have arranged payment to view the CTV file on 12 October 2010.
115. The IntraRFS record notes that the file was available for viewing at the Council's Civic Offices by 21 October 2010. The record also states that Mr Drew was advised by telephone on 22 October 2010 that the file was available.

116. The Council's general process at this time was to advise the customer that the file would be held for one week and could be requested for viewing during business hours at the Council's public counter. In some cases if files had not been viewed within the week, the customer would receive a follow up telephone call.
117. The Council does not have a record of whether the CTV file was viewed by Mr Drew following the telephone call to him on 22 October 2010. The Council does keep a Customer Transaction Book for recording transactions with, and advice given to, customers. However, as commercial property file viewing is generally a routine matter, at the time these transactions were not always recorded in the Customer Transaction Book. In this case there is no record in the Council's Customer Transaction Book of the CTV property file being viewed by Mr Drew.
118. The IntraRFS record states that the Customer Service Request relating to this matter was closed on 21 December 2010, by which time the file would have been returned to the Recall storage facility.

31 January 2011 Request

119. A further IntraRFS record refers to another request made by Mr Drew to view the property file on 31 January 2011 (**BUI.MAD249.0237.RED**). The file was available for viewing at the Civic Offices on 1 February 2011. The Intra RFS record notes that a message was left on Mr Drew's cellphone on the same day to advise him that the file was available.
120. The Council's Customer Transaction Book records that the file was viewed on 2 February 2011 (**BUI.MAD249.0259A.6**). However, there is no record of who viewed the property file on this day.
121. The IntraRFS record states that the property file was returned to the Recall storage facility on 2 February 2011.
122. Enquiries have been made of the Regulatory Support Officers who may have been attending to the Council's public counter in October 2010 and January 2011. They have no specific recollection of Mr Drew viewing the file in October 2010 or January 2011. However, as noted above the viewing of

commercial property files is a routine matter. At the time a number of files were viewed on a daily basis at the public counter in the Council's Civic Offices. It would therefore be unusual for staff to recall a particular individual viewing a file.

- 123.** There were no other requests for the CTV property file between 4 September 2010 and 22 February 2011.
- 124.** I note that the process for viewing commercial property files changed in March 2011. Customers now view these files at the Recall storage facility. The Council's Public Advice Team arranges the appointments for viewing of the files and records are kept of the time and dates of appointments.

DEMOLITION OF 213 CASHEL STREET

- 125.** The Council granted a consent on 13 October 2010 to demolish two buildings at 213 Cashel Street, the site next door to the CTV building (**Annexure "F"**). Counsel Assisting the Commission has asked that the Council provide information in relation to the demolition.
- 126.** Demolition consents, like any other building consents, are governed by the requirements of the Building Act 2004 and the need for compliance with the building code. In particular, clauses B1 and F5 of the building code are relevant. In accordance with these clauses regard must be had to the impact sitework and/or demolition work will have on other property.
- 127.** Under section 49 of the Act, the Council cannot grant a building consent unless *"it is satisfied on reasonable grounds that the provisions of the building code would be met if the building work were properly completed in accordance with the plans and specifications that accompanied the application"*.
- 128.** The Christchurch City Council procedure for considering consent applications for demolition takes into account the Building Code Approved Document B1 Structure. One of the Functional Requirements of the B1 Building Code Structure is as follows:

B1.3.6 *Sitework, where necessary, shall be carried out to:*

- (a) provide stability for construction on the site, and*
- (b) avoid the likelihood of damage to other property.*

- 129.** The demolition methodology provided to the Council (**BUI.CAS213.001**) was part of the building consent application (and became part of the building consent). The methodology was reviewed as part of the building code compliance checking process and any impact the demolition could have on neighbouring buildings (including the CTV building) would have been considered by Council staff processing the application.
- 130.** The Council does not have any record of complaints or concerns being raised about the demolition by the occupants of buildings neighbouring 213 Cashel Street.

Dated: 12 June 2012

Signed by:



Name: Stephen James McCarthy
Position: Unit Manager Resource Consents and Building Policy

Timeline of Inspection Records and Other Correspondence

Building Permit application		17/07/1986
Letter from Council to Alun Wilkie Associates requesting a Building Projects Authority form and design levels.		21/7/1986
G Tapper request for more information, more detailed drawings, specifications, calculations and foundation report		27/08/1986
Document Transfer Form from A Reay recording delivery of updated Drawings and calculations of floor fire rating		05/09/1986
Building Permit issued		30/09/1986
Inspection note "Founds"	Surveyor Set Out OK Steel to finish Engineer due	16/10/1986
Inspection "Founds"	Last of foundation beams	11/12/1986
Inspection 1 st Floor	OK	18/02/1987
Inspection Shear Walls OK	Gantry up	08/03/1987
Inspection	Preparing 2 nd [word unclear]	31/03/1987
Letter from CCC Engineer saying recent inspection shows hi-bond floor system not built in accordance with plans so does not have the required fire resistance rating.		17/08/1987
Letter from D Harding of Alan Reay Consultants to Williams Construction saying from their site inspections of floor slabs and reinforcing they are in conformity with drawings and specifications		19/08/1987
Letter from Williams Construction asking for withdrawal of 17 August CCC letter		19/08/1987
Inspection Card left	Fixing Gib wrong New foreman	20/08/1987
Letter from CCC withdrawing 17/08/1987 letter		02/09/1987
Inspection	Foreman to prove Front Cols on site & fill block work 1 ST and 2 nd [floors] west end	09/10/1987
Inspection	No contact from site so visited found peg Cols to be removed	16/10/1987

	Foreman advised Col 200 on sheet Survey peg set at 3m from kerb	
Inspection	Cols removed Boxing ready to pour	11/01/1988
Inspection (Office)	Finishing handrails and hardware	22/02/1988
Inspection (Canopy)	Cols up	22/02/1988
(Office)	No record other than date	15/04/1988
Inspection (Canopy)	Final Noted OK	Undated

"B"

Office of the Ombudsman

4th floor

163-165 The Terrace

Wellington

REF: 4/1

Telephone: 739 533

P.O. Box 10152

The Terrace, Wellington

- COPY -

18 December 1986

Dear Mr Williams,

Subject: Building Inspector Liability

Further to my letter of 3 December, I advise that I have analysed the thirteen complaints received by the Office of the Ombudsman from owners about the issuing or enforcing of building permits in relation to the complainants' own property.

The major theme running through the cases is the false expectation that the function of the inspector is to act as clerk of works or architect and to supervise construction closely. In the words of the late Lester Castle in one case (C971), the expectation was that the inspector would "ensure that the builder is complying with the instructions and expectations of the property owner employing him". Regularly Ombudsmen have had to disabuse complainants of this belief and to affirm that the role of the inspector is to ensure that the Council's by-laws are observed. To the extent that many complaints are caused by this false expectation, it would be in your and other local authorities' interests to disabuse the public of it.

Other significant points arising from a consideration of the complaints are that:

(a) Deficiencies in building operations often involve failings by a number of people or organisations: the builder (or plumber, electrician etc.), the architect or engineer, the local authority or the owner. When, as is usually the case, only one of these is within the Ombudsman's jurisdiction (the local authority) it would not be for the Ombudsman to allocate responsibility, though there may be some cases where the facts are such that an assessment of the overall loss caused by a local authority could be made.

(b) Building permits often have conditions materially affecting the owner who is unaware of the

- 2 -

conditions. Had the owner known of them the owner may well have been in a position to take steps to ensure satisfactory work by the builder.

It appears to me, and you will recall my mentioning this, that many problems could be avoided by bringing owners into the actual process of applying for and uplifting building permits. Owners need not be required to apply for or uplift permits, but when they do not do so I suggest that an additional copy of the permit be sent to the owner him or herself, attached to which would be an explanation of the requirements for inspection and the functions of the inspector. Where an owner applies for or uplifts the permit, that explanation should be attached to the permit or copy application. The ideal solution, in my view, would be to ensure that the owner applies for and receives the permit after certifying that he understands the conditions and the role of the building inspector. That however, while ideal, may have some practical problems.

Yours sincerely,

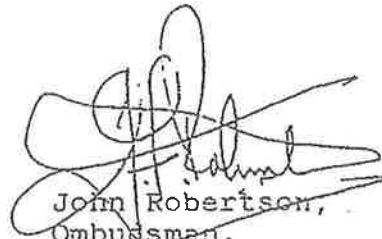
sgd J. F. Robertson

John Robertson,
Ombudsman.

Mr C.H. Archer
Secretary/Treasurer
Municipal Association of NZ
PO Box 1214
WELLINGTON

Copy for your information.

RECEIVED
19 DEC 1986


John Robertson,
Ombudsman.
15/12/86

	Team	Car	STREET	NO	BUILDING NAME	STATUS	LEVEL	COMMENTS	PRIORITY
	Mike Cathie	Richard Mike Kevin Mike N	Lichfield/Manchester		Bus Exchange				
R1			Cloumbo Street		Brougham - Moorhouse	Green	Level 1&2		
R2			Ferry Rd			Green	Level 1&2	Green	
R3			Papanui Rd		Aitkins -Northwood	Green	Level 1&2		
R4			Riccarton Rd			Green	Level 2		
R5			Lincoln Rd			Green	Level 2		
A			Cathedral Sq	52	Press Building	Green	4 Level		VH
B			Chester St West	51	Radio NZ	Green	5 Level		VH
C			Latimer	20		Green	Check Façade		
D			Durham	33	Copthorne	Yellow	10 level		VH
		Stephen Le Nick Stewa Bernie V H Brian A	Lichfield	92	CCC Call Centre	Green	4 Level		VH
		*Russell Si Dave Flewe Graeme Calvert	Lichfield		CCC Carpark	Green	4 Level		
F		Euing Graeme La Glen Mack Paul Wereta	Gloucester	166	C1 Tower/Pacific Tower	Green	22 Level		VH
G	Allister	*Russell Si Dave Flewe Graeme Calvert	Cashel	56	Westpark Tower	Green	10 Level		MH
H	Nigel H	Les Forst Karen Fit James M	Cashel	64	Age Concern	Green	4 Level		MH
I	Nigel H	Les Forst Karen Fit James M	Cashel	62	Bridgewater	Green	12 Level		MH
J		Stephen Le Nick Stewa Bernie V H Brian A	Cashel	170	Holiday Inn	Green	14 Level		MH
K			Cashel	166	Westpac Bldg		Level 2 assessment w		MH
M	Nigel Harwood	Karen Fitzr James Mar Les Frost	Cathedral Sq	66	Camelot	Green	7 Level		MH
O		Stephen Le Nick Stewa Bernie V H Brian A	Gloucester	62		Green	13 Level		MH
P		*Russell Si Dave Flewe Graeme Calvert	Madras	249	CTV	Green	L6		MH
Q		Stephen Le Nick Stewa Bernie V H Brian A	Manchester	159		yellow	L6		MH
R	Allisdter	*Russell Si Dave Flewe Graeme Calvert	Montreal	248	residential apart	Yellow	6 Level		MH
S		*Russell Si Dave Flewe Graeme Calvert	Montreal	254		Green	6 Level		MH
T	Nick Trayle	Brian Mcke Murray Aith Ian Burford	Oxford	74	School	Yellow	Engineer required		MH
U		Bernard Gary	Park	110	residential apart				MH
X		Bernard Gary Russell Phil	Greers Road	151	Burnside High School				H
Y		Bernard Gary Russell Phil	Sioux	15	Wigram Manor				MH
Z		Richard G Phil Carr Richard Mc Rozanne	Wocester through New regent			Green	4 Level		MH
	Nigel Harwood	Karen Fitzr James Mar Les Frost	Cathedral Sq	50	Warners/Novotel?baileys	Green	13 Level		MH
	Nigel Harwood	Karen Fitzr James Mar Les Frost	Cambridge	79	Bradley Nuttal	Green	7 Level		MH
	Allister	*Russell Si Dave Flewe Graeme Calvert	Hereford	137		Green	5 Level		MH
		Marie H	Cashel Mall						
		Bernard Gary Russell Phil	Hereford		St Almos	Yellow	7 Level		VH
	Allister	*Russell Si Dave Flewe Graeme Calvert	Gloucester unit2	140	restrauant	Green	4 Level		
	Mike Cathie Michael Nilsson		Manchester	69-73		red	2 Level		VH
	Mike Cathie Michael Nilsson		Manchester	83-85		red	2 Level		VH

"E"

WIT.MCCARTHY.0001.35

Inspectors	DateTime	Type	Posting	Display	Building	GISRateAcco untID	Address	ENTER CDB Number
HMC	2010-12-27 00:00	Level 1	Green	Green	CTV		219 Madras St	

Building Consent

SECTION 51, BUILDING ACT 2004
FORM 5 – BUILDING (FORMS) REGULATIONS 2004

PROJECT NO: 10106229

The Building

Street Address: 213 CASHEL STREET, CITY, CHRISTCHURCH 8001
 Legal Description: LOT 2 DEPOSITED PLAN 5977
 Other:

Conditions and / or advice notes are attached as part of the documents for this building consent. You should read these as they contain information to assist with achieving code compliance and / or compliance with other legislation that may apply.

The Owner

Full Name(s): CITY FORESIGHT LIMITED
 Mailing Address: 241 GLOUCESTER STREET CENTRAL CITY CHRISTCHURCH 8011

Agent – First Point of Contact

Name: PMY PROPERTY TRUST
 Mailing Address: C/O HERRIOT & MELHUISH ARCHITECTURE LTD PO BOX 510, CHRISTCHURCH 8140

Building Work

The following work is authorised by this building consent:

DEMOLISH ALL BUILDINGS ON 213 CASHEL/NEW CARPARK WITH BARRIER ARMS/ KERB & CHANNEL/LIGHTING/LANDSCAPING

This building consent is issued under section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or any responsibility under any other Act relating to or affecting the building (or proposed building). This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

This building consent is subject to the following conditions:

Under section 90 of the Building Act 2004, agents authorised by the Council (acting as a Building Consent Authority) are entitled, at all times during normal working hours or while building work is being done, to inspect:

- ii) land on which building work is being or is proposed to be carried out; and
- iii) building work that has been or is being carried out on or off that building site; and
- iiii) any building.

This building consent may also be subject to conditions if indicated below in "Attachments".

Compliance Schedule:

Either:

- A compliance schedule is not required for the building, **or;**
- The compliance schedule must contain specified systems as shown in the attachments, and those systems must comply with the performance standards required by the Building Code, **or;**
- The building has an existing compliance schedule that is not altered by this work.

Attachments:

Schedule of required inspections:

- Yes N/A Project Information Memorandum (PIM)
- Yes N/A Conditions / Advice Notes / Other Approvals Required
- Yes N/A Section 36 Certificate (Development Contribution Notice)
- Yes N/A Certificate 37 Certificate (restrictions on implementing the building consent)
- Yes N/A Compliance Schedule List
- Yes N/A Draft Compliance Schedule

Signed for and on behalf of the Christchurch City Council:

Date of issue: 13/10/2010



Chris Van Den Bosch
 Building Consent Officer

ESTIMATE OF CONSTRUCTION INSPECTIONS

Date: 13 October 2010

AS AT: 13 October 2010
PROJECT NO.: ABA 10106229
DESCRIPTION OF CONSENT: BUILDING DEMOLITION – CONSTRUCT CARPARK & LANDSCAPING
SITE ADDRESS: 213 CASHEL STREET, CHRISTCHURCH

INSPECTIONS REQUIRED

208 Drains
 210 M8 Final Inspection

No.
 Conditions and / or advice notes are attached as part of the documents for this building consent. You should read these as they contain information to assist with achieving code compliance and / or compliance with other legislation that may apply.

The fees for the above inspections have been included in the overall building consent fees.

Notes:

1. A copy of the approved plans must be kept on site
2. The above mandatory notice inspections will be carried out by the Council with 3 working days notice subject to the availability of staff. Please book your inspections as early as is possible to ensure that an inspector is available.
3. Additional inspections may be necessary dependant on the nature of the building work and the manner of construction, or as a result of non-complying or incomplete work. The Council may require prior notification of work proceeding before covering up or closing in, subject to arrangement with the Building Inspector.
4. All additional inspections are charged at the rate applicable at the time (see link below) and are invoiced separately.
5. Further information on inspections is available on our website:
<http://www.ccc.govt.nz/homeliving/buildingplanning/buildingconsents/afterbuildingconsentapproval.aspx>.
6. Inspection bookings can be made by:
 - Website: <http://www.ccc.govt.nz/homeliving/buildingplanning/buildinginspections/index.aspx>, or
 - Phone: (03) 941 8888.
7. **DESTRUCTIVE INVESTIGATIONS MAY BE REQUIRED IF WORK IS COVERED IN PRIOR TO THE COUNCIL'S INSPECTIONS TAKING PLACE.**

FILE COPY

Building Consent Conditions / Advice Notes

AS AT: 13 October 2010
PROJECT NO.: ABA 10106229
DESCRIPTION OF CONSENT: BUILDING DEMOLITION – CONSTRUCT CARPARK & LANDSCAPING
SITE ADDRESS: 213 CASHEL STREET, CHRISTCHURCH



Advice Notes

Please follow the following advice. Failure to do so may create difficulties in obtaining a Code Compliance Certificate.

- All building work shall comply with the consented documents. As these documents are the "Construction Drawings", a full set (or current copy of the stamped documents) must remain on site for reference at all times.
- The Contractor shall **notify the Inspections & Enforcement Unit** by phoning 941-8888 of the progress of the work to enable inspections to be carried out at appropriate times.
- An adequate supply of water shall be available at all times to enable the site and truck loads to be dampened down to **prevent dust and debris** being deposited on the footpath, roadway and adjoining properties. The footpath and roadway are to be cleaned down at regular intervals as required.
- The Contractor shall employ a licensed plumber to **cut off the water** supply to the site, and a licensed drainlayer to cut off and **seal all redundant drains**.
- The management plan for the control of stormwater and sediment during construction must be made known to the building contractor before any siteworks are carried out. Failure to comply with the management plan may lead to enforcement action being taken under the Building Act 2004.
- Use of Woosack Lane for demolition or construction access requires the express approval of Wen Kei Chen CCC Asset Engineer Network Planning Team Ph. 941 8655 prior to the start of any consented work.
- The stormwater connection may be made by a 150 dia. lateral and a radial connection in accordance with CCC SD331 to an existing 375 dia. underchannel main line in Cashel Street to the approval of T. Borkus CCC Contracts Engineer ph. 941 8376