

2 November 2011

Our ref No: LEX 10558

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

Attn: Mark Zarifeh

Dear Mr Zarifeh

738 Colombo Street, Christchurch – OK Gift Shop

I refer to your letter to Peter Mitchell dated 21 September 2011 asking for the provision of additional information in respect of 738 Colombo Street. This has been referred to me for response.

Your questions are set out below, with the answers below each paragraph number.

Structural Integrity of the Building prior to 4 September 2010 earthquake

1. What was the status of the building in terms of the Council's earthquake prone policy prior to the 4 September 2010 earthquake? Was it deemed an earthquake prone building? If so, please provide details. If not, please explain why not.

The building at 738 Colombo Street was strengthened in 1996 to a level (0.1g), that was more than the defined level below which it would be classified as earthquake prone under Section 66 of the Building Act 1991. When the defined earthquake prone level was raised significantly as from 31 March 2005, the building was again considered to be earthquake prone. LIMs issued for the building were notated with "Building details held by the Council indicated this site contains a building with the following characteristics: Earthquake Prone Building, a structural engineer should be engaged to assess the significance of this. Due to changes in the 2004 Building Act, previous strengthening may no longer be enough and additional strengthening may be required."

2. Please explain how the Council's earthquake prone policy had been applied to this building.

After the strengthening work was done in 1996 and prior to the change in the defined earthquake strength level in 2005, the building was not considered to be earthquake prone. After 31 March 2005, the building would have been considered to be an earthquake prone building and this would have been a factor considered when a building consent was applied for. Any consideration of upgrading work at this stage would have been in terms of the Earthquake Prone Policy 2006.

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3. Please explain how the structural strengthening work carried out on the building prior to the 4 September 2010 earthquake impacted on the structural integrity of the building and its status in terms of the earthquake prone policy.

See the above answers.

Inspections post 4 September 2010 earthquake

Paragraph 4

The Council's spreadsheet that records the rapid assessments carried out for each building shows that a Level 1 Rapid Assessment was carried out by inspector "SR1" on 5 September 2010. Therefore, it is likely that the undated Level 1 Rapid Assessment form completed by "SR1" on the file is the form that relates to the inspection carried out on 5 September 2010.

The Council has no record of further inspections being carried out on the building after 5 September 2010 (but before the inspection of 27 December 2010). As stated in Section 3.2 of the Council's "Report into Building Safety Evaluation Processes in the Central Business District Following the 4th September 2010 Earthquake", ("the Council's Report") not all buildings that had a Level 1 assessment also had a Level 2 assessment. Section 3.2 sets out the general process used to determine which buildings received a Level 2 assessment.

As the Level 1 Rapid Assessment on 5 September did not recommend a Level 2 assessment or a detailed engineering evaluation, a further inspection would not have been carried out. It was not the Council's responsibility to undertake detailed building inspections. This was the responsibility of the building owners.

Paragraph 6

Paragraph 6(a)

The inspector with the initials DB is Declan Bransfield, who used to work for the Council as a building inspector. The Council understands that Mr Bransfield now works for the Fletcher Project Management Office.

While Mr Bransfield signed the form, it is likely that he would have been working in an assessment team with a CPEng engineer. We have made enquiries, but we are unable to ascertain who Mr Bransfield would have been working with.

Paragraph 6(b)

As Mr Bransfield does not work for the Council anymore we suggest that you contact him to ask him the questions you have raised.

Paragraph 6(c)

A copy of the Powell Fenwick report has not been located. The Council is therefore unable to provide the Commission with the report.

Paragraph 6(d)

The Council is not in a position to answer this question, for the reasons stated above. However, as stated above, if an assessment was carried out, the assessment team should have included a CPEng engineer.

Paragraph 6(e)

While we have not interviewed Mr Bransfield, we note as a general comment that it was not common practice for the building inspectors and the respective engineers to refer to the USAR reports. After the Boxing Day earthquake, the USAR teams completed "USAR Damaged Building Reconnaissance Reports" for the buildings inspected. The USAR assessments were made from vehicles and involved only a drive by assessment of the walls that could be seen from the road. As such, they were a very preliminary assessment only. The USAR teams did not issue rapid assessment placards. Given the emergency circumstances, it is unlikely that the building inspector who completed the Level 1 Rapid Assessment form would have been provided with the USAR assessment carried out at 11am on the same day.

Paragraph 6(f)

There is no record of any further assessments between 27 December 2010 and 22 February 2011. As the assessment of 27 December 2010 stated that the building was green based on the Powell Fenwick report, the Council would not have re-inspected the building. The Council was entitled to rely on the engineer's report certifying that the building was safe. It was not the Council's responsibility to undertake detailed building inspections on behalf of the building owners.

Paragraph 6(g)

As stated earlier and as outlined in the Council's Report, it was not the Council's role to initiate structural assessments of buildings. Building owners were responsible for obtaining such reports. Therefore, the Council did not initiate any structural assessment for 738 Colombo Street.

Paragraph 6(h)

The Council does not hold any further structural reports in relation to the building for the period between 4 September 2010 and 22 February 2011.

Yours faithfully



Chris Gilbert
Legal Services Manager
Regulation & Democracy Services