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Our ref: 1000524

14 November 2011

Marcus Elliott
Canterbury Earthquakes Royal Commission
PO Box 14053
CHRISTCHURCH MAIL CENTRE 8544

Dear Mr Elliott

**Canterbury Earthquakes Royal Commission - Requirement for
Information dated 27 October 2011
Re: The Forsyth Barr Building**

My colleagues Grant Macdonald, John Hannan and myself are instructed to assist Holmes Consulting Group ('HCG') to prepare its evidence and respond to the Canterbury Earthquakes Royal Commission's Requirements for Information. We have taken our client's instructions upon the Requirement for Information dated 27 October 2011.

Having taken instructions from John Hare of HCG we respond, adopting the same numbering as contained in your letter of 27 October 2011, as follows:

Extent of Instructions received

- 1 *HCG is asked to provide details of any written instructions it was given regarding investigations of the stairs to the Forsyth Barr Building. HCG is also asked to advise the content of any verbal instructions.*

HCG advise the only written instructions it can identify which make specific reference to the stairs are contained in emails to HCG from Michael Connolly of Colliers Property Management dated 1 October 2010 and 4 November 2010.

Mr Connolly's first email is timed at 9.58am on 12 October 2010. The email was addressed to John Hare of HCG. The email reads:

Please proceed with this report asap. Andy Christian of Pace has done a survey of the building so can advise on some areas of concern. I want to be sure the stairs are ok and fixed correctly. Please note some cracks were covered by the plasterer and these need to be double checked and probably filled correctly.

DLA Phillips Fox is a member of DLA Piper Group, an alliance of independent legal practices.



A copy of this email is *enclosed* and identified as 'Item 1'.

HCG was unable to start the review of the building immediately following receipt of this email because of competing work demands. HCG seconded in a Project Engineer, Mark Sturges, from an associated company in Australia who was tasked with conducting the review. Mr Sturges arrived in New Zealand on 31 October 2010.

On 1 November 2010, Mr Sturges and John Hare met with Andy Christian of Pace Project Management on site and walked through the building to review the scope of HCG's review.

John Hare discussed the proposed repair work with, he believes, Andy Christian. As the repairs were to non-structural elements, it was concluded that there was no specific structural review requirement of priority in the stairs.

In light of this, in his briefing to Mark Sturges, John Hare recommended that he concentrate initially on the primary structure which would then inform them of the need for a more detailed review of the secondary structural elements and fixings, dependent upon the extent of obvious damage and evidence of excessive displacement.

John Hare sent an email to Michael Connolly at 4.37pm on 3 November 2010 as a brief update following the on-site inspection which took place on 1 November 2010. A copy of this email is *enclosed* and identified as 'Item 2'.

Michael Connolly responded by email at 7.48am on 4 November 2010. His email read:

Thanks for this. I have a concern about the apparent "drop" in the stairs. I assume your report will cover this and the best way to repair.

A copy of this email is *enclosed* and identified as 'Item 3'.

John Hare advises that, as far as he can recall, this email only came to his attention sometime after it was initially sent. It seems that it must have been overlooked in the hundreds of emails he was receiving daily at the time.

John Hare advises, however, that in discussions (he cannot recall whether with Michael Connolly or with Andy Christian) sometime after the date of the email dated 4 November 2010, 'the drop' in the stairs was discussed. John Hare advises that he was led to understand that 'the drop' was a sag in the mid span of the stairs, although it was not clear over what timeframe this sag may have actually occurred.

In light of discussions, the sag in the stairs was not considered to be of immediate concern as the sag had no bearing on what may have happened at the point of support; and there was no sign of significant lateral drift of the primary structure that might have alerted HCG to significant concern.

Mr Hare understood that Andy Christian intended to have the vinyl lifted in the stairs in order to allow HCG to complete its inspections. It is understood that these works had been scheduled shortly prior to 22 February 2011, to be carried out in early March 2011.



Most of HCG's verbal instructions were relayed through Andy Christian, although HCG was in regular discussion with Michael Connolly in regard to a number of buildings and that there may, accordingly, have been periodic discussion with Michael Connolly in relation to the Forsyth Barr Building.

Assessments and Recommendations in relation to the stairs

- 2 *HCG is asked if it provided any assessments or recommendations in relation to the stairs and, if so, what they were.*

HCG was engaged by 764 Colombo Street Limited to complete a structural review of the Forsyth Barr Tower following the Darfield earthquake of 4 September 2010.

In light of the discussions held with Andy Christian and/or Michael Connolly, as identified above, the report did not provide any assessment or recommendations in relation to the stairs.

Notes or photographs

- 3 *HCG is asked whether any notes or photographs of the stairs were taken and, if so, to provide copies.*

HCG has no notes or photographs available in relation to the stairs. To the extent that there may have been handwritten notes regarding the stairs, HCG advises that these may have been lost as HCG's former office was abandoned after 22 February 2011 earthquake. HCG has been unable to locate any notes stored in their electronic archive.

Reports

- 4 *HCG is asked was any report (written or verbal) other than the report dated 29 November 2010 provided to any person following the inspection and, if so, to provide details.*

HCG advise that there were informal discussions regarding the report but that there are no specific records relating to these discussions, other than as noted above.

Inspections by other parties

- 5 *HCG is asked whether it is aware of any inspection of the stairs being carried out by any other person and, if so, to provide details.*

HCG advise that they are not specifically aware of any inspection of the stairs being carried out by any other person save as is identified in the report prepared by Beca Carter Hollings & Ferner Limited (**Beca**), who were instructed to investigate the collapse of the Forsyth Barr Building stairs for the Department of Building & Housing. Beca's report dated 26 September 2011 confirms that a level 1 rapid assessment was undertaken within a few days of the earthquake of 4 September 2010 which resulted in the building being initially placarded red (unsafe). This was later revised by the level 2 assessment undertaken by Beca, first to yellow (restricted access) and, following further investigation of the stairs (breaking open the timber framed bulk heads under the worst flights and checking the seating of the



lower landings - which indicated no significant movement) and propping of a vehicle ramp in the podium, to green (inspected).

We hope the above information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marie Evans', written over a horizontal line.

Marie Evans

Enrolled Barrister and Solicitor

Direct +64 9 300 3836

marie.evans@dlapf.com

Michael Connolly

From: Michael Connolly
Sent: Thursday, 4 November 2010 7:48 a.m.
To: John Hare
Cc: Tania Sherborne; Andrew Christian
Subject: RE: Forsyth barr

Item 3.

John

Thanks For this. I have a concern about the apparent "drop" in the stairs. I assume your report will cover this and the best way to repair

Regards

Mike Connolly

From: John Hare [<mailto:JohnH@holmesgroup.com>]
Sent: Wednesday, 3 November 2010 4:37 p.m.
To: Michael Connolly
Cc: Tania Sherborne; Andrew Christian
Subject: RE: Forsyth barr

Item 2.

Hi Mike

An update on Forsyth Barr

Contrary to some of my worst expectations, this building has done well. Unlike some of the other similar structures around town, this one has had limited flexural hinging, not enough to warrant significant repairs, and nor have the slabs cracked and performed badly. On that basis, and subject to any individual questions that may be raised on specific locations, the building appears to have suffered no significant structural damage.

We are completing a report on this basis to give you further 'peace of mind'. but in the meantime, we are happy with the repairs that have been completed and are ongoing, but will respond direct to Andy should there be any further discovery as we go.

I will report BNZ separately, but in summary, it has some readily repairable crack damage to structural walls in the stairs and probably not too much else.

Regards

John

From: Michael Connolly [<mailto:Michael.Connolly@collierspm.co.nz>]
Sent: Tuesday, 12 October 2010 9:58 a.m.
To: John Hare
Cc: Tania Sherborne
Subject: Forsyth barr

Item 1.

John

Please proceed with this report asap. Andy Christian of Pace has done a survey of the building so can advise on some areas of concern. I want to be sure the stairs are ok and fixed correctly. Please note some cracks were covered by the plasterer and these need to be double checked and probably filled correctly

Thanks

Mike