



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
391/391A WORCESTER STREET**

DATE OF HEARING: WEEK BEGINNING 12 DECEMBER 2011

INTRODUCTION

1. My name is Stephen James McCarthy. I am the Environmental Policy and Approvals Manager of the Christchurch City Council. I have worked for the Council since 1 May 2006. During the State of Emergency following the earthquake of 4 September 2010, I was one of the Building Evaluation Managers in the Christchurch City Emergency Operations Centre.
2. I have 36 years of experience working for local government, including 16 years in building control. I have a Degree in Applied Science and a Post Graduate Diploma in Management from Massey University and a Royal Society Diploma in Environmental Health from Wellington Polytechnic.
3. I have been asked to provide evidence to the Royal Commission relating to specific aspects of the Council's involvement with 391/391A Worcester Street before and after the earthquake of 4 September 2010 and the Boxing Day aftershock.

DOCUMENTS PROVIDED TO THE ROYAL COMMISSION

4. The documents relating to this building that have been provided to the Royal Commission are:
 - (a) the Building Permit/Building Consent file for 391/391A Worcester Street; and
 - (b) post earthquake files.

SCOPE OF EVIDENCE

5. My evidence will address the following matters:
 - (a) The Civil Defence Emergency Management Response or USAR response in relation to the building after the 4 September 2010 earthquake, and before 22 February 2011.
 - (b) Whether the Council received an EQC report dated 2 February 2011.

- (c) The relationship between EQC and the Council in terms of advice about dangerous buildings.
- (d) Whether 391/391A Worcester Street was assessed as earthquake prone for the purposes of section 122 of the Building Act 2004.
- (e) The application of the Council's Earthquake Prone Policies of 2006 and 2010 to the building, if relevant.

EVENTS AFTER THE 4 SEPTEMBER 2010 EARTHQUAKE (Paragraphs (a) – (c) above)

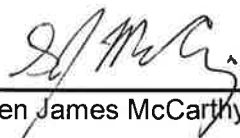
6. The Council does not have a record of any building assessment being carried out on the building between 4 September 2010 and 22 February 2011. The Civil Defence response to damaged buildings was targeted at specific areas including Brooklands, Bexley, Dallington, Avonside Drive, the CBD and certain arterial routes. 391/391A Worcester Street fell outside of the targeted areas. Assessments were also carried out both during and after the state of emergency in cases where the Council was advised that a building was potentially dangerous. As at 16 September 2010 when the state of emergency ceased more than 7,500 building inspections had been carried out.
7. I understand from an email provided to the Royal Commission by the building owner (BUI.WOR391.0056.19), that the owner visited the Council in October 2010 to discuss this building and other buildings for which he was the property manager. The building owner does not indicate that he advised the Council at the time that he considered 391/391A Worcester Street to be in a dangerous state. The building owner says in his email that *"as for the conditions of the building I did feel very comfortable and safe right through the time the Feb 22 quake occurred..."*.
8. The Council received a letter from the Royal Commission on 4 August 2011 regarding 391/391A Worcester Street. The letter attached an Earthquake Commission ("EQC") report for the property. The Council has no record of the owner having forwarded the EQC report to the Council at any stage. The Council does not hold any further EQC records for this property.

9. In any event, there was no arrangement in place between the Council and EQC under which EQC would advise the Council of any buildings that they had assessed as potentially dangerous.
10. As the building was not in an area targeted for rapid assessments and the Council had no further information to suggest that the building was in a dangerous state, no assessment would have been carried out either during or after the state of emergency.

APPLICATION OF RELEVANT LEGISLATION AND THE COUNCIL'S EARTHQUAKE PRONE POLICY (Paragraphs (d) and (e) above)

11. The building was noted in the Council's records as a possible earthquake prone building. The building would have been deemed to be earthquake prone under section 66 Building Act 1991.
12. After the commencement of the Earthquake Prone Building Policy 2006, if a building consent application for a significant alteration was received the strength of the building structure would have been assessed and dealt with in accordance with the Policy. However, no applications were received.
13. There is no record on the Council file of any strengthening works being carried out on the buildings.

DATED 8 December 2011



Stephen James McCarthy