



Canterbury Earthquakes Royal Commission

Komihana a te Karauna hei Tiro tiro i ngā Whare i Horo i ngā Rūwhenua o Waitaha

8 September 2011

Mr G Looker
Symphony Projects Ltd
32 Market Place
Auckland Central 1010
AUCKLAND

Dear Sir

204 Manchester Street – Iconic Bar

The Royal Commission of Inquiry into Building Failure Caused by the Canterbury Earthquakes is currently investigating the failure of a number of buildings in the CBD. One of those buildings was the Iconic Bar, 204 Manchester Street (the Building).

We understand that Symphony Projects Ltd (the Company) was the owner of the Building. Could you please provide the following information, by **16 September 2011**:

1. On the Christchurch City Council file we have obtained there are notes on Holmes Consulting Group paper indicating a building assessment on 8 September 2010.
 - (a) Did the Company or anyone on its behalf instruct Holmes Consulting Group to carry out that assessment? If not, do you know who did?
 - (b) What was your understanding of the placard or sticker that was given to the Building in September 2010?
2. The Christchurch City Council records note that a s.124 Building Act notice was served in relation to the Building on 28 October 2010.
 - (a) What was done as a result of this notice?
 - (b) Was any work carried out or contemplated as a result of this notice? If so, please provide details. If not, please explain why not.
3. Plans for extensions and earthquake structural strengthening were lodged with the Council by Lewis & Barrow Ltd on 22 November 2010.

- (a) Why was this work commissioned?
- (b) Did the need for earthquake structural strengthening arise as a result of the s124 Building Act notice served on 28 October 2010?
4. The Council records show that the Council was subsequently advised that the plans were not proceeding.
- (a) Why was this?
5. On 27 December 2010 the Council issued a Building Act notice requiring work to be done on the Building.
- (a) What information did the Company or anyone on its behalf receive from the Council in relation to the work required?
- (b) Please provide details (including copies of any correspondence) of discussions or contact the Company or anyone acting on its behalf, had with Lewis & Barrow Ltd in relation to the work required as a result of this notice.

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

**Symphony Projects Ltd
L1, 32 Market PI
Auckland**

21 September

Mr M Zarifeh
Counsel Assisting
Canterbury Earthquakes Royal Commission

Re 204 Manchester Street – Iconic Bar

Further to your letter of 8 September 2011 I advise the following (using your numbering):

1. a) On the day of the September quake we were advised by the bar manager that the building whilst apparently undamaged had been stickered by the Council. Our recollection is that the sticker was a green sticker. The building and neighbouring buildings had been cordoned off and we were not permitted to access the premises. One of our staff subsequently contacted Holmes Consulting to arrange for inspection and assessment of the building.

b) I understand that the building was “green stickered” meaning access to the site was prohibited until further notice. The manager on site explained that the issue was the neighbouring buildings and not Iconic. The building had been inspected by Council who believed it to be safe but required a further engineers report be prepared before the sticker could be removed and building accessed. The report was prepared on the Tuesday and passed to Council and the sticker was then removed by the Council on Thursday and we resumed trading. As remote owners in Auckland this was all carried out by the bar manager who liaised with engineers and Council.
2. a) I have no knowledge of a s124 Building Act notice being issued by the Council.

b) As above I have no knowledge of the issue of a notice and are not aware of any works undertaken. I have also spoken with the manager who has no recollection of receiving a notice from Council.
3. I understand that the plans you refer to were working plans undertaken for the purpose of changing the use of the upstairs of the building and were in no way related to earthquake damage. These plans were commissioned by the bar manager who was looking at purchasing the business and changing its use and were done without our knowledge.

a) The work was never commissioned as the potential sale did not proceed.

- b) As above we had no knowledge of the need for any earthquake structural strengthening.
- 4 As above the plans were apparently submitted by the manager as a potential purchaser of the business and were undertaken without our knowledge. The sale was never finalised and did not proceed.
- 5 Following the December quake I was informed by the manager of the bar that the building had been "red stickered" by Council due to some damage to one of the external walls. I understood that this wall needed to be repaired prior to being granted access to the building again.
 - a. I am unsure as to what exactly the manager received from Council but he commissioned the inspection and report from Lewis Barrow – attached – which detailed the work required to repair the damage. I assume this was done on advice from Council and also the fact that building was stickered.
 - b. Again the manager informed me that he had arranged for builders to carry out remedial works as per instructions from the engineers report – Lewis & Barrow Ltd – attached. This work was done as soon as possible Lewis and Barrow then inspected the remedial works and dealt with the Council and arranging for the sticker to be removed allowing access again.

The building in Christchurch was managed by the bar manager at the time. In all discussions with the manager about the earthquakes and subsequent reports/stickers etc we were careful to make sure that everything was done with the knowledge of the Council. My understanding was that the stickers that were placed on the buildings were removed by the Council once they were satisfied with the safety of the building. It is my recollection that in the case of the December quake the remedial work had been completed by the builders promptly and that we then waited for Council to be able to sign off before being granted access to the building for trading.

Unfortunately with the disruptions caused by the quakes and the manger having emigrated from NZ some paperwork is not accessible. However if there is any further information you require please do not hesitate to contact myself and we will attempt to assist wherever possible.

Yours Sincerely

G Looker
Director

SITE REPORT


LEWIS & BARROW LTD

Consulting Civil and Structural Engineers:

 Warren R. Lewis
 Stephen W. Barrow

 BE (Hons) MIPENZ CP Eng.
 BE (Hons) MIPENZ

 183 Hereford St,
 Christchurch, New Zealand
 P.O. Box 13-282
 Armagh, Christchurch 8141
 Phone 366-4320
 Fax 365-7089

 Iconic Bar
 200 Manchester St.
 www.lewisandbarrow.co.nz

Job No.

Date

28/12/10

 Report
 No.

1

Progress

Visual bldg inspection post aftershocks 26 & 27 Dec 2010.
 Bldg has a red sticker from CCC indicating parapet damage to east wall.
 Inspection in roof space shows brick wall from ceiling to roof level to the east wall has bowed out by 50 to 100mm. The parapet above roof level has collapsed at the apex.

Instructions and Comments

- ① Remove all collapsed bricks at the apex parapet area & flash to make water tight.
- ② Provide 20mm HS plywood to the outside face of the east wall from truss bottom chord level to top of parapet. Fix with existing bolts & washers at roof level. Provide M16 bolts at 400 c/c into truss bottom chord with 100x100 washers to brick & timber. Solid block between brick & truss to prevent clamping. All bolts to be hot dip galv.
- ③ Provide 150x45 joists at 450 c/c between truss bottom chords to Z east end trusses. Line over joists with 12mm plywood to prevent any falling bricks coming through suspended ceiling.

Above work is temporary support of damaged wall to make building safe for normal use. Brick wall above truss bottom chord level will need to be removed & rebuilt with suitable structure for long term support.

CHARLES GORDON

Contact Interpretation Not Involving Any Variation
 Variation For Immediate Action (Price Must Be Submitted Within 28 Days)
 Variation Price Request (Price Must Be Approved Before Work Proceeds)

 A
 B
 C

Copies to: S. Te - David

SITE REPORT


LEWIS & BARROW LTD

Consulting Civil and Structural Engineers:

 Warren R. Lewis
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 200 Manchester St.
 www.lewisandbarrow.co.nz

Job No.

Date

29/12/10

Report No.

Z

Progress

Framing & plywood now in place between end trusses to affected east wall. All well constructed.
 Access now available onto adjacent single story roof & scaffolding being placed to give access to damaged face.

Instructions and Comments

- ① Provide 100x75x8mm MS L verticals to outside face of wall on top of plywood fixed to existing bolts to rafters at top. At bottom fix to existing bolts to south side of wall & provide new M16 threaded rod to north side of building fixed into truss bottom chord. 100x100x6mm MS TE washers to brick & timber faces. All steelwork to be prime & top coated.
- ② Provide 200x50 timber placed flat against inside face of brick wall to align with MS L on outside. Provide timber packers between 200x50 & face of truss top & bottom chords. Shear nail in place. Where new bolts are placed from MS L through to truss bottom chord the bolt shall pass through the 200x50 & packers.

CHRIS GORDON

 Contact Interpretation Not Involving Any Variation
 Variation For Immediate Action (Price Must Be Submitted Within 28 Days)
 Variation Price Request (Price Must Be Approved Before Work Proceeds)

 A
 B
 C

Copies to:

J.H.

This report is only valid if all relevant structural information has been disclosed to the Engineer by the Contractor.

29 November 2011

Darryl Fraser

By email: [REDACTED]

Dear Sir

204 Manchester Street – Iconic Bar

I refer to the writer's telephone discussion with you on 29 November 2011.

As discussed, The Royal Commission of Inquiry into building failure caused by the Canterbury Earthquakes is currently investigating the failure of a number of buildings in the CBD. One of those buildings is the building that housed the Iconic Bar at 204 Manchester Street (the Building).

We have obtained the Christchurch City Council file in relation to the Building. We have also had correspondence with the owner of the Building, Symphony Projects Ltd (Garry Looker). We understand that you were previously the Bar Manager at the Iconic Bar.

Would you please provide the following information, by return mail to mark.zarifeh@royalcommission.govt.nz, by **12 December 2011**:

1. I understand that following the 4 September 2010 earthquake the Building was green stickered on 5 September 2010. I also understand that, following this, you arranged for an inspection of the Building by an engineer from Holmes Consulting Group.
 - (a) Could you please confirm that you instructed Holmes Consulting Group to carry out that inspection?
 - (b) What were your instructions to Holmes Consulting Group in relation to that inspection i.e. what did you want to know about the Building?
 - (c) What advice did you receive from Holmes Consulting Group in relation to the Building?
 - (d) I have a copy of a one page "Rapid Structural Assessment" by Holmes Consulting Group noting that the "building ok to occupy (green)". Did you receive anything other than this document in writing? If so, could you please provide a copy of the same or advise details.

2. The Christchurch City Council file records that a S124 Building Act notice was served in relation to the Building on 28 October 2010.

(a) Were you aware of this notice? If so, was any work carried out as a result of the notice? If so, please provide details. If not, please explain why not.

3. The Christchurch City Council file notes that plans for extensions and earthquake structural strengthening were lodged with the Council by Lewis & Barrow Ltd on 22 November 2010.

I understand that you were considering purchasing the business of the Iconic Bar and a possible change of use.

The documentation filed with the Council by Lewis & Barrow notes that they had been engaged by you.

(a) Could you please confirm that you were considering purchasing the bar and that you had instructed Lewis & Barrow Ltd in relation to that work.

(b) Please advise what your instructions to Lewis & Barrow Ltd were? Please advise the nature of any discussion you had with Lewis & Barrow Ltd in relation to the need for earthquake structural strengthening of the Building.

(c) Was any of this proposal carried out or commenced? If so, please provide details. If not, please advise why not.

4. The Council records show that the Council were subsequently advised that the plans were not proceeding.

(a) What was the reason that the plans were not proceeded with?

(b) Was any of the structural strengthening work carried out?

5. The Council records note that on 27 December 2010 there were two assessments of the property, one by Urban Search and Rescue (USAR) and the other by the Council.

(a) Were you made aware of the result of those assessments?

(b) Did you receive any documentation in relation to those assessments?

(c) Was any placard placed on the Building following those assessments? If so, please provide details of that documentation.

(d) Did you pass any of that information on to Lewis & Barrow Ltd? If so, please provide details of what information you passed on.

6. On 27 December 2010 the Council issued a Building Act notice requiring work to be done on the Building.

(a) Did you receive that Building Act notice?

- (b) Did you receive any further information from the Council as to what was required? If so, please provide details.
 - (c) Did you instruct Lewis & Barrow Ltd to complete work to satisfy that Building Act notice? If so, please provide details of what instructions were given.
 - (d) Please provide details of any documentation forwarded to Lewis & Barrow Ltd by you in relation to work to be done or documentation you have received from the Council in relation to this work.
7. I understand that following provisional work supervised by Lewis & Barrow Ltd the bar was able to re-open on 31 January 2010.
- (a) Could you please confirm this?
 - (b) What was your understanding of the process that took place to enable the bar to re-open on that day?
 - (c) Were you personally involved in dealing with the Council in relation to the re-opening of the bar? If so, please provide details of your involvement.
8. I understand that the business was sold to a third party around this time.
- (a) Could you please confirm this and advise of the date of the sale.
 - (b) Were you involved in negotiations that led to the sale? If so, please provide details of your involvement.
 - (c) Did you pass on any information in relation to the Building's structural strength to the purchaser? If so, please provide details of what information you gave.
 - (d) Did you continue in your job within the Iconic Bar following the sale? If not, please advise what date you ceased to have any involvement with the Iconic Bar or the Building.
9. Are you aware of any structural strengthening carried out on the building before the September 2010 earthquake? If so, please advise details.

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

Thank you for your assistance.

Yours faithfully

Mark Zarifeh

Mark Zarifeh

From: Daryl Fraser [REDACTED]
Sent: Tuesday, 6 December 2011 1:31 p.m.
To: Mark Zarifeh
Subject: Re: 200 Manchester St

Mark

This is in response to the questions asked in your email.

- 1a, Trudy from Symphony Projects authorized Holmes Consulting to come and inspect the building.
 1b, The instructions were given by Trudy, but what I required was sign off that the building was safe to let patrons back into the building.
 1c, As per the report that Holmes Consulting gave me saying that the building was safe.
 1d, Any correspondence and documents supplied by Holmes Consulting was forwarded to the insurance company. I recommend contacting Trudy and getting copies from her as I now have nothing at all in regards to this matter.
 2a, I was unaware of this notice and I received no paperwork from the council at all.
 3a, Yes I was considering purchasing the business Iconic Bar.
 3b, I instructed Lewis and Barrow to give me engineered plans to put a mezzanine floor in above the downstairs dance floor area. After the first earthquake we discussed that for us to get the permits we needed through council faster we should put more steel into the roof space and say that it is needed for earthquake strengthening. This was not a necessity but a way for council to hopefully speed up the permit process.
 3c, No work was carried out as Garry Looker sold the business to someone else.
 4a, The business was sold to someone else.
 4b, No
 5a, No was not aware of any assessment done.
 5b, No I received no paperwork in regards to the assessment done.
 5c, after the Boxing Day earthquake the building was issued with a red sticker. This was put on the front door of the building.
 5d Lewis and Barrow saw the red sticker on the front door.
 6a I did not receive a building act notice.
 6b, I received no correspondence from the council except for the red sticker on the front door.
 6c, I instructed Lewis and Barrow to give me engineered plans to repair the damage to the building and get all relevant documents and permission from council so that we could open the business.
 6d, there was no documentation passed to Lewis and Barrow as it was all verbal. As stated previously I received no paperwork from the council.
 7a, No we could have opened the bar on the 30th December.
 7b, Once I had Lewis and Barrow's report saying the building was safe we could open as Lewis and Barrow had the required permission from council.
 7c, No. The reason we didn't open on the 30th was that the business still had barricades around it. I phoned the number on the fences to get them removed but it was too late in the day, hence we opened the following day 31/12/10 after they had been removed.
 8a, The business was sold around this time but you would have to speak to Trudy from Symphony regarding dates as I am unsure.
 8b, No
 8c, No
 8d, No
 9, No.

Hope this helps,
 Daryl.

On 29/11/2011, at 8:10 AM, Mark Zarifeh wrote:

Dear Darryl,

Thank you for talking to me about the Iconic building.

Attached is a letter with the questions I have about the building.

Please reply as soon as possible as I have to gather all of the information together in the next 10 days.

Thanks.

Regards,

Mark Zarifeh,

Counsel Assisting,

Canterbury Earthquakes Royal Commission.

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==== <D Fraser-Iconic Bar-6 Oct 2011.doc>

Daryl Fraser

