

Our ref No: LEX 10565

18 November 2011

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

Attn: Mark Zarifeh

Dear Mr Zarifeh

246 High Street, Christchurch

I refer to your letter dated 21 September 2011 to Peter Mitchell. You have requested further information concerning 246 High Street under section 4C Commissions of Inquiry Act 1908. Your letter has been referred to me for response.

The additional information below has been derived from the written information the Council holds (which you have been sent) and from further documents which have been located in the course of investigations into your questions.

Your questions are set out below as separate headings, with the answers below each heading.

1. My understanding is that in the 22 February 2011 earthquake bricks and other building material fell from the building on to the roof of the adjacent building – the Link Centre at 152 Hereford Street causing the roof to collapse. Council files would seem to confirm this but I would appreciate your confirmation that this is the Council's understanding of events.

The Council is unable to confirm whether bricks and other building material fell from 246 High Street onto the roof of the adjacent building. The records of assessments of the buildings undertaken after 22 February 2011 do not appear to record the fall of building material onto 152 Hereford Street or the cause of any collapse of the roof. The Council has no further information in relation to this matter.

- 2. In the "Events" summary on the Council file it is noted that on 27/9/2010 the building was deemed safe. However, there does not appear to be any documentation on the file to support this.
 - (a) Could you please confirm the date, nature and result of any inspection made following the 4 September 2010 earthquake and provide a copy of any documentation relating to that.

We attach a copy of a Level 1 rapid assessment form for 246 High Street dated 5 September 2010. However, it is not clear whether the Level 1 Rapid Assessment was in fact for 242-246 High Street as it refers to "Rip Curl" as the building name, which may be referring to the Rip Curl building located at 254 High Street. 242-246 High Street had Diva, Teasme and Wizard's Retreat as tenants not Rip Curl.

Letter to Royal Commission re 246 High Street (Link Centre) DOC / TRIM 11/570188

However, the Council is unable to locate any other Level 1 rapid assessment carried out for 242-246 High Street immediately after the 4 September 2010 earthquake.

On 10 September 2010, a Level 2 rapid assessment was undertaken on 242-246 High Street. This assessment resulted in 242-246 High Street being issued with a yellow placard. We **attach** a copy of the assessment form.

A further Level 2 rapid assessment was undertaken on 21 September 2010 by Alistair Boys of Holmes Consulting Group which stated that the damaged masonry (chimneys and parapet) had been removed/secured. We **attach** a copy of the CCC Enforcement Team Updated Information/Report Coversheet and the Level 2 Rapid Assessment. The CCC Enforcement Team Updated Information/Report Coversheet notes that, in reliance on the Level 2 Rapid Assessments provided by Holmes Consulting Group, the buildings were considered satisfactory for occupancy.

We note that the Level 2 Rapid Assessment undertaken on 21 September 2010 states the address is 242 High Street, however it appears that the building was called 242-246 High Street in other documentation.

Following these reports, 242-246 High Street were subsequently placarded green, as the assessments stated that the fall hazard on 242-246 High Street had been removed/secured, and therefore the buildings were safe to occupy.

As already noted, email correspondence on 28 September 2010 between the CD Rescue Building Evaluation Transition Team and Bruce Galloway (Holmes Consulting Group) stated that 242 High Street was considered satisfactory for occupancy based on the reports submitted. The email stated that no further building work is required and barricades possibly need removing. Therefore, no further assessments were undertaken. We **attach** this correspondence for your information.

It is likely that the "Events" summary was updated on 27 September 2010 noting that the building was deemed safe following receipt of the relevant assessments/reports and the resulting email correspondence with CD Rescue Building.

(b) Was there any follow up inspection before the inspection noted on the file on 27/12/2010? If so, please provide details.

As noted above, 242-246 High Street was inspected on 21 September 2010. These assessments concluded that the damaged masonry (being the chimney and the parapet) had been removed therefore 242-246 High Street was safe to occupy. A green placard was issued for both buildings.

Email correspondence on 28 September 2010 between the CD Rescue Building Evaluation Transition Team and Bruce Galloway (Holmes Consulting Group) states that 238 and 242 High Street are considered satisfactory for occupancy based on the reports submitted. Therefore, no further assessments were undertaken.

Following the Boxing Day earthquake 242-246 High Street was inspected and issued with a green placard. We **attach** a copy of the Level 1 rapid assessment dated 26 December 2010. Given this situation, no further assessments would have been considered necessary.

3. The "Intra RFS" record on the Council file notes on 13/9/2010 that the:

"Building has been upgraded to Yellow on Saturday, specifying the parapet is dangerous."

(a) Was the building upgraded from a green placard to a yellow one? If so, please provide details. If not, please explain the Intra RFS noting.

Please refer to our answer to question 2(a).

(b) Was damage to the parapets noted by someone from the Council at any stage? If so, please provide details.

The damage to the parapet was noted in the rapid assessments. This is clear in the Level 2 Rapid Assessment that was undertaken on 10 September 2010.

(c) If an inspection was carried out on 27/9/2010 was the noting on 13/9/2010 taken into account? If so, please provide details. If not, please explain why not.

Please refer to our answer to question 2(a).

Remedial works were carried out following the Level 2 Rapid Assessment on 10 September 2010 requiring removal of the dangerous parapet.

Following the works being completed, a Level 2 Rapid Assessment was undertaken on 21 September 2010 by an engineer working for the owner. The assessments concluded that the damaged masonry (being the chimney and the parapet) had been removed and therefore 242-246 High Street was safe to occupy. A green placard was issued for both buildings.

(d) Given that the building collapsed onto the adjacent building in the 22 February 2011 earthquake, please explain what inspections were made between 4 September 2010 and 22 February 2011 to ensure that the exterior structure including parapets did not pose a danger to the public or any adjacent buildings. If any such inspections were made, please provide details. If they were not, please explain why not.

We have answered this question in response to previous questions.

4. On the Council file there is an email enclosing a Traffic Management Plan dated 15/9/2010 which notes:

"The gates have been put up around the site because it is unsafe. The crane is going to be there next Monday."

(a) To what was this email referring? Please provide details of how and why the site was unsafe.

This email is referring to the Traffic Management Plan that was submitted to the Council for approval in order for the necessary remedial works on the building to take place following the Level 1 rapid assessment on 10 September 2010.

We refer to our previous answers that outline the details of how and why the site was unsafe.

(b) Did it relate to the noting on 13/9/2010? If so, please provide details.

We refer to our previous answers. The email and the Traffic Management Plan was a response to the Council issuing the building with a yellow placard on 10 September 2010 requiring remedial work to take place.

(c) Please provide details of any assessment that was carried out on the building as a result of this email. If no assessment was carried out please explain why not.

Following the works being undertaken (as discussed above), a Level 2 Rapid Assessment was carried out on 21 September 2010. The assessment was undertaken by Holmes Consulting Group on behalf of the owner. The assessment concluded that the damaged masonry (being the chimney and the parapet) had been removed therefore the building was safe to occupy. A green placard was issued for both buildings.

Email correspondence on 28 September 2010 between the CD Rescue Building Evaluation Transition Team and Bruce Galloway (Holmes Group) stated that 242 High Street was considered satisfactory for occupancy based on the report submitted.

- 5. The "Intra RFS" record on the Council file notes that on 17/9/2010 a notice was to be served.
 - (a) What was the notice referred to? What did it relate to? Please provide a copy of the notice and any relating documentation.
 - (b) Did the notice relate to the noting on 13/9/2010? If so please explain how.
 - (c) What was the result of this noting on 17/9/2010? Was the notice actioned? If so, please provide details. If not, please explain why not.

The IntraRFS dated 17 September 2010 is a request for a Building Act notice to be issued to replace the existing yellow placard issued during the state of emergency.

The existing placard was due to expire in early November 2010 under the provisions of the Canterbury Earthquake (Building Act) Order 2010. However, the necessary remedial work was undertaken for the building by 21 September 2010 and the building was issued with a green placard, and so no Building Act notice was required.

- 6. The "Intra RFS" record on the Council file notes that on 27/12/2010 the building was assessed and declared safe to enter.
 - (a) Was this an assessment as a result of the Boxing Day earthquake?
 - The building was assessed on 26 December 2010. The assessment form is attached.
 - (b) There does not appear to be any documentation supporting that assessment. Please provide a copy of the same.
 - Please see our response to the above question.
 - (c) <u>Did this assessment involve a structural assessment of the building?</u> If so, please provide details. If not, please explain why not.
 - The rapid assessments did not involve structural assessments of the building as outlined in section 3.2 of the Council's Report.
 - (d) At any stage prior to the 22 February 2011 earthquake did the Council initiate any structural inspection of the building? If so, please provide details. If not, please explain why not.
 - It was not the Council's role to initiate structural inspections of the building. No such inspection was carried out by the Council.
 - (e) Did the Council receive any structural report on the building from anyone else at that stage prior to 22 February 2011? If so, please provide details. If not, please explain why this was not required.

The building was assessed as safe to occupy on the basis of the 21 September 2010 assessment carried out by Holmes Consulting Group and so no further structural assessment was required.

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.
 - Prior to the 4 September 2010 earthquake the building was considered to be a potentially earthquake prone building because strengthening work carried out in 1990 had not been done to the standard which was subsequently set in the 2005 Regulations.
- 2. Please explain how the Council's earthquake prone policy had been applied to this building.
 - The 2006 Policy required that buildings be considered for strengthening at the time that applications for consent for significant alterations or change of use were received. There were no applications for consent for significant alterations or change of use received during the period the Earthquake Prone Building Policy 2006 was in force.

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.

In 1990, a building permit application resulted in a requirement for strengthening as part of the refurbishment of the building. The permit for the strengthening and refurbishment work was treated as a permit for the erection of a temporary building and a memorandum of agreement ("the memorandum") was signed with the owner stating that the temporary building would be removed or made to comply with the Council's Building Bylaws by 31 May 2005.

The key area of concern at the time was the street wall construction. During the work, it was discovered that there was steel framing in the wall which appeared to have been installed in 1960 and the façade also had several other original structural steel members with concrete surround from the original construction. These steel members were incorporated into the strengthening scheme.

The strengthening was originally going to be designed by Alan Reay Consultants. A letter dated 27 September 1990 from G. Tapper to Eliot Sinclair and Partners, the new engineers who had been instructed, records acceptance of the proposed alterations as an amendment to the existing building permit on the understanding that the occupancy of the upper floors would not be significantly increased. The letter states the question of the longer term future of the building still remains to be answered but the intent of the agreement to address the problem is covered by the present caveat.

As the work was carried out prior to the introduction of the revised earthquake prone levels set in the 2005 Regulations, the building would have been considered to be secured. Strengthening would have later been required in 2005 in accordance with the memorandum.

4. There is a letter on the Council file from John Taylor, Senior Building Control Engineer to S K Balthrop dated 19 March 2003 which notes:

"Further to your enquiry, and in recognition of the substantial strengthening work already completed to the ground floor, Council agrees not to invoke the agreement requiring completion of the work till at least 31 May 2008."

(a) Could you please explain the effect of this letter and why the work that had been agreed was not required to be completed until 31 May 2008.

The memorandum was drawn up in June 1990, prior to the discovery of the steelwork in September 1990. In addition, in 1992 the Building Act 1991 came into force and the Council's Building Bylaws and Section 642 of the Local Government Act, under which the memorandum had been made, were repealed. The letter from John Taylor was written after these changes had occurred. Additional time was allowed for the work to be carried out recognising the substantial strengthening work already completed to the ground floor.

(b) Please explain what occurred in relation to the building and the proposed work after 31 May 2008. If further work was completed, please provide details. If not,

please explain why this did not occur and the stance that the Council took in relation to it.

There is no record of any further work being carried out. The Building Act 2004 and the 2005 Regulations came into force before the 2008 deadline for the work and the Council developed a policy on earthquake prone buildings in 2006. As stated above, no applications for consent for significant alterations or change of use were received during the period the Earthquake Prone Building Policy was in force and the provisions of the Policy were not triggered.

The Council's stance in relation to this building is at least partially explained in an email dated 28th August 2006 from John Taylor to John Buchan of Buddle Findlay. The email is **attached** for your information. The intention at the time appears to have been to deal with the building in terms of the Council's earthquake prone building policy.

It was felt that there were likely to be some enforcement issues concerning the memorandum given the wording of the document and that the empowering legislation (the Local Government Act 1974) had been repealed and not replaced by any equivalent provisions.

Yours faithfully

Chris Gilbert

Solicitor

Legal Services Manager

M 32

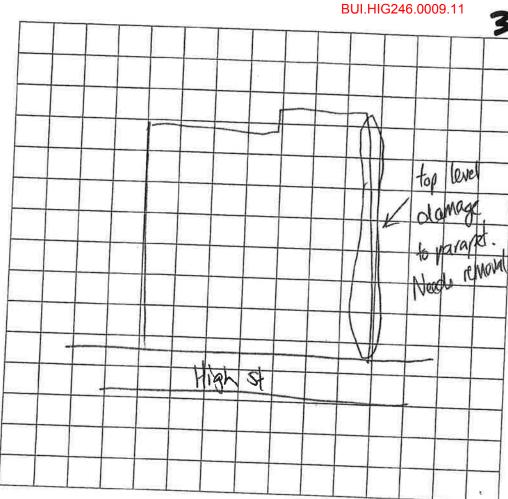
Christchurch Eq. RAPID Assessment Form - LEVEL 1

Inspector Initials Territorial Authority	Christchurch City	Date of Insp Time	ection 5 091	Exterior Only Exterior and Interior	
Building Name Short Name Address	Rip Cur	J-Lens	Type of Construction Timber frame Steel frame	Concrete shear wall Unreinforced masonr	
GPS Co-ordinates Contact Name Contact Phone	So Ec		Tilt-up concrete Concrete frame RC frame with masonr	Reinforced masonry Confined masonry	y
Storeys at and above ground level Total gross floor area (m²) No of residential Units Photo Taken	Below g level Year built Yes	round F [] [[] [] [] [] [] [] [] []	Dwelling Other residential Public assembly School Religious	Commercial/ Offices Industrial Government Heritage Listed Other	
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/ UNSAFE posting. main entrance. Po	Localised Severe and over the stall other placards at every several se	erall Moderate cond ery significant entra	itions may require a REST	ting the whole building are grounds for RICTED USE. Place INSPECTED place UNSAFE RED	or an ard at
Further Action Re Tick the boxes be	low <u>only</u> if further actions are needed (state location): ailed engineering evaluation uctural		☐ Other:		
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Christchurch Eq RAPID Assessment Form - LEVEL 2

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Interior walls, partitions		Ø						
Elevators								
Stairs/ Exits		<u> </u>						
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Recommendations for Repair and Reconstruction or Demolition (Optional)

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Nevice.

Mitchell, Mark

Poppi

From:

CDRescue

Sent:

Wednesday, 22 September 2010 9:40 am

To:

Mitchell, Mark

Subject:

FW: L2 Assessments for 242 and 238 High St

Attachments: 20100921174956597.pdf

From: Hector, Philip On Behalf Of BuildingRecoveryOffice

Sent: Wednesday, 22 September 2010 8:08 am

To: CDRescue

Subject: FW: L2 Assessments for 242 and 238 High St

For your action

From: Bruce Galloway [mailto:BruceG@holmesgroup.com]

Sent: Tuesday, 21 September 2010 5:53 pm

To: BuildingRecoveryOffice

Subject: L2 Assessments for 242 and 238 High St

Please find attached L2 assessments for 242 and 238 High St, signed as requested.

Regards,

Bruce Galloway PROJECT ENGINEER

PROCESSED

Holmes Consulting Group

PO Box 25355 | Christchurch 8144

Phone: +643 366 3366 | DDI: +643 363 2177 | Mobile: 021 847 595

Email: <u>bruceg@holmesgroup.com</u>

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Approved. see a Hacked

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22/09/2010

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Griffiths, Esther

From:

Baker, Emily on behalf of BuildingRecoveryOffice

Sent:

Friday, 24 September 2010 10:24 am

To:

Griffiths, Esther

Subject:

FW: L2 Assessments for 242 and 238 High St

Attachments: 20100921174956597.pdf

From: Hector, Philip On Behalf Of BuildingRecoveryOffice

Sent: Wednesday, 22 September 2010 8:08 am

To: CDRescue

Subject: FW: L2 Assessments for 242 and 238 High St

For your action

From: Bruce Galloway [mailto:BruceG@holmesgroup.com]

Sent: Tuesday, 21 September 2010 5:53 pm

To: BuildingRecoveryOffice

Subject: L2 Assessments for 242 and 238 High St

Please find attached L2 assessments for 242 and 238 High St, signed as requested.

Regards,

Bruce Galloway
PROJECT ENGINEER

Holmes Consulting Group PO Box 25355 | Christchurch 8144

Phone: +643 366 3366 | DDI: +643 363 2177 | Mobile: 021 847 595

Email: <u>bruceg@holmesgroup.com</u>

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CHRISTCHURCH CITY COUNCIL



ENFORCEMENT TEAM UPDATED INFORMATION / REPORT COVERSHEET

Address :	238	¥	242	High Sheed.	
Building Evalua	ation Trans	ition	Team - Ac	tions	

Building Evaluation Transition Team - Actions	
Structural Engineers Report Received	Yes No
CPEng certified or authorised per list	Yes No
CCC Structural Engineered reviewed Report	Yes No
CCC Engineer Inspection Required	Yes No
AGREE with information supplied	Yes No
DISAGREES or REQUIRES more information	Yes / No
Recommendations - Building considered satisfactory Recommendations - Building considered satisfactory Lod building considered required. # Baricades possibly road remains.	Yes No
Report Authorised by: (Print Name)	
Date 27/9/10/Time: 1330	
Property Owner / Engineer advised by : Phone (Email)	Yes No
Copy attached	Yes No
Hard Copy taken for BET Team	(Yes /No
Forward to Data Hub	Yes I No
Completed by (print name): Leah Ftagibbans	

Data Hub - Action	
Reports entered into Assessment Document	Yes / No
Scanned into Shared drive	Yes / No
Forward to Operation Notice	Yes / No
Completed by (print name):	

Operation Notice - Action	
Reviewed Classification	Yes / No
Attached to Enforcement File	Yes / No
Completed by (print name):	

C3_B(27) + C3-Bq27L

CDRescue

From:

CDRescue

Sent:

Tuesday, 28 September 2010 2:59 pm 'BruceG@holmesgroup.com' Re: 238 & 242 High Street

To: Subject:

Hi Bruce,

These buildings are considered satisfactory for occupancy on the basis of the reports submitted. No building work is required, and barricades possibly need removing.

Regards

Building Evaluation Transition Team Ph 03 941 5486

CSR: 9122450 UI.HIG246.0009.17 Christchurch Eq. RAPID Assessment Form - LEVEL 1

	inspector Initials	GNK	Date of Insp	ection	26.12	2.10	Evto	rior Only	
	Territorial Authority	Christchurch City	Time		6.2			rior and Interior	
1	Building Name	Diva/Tearm	2		7,000				
1	Short Name	7		Туре	of Construction)
1	Address 246	244-248	High St.		Timber frame			Concrete shear wall	
ı	26.		J		Steel frame			Unreinforced masonry	900
1	GPS Co-ordinates	Sº Eº			Tilt-up concrete			Reinforced masonry	Hobaldy
1	Contact Name				Concrete frame			Confined masonry	1 1.
l	Contact Phone				RC frame with mas	sonry infill		Other:	
	Storeys at and above ground level	Below gr	ound	Prima	ary Occupancy Dwelling		l⊒∕	Commercial/ Offices	
ł	Total gross floor area (m²)	Year built	1900 aug.		Other residential			Industrial	
į	No of residential Units	•••			Public assembly			Government	
					School			Heritage Listed	
/	Photo Taken	Yes No.			Religious			Other	
Inv	estigate the building for	the conditions listed be	elow:						
	erali Hazards / Damag)	Severe			Comments	
Co	llapse, partial collapse, off	foundation 🖸							
Bu	ilding or storey leaning	旦			п —				
Wi	all or other structural dama	age 🖸			П				
Ov	erhead falling hazard	19							
Gr	ound movement, settlemen	_			5 -				
	ighbouring building hazard	· —							
Otl							··		
Oil	ner								
$\left(\right.$	onen i postilly,	based on the evaluation Localised Severe and over st all other placards at ev	reran imoderate co	namo	ons may require a	affecting the RESTRICTE	e whole I D USE. I	ouilding are grounds (Place INSPECTED pla	or an card at
		INSPECTED GREEN	/	RES	TRICTED USE	_	1	UNSAFE RED	
1	Record any restri	ction on use or entry:							
		low <u>only if further actions</u> a	are recommended		Gr. 5		,	PROCESSE	
	Level 2 or det	e needed (state location): ailed engineering evaluation uctural endations:	☐ Geotechnical	لم	□ Other:	age.			0
r.	Almatad A						~		
ES	timated Overall Buildi	ng Damage (Exclude (Contents)		*		dy Sign	ere on completion	
	0-1 %	31-60 %	° 🔲			1		J	
	2-10 %	61-99 %				Date & Til	me	26.12.10	
	11-50-76	100 %	Ц			ID		CNR	_
In.	spection ID	(Office Use O	nly)						

Taylor, John

From:

Taylor, John

Sent:

Monday, 28 August 2006 08:49

To:

'John Buchan'

Subject:

RE: 246 High Street (Lot 1 DP 3675)

Good morning John,

Apologies for the delayed response. As you will be aware, we are currently reviewing our policy on earthquake prone buildings, and there is a major scoping exercise that we have to go through before we have any finality. The long term aim is to progressively issue notices requiring structural improvement, with high risk buildings first in line. In the meantime the policy is as previously, with buildings being assessed when a building consent application is received. Currently the policy is to address buildings only when a consent application is made.

Generally the buildings with a caveat on the title are those in the worst risk category (category A). This would mean that, regardless of the caveat, it is likely that improvement would be require to be undertaken as part of any building consent application. And they will also be a high priority when the long term policy is)finalised.

The likely requirement for 246 High Street is therefore a structural report and probable improvement work required with any future building consent applications. If no such applications are made, it is likely that the owner will be put on notice to carry out improvement within a 10 - 15 years.

These comments are subject to future policy, but reflect the current thinking.

Regards John Taylor.

----Original Message----

From: John Buchan [mailto:john.buchan@buddlefindlay.com]

Sent: Wednesday, 12 July 2006 5:11 p.m.

To: Taylor, John

Subject: 246 High Street (Lot 1 DP 3675)

Hello John

 γ I have a client interested in the above property and I note from the LIM that there is a Temporary Building Agreement relating to earthquake strengthening or removal by 31 May 2008 as per your letter to the previous owner Sue Baltrop dated 19 March 2003. There is also a caveat on the title protecting CCC's position. Could you please clarify the existing position for me - is there still a requirement for strengthening work to be done by that date or the building must be demolished? Perhaps you could forward a copy of the Agreement to me together with advice as to the current position. Kind regards John

John Buchan Partner Buddle Findlay

(home page: http://www.buddlefindlay.com http://www.buddlefindlay.com/>)

Direct phone: +64-3-371 3504 Direct fax: +64-3-353 5854

Email: john.buchan@buddlefindlay.com

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