



**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**

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**STATEMENT OF EVIDENCE OF STEPHEN JAMES MCCARTHY IN RELATION TO  
603 COLOMBO STREET**

**DATE OF HEARING: WEEK BEGINNING 30 JANUARY 2012**

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## **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 603 Colombo Street before and after the earthquake of 4 September 2010 and the Boxing Day aftershock. 603 Colombo Street is a Group 4 listed heritage building.

## **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 603 Colombo Street; and
  - (b) post earthquake files.

## **SCOPE OF EVIDENCE**

5. My evidence will address the following matters:
    - (a) The Civil Defence Emergency Management Response in relation to the building after the 4 September 2010 earthquake.
    - (b) Council involvement with the building subsequent to the lifting of the state of emergency on 16 September 2010.
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- (c) The Council's response in relation to 603 Colombo Street following the Boxing Day aftershock.
- (d) Information about any cordons/barricades around 603 Colombo Street following the 4 September 2010 earthquake.
- (e) Whether 603 Colombo Street was assessed as 'earthquake-prone' for the purposes of section 122 of the Building Act 2004.
- (f) The effect of any strengthening undertaken.
- (g) The application of the Council's earthquake prone policies of 2006 and 2010 to the building.

**EVENTS BETWEEN 4 SEPTEMBER 2010 EARTHQUAKE AND 22 FEBRUARY 2011 EARTHQUAKE (Paragraphs (a) to (d) above)**

- 6. On 5 September 2010, a Level 1 rapid assessment was carried out and the building received a yellow placard (**BUI.COL603.0038.6**). On 11 September 2010, a Level 2 rapid assessment was carried out and the yellow placard was confirmed (**BUI.COL603.0038.7**). On 12 October 2010, an assessment was carried out by the Council's Building Evaluation Transition Team ("BETT") and the yellow placard was again confirmed (**BUI.COL603.0038.10**).
  - 7. On 15 October 2010, the owners of the building were written to, care of their solicitors, requesting that a CPEng report be sent to the Council. The letter also required that the owner *"provide temporary support to the south wall to prevent collapse of building materials falling onto the road and footpath"* (**BUI.COL603.0038.16**).
  - 8. In addition to the Council letter dated 15 October 2010, the Council issued a section 124(1)(c) Building Act Notice dated 20 October 2010 (**BUI.COL603.0038.18** and **BUI.COL603.0038.20**). The Building Act notice included a deadline of 31 January 2011 to carry out work on the building to remove the danger. A CPEng report would have been required to certify that the danger had been removed. The Council's files do not include any record of work being undertaken by the owners to provide temporary support to the south wall in response to the notice.
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9. On 26 December 2010, a Level 1 rapid assessment was carried out and the building received a red placard (**BUI.COL603.0038.21**). On 27 December 2010, a further Level 1 rapid assessment was carried out and the red placard was confirmed (**BUI.COL603.0038.22**). A further section 124 notice was issued on 28 December 2010 requiring work to be completed by 31 January 2011 (**BUI.COL603.0038.24** and **BUI.COL603.0038.26**).
  10. On 19 January 2011, the Building Recovery Office Team Leader, Vincie Billante, received a phone call from a Matthew Bushnell of Bushnell Builders (**BUI.COL603.0038.32**). I understand this telephone call will be discussed in a separate statement of evidence to be provided by Ms Billante.
  11. On 24 January 2011, the case manager for the building spoke to John Dallison, the building owners' lawyer, who advised that the building owners and their representatives were working on the issues with the building. The case manager requested that Mr Dallison send through an engineer's report for the building if possible, and also the contact details for the engineer. The record of this conversation can be found at document **BUI.COL603.0038.33**.
  12. I understand that the building owners' representatives met with Council officers to discuss the building (and other buildings in the block) on 1 February 2011. I also understand this meeting is to be described in evidence to be provided by Mr Sean Ward. Mr Bushnell in his statement refers to a meeting on 17 February 2011 between himself, Marton Sinclair and Council Officers (**BUI.COL605-613.0004.4**). There is no Council record of a meeting being held on that date in relation to this building.
  13. Paul Campbell, an engineer contracted to the Council from Opus, carried out a re-inspection in February 2011. Mr Campbell noted that there was bad cracking to the Mollett Street elevation of the building. Mr Campbell also noted that protection fencing was required and was in place (**BUI.COL603.0038.36**). As the form is undated, it is unclear exactly when this re-inspection was carried out. However, most re-inspections were carried out between the end of January and mid February 2011.
  14. On 15 February 2011, the case manager spoke to Mr John Dallison to follow up on the fact that an engineer's report had not been received from the building
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owners. Mr Dallison informed the case manager that he would forward the required information as soon as possible (**Annexure “A”**).

15. Another engineer’s re-inspection was carried out on 16 February 2011 by Mark Ryburn, an engineer contracted to the Council from Opus. The form noted that Mr Ryburn could not access the building due to the protection fencing. The form also noted that the protection fencing was in place and to remain. On page 2 of the form, a recommendation was made that work be completed by 16 March 2011 (**BUI.COL603.0038.24**).
16. The 16 February 2011 re-inspection form notes “*significant cracking to south wall which is leaning outwards – likely connection failure. Also cracking around SE corner columns and beams*”. I infer from the re-inspection form that the work required to be completed by 16 March 2011 included work to address the significant cracking to the south wall and south east corner columns and beams.
17. No engineer’s report had been received by the Council by 22 February 2011, despite the further contact with John Dallison on 15 February 2011.

#### *Cordons*

18. I am unable to ascertain from the Council records exactly when the barricades were erected outside the building. However, a photograph taken on 24 September 2010 (**BUI.COL601.0002.1**) indicates the nature and extent of the barriers that were in place in the area on that date. The photograph indicates that barricades were placed in front of the building and across the entrance to Mollett Street. The photograph indicates that the barricades were erected in such a way that access was prevented to Mollett Street from Colombo Street.
  19. Document **BUI.COL601.0003.1** is a map of “CBD Streets Affected by Road Closures” dated 22 October 2010. This map indicates that Mollett Street was closed as a result of the cordons. There is nothing on the Council’s records to indicate that the barricades were changed between 5 September 2010 and 22 October 2010.
  20. The following documents provide a more complete picture of the nature and extent of the cordons around the building from Boxing Day:
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- Photographs taken by staff from the Council's Parking Unit following the Boxing Day earthquake which indicate the extent of the cordons on 30 December 2010 (BUI.COL601.0005).
  - A spreadsheet dated 7 January 2011 which states that fencing was still present outside 601-603 Colombo Street (BUI.VAR.0044.1).
  - An email dated 26 January 2011 which confirms that pedestrian ramps had been installed at the Colombo Street and Mollett Street intersection as a result of the barriers and pedestrians being forced onto the road (BUI.COL601.0006.1).
  - A spreadsheet dated 2 February 2011 confirming the installation of wheelchair/pedestrian ramps at the intersection of Colombo Street and Mollett Street. This indicates that the barriers were still present (WIT.MCC.0006.39).
  - A map showing the barriers that were in place as at the week ending 18 February 2011. The purple lines at the intersection of Mollett Street and Colombo Street show that the barriers were still in place (BUI.COL601.0007.1).
21. These records indicate that the location of the cordon was not changed between September 2010 and 22 February 2011. The Council staff who were in charge of erecting and moving the cordons, on instruction from engineers, have no record of the cordon being removed prior to 22 February 2011.
22. The re-inspection by Mr Campbell, referred to above, noted that protection fencing was required and was in place. The re-inspection form dated 16 February 2011 included a reference to "*protection fencing in place and to remain*". There is nothing however on the form to indicate that the existing barricades were inadequate for this building.
23. Access to Mollett Street was cordoned off completely because the southern wall was seriously damaged and the building on the opposite side of Mollett Street had also detached from the end wall. As a result of this issue, engineers contracted to the Council were regularly monitoring the cordons in this area. However, not all inspections would have been documented. If any inspecting
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engineer had considered that the façade at 603 Colombo Street posed a significant risk to public safety, the process would have been for the engineer to advise the Traffic Management Team to move the cordon or barrier to deal with that risk.

**APPLICATION OF RELEVANT LEGISLATION AND THE COUNCIL'S EARTHQUAKE PRONE POLICY (Paragraphs (e) to (g) above)**

24. The building would have been deemed to be earthquake prone under Section 66 of the Building Act 1991, as it was constructed of unreinforced masonry.
25. As it appears that no earthquake strengthening was carried out on the building, it would have continued to be regarded as earthquake prone on the introduction of the Building Act 2004, and for the purposes of the Council's Earthquake Prone Buildings Policy 2006. The building was noted as earthquake prone in the Council's records as at 4 September 2010.
26. After the commencement of the Earthquake Prone Buildings Policy 2006, if a building consent application for a significant alteration had been received the strength of the building structure would have been assessed and the application would have been dealt with in accordance with the Policy. However, no such application was received.

**DATED** 20 December 2011

  
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Stephen James McCarthy

<b>603 COLOMBO STREET - Heritage</b>	
<b>Property Manager:</b>	Harold Smith and Dalinson 366-5689, postal address yee brothers syndicate, C/O Harold smith and Dallison, PO BOX 13166 Amagh, Christchurch 8141
<b>Contacts</b>	Owner representative - John Dallinson:03-366-5869 /// Engineer - Martin Sinclair:027-285-1277
<b>Layout:</b>	Tea Internet Café
<b>Current situation:</b>	Yellow - Restricted use - S124 Deadline 31/01/11
<b>Notes Received:</b>	Tempoary support to the south wall to prevent collapse of building materials falling onto the road and footpath. Risk to public, structural engineers assessment critical. Barricades need extension to cover front of Colombo Street
	<b>Red placarded after boxing day quake</b>
<b>Property contact connected to other:</b>	
<b>Photos</b>	2249 (20/01/11)
<b>Date:</b>	<b>Details:</b>
5/09/2010	Levl 1 rapid assesment - Yellow Placard
11/09/2010	Level 2 rapid assesment received - Y2 Placard given
12/10/2010	Level 2 rapid assessment received - Y2 Placard given
28/12/2010	CSR indicating that placard gone from yellow to red since the St Stephens day quake
10/01/2011	Cordon here affecting parking and footpath stretching from 603 Colombo over mollet street down to 601A Colombo. Building red stickered.
20/01/2011	Walkabout today reveals this cordon still in place. Amanda Ohs is heritage person dealing with this one - dropped her a mail
20/01/2011	Vincei gave me note saying Matthew Bushnell of Bushnell builders is dealing with this, engineer is Buchanan and fletchers, owners lawyer is john Dallinson and martin Sinclair is yee brothers engineer on this and other properties (379-4014)
24/01/2011	Spoke to john of dallison stone today. And he advised that they are working through this at the moment. Requested he send me engineers reports in regards to this building it possible and also contact details for engineer etc.
1/02/2011	Meeting held with martin Sinclair, john from dallinson and Trudy the planner and martin Bushnell builder and council representatives. They are treating this row all together from 603 to 615. Looks like they going to go for a resource consent for demo on this whole building as 2 of the 4 parties involved are under insured. Was suggested to get a change of use to make upstairs flats but probably cost pro hibitive. Looks like they applying for resource consent for Demo. Some engineer reports done (preliminary) but none have been sent in.
15/02/2011	Spoke to John of Dallinson about this and the fact I have no paperwork from them , he said he will forward the required information asap

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