

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 SEAN MICHAEL WARD IN RELATION TO 603 – 615
COLOMBO STREET**

DATE OF HEARING: WEEK BEGINNING 30 JANUARY 2012

INTRODUCTION

1. My name is Sean Michael Ward. I am a Senior Planner in the Resource Consents Team at the Christchurch City Council (**Council**). I have worked for the Council since 2006.
2. I have 7 years of experience working in planning and resource management dealing with resource consents and approvals under the Resource Management Act 1991 (**RMA**). I hold Bachelor of Science and MRS (Master of Resource Studies) degrees.
3. I attended a number of meetings with building owners and agents in the period leading up to the expiry of the section 124 Building Act notices served by Council following the September and Boxing Day earthquakes. My role generally at these meetings was to present a picture of the likely processes to be followed in terms of approvals required within the RMA and City Plan framework to allow both repair/reinstatement and/or demolition of affected buildings (particularly where those buildings were listed in the City Plan for heritage reasons).
4. I have been asked to provide evidence to the Royal Commission in relation to my involvement with the buildings at 603 and 605-613 Colombo Street following the 4 September 2010 earthquake and before 22 February 2011. My evidence relates and responds primarily to issues raised in evidence of Marton David Sinclair and Matthew J Bushnell in relation to a meeting which I attended on 1 February 2011 concerning these buildings.
5. I understand that evidence will be provided by Mr John Higgins which discusses more generally the statements made in the evidence of Messrs Bushnell and Sinclair about the Council's policy and approach to resource consents for demolition of damaged heritage buildings, both before and after the earthquake of 4 September 2010.

MEETING OF 1 FEBRUARY 2011

6. My only involvement with the buildings at 603 and 605-613 Colombo Street was my attendance at the meeting of 1 February 2011 referred to in the evidence of

Mr Marton Sinclair (**WIT.SIN.0001.3**). The notes that I made at this meeting are attached as **Annexure "A"**.

7. My notes record the meeting date as 1 February 2011. It was not unusual for meetings to be held with building owners and/or their representatives at this time as the deadlines for work to be carried out in a number of section 124(1)(c) Building Act notices was 31 January 2011.
8. The other attendees at the meeting are recorded in my notes as "John ?, Marton Sinclair, Trudie, Matthew Bushnell, Philip, JJ, Amanda, Sean". "John" refers to John Dallison, a solicitor acting for the owners; "Trudie" refers to Trudi Burney, a planner from Eliot Sinclair; "Philip" refers to Philip Hector, a Council Senior Building Consent Officer; "J J" refers to John Barry, the Council's case manager in relation to the building; and "Amanda" is Amanda Ohs, a Policy Planner in the Council's Heritage Team.
9. Mr Matthew Bushnell states in his evidence that the meeting in relation to the buildings was held on 17 February 2011. However, I attended only one meeting in relation to these buildings (**BUI.COL605.0014.2**) and the records I have indicate that this was on 1 February 2011. Mr Bushnell also states that Vincie Billante was present at the meeting. I do not believe that Ms Billante was at the meeting I attended. The Notes do not record that she was present.
10. At the start of the meeting, Mr Sinclair circulated an Agenda and photographs taken of the relevant buildings (**Annexure "B"**). The intention was to discuss several buildings in relation to which Mr Sinclair and/or Mr Bushnell had been engaged – 603 Colombo Street (the Tea Net Café), 605-613 Colombo Street (the Khmer Satay Noodle House and Kiwi Disposals), 615 Colombo Street (Leather Direct) and 626 Colombo Street (the Bean Bag and Chiilis shops). The buildings at 603 – 615 Colombo Street were collectively referred to as the Austral Building.
11. According to my notes and from my recollection, we discussed the Austral Building first. It was noted that some work had been done in the previous week at the Leather Direct site. This was primarily work to secure a parapet. No resource consent had been obtained, and so I advised that a retrospective resource consent application should be made in relation to the work. This reflected the Council's processes at the time whereby building owners could

carry out necessary temporary restraining/securing work to heritage buildings without resource consent, provided an application was subsequently made for retrospective consent. I understand that further details in relation to this matter are provided in the evidence of John Higgins.

12. We then discussed the options available for the entire Austral block. The options discussed were upgrade, repair and strengthening or alternatively demolition. It was noted that 3 of the 4 owners of the block were underinsured and that less than half of the floor plate of the building had been occupied prior to the earthquake on 4 September 2010. The indication given at the meeting was that the available insurance cover may extend to meet the costs of demolition and site clearance but little else.
13. Mr Sinclair stated that figures provided by a Quantity Surveyor in relation to a similar building showed that there would be an approximate difference in cost of 15% between strengthening the building to 33% of New Building Standard and strengthening to 67% of New Building Standard. In addition, strengthening to 67% would cost approximately \$1800m² compared with \$2500m² to build a new commercial building. As a result, Mr Sinclair and Mr Bushnell were of the opinion that it would not be economic to repair the Austral Building.
14. The option of converting the second floor of the building to residential use was discussed. Mr Sinclair asked whether any Council funding (such as development contribution remissions) would be available for this, but I advised that it would not.
15. The damage to the Leather Direct building was discussed. Mr Bushnell and Mr Sinclair considered that this part of the building was not as seriously damaged as the rest of the building, but if demolition of the other part of the building was required, then this would affect the structural integrity of the Leather Direct portion. We then moved on to discuss 626 Colombo Street.
16. Mr Sinclair states that: -

"although the hazard posed by the facades on both sides of the street was raised at our meeting and at other times I do not think that the risks posed by the facades of 626 and 603-613 Colombo Streets were fully appreciated by the Civil Defence when balancing a number of conflicting requirements...Because of the

two dangerous facades, one on either side of the road the whole of Colombo Street should in my view, have been closed until the buildings could be made safe or demolished” (WIT.SIN.0001.3).

17. Mr Bushnell states that: -

“In my opinion the best and safest course of action for 605 Colombo Street and the surrounding buildings involved immediate de-construction of the façade and demolition of buildings” (BUI.COL605.0014.3).

18. My recollection is that Mr Sinclair’s and Mr Bushnell’s concerns around safety at the meeting of 1 February 2011 related to the building at 626 Colombo Street. It was this building which Mr Bushnell and Mr Sinclair were most concerned about. While we did discuss the details of damage to the Austral Buildings (and this is noted in the meeting Agenda), the discussion related more to the costs of repair and the Council’s processes and views on the demolition of the building. Neither Mr Bushnell nor Mr Sinclair indicated that the barriers around 603 Colombo Street were insufficient at the time or that the buildings from 605-613 Colombo Street needed to be cordoned. I have no record in my notes of any comments of this nature being made. I have no recollection of Mr Sinclair mentioning that the whole of Colombo Street needed to be closed due to the danger posed by the buildings.

19. By comparison, my notes of the meeting do record a discussion about the need to take action in relation to the damage at 626 Colombo Street and the risk this posed to the public. The case manager notes prepared by Mr Barry in relation to 626 Colombo Street (also known as 178 Tuam Street) are attached as **Annexure “C”**. The notes state that on 9 February 2011, Mr Barry, Neville Higgs (an engineer contracted to the Building Recovery Office), Paul Campbell (an engineer from Opus also working on contract for the Council), Marton Sinclair, and John Dallison attended a site meeting and discussed the need for cordons and other securing work. Temporary propping work was then carried out under Mr Sinclair’s supervision and cordons were erected on 11 February 2011.

20. Mr Sinclair and Mr Bushnell also refer to the discussion around the timeframe for processing a resource consent for demolition of the Austral building and 626 Colombo Street. I did advise at the meeting that it may take up to 6 months to

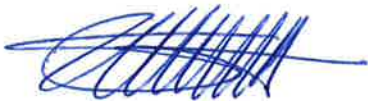
obtain a resource consent for demolition. However, I also advised that this was an estimate only and would depend on whether the application was to be notified. I advised in general terms that notification was a strong possibility based on my experience with similar applications. I have read the evidence to be given by Mr Higgins in relation to the resource consent process and notification issues and believe this reflects the general advice that I provided at the meeting on 1 February 2011.

21. The owner's representatives at the meeting were also advised that action was still required in the interim to temporarily secure the buildings, as this was required under the section 124(1)(c) Building Act notices which had been issued. This included obtaining an engineer's report concerning any interim securing works which needed to be taken.

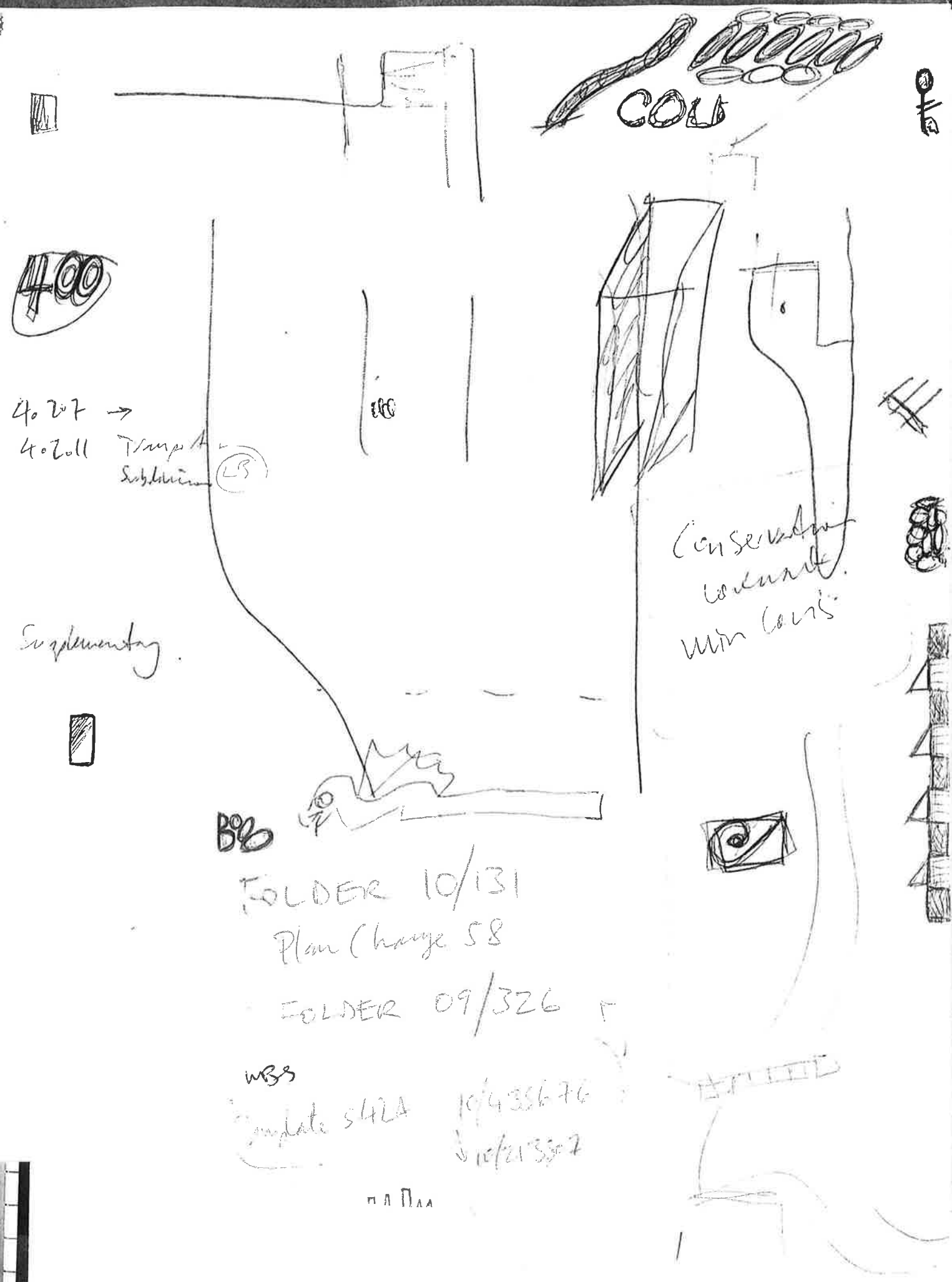
22. I had no further involvement with these buildings. There is no record of the Council having received any application for resource consent to demolish the buildings at 603-613 or 626 Colombo Street prior to 22 February 2011 and I understand, from a review of Mr Barry's case manager notes, that no engineering reports were received.

Dated: 20 December 2011

Signed by:



Name: Sean Michael Ward
Position: Senior Planner



- 01 FEB — 2011.
- John(?), Martin Sinclair, Tracie, Matthew Bushnell. — Shilo, JJ, Brenda Sam.
- Eliots handout / definit what after from meeting.
- leather direct site — some water to parapet in last week.
 - no conservator so needs to be in retrospect.
- Martin — whole block / upgrade, repair, strengthen / demolish.
- 3/4 owner under insured < 1/2 Floor plate occupied / let.
- Martin QS figure = 15% diff 37 → 67 ER strengthen \$1800 m² of \$2500 new commercial.
- Martin — CCC funding for Peri + commercial? — no
- leather direct building — not viable? — this part not as badly damaged — Matthew Bushnell doesn't think that it is viable structurally.
- 1 78 Team — opp old CCC + Tom Bull.
- Martin & Building in 2 1/2's — may (likely) to be at least partly structurally independent.
 - Trussed roof structure ≈ 15-18m span
 - 1x settled out — valley gutter water damage.
- Parapet + part upper floor → toward Coloumbe — up to 75mm at upper level. — triple brick out to 7 for parapet
- Extensive cracking to facade.
 - parapet must come off
 - tying + shotcrete might save facade — but still badly damaged
 - 20-40K to shore up / tie up in interior.
 - Martin thinks it should be done for a public safety reasons. — *parapet gutter.

Q: Veneer — cost of bracing (temp) — would CCC bear costs? — containers?

"B"

318035

Eliot Sinclair
surveyors | engineers | planners

AGENDA

Meeting to discuss the proposed action to stabilise/repair/demolish earthquake damaged buildings at:
603-615 Colombo Street (Austral buildings Mollet Street –Tuam Street West side Colombo Street)
and 626 Colombo Street (Southeast corner of Colombo and Tuam Streets)
at Christchurch City Council at 11.30am on 1 February 2011.

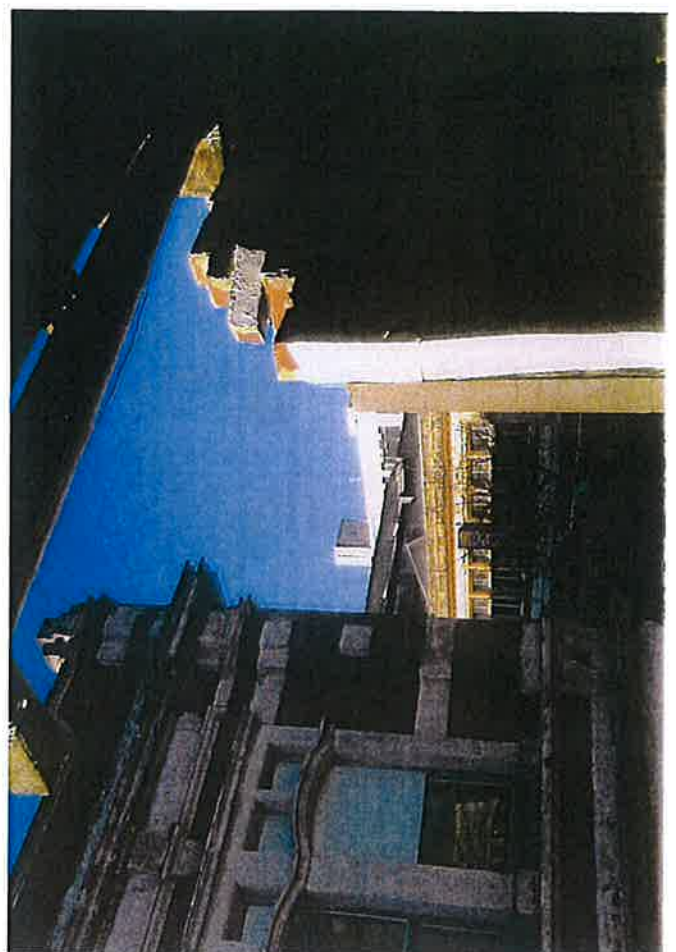
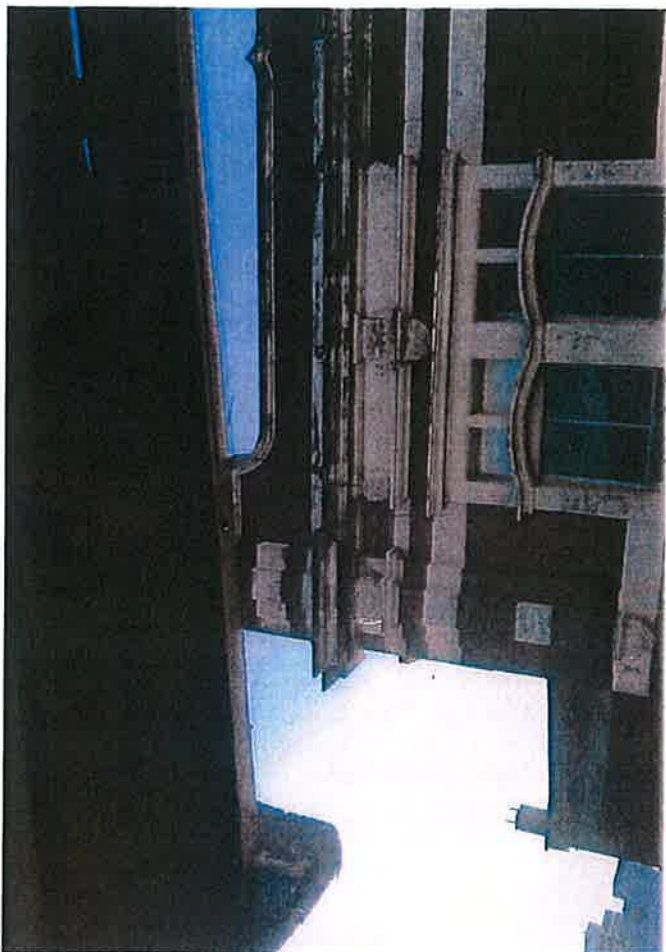
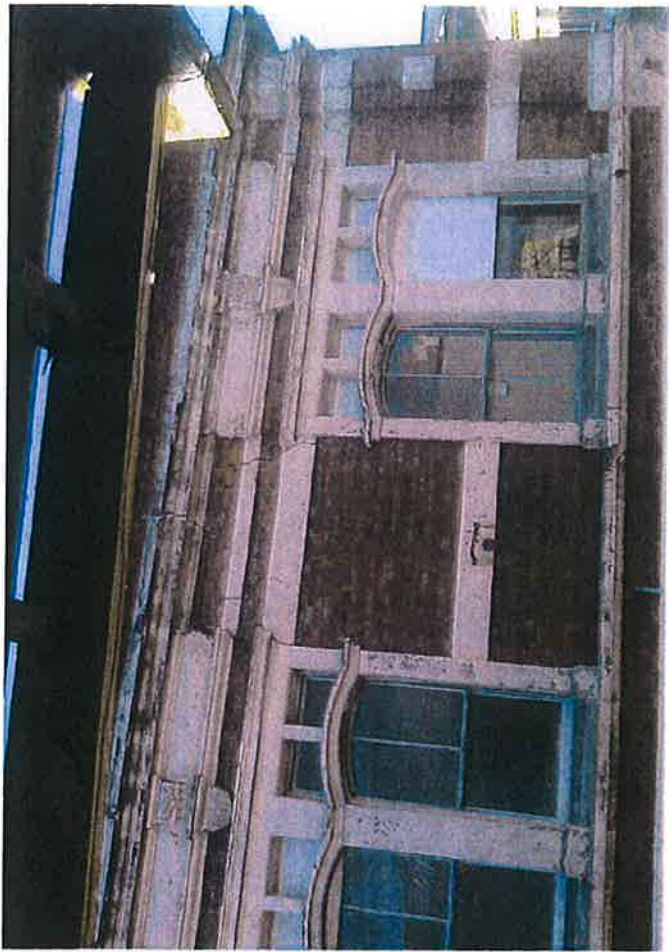
603-615 Colombo Street

1. Extent of Earthquake damage – Danger to public
2. Heritage classification etc
3. Repair options/demolition
4. Resource Consent requirements – information required.
5. Timing of applications and approvals.
6. Any other matters.

626 Colombo Street

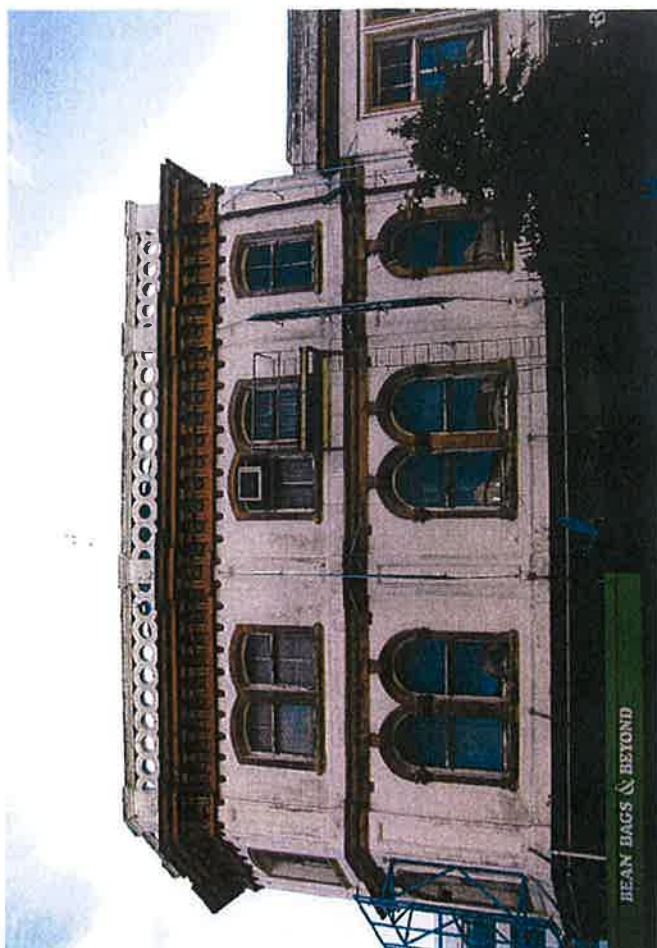
1. Extent of Earthquake damage – Danger to public.
2. Heritage classification.
3. Archaeological Site.
4. Repair options/demolition.
5. Resource consent requirements – information required.
6. Archaeological investigation/requirements.
7. Timing of applications and approvals.
8. Any other matters.











178 TUAM STREET- Heritage	
Property Manager:	Owners: Donald, Ewan, Simon, Leo Yee -
Contacts from visit:	Engineer for builder MARTIN - 027-2851277 , Owner rep : john dallinson: 366-5689
Layout:	Bean Bag / Chillis (Chillis has a green placard no restricted use)
Current situation:	Yellow restricted use - S124 issued deadline 31/01/11
Notes Received:	Parapet at roof level needs the bricks cleared away from the road to prevent the collapse of the roof framing. Roof framing to be made safe and roof to be made water tight
Photos:	2309 +2310 (26/01/11)
Date:	Details
5/09/2010	Level 1 rapid assessment - Yellow restricted use
14/10/2010	Rapid assessment level 2 - Y1 restricted use
15/10/2010	Letter sent requesting engineers Cert
2/11/2010	Notice S124 given deadline 31/01/11
6/01/2011	Site visit with Richard , Paul (opus) and Martin, engineer for owner. Chillis business operator Catriona (027-4308931) is renting the building. Whole roof gone for a slide however external wall onto Colombo still within centre of gravity. Belt and bracing needs to be done as soon as possible (on 3rd floor) also Paul hinted at the need for a detailed engineers report, No occupation on top floor allowed. Paul advised catriona that if the brick collapsed on the roof is removed he will remove the red sticker on Chillis. Doesn't appear that any notice has been issued yet. nothing really for bean bag yet ? whole building red stickered. Martin advised he probably will not be able to do it until next Monday 10th Jan.
7/01/2011	Spoke to Paul who advised that he got a call from catriona and that she was moving to a new location.
11/01/2011	Spoke to martin on the phone. He advised he had not been able to contact the building owner. Advised I will call martin again in a few days to check on any possible progress.
14/01/2011	martin called me to advise that he managed to get the go ahead to spend the money to do the temporary bracing on chillis/beanbags. He said he cannot get hold of builder until Monday at which juncture we will be in touch. Need to ring martin on Tuesday next week.
24/01/2011	Rang martin and left voicemail to give me call about an update.
26/01/2011	Spoke to martin who advised that he has submitted the report to john dallinson and is waiting on word back. He was not aware this was a heritage listed building , before he was informed of this he was of the opinion (based on his report) that this building will be demolished immediately or they would do the strengthening works. He has provided a report to john dallinson and he said he would forward me an edited version as soon as he gets word as to what is to be done here (hopefully today or tomorrow). he said he was not overly concerned about there being no cordons in front of this building (at site meeting with Paul he advised no need for cordon). Martin said he will contact me today/tomorrow).
27/01/2011	Rang martin again and advised of the need to get report in and also the need to get bean bags secured.
27/01/2011	Martin rang today requesting that I organise a meeting with heritage in regards to this building and other buildings managed by the john Dallinson which includes 603 Colombo (tea net internet cafe) and also 605 Colombo Street (Khmer satay noodle house).
	Meeting will be held today with martin, john , people from council heritage planning etc. John dallinson , Trudy their planner and Martin was at meeting. The general opinion is the building cannot be preserved to get all the work done would be around the 2 million mark at a general estimate and I think insurance a factor here. They are going to apply for a resource consent for demolition as it stands at the moment. No engineers report for this building to date. Doesn't look like much has happened with this building since quake

1/02/2011

8/02/2011 Walked this street today with Chris. I told him that there was real concerns over this one and he advised then something needs to be done. Rang martin and left voicemail asking him to give me a call in regards to this one as we have no engineers reports or anything on this.

9/02/2011 Spoke to martin on this today and he advised that he is finishing the report for submission to john today. I spoke to Chris and he recommended that I get everything sorted form this end in regards to costings to get bracing work done , another site visit with council engineer, and he will address the legal side of things. Spoke to Paul who said he was up for it and he recommended bringing Neville along as well. Meeting on site today with myself, neville, paul , martin sinclair and john. We walked through the building and the engineers assessed that cordons do actually need to go here sooner rather than later. I emailed martin based on nevilles recommendation as to what needs to be done in regards to cordons as soon as possible. saved to the site file. Spoke to Jaime in regards to enforces recommendation and he advised that firstly i need to speak to Chris Kerr and get permission to go in and do the work ourselves if we need to. If chris agrees i then need to get get sharon to organise a letter and notice giving them 5 days or we will do it. Rang chris and left voicemail to call me back in regards to this. Also form speaking to katie smith she advised the people in legal she had been dealing with are Brent Pizzey and Nadine Danes. Waiting on word back from chris. Chris gave the go ahead on this one , need to send details to ciara to do out new letter and S124 .

10/02/2011 Martin called back advising that they are going to prop the veranda tomorrow and enquired about the cordons. I checked with Chris who advised we need to put them up as public road and when building site it is up to them to look after. Sent query request to send urgent CSR to get cordons done and also rant Simon Hodges to advise about the new cordon.

10/02/2011 Martin phoned confirming that propping done, also Laurie was here today doing the cordons. Emailed Clara the details in regards to S124 for 5 days , emailed her the details

11/02/2011 Rang martin and advised that notice being sent out tomorrow

14/02/2011 Spoke to John Dallinson About the 5 day notice and he advised that I should be receiving something by Friday in regards to an engineers report for this one and that may affect the 5 day notice.

15/02/2011 Spoke to Neville about doing out drawings in order to brace/pin this building. He advised he was too busy to do it and to get one of the Opus guys to do it but check with Martin Sinclair if he had anything done first. I rang martin sinclair to see if he had done out any preliminary drawings, he said he would call me back as he in a meeting , waiting on call. Martin called back and said he was waiting on john to get back to him but no word as of yet.

21/02/20011