

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 246
HIGH STREET**

DATE OF HEARING: 15 FEBRUARY 2012

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 246 High 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 246 High 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.
 - (c) The Council's response in relation to 246 High Street following the Boxing Day aftershock.

- (d) Information about any cordons/barricades around 246 High Street following the 4 September 2010 earthquake.
- (e) Whether 246 High 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, if relevant.

EVENTS BETWEEN 4 SEPTEMBER 2010 EARTHQUAKE AND 22 FEBRUARY 2011 EARTHQUAKE

6. On September 5 2010, a Level 1 rapid assessment form was completed for 246 High Street (**BUI.HIG246.0009.8**). However, it is not clear whether this 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. 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.
7. 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 and noted parapet damage to the right hand side from the street frontage (**BUI.HIG246.0009.9**).
8. On 15 September 2010, an email enclosing a Traffic Management Plan noted "The gates have been put up around the site because it is unsafe. The crane is going to be there next Monday" (**Annexure "A"**). The Traffic Management Plan was submitted to Council for approval in order for the necessary remedial works on the building to take place following the Level 2 rapid assessment on 10 September 2010.

9. It appears that a Level 2 rapid assessment was carried out on 15 September 2010 by Alistair Boys of Holmes Consulting Group (**BUI.HIG246.0004.22**). The Council has no record of receiving this assessment.
10. 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 (**BUI.HIG246.0004.26**). I note 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 at other stages.
11. A Council IntraRFS record 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 (**Annexure "B"**). The existing placard was due to expire in early November 2010 under the provisions of the Canterbury Earthquake (Building Act) Order 2010. However, as stated above, the necessary remedial work was undertaken for the building by 21 September 2010 and the building was assessed as "inspected – green" by Holmes Consulting Group, so no Building Act notice was required.
12. The CCC Enforcement Team Updated Information/Report Coversheet notes that in reliance on the Level 2 rapid assessment provided by Holmes Consulting Group, which stated that the building was considered satisfactory for occupancy, no further building work was required (**BUI.HIG246.0009.15**). The assessments stated that the fall hazard on 242-246 High Street had been removed/secured, therefore the buildings were safe to occupy.
13. Email correspondence on 28 September 2010 between the CD Rescue Building Evaluation Transition Team (**BETT**) and Bruce Galloway (Holmes Consulting Group) states that 242 High Street was considered satisfactory for occupancy based on the reports submitted. The email stated that no further building work was required and the barricades possibly needed removing (**BUI.HIG246.0009.16**). Therefore, no further assessments were undertaken by the Council.
14. Following the Boxing Day earthquake 242-246 High Street was inspected on 26 December 2010 and issued with a green placard (**BUI.HIG246.0004.29**).

APPLICATION OF RELEVANT LEGISLATION AND THE COUNCIL'S EARTHQUAKE PRONE POLICY

15. 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 that was subsequently set in the 2005 Regulations.
16. The Council's Earthquake Prone Building Policy introduced in 2006 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.
17. 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 was signed with the owner stating that the temporary building will be removed or made to comply with the Council's Building Bylaws by 31 May 2005 (**BUI.HIG246.0004.7**).
18. The key area of concern at the time was the street wall construction. During the building 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 (**Annexure "C"**).
19. Strengthening was originally going to be supervised by Alan Reay Consultants Limited. A letter dated 27 September 1990 from G Tapper to the new engineers, Eliot Sinclair and Partners, 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 (**Annexure "D"**).

20. 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.
21. 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."* (BUI.HIG246.0004.12). The memorandum was drawn up in June 1990, prior to the discovery of the steelwork in September 1990.
22. 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 but does not discuss those changes. Additional time was however allowed for the work to be carried out recognising the substantial strengthening work already completed to the ground floor.
23. There is no record of further building 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 its first 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 2006 Earthquake Prone Building Policy was in force and so the provisions of the Policy were not triggered.
24. 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 (BUI.HIG246.0004.11). The intention at the time appears to have been to deal with the building in terms of the Council's Earthquake Prone Building Policy.

DATED 13th Day of January 2012



Stephen James McCarthy

"A"

E-mail Message

From: Chris White [SMTP:chris@whitestraffic.co.nz]
To: TMC [EX:/O=NZGOVT/OU=CHRISTCHURCH CITY COUNCIL/CN=RECIPIENTS/CN=TMC36407437]
Cc: Barry Crone [SMTP:barry.crone@titannz.com], bestwayalan@hotmail.co.nz [SMTP:bestwayalan@hotmail.co.nz]
Sent: 15/09/2010 at 5:34 pm
Received: 15/09/2010 at 5:34 pm
Subject: 242 and 244 High Street in the City Mall.

Attachments: TR124_6 DITMAR.pdf
TR124_6 Cashel High bestway.pdf
ATT15962592.txt

Hi Lawrie,

The gates have been put up around this site because it is unsafe.

The crane is going to be there next Monday.

Regards

Chris White
Whites Traffic Management
P O Box 37 747
CHRISTCHURCH 8014
Chris 0274 320 420
chris@whitestraffic.co.nz

addressed to

Page of date 11/5/2009

fax

email

| | | | | | |
|------------------------------------|--|---|--|---|---------|
| TR Code 1433 | | TRAFFIC MANAGEMENT PLAN | | | |
| Traffic Management Plan Reference | | for office use only | | | |
| Organisation | | Contractor Whites Traffic Management | | Client Titan Cranes Limited and Ditmar Builders | |
| Location | | Road Name(s) 242 and 244 High Street Christchurch. | Road Level (1,2,3) | Speed Limit 50km | From RP |
| | | | CITY | | From RP |
| Description of Activity | | Titans parked in the middle of High Street assisting Ditmar builders to remove bricks from the damaged fascade of these two buildings. Area fenced off with hurricane fencing, signs and cones in place. Crane operting behind fenced area. | | | |
| Work Programme | | Friday 20 to 24 September 0700 to am 1700 weather permitting | | | |
| Proposed /Restricted Work Hours | | 20 to 24 September 0700 to 1700am | | | |
| Traffic details (Main route) | | AADT | | Peak Hourly Flow | |
| Proposed Traffic Management Method | | Active | Site set by STMS at 0600 Signs, cones and barriers in place to protect pedestrians. Titans is the Operator Operator tool box briefed by STMS. Site dismantled by STMS Plan attached | | |
| | | Previous | | | |
| | | Unattended | Site attended the whole time and monitored by Operator | | |
| | | Night | No night work | | |

| | | |
|---|--|---|
| Proposed Speed Restrictions | N/A | |
| Positive Traffic Management Measures | All workers to wear High Visibility Vests, and signs and cones in place. STMS present the whole time to monitor site and guide pedestrians. Barriers in place to protect pedestrians. Operator Tool box briefed. | |
| Contingency Plans | close down site if required.If an accident occurs on site, the contractor is to follow both their own health & safety plan policy, & the health & safety plan of Whites Traffic Management section for working on the roads. | |
| Public Notification | NA | |
| Personal Safety | All staff are to wear orange Hi Viz vests as detailed in the Code of Practice for Temporary Traffic Management. The nominated STMS shall be identified by wearing the yellow STMS vest | |
| On -Site Monitoring | Attended | Site set by STMS Operator present the whole time to monitor site Operator tool box briefed also monitoring site |
| | Unattended | Always attended |
| | Overnight | N/A |
| | Other times | |
| Other Information | STMS sets site safety zones (tapers) signs and cones in place pedestrians protected with barricades | |

| | | | |
|---|-----------------------------------|--|---|
| Layout Diagrams | | | |
| EED Applicable | no | Attached | n/a |
| Traffic Controllers | Name (STMS) cert no | Chris White 34855 L1,2 & 3 practicing | Phone (24 hours) Mobile: 027 432 0420 Office: 03 356 1520 Fax: 03 356 1521 |
| | Name TC cert no | Barry at titans | Phone (24 hours) 0274854743 |
| TMP prepared accurately to represent site conditions and submitted by | Contractor / Applicant cert no | Chris White 34855 L1,2 & 3 practicing | Date 12/5/08 |
| Requires Amendment | Engineer cert no | | Date |
| This TMP is approved on the Following Basis | | | |
| <p>1 To the best of the approving Engineer's judgment this TMP conforms to the requirements of transit New Zealand's Code of Practice for Tempory Traffic Management.</p> <p>2 This plan is approved on the basis that the activity ,the location and the road environment have been correctly represented by the applicant. Any inaccuracy in the portrayal of this information is the responsibility of the applicant. The STMS for the activity is reminded that it is the STMS's duty to "Postpone, cancel or modify operations due to adverse traffic, weather or other conditions that affect the safety of this site" (reference A4.5).</p> | | | |
| <p>Approving Engineer (Name and certificate Number) Signature</p> | | | |
| Acceptance by TMC | TMC Cert No Signature | | Date |

Whites Traffic Management

15/9/10

Prepared by Chris White
STMS L1,2 & 3

Traffic management plan 124-6

Client Alan Ditmar Builders

city mall

244 and 242 High Street

inner city

Date 20 to 24 September

0700 to 1700

Contractors Traffic control Supervisor

bus 366 0276

A/H 351 8404

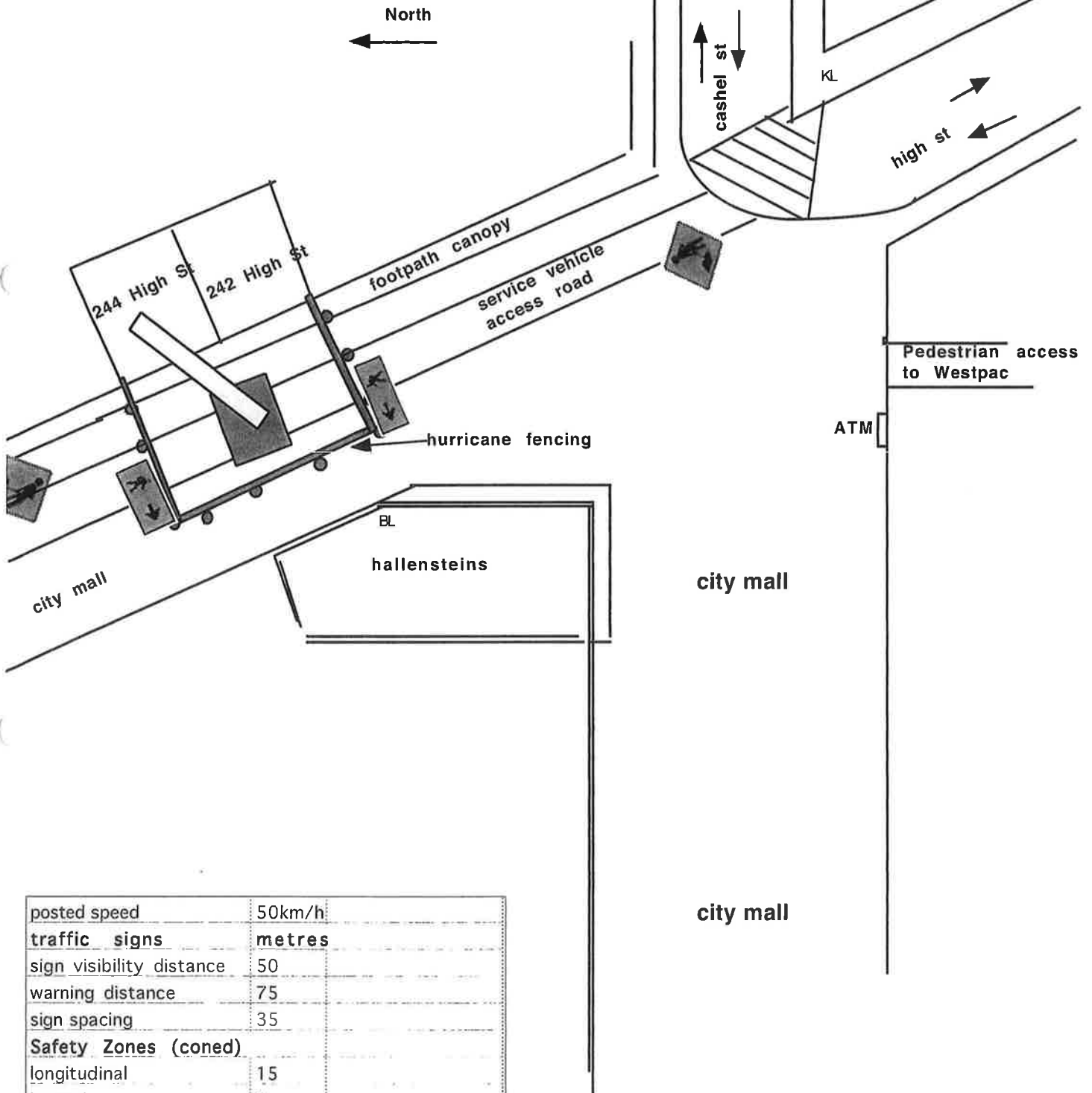
027 432 0420

Plan approved by _____

Day glow safety vests on all personnel

Work zone around site fenced off as required by the STMS

date _____ not to scale



| | |
|-----------------------------|--------|
| posted speed | 50km/h |
| traffic signs | metres |
| sign visibility distance | 50 |
| warning distance | 75 |
| sign spacing | 35 |
| Safety Zones (coned) | |
| longitudinal | 15 |
| lateral | 1 |
| Tapers | |
| length | |
| Delineation Devices | |
| taper spacing | 2.5 |
| other | 5 |
| minimum lane width | 3 |

"B"



IntraRFS

[Previous Results](#)

[New Search](#) | [Event Information](#) | [Information Out Of Date!](#)

| RFS Main Data | | | | | |
|----------------------|------------------------------|-------------------|----------------------------|--|-------------------|
| RFS Group | CSR | RFS Number | 91177020 | Receiving Officer | Michelle Palenski |
| RFS Type | ENF - Enforcement | | Handling Officer | Earthquake Recovery Dangerous Building Programme | |
| RFS Sub-Type | BLDDAN - Buildings dangerous | | Authorising Officer | James Clark | |
| Date Received | 17/09/2010 | | Function Field | IEU - Inspections & Enforcement Unit | |
| RFS Status | C - Current | | External Reference | | |
| RFS Details | Notice to be served | | | | |

| Address Details | | First Contact Person Details | |
|---|---|-------------------------------------|--|
| Location | 246 HIGH ST | Name | |
| Suburb | CITY | Person ID Number | |
| Location Description | | Phone (Hm) | |
| Land Parcel(s) | LOT 1 DP 3675 | Phone (Mb) | |
| Prupi | 831957 | Phone(Wk) | |
| Ward | Property located in Hagley-Ferrymead Ward | Mailing Address for this RFS | |
| Location of Property Information | Property File off-site. Phone 941 8999 to request file (ex Civic) | | |

| RFS Event Details | | | | | | |
|--|----------|-------------|---------------|-------------------|-----------------|------------------|
| Event Code | Stage No | Action Code | Event Status | Actual Officer | Planned Officer | Event Date/Time |
| RF | | | C - Completed | Michelle Palenski | | 17/09/2010-08:38 |
| Event Details: Service Request referred to BL4 BRIDGER, LIONEL (Lionel.Bridger@ccc.govt.nz) | | | | | | |

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| |
|--|
| All data displayed is a copy of the GEMS data at most 24 hours out of date unless specified below: |
| IMPORTANT - Analysis details last updated 14/02/2006 |

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Version: 1.0.0.4 Release: 11 Sep 2008

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"C"

B4/40/856/242

Eliot Sinclair & Partners Limited

Consulting Surveyors
Consulting Engineers

Land and engineering surveyors. Civil and structural engineers.
Land development consultants. Hydrographic surveyors. Advanced
computer applications in surveying and engineering.

Temple Courts, 303 Durham Street, P.O. Box 4597, Christchurch,
New Zealand. Telephone: (03)794-014. Fax: (03)652-449.

Our reference: 105414

24 September 1990

The City Engineer,
Christchurch City Council,
163 Tuam Street,
CHRISTCHURCH.

Attention: Mr G. Tapper

Dear Sir,

Re: Alterations at 242 High Street - Building Application #09/5691

We are writing in relation to the revised refurbishment and strengthening proposals discussed at a meeting on 29 August 1990. Present at the meeting were your Messrs. Bluck & Tapper, the building's owner, Mr Yankov, his Solicitor, Mr Anderson, and Mr Brouard of our office.

Since the meeting, Mr Yankov has further revised his occupancy requirements reducing the need for structural alterations to a minimum. The proposed work is shown on the enclosed drawings, #105414 sheets 1-3.

We now confirm Mr Yankov's occupancy requirements as follows -

| | |
|------------------------|---|
| Basement: | One tenancy, retail |
| Ground floor: | Two tenancies, retail |
| First floor and above: | Light storage, offices or similar, excluding restaurants etc. |

As was discussed at the meeting, stripping out of the ground floor has exposed steel SHS columns in the front facade area which appear to have been installed around 1960. Also noted in the facade were several other original structural steel members, with concrete surround, providing some degree of continuity to the otherwise brickwork facade.

With the revised occupancy requirements in mind and due to the confirmed presence of steel column and beam members in the existing facade, we propose a revised seismic strengthening scheme in this area to make use of the existing steel work. The strengthening is shown on sheet 3 of our drawings and is intended to ensure the best possible seismic performance of the existing facade members.

Discussions have been held with your Mr R. Colquhoun to update the fire rating requirements to suit the present proposal and details are shown on the drawings.

Could you please advise whether the scheme put forward herein meets with your approval and whether the work can proceed as an amendment to the existing building permit.

Yours faithfully,
ELIOT SINCLAIR & PARTNERS LTD.

Directors

Marton D. Sinclair BE, BSc, M.I.P.E.N.Z., M.N.Z.I.S., M.P.M.I., Reg. Eng., Reg. Surv.

Bruce E. Sinclair BSc, M.N.Z.I.S., M.P.M.I., Reg. Surv.

Associates

Martin Hewitt B.Surv., N.Z.C.L.S., M.N.Z.I.S., Reg. Surv.

Maurice W. Perwick Dip.Surv., M.N.Z.I.S., Reg. Surv.

John des C. Brouard

9008750

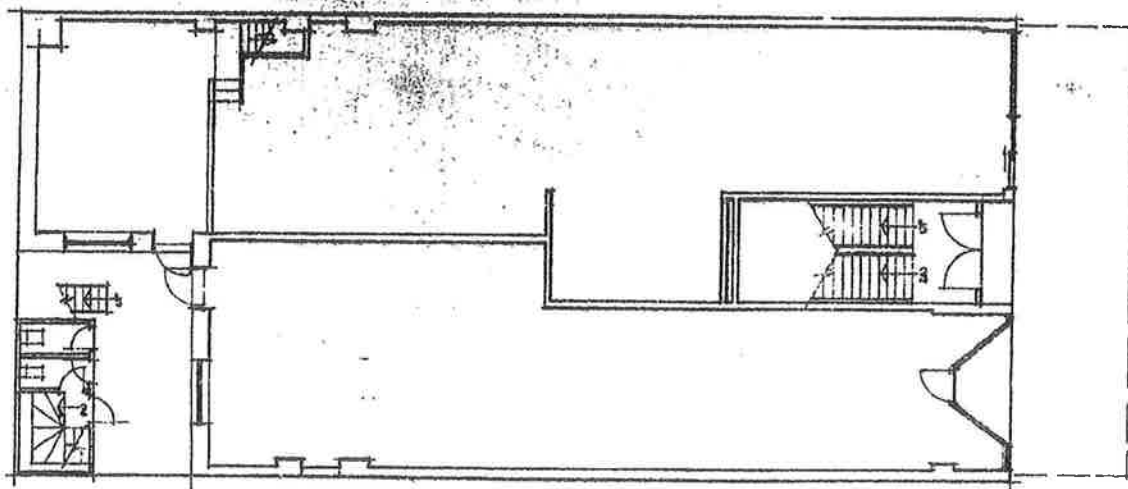
| | | |
|-----|-----|------|
| MR. | GLT | 26/9 |
| MR. | BCB | 27/9 |
| MR. | RDC | 27/9 |
| MR. | KJS | 27/9 |
| MR. | | 27/9 |
| MR. | | 27/9 |

REPLY SENT P.L. TO FOLLOW

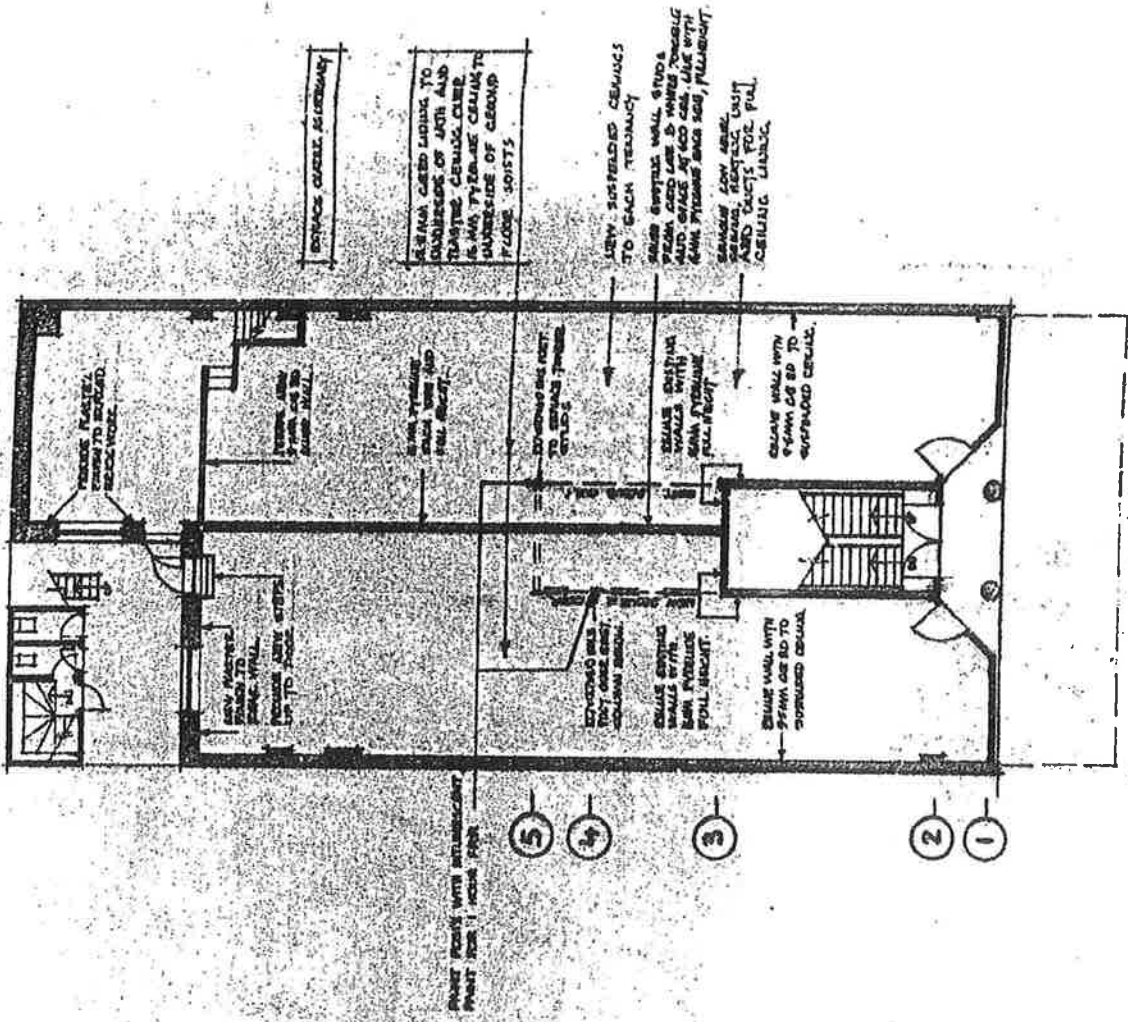
FILE NO B4/40/856/242

Pr ok?

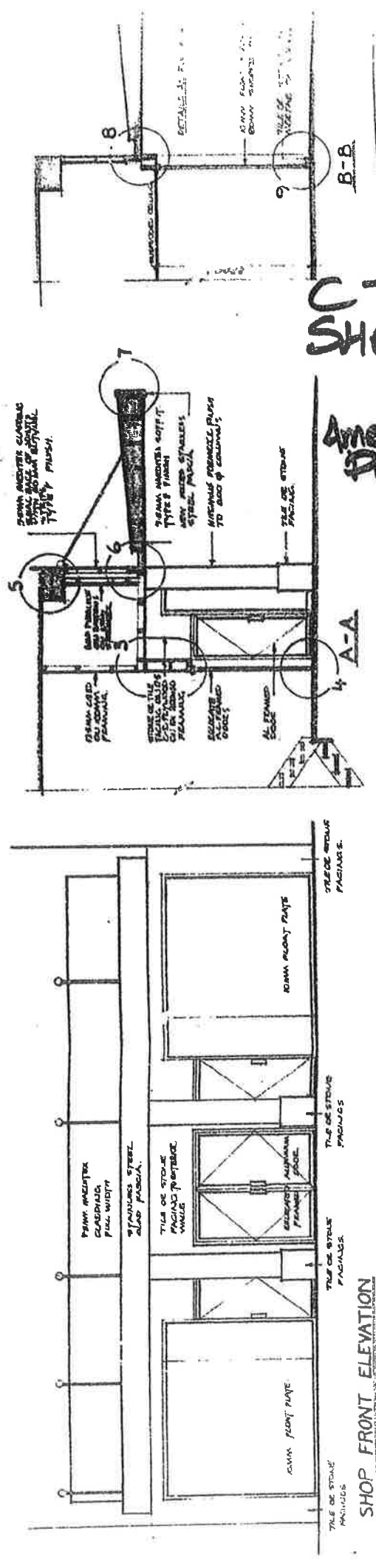
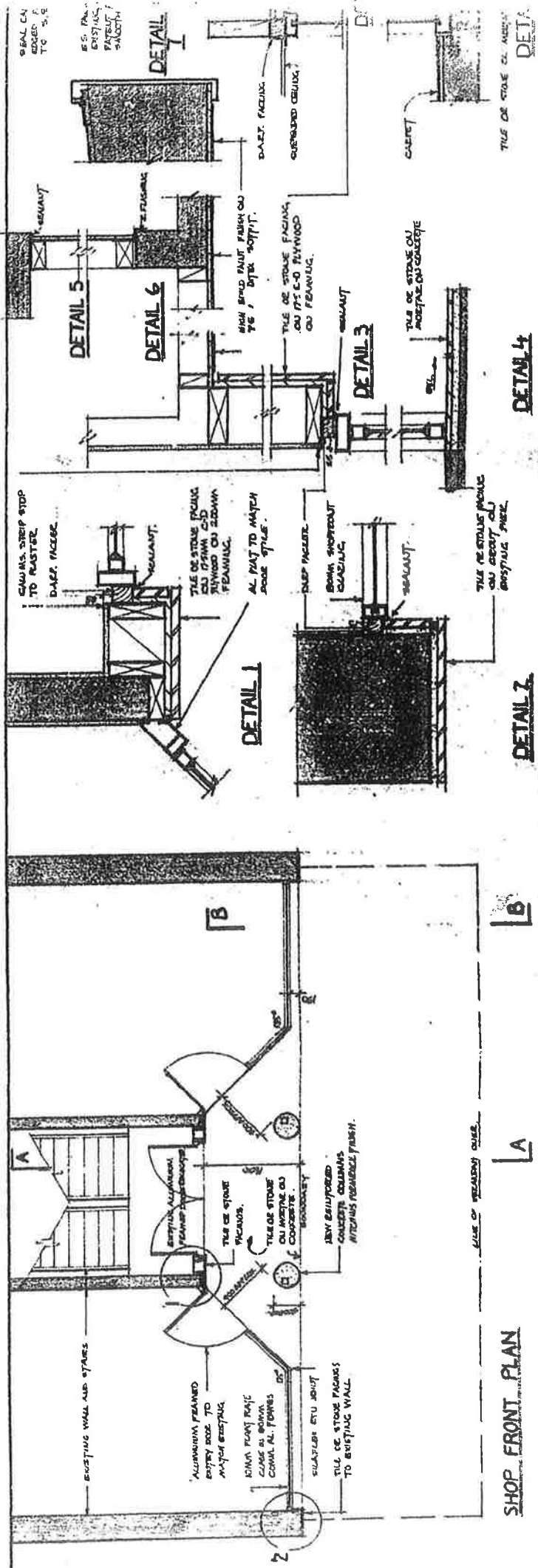
11/1/90



EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN



C 73
SHEET
Amended Plan

Approved by [Signature]

"0"

BU/40/856/242



CHRISTCHURCH CITY COUNCIL

27 September 1990

FILE COPY

Eliot Sinclair & Partners
PO Box 4597
CHRISTCHURCH

Dear Sir

**BUILDING PERMIT C73
242 HIGH STREET**

We have examined your plans for the proposed alterations and will accept them as amendments to the existing building permit on the understanding that the occupancy of the upper floors will not significantly increase. We understand that an upper floor may again be used by a jewellery manufacturer or similar use.

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.

Yours faithfully

G L Tapper
DEVELOPMENT CONTROL ENGINEER (STRUCTURAL)

GLT:ZEC

9008750



CONTACT Mr G Tapper Ext 8789

FILE BU/40/856/242

CIVIC OFFICES • 163-173 TUAM STREET • P O BOX 237 • CHRISTCHURCH 1
NEW ZEALAND • TELEPHONE (03) 791-660 • FAX (03) 797-786