

**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  
265-271 MANCHESTER STREET**

**DATE OF HEARING: 28 FEBRUARY 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 265-271 Manchester Street before and after the earthquake of 4 September 2010 and the Boxing Day aftershock. I note that the Council records indicate that the building address is 265 Manchester Street as well as 173 Gloucester Street.

## 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 265-271 Manchester 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 265-271 Manchester Street following the Boxing Day aftershock.
- (d) Whether 265-271 Manchester Street was assessed as 'earthquake-prone' for the purposes of section 122 of the Building Act 2004.
- (e) The effect of any strengthening undertaken.
- (f) 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**

6. On 5 September 2010, a Level 1 rapid assessment was carried out and the building received a green placard (**BUI.MAN265-271.0001.7**).
7. The Council has no record of any further assessments being carried out on the building following 5 September 2010. The Level 1 Rapid Assessment on 5 September 2010 did not recommend a Level 2 assessment or a detailed engineering evaluation. Not all buildings that had a Level 1 rapid assessment had a Level 2 rapid assessment. The process that was used to determine which buildings were to receive a Level 2 assessment is detailed at page 13 of the Council's "Report into Building Safety Evaluation Processes in the Central Business District Following the 4 September Earthquake 2010" (**the Council's Report**).
8. I understand that the Council has not located any records which suggest that the owners of the building had instructed their own engineer following the 4 September 2010 earthquake.
9. I understand that the Council has not found any Council records to indicate that the building was assessed after the Boxing Day earthquake. The assessment process following the Boxing Day earthquake is detailed at page 31-32 of the Council's Report.

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

10. The building was considered to be a possible earthquake prone building in terms of the definition in section 66 of the Building Act 1991 as it was built from unreinforced masonry. The building was noted in the Council's records as such.
11. The Council files indicate that work was done in the 1960s and 1970s to remove parapets, add a concrete bond beam, tie the roof and floor to the walls, and add a concrete frame to a wall opening on the ground floor. Correspondence on the file dated 1983 indicates that this work meant the building was considered as being adequately secured in terms of Section 624 of the Local Government Act 1974 to prevent sudden collapse in a moderate earthquake.
12. There is no record of any other earthquake strengthening work being carried out on the building. Therefore, as the work was carried out in the 1960s and 1970s, it would have continued to be regarded as a possible earthquake prone on the introduction of the Building Act 2004, and for the purposes of the Council's Earthquake Prone Buildings Policy 2006. I understand that the Council records indicate that no inspection or assessment was carried out by the Council in terms of the Earthquake Prone Building Policy 2006.
13. After the commencement of the Earthquake Prone Building Policy 2006, if a building consent application for a significant alteration had been received, the building application would have been dealt with in accordance with the Policy (see in particular section 1.7). However, no such building consent application was received.

DATED *13<sup>th</sup> Day of* January 2012

  
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Stephen James McCarthy