

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 116
LICHFIELD STREET**

DATE OF HEARING: 23 JANUARY 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 116 Lichfield 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 116 Lichfield 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 116 Lichfield Street following the Boxing Day aftershock.

- (d) Information about any cordons/barricades around 116 Lichfield Street following the 4 September 2010 earthquake.
- (e) Whether 116 Lichfield 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 (Paragraphs (a) to (d) above)

- 6. A Level 1 rapid assessment was carried out on 7 September 2010 and the building received a green placard (**BUI.LIC116.0016.5**).
- 7. On 27 December 2010, a USAR Damaged Building Reconnaissance Report was completed at 1.10pm (**BUI.LIC116.094.24**).
- 8. The Council's understanding from the records available is that a Level 1 Rapid Assessment of 110-116 Lichfield Street, "the Honey Pot", was undertaken at 4pm on 27 December 2010 and a green placard was issued (**BUI.LIC116.0014.25**).
- 9. The Council records indicate that a separate Level 1 Rapid Assessment of 116 Lichfield Street, the "Ruben Blades" building, also took place on 27 December 2010 (**BUI.LIC116.0016.6**). A red placard was issued for 116 Lichfield Street as a result of this assessment. The Council has been unable to locate a copy of this assessment.
- 10. I note that it appears that the address "116 Lichfield Street" was sometimes included on forms relating to the "Honey Pot". The Honey Pot was located at 114 Lichfield Street. Ruben Blades was a separate building to the Honey Pot building. As the entrance to Ruben Blades was right next to the Honey Pot, it appears that this street name and number was included (in error) with the Honey Pot assessments. However it appears that as there were separate

assessments carried out specifically for 116 Lichfield Street "Ruben Blades", the two buildings Ruben Blades and Honey Pot were assessed separately.

11. Following the 27 December Level 1 Rapid Assessment of 116 Lichfield Street "Ruben Blades", the Council issued the proprietors of 116 Lichfield Street with a Building Act notice on 29 December 2010 (**BUI.LIC116.0014.26-28**).
12. The Council's records also indicate that at 30 December 2010 a cordon had been installed on the Lichfield Street frontage of 116 Lichfield Street (**Annexure "A"**). The Council does not have a record of the date of installation of this cordon.
13. On 19 January 2011 the owner of the building, Eelco Wiersma, emailed the Council and sent a letter to the Council saying that it was unlikely that repair work on the building would be completed by 31 January 2011, the deadline stipulated in the 29 December Building Act notice (**BUI.LIC116.0014.33** and **BUI.LIC116.0016.7**).
14. On 2 February 2011, the Council received a CPEng certificate and an engineer's report from the owner's engineer Sean Gardiner of Structex (**BUI.LIC116.0016.10-16**). The report was attached to an email dated 2 February 2011 with the subject line "Cordon at 112-116 Lichfield Street" (**BUI.LIC116.0016.8**). The CPEng Certification Form had the heading "112 – 114 Lichfield Street". The CPEng Certification Form and engineer's report certified that it was safe to remove the cordon on Lichfield Street.
15. It appears that while Sean Gardiner's report stated it was for 112-114 Lichfield Street, he had intended it to be for the 112-116 Lichfield Street cordon as the subject line of his email to the Council is "Cordon at 112-116 Lichfield Street". Council Officers recall the area of potential risk in respect of the damage to 116 Lichfield Street, was contained within the cordon in this area of Lichfield Street.
16. On 2 February 2011 the Building Recovery Office sent the building owners a letter regarding the outstanding section 124 notice, and notifying the building owner that the Council was going to re-assess the building to ascertain whether the building still posed a danger to people or other property. The letter was a standard letter sent to all building owners who still had a section 124 notice outstanding for the building (**BUI.LIC.116.0014.36-37**).

17. On 3 February 2011, the case manager, John Barry, met Sean Gardiner at 116 Lichfield Street. Mr Gardiner advised the case manager that the cordons on Lichfield Street could be removed, and that there was limited access to the fire escape and upper levels of the building. Neville Higgs, an engineer contracted to the Council, advised the case manager to contact the building owner and advise that it was the building owner's responsibility to make sure that entry was restricted to the areas identified by Mr Gardiner. Mr Higgs asked the case manager to confirm with Mr Gardiner what areas could not be accessed (**BUI.LIC116.0016.7**).
18. The Council relied on Mr Gardiner's advice in removing the cordon on Lichfield Street and it seems to have been removed at some time between 4 February and 18 February 2011, after the report was received from Mr Gardiner.
19. While the cordon was removed from 112-116 Lichfield Street in response to Sean Gardiner's report, it appears that the Building Act notice for 116 Lichfield Street was not removed as further action was subsequently taken by the Council in relation to the notice.
20. On 7 February 2011, the owner of 112-114 Lichfield Street (the Honey Pot Café) phoned the case manager requesting information about the building. The case manager advised him that as per Sean Gardiner's update the bottom floor was occupiable and the upper floors were not (**BUI.LIC116.0016.7**).
21. The building was re-inspected by Paul Campbell, a contract engineer working for the Council, on a date unknown to the Council, but likely to be in late January or early February. The Engineers Re Inspection of Damaged Buildings form stated "fences can be moved once honey pot sign off" (**BUI.LIC116.0014.49**).
22. On 9 February 2011, the case manager, Mr John Barry, received an email from Sean Gardiner attaching a copy of an engineer's instruction (**BUI.LIC.116.0014.44**). The email stated:

" The building owner has received the attached s 124 notices for 116 Lichfield. I trust our involvement in assessment and securing work is sufficient to satisfy the Council that work is progressing? I have also

attached our latest report and securing work proposal (which is in the process of getting insurance authorisation to proceed)."

23. The engineer's instruction form is document BUI.LIC116.0014.47. The engineer's instruction form stated " following *advice from contractor we have revisited the property to view further damage from recent earthquakes*". The instruction form went on to note that there was horizontal and diagonal cracking to the South wall; vertical cracks to the South East wall; vertical cracks to the parapet and degraded parapet bricks on the South wall; bulging bricks and severe cracking to upper level walls and damage to stairwell (which had been previously noted); and a loose/dropped corbel stone to the East wall.
24. At the bottom of the engineer's instruction form it states "*these high level bricks and stone blocks are potential fall hazards to the areas directly adjacent and should be secured as soon as possible (or the fall areas cordoned off). We suggest securing works be undertaken as per attached (contractor to wait for insurer approval)*".
25. The case manager notes have the following entry on 9 February 2011 (BUI.LIC.116.0014.35):
- "Email from Sean saying owner received letter ref S124. advised it was standard letter delivered to all with S124 notice. He also attached the latest reports in regards to securing works, added to file."*
26. The Council does not appear to have any further file record. However, it has contacted the case manager, Mr John Barry, who is overseas. He has informed the Council that his normal practice was that if he received any communication that any risk was identified with a building, he would ask an engineer to go and visit the building in order to consider whether any further action that was required.

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

27. The building was noted as a possible earthquake prone building in the Council's records. The building would have been deemed to be earthquake prone under section 66 of the Building Act 1991 and it appears that this status continued to apply when the Building Act 2004 was introduced.

28. After the commencement of the Earthquake Prone Policy in 2006, if a building consent application for a significant alteration was received the strength of the building structure would have been assessed and dealt with in accordance with the Policy.
29. In April 1951, a building permit was granted for the removal of parapets. The top sections were removed under this permit.
30. In June 1968, a building permit was issued for alterations to the building and the parapets were lowered further. A reinforced concrete band was added to the lowered parapets and on the East and North face, the reinforced concrete band was connected to the existing roof trusses by a 3 x ½ inch steel bar and 7/8 inch bolts. This work would have secured the falling hazard but not increased the overall strength of the building.

DATED *13th Day of* January 2012



Stephen James McCarthy

"A"



HONEY POT CAFE
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 1000 1/2 Ave. 100
 1000 1/2 Ave. 100





