

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 32 CATHEDRAL SQUARE

DATE OF HEARING: 30 JANUARY 2012

Legal Services Unit, 53 Hereford Street, Christchurch 8013 P O Box 73013, Christchurch 8154 Telephone (03) 941 8999

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.
- 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 32 Cathedral Square 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 32 Cathedral Square; 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 32 Cathedral Square following the Boxing Day aftershock.

- (d) Whether 32 Cathedral Square 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.CAT032.0010.38). The assessment form noted that there were signs of cracking on the west wall arches and south wall columns and recommended that the owner assess the cracking.
- I understand that on 5 September 2010 a Level 1 rapid assessment was also carried out on The Press building at 148 Gloucester Street. A Council Heritage Adviser, Neil Carrie, who was involved with this site has advised that the complex consisted of three buildings, 148 Gloucester Street, 32 Cathedral Square and The Press Hall. An aerial photograph illustrates the different buildings (Annexure "A"). Therefore, it appears that the two Level 1 rapid assessments carried out on 5 September 2010 would have related to two separate buildings.
- 8. A Level 2 rapid assessment was also carried out on The Press Building, Cathedral Square on 5 September 2010 and the building retained its green placard (BUI.CAT032.0010.39).
- 9. On 6 September 2010, a Level 2 rapid assessment was carried out and the green placard remained (BUI.CAT032.0010.42). The assessment form noted that a crane was required to repair the turret and that access to one stairwell was prohibited until a masonry wall had been repaired.
- A Building Enquiry Record states that a site visit to review the extent of the internal damage to the heritage building was arranged by John Higgins, the Council's Resource Consents Manager, for 16 September 2010

(**BUI.CAT032.0010.54**). Ms Askew, a Council planner at the time, Mr Carrie, the Council's Heritage Adviser, and Mr Doig, the building owner's property manager, attended the meeting.

- 11. The Building Enquiry Record refers to certain works which could be undertaken as maintenance and would not require a building or resource consent, for example replacing broken glass and window frames. The Building Enquiry Record also lists the works that had the potential to constitute alterations to the building and would likely require a building consent and resource consent. The Building Enquiry Record noted remedial stabilisation works that had been undertaken on the northern façade.
- 12. I understand that Ms Askew and Mr Carrie attended the site on 16 September to consider the implications from a heritage perspective of the damage to, and required repairs for, the building. There was no intention to conduct a structural assessment of the building, and no structural engineers were present. However, the Building Enquiry Record states the "Applicant confirmed that Lewis Bradford were currently putting together an engineering report that would be made available when completed. This report is being peer reviewed".
- 13. I understand that Lewis Bradford sent a letter to Ganellen Property Limited on 16 September 2010 (Annexure "B"). The letter refers to an inspection on 6 September 2010 and states "the ironworks to the turret were also instructed to be removed immediately...". The letter also refers to temporary structural steel securing which was instructed to be installed immediately at the northwestern corner of the third floor.
- 14. The Council files do not provide any further clarification as to whether the comments in the Building Enquiry Record and the Lewis Bradford letter relate to the matters noted on the Level 2 rapid assessment form, or whether the repairs referred to in the rapid assessment form were carried out. The Council files do not have any record of applications for building or resource consents made by the owner of the building between 4 September 2010 and 22 February 2011.
- 15. I understand from Counsel Assisting the Royal Commission, Mr Zarifeh, that Harrison Grierson produced a report on 15 September 2010, Lewis Bradford produced a report in October 2010, and Holmes Consulting Group produced a report dated 22 December 2010. However, there is no record that the Council

received any of these reports and there is no copy of any of the reports on the Council's files.

- 16. On 26 December 2010, a Level 1 rapid assessment was carried out and the building received a red placard (BUI.CAT032.0010.376).
- 17. The Council issued a section 124(1)(c) Building Act Notice dated 29 December 2010 (BUI.CAT032.0010.379).
- 18. I understand that the section 124(1)(c) notice was affixed to the building (Annexure "C"). I attach a photograph which shows the Building Act notice affixed to the building (Annexure "D"). A copy of the notice, along with a cover letter dated 29 December 2010, was posted to the building owner's property manager, Ganellen Property Limited (BUI.CAT032.0010.377-379).
- The Building Act notice stated that the building had been damaged, that there was structural damage, and that it had "general brick cracking, including south façade. Neighbours parapet on east side risk of falling on Press". The Building Act notice contained a deadline of 31 January 2011 to carry out work on the building to remove the danger.
- The cover letter accompanying the Building Act notice advised the building owner to contact the Council's Building Recovery Office to discuss the building assessment and the particulars in the Building Act notice before undertaking any steps to remedy the danger and the letter recommended that the building owner contact their insurer. As a CPEng report would have been required to certify that the danger had been removed, the Council's letter also recommended the building owner seek structural engineering advice from a qualified structural engineer on how to remove the danger.
- 21. On 12 January 2011, Ben Dare, a Project Engineer from Holmes Consulting Group, emailed the Building Recovery Office attaching a CPEng certification for the building (BUI.CAT032.0010.404-406). Mr Dare stated in his covering email attaching the CPEng certificate that the building was now secure and safe to reoccupy and that the existing red safety notice could be removed.
- 22. The Council relied on the certification from Holmes Consulting Group dated 12 January 2011 to conclude that the building was secure and safe to re-occupy

following the Boxing Day aftershock. It was the engineer's responsibility to ensure that all matters relating to the structural integrity and safety of the building, including those stated in the Building Act notice, had been addressed prior to the certification being provided. The file closure form indicated that the Building Act notice was removed following receipt of this report (BUI.CAT032.0010.407). The Council's Building Recovery Office subsequently advised Homes Consulting Group that, based on the engineer's report, the building was considered safe for occupancy (BUI.CAT032.0010.408).

- 23. I understand from Counsel Assisting the Royal Commission, Mr Zarifeh, that Holmes Consulting Group produced a report dated 28 January 2011 outlining various repair work proposed for the building. However, there is no record that the Council received this report and there is no copy of the report on the Council's files.
- 24. Following closure of the Council's Boxing Day earthquake file on 12 January 2011, I understand that during January and February the building owner did discuss with the Council additional repair and refurbishment work which was to be carried out on the building as a result of the September and Boxing Day earthquakes.
- I also understand that the building owner intended to apply for consent for these works as part of a wider, on-going refurbishment project. A draft application provided to the Council by the applicant sets out various works that had been completed for which retrospective resource consent was required, along with additional works planned for the building. The Council has been unable to locate any record of a final application being received.
- Photographs were taken by Melinda Smith, the Council planner involved with the refurbishment project, at a site visit on 14 January 2011 (Annexure "E"). The photographs are attached to an email dated 5 May 2011 from "Ken & Mel" to Melinda Smith. The photographs show some securing and strengthening work which had been undertaken by this date.

Cordons

27. Council records indicate that a cordon was present on 7 January 2011 but there is no record of when this cordon was installed (Annexure "F"). The Council's records indicate that the cordon had been removed by 4 February 2011 (Annexure "G").

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

- 28. The building was not considered to be earthquake prone prior to the 4 September earthquake. This position is supported by the draft memorandum from Holmes Consulting Group to Matt Bonis (Planit RW Batty & Associates Limited) dated 3 February 2011 (BUI.CAT032.0010.496).
- 29. The draft memorandum states that prior to the 4 September 2010 earthquake the building had a minimum capacity of 40 45% of full code load and therefore the building was not earthquake prone as defined in the Building Act 2004 and Regulations.
- 30. After the 4 September 2010 and 26 December 2010 earthquakes, the strength of the building was likely to be less than 33% and the building could potentially have been considered earthquake prone. This is also reflected in the draft memorandum of 3 February 2011.
- The Council did not contemplate any action under the Earthquake Prone Policy. The Council had been in discussions with the owner, for approximately three years, about the owner's plans to retain, strengthen and reuse The Press Building. The owner had almost completed the construction of a new office building to accommodate the occupants of the old Press Building and allow work to be done on the old building when the aftershock on 22 February 2011 occurred.

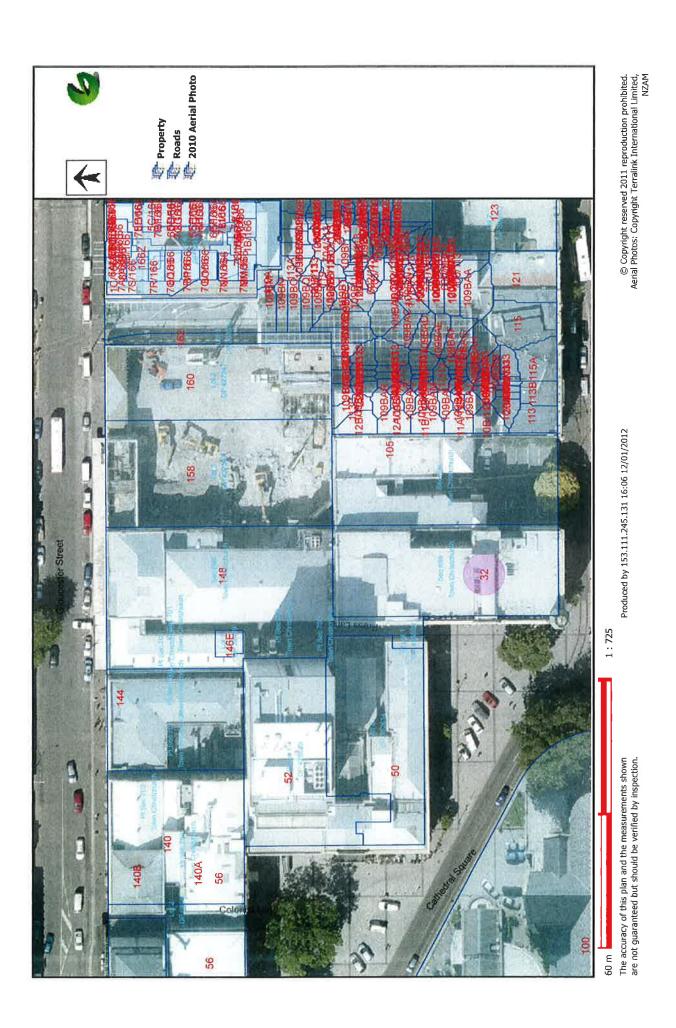
32. Also, under the 2010 Policy, the owner of a Category C building would have had a maximum of 30 years to complete strengthening work, unless a building consent application for a significant alteration (section 2.3.5 of the policy), was received by the Council. As already mentioned, there is no record of such a building consent application being received before 22 February 2011.

DATED 1321 Day of January 2012

Stephen James McCarthy

12/01/2012

Print Preview



http://maps.ccc.govt.nz/webmap/commands/printadvanced/print_preview_landscape.asp



16 September 2010

Ganellen 150 Gloucester Street PO Box 13574 CHRISTCHURCH

Attention: Mario Evangelo

Dear Mario,

STRUCTURAL EVALUATION OF THE HISTORIC PRESS BUILDING FOLLOWING 4 SEPTEMBER 2010 EARTHQUAKE

A magnitude 7.1 earthquake struck Christchurch early in the morning on 4th September 2010. The Historic Press Building was assessed by Civil Defence engineers and given a green placard during the weekend (full occupation).

The undersigned was inspecting the New Press Building site on 6 September 2010 to assess any damage and was called across to specifically inspect the payroll area at Ganellen's request. The area was at third floor level on the northwestern corner of the building and consisted of brick wall elements with significant cracks through them. Temporary structural steel securing was instructed immediately to secure this corner and the local floor area was cordoned off at all three levels of the building. Press Lane was also partially cordoned off until the steelwork was completed. The ironworks to the turret were also instructed to be removed immediately, due to the public safety hazard, and to safeguard this important heritage element during the ongoing aftershocks.

At Ganellen's request the undersigned completed a brief walkover of the main visible areas of the building on 7 September 2010. A number of minor cracks and superficial damage (claddings, paintwork etc) was noted. The temporary securing at L3 was also inspected and minor amendments were instructed. Following this brief walkover the building was deemed suitable for occupation.

A large aftershock struck Christchurch on the morning of 8th September 2010 which caused a number of areas of ceiling tiles to come down in the Press Building and for health and safety reasons the building was vacated.

The undersigned and Craig Lewis visited the building on the morning of 9th September 2010 to review any new hazards preventing occupation arising from the subsequent aftershocks. A number of areas of superficial damage were again noted along with some minor cracking to structural elements and due to the lack of access to view some critical structural elements (and time constraints of the engineers) the building was not deemed fit to occupy until further investigation could be completed.

A set of marked up plans showing areas for investigation were sent to Ganellen on 13 September 2010. These areas were stripped to expose primary structural elements and the undersigned visited site on 14 September 2010 to inspect these elements. Following a visual inspection of these elements (namely perimeter brick and insitu frames, brick and insitu shear

walls and the brick and concrete walls below the temporary securing) and some areas previously inaccessible there were three further areas of securing work required.

- Temporary steelwork was instructed to secure the existing stone parapet above the main entry area to be installed immediately. This steelwork was inspected today and it has adequately secured the stonework.
- A full inspection and review of all existing stone to perimeter frames is to be completed as soon as possible to ensure there are no loose stones affecting long term public safety. This will require an experienced builder carefully checking each stone using a crane or cherry picker or similar.
- A new insitu shear wall is required to provide a more long term and durable solution to the northwestern corner area (This area is to be cordoned off to the second and third floors locally using hoarding to allow walls to be constructed) in next two-three weeks.

CONCLUSION

Now that item 1 has been completed, the building is deemed fit to occupy. Item 2 shall be completed as soon as possible to ensure the ongoing public safety. Item 3 is intended to be completed in the next two-three weeks and the area is currently structurally secure but a more durable solution is recommended for the short term due to weatherproofing and aesthetic issues.

Note this inspection work has been of a general nature and is an initial structural evaluation to ensure this building is fit to occupy. No detailed seismic assessment work has been undertaken. If any further concerns come to light following further aftershocks these should be brought to the attention of the undersigned immediately, or if anything untoward is discovered by the tenants.

Please contact the undersigned if anything further is required.

Yours sincerely

Ashley Wilson
ASSOCIATE

110117 Le100914 Existing Press Building

Mallet

I am an enforcement officer employed by the Christchurch City Council and warranted under the Building Act 2004 to issue and serve notices.

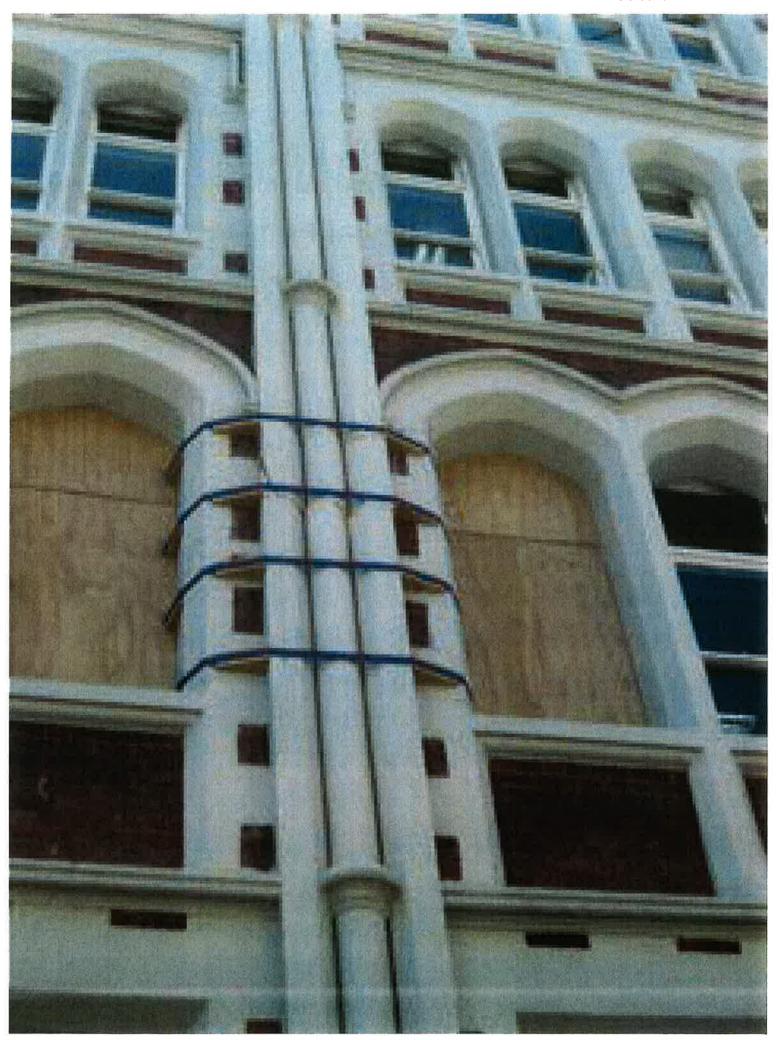
On 29 day of October 2010 I affixed a copy of the following:

- 1. Notice under s124(1)(c) of the Building Act 2004 for hoarding to prevent people approaching or occupying a building
- 2. Notice for hoarding restricted entry
- 3. Notice under s124(1)(c) Building Act 2004 to reduce or remove danger

to the building/dwelling situated at 32 Collection So.

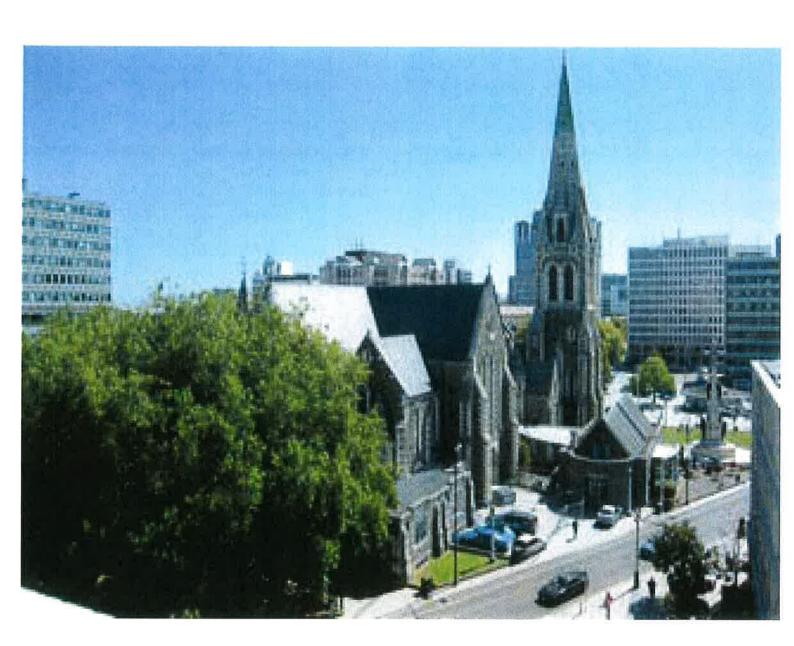
Signed:

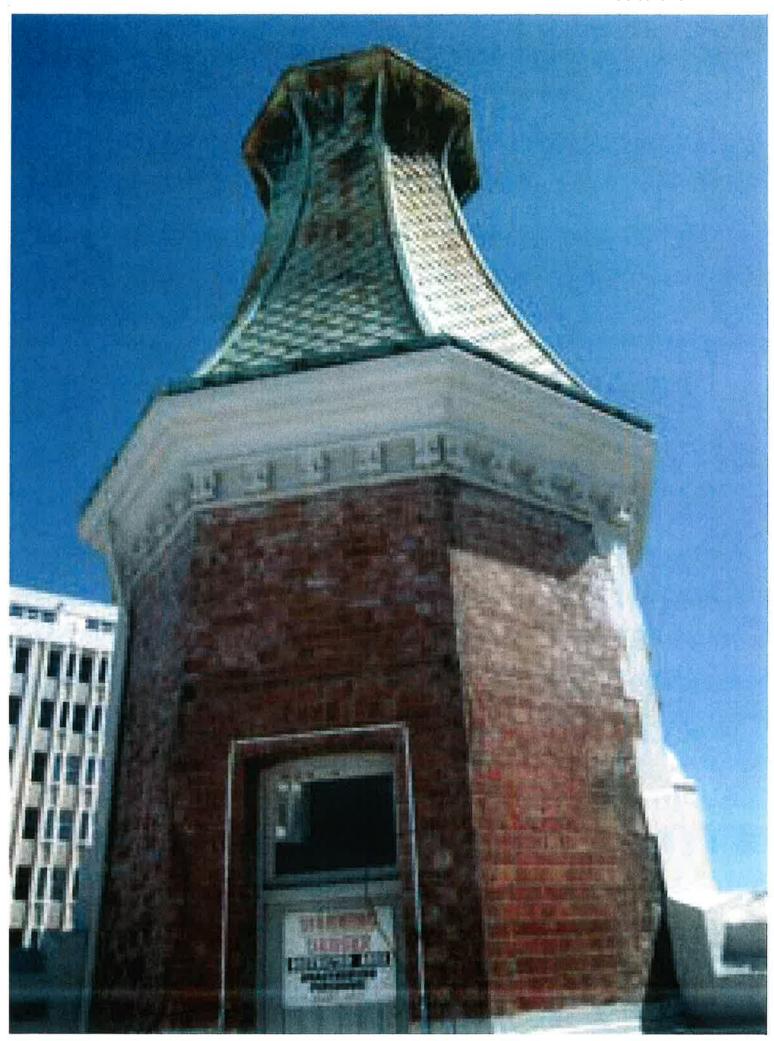


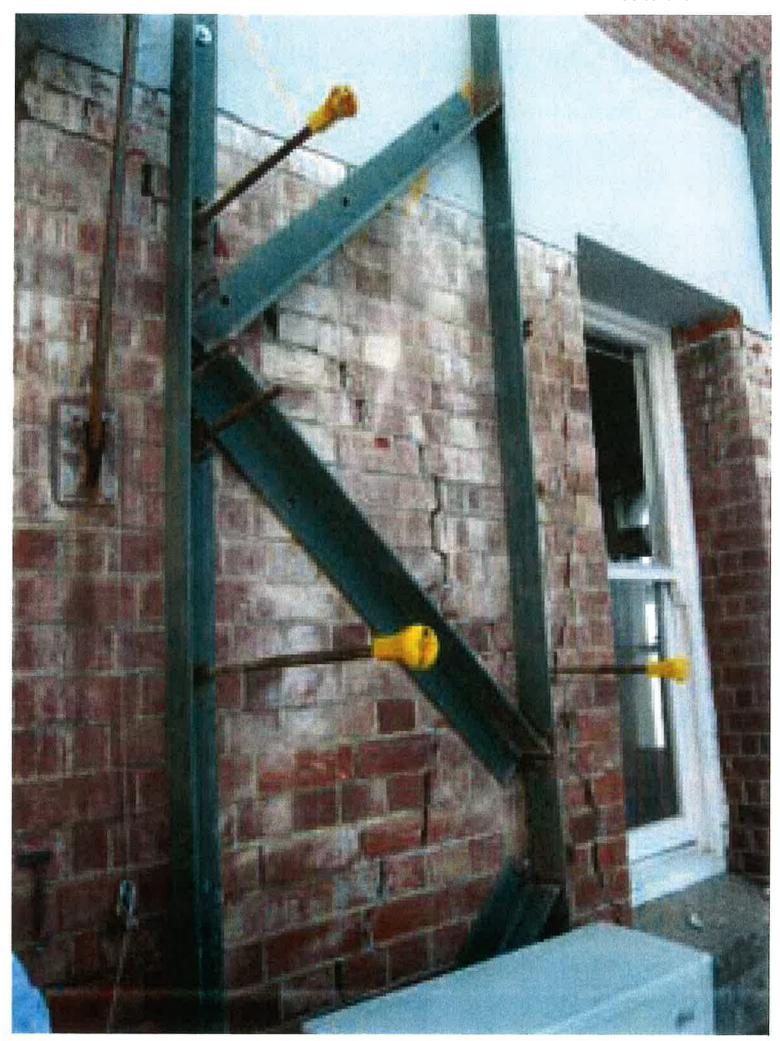


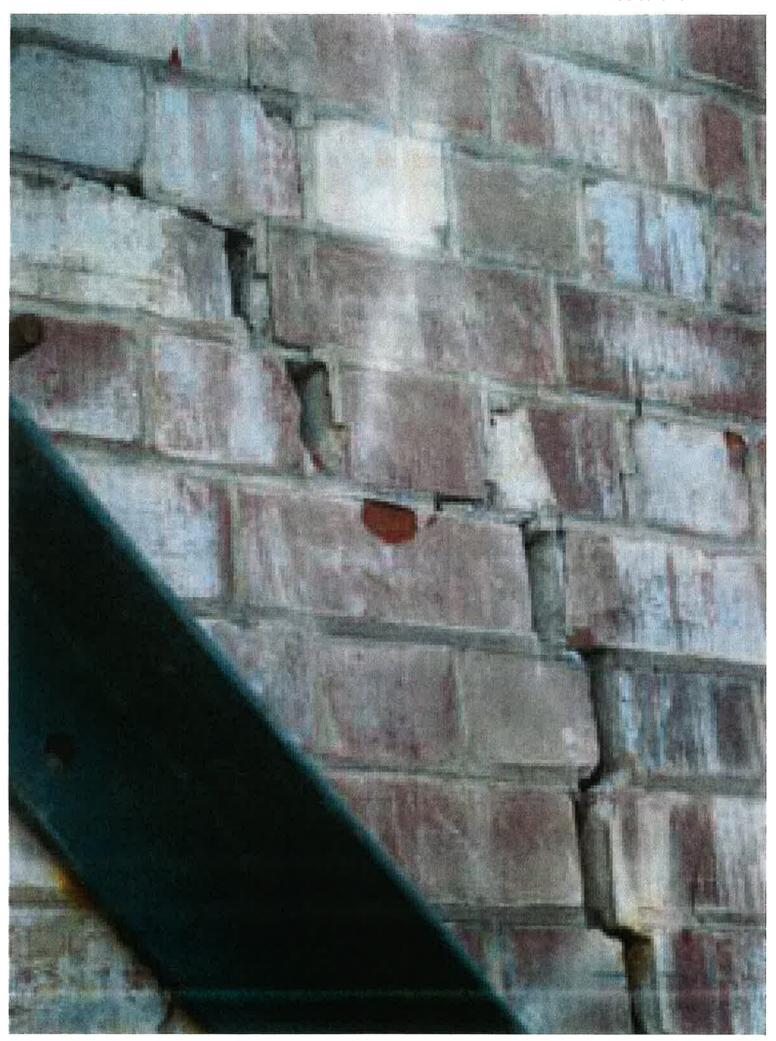


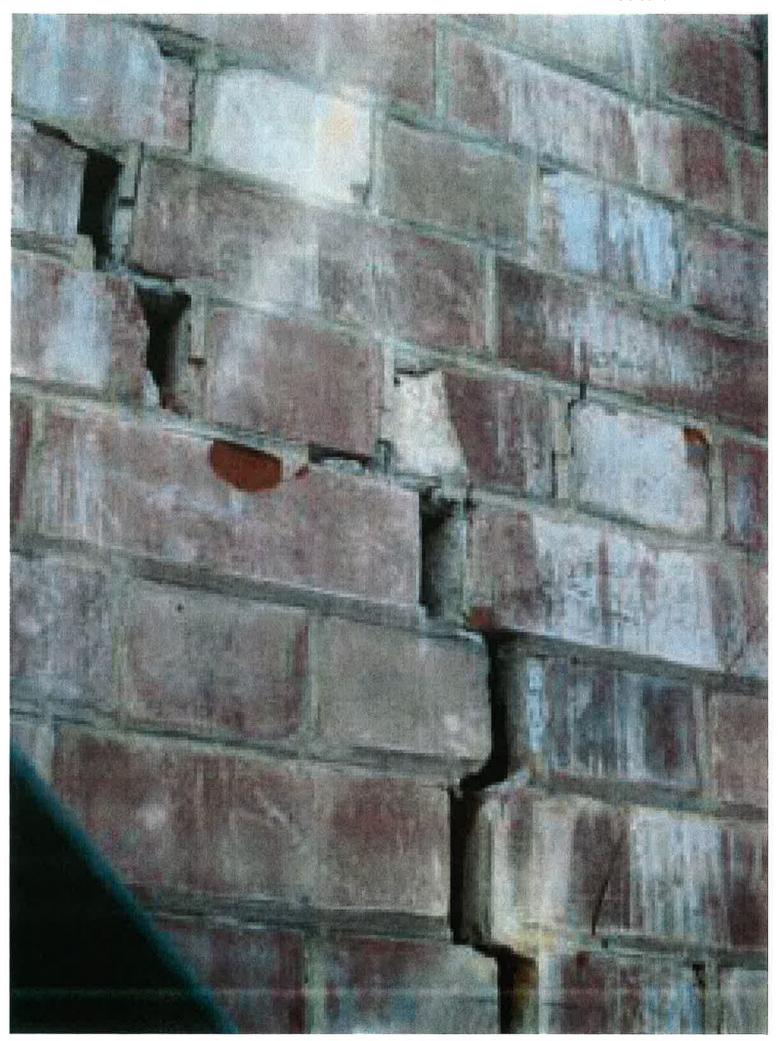




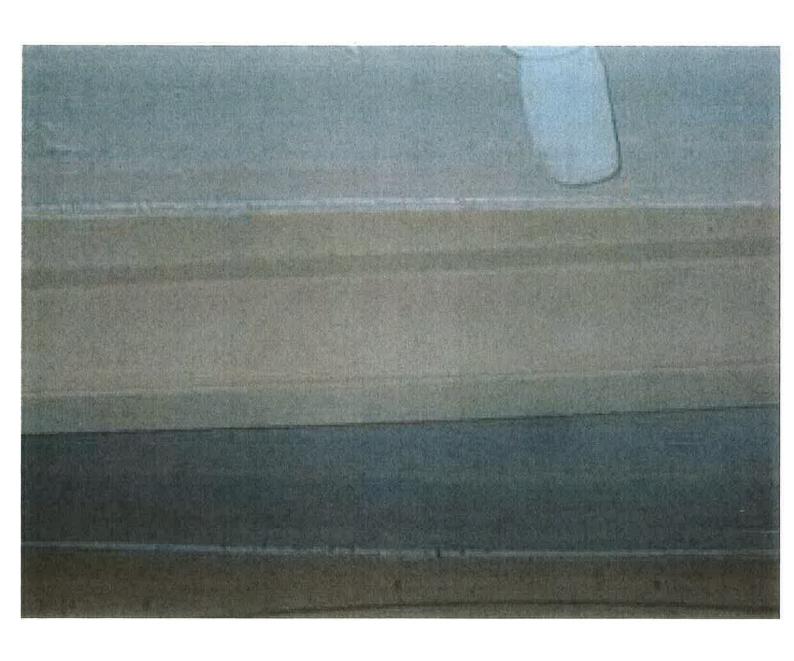






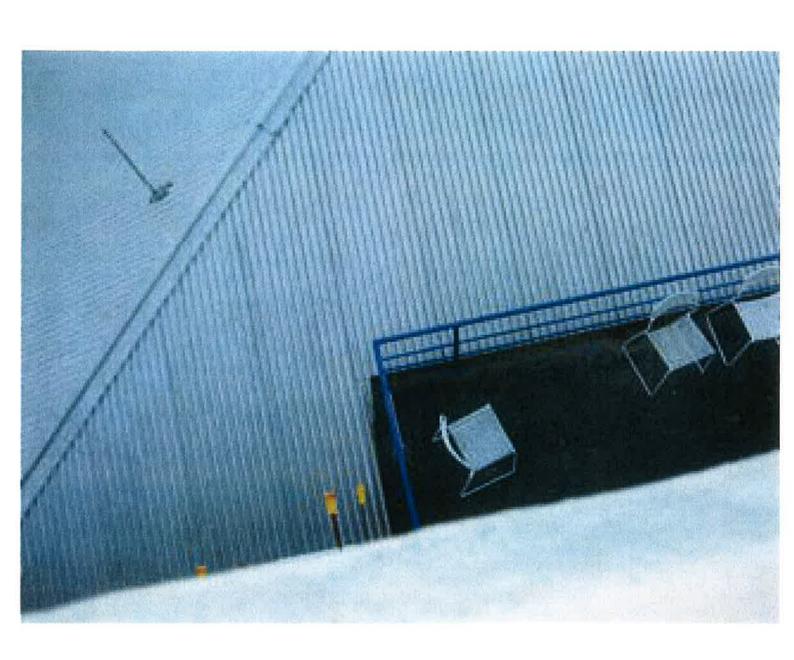






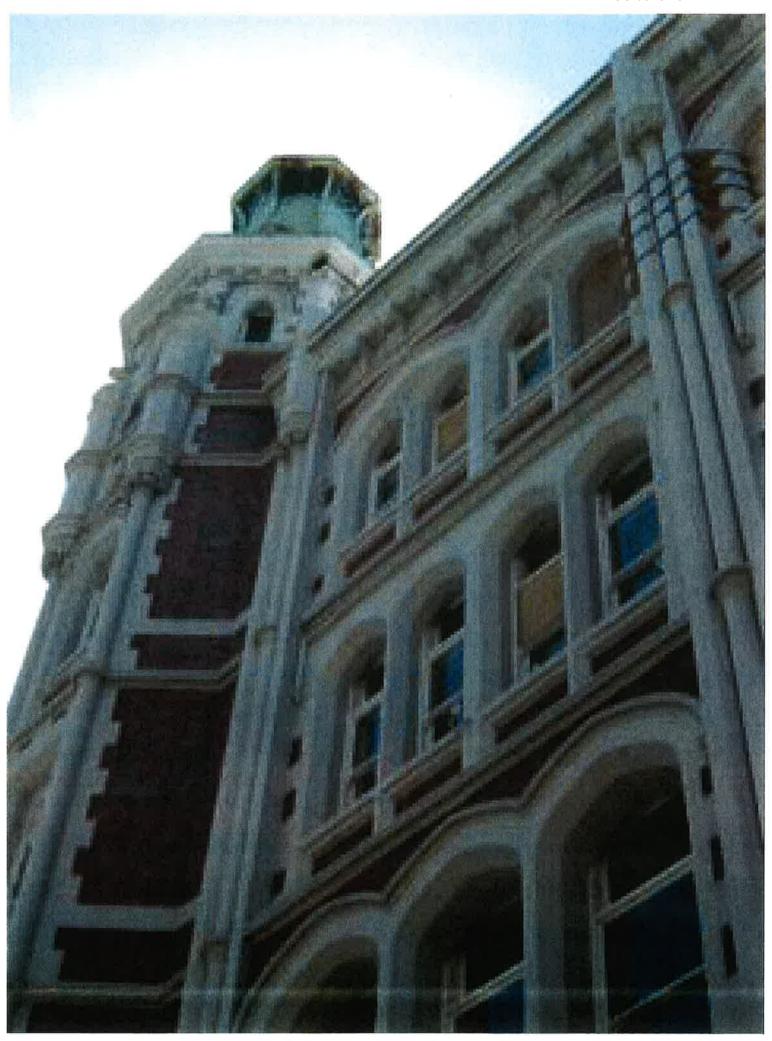






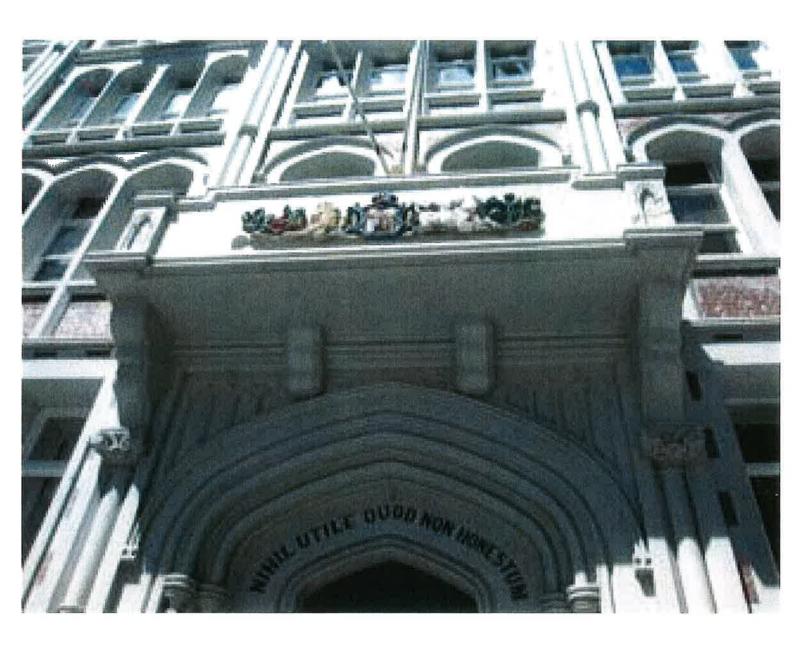


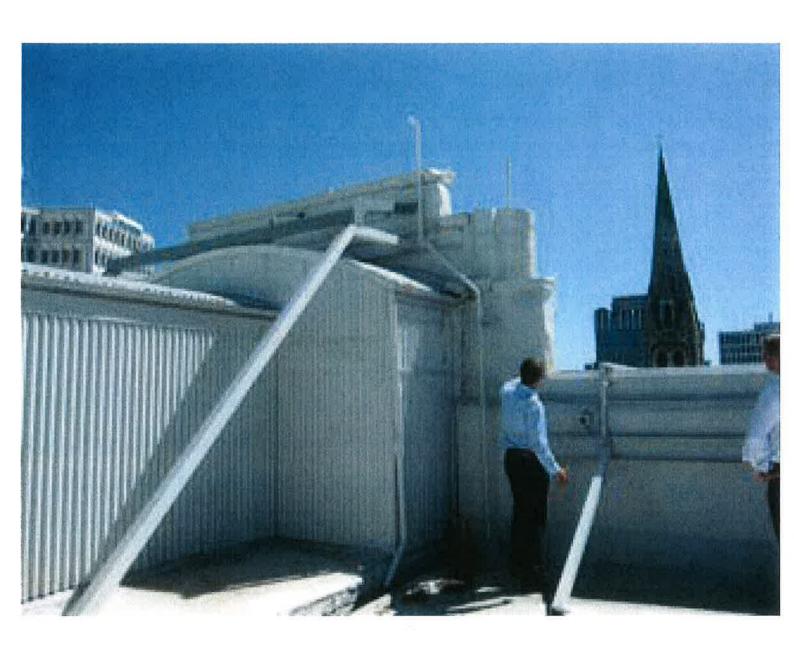


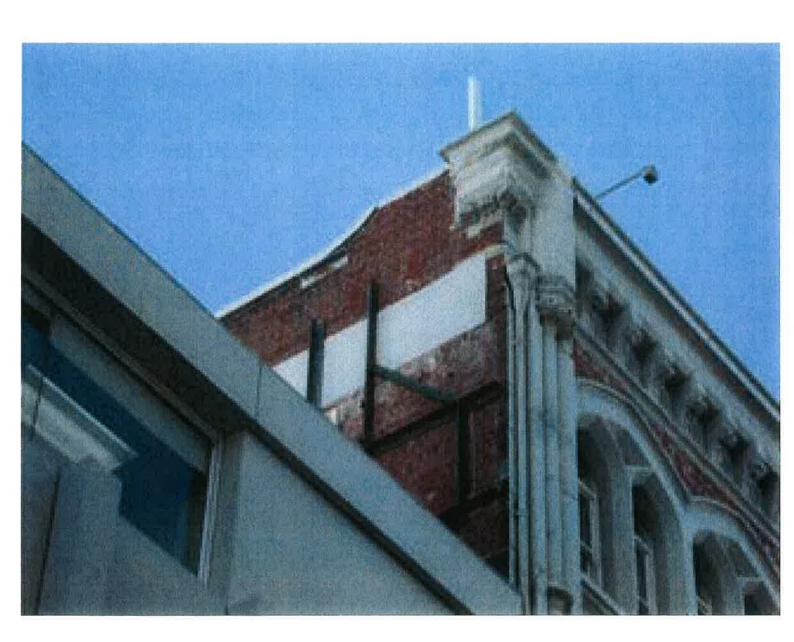












OF II

Building Recovery received this list 07/01/2011 1243hrs
Total No. of Fences 2482
Total length of fencing (m) 7446
Total length of Cones 467
Total No. of Cones 467

total cordons	lons 139			Anv	Any cones or signs?	187	
Address of cordon	How many fences?	Total No. of fences	Any rubble?	Any pedestrian access?	cones	signs	1
Oxford and Madrae our SE	Sel	0	Selvi	9	τ̈́		ranscribed John Mitchell 17/01/2011
Madras 271 W	Sex	. 40	00	sax	!		
Madras and Gloucester cnr.	31 tall 20 small	51	minor	ou	2	6	
Salisbury 50 S	ves	9	minor	ou			
Colombo and Peterborough cnr. S Thai Pno	14 tall 5 small	19	90	ou	4		
Colombo 820 E	plastic mesh		2	92			
Colombo 818 E Academy publishing	OU		2	yes			
Colombo 891? W The Painters Room	yes	က	00	2			
Colombo 781-789 W Johnsons	8 tall 7 small	5	yes	oc oc	4		
Colombo St E entrance rosie historic chapel	yes	2	9	OL.			
Kilmore and Manchester cnr. St Lukes in the city	yes	45	minor	sak			
Kilmore 146-148 S	11 tall 7 short	92	minor	OL OL	9		
Armagh S Cranmer Centre	yes	17	sak	OU			
Montreal E Cranmer Centre	yes	22	2	on O			
Montreal and Kilmore onr. NE	56 tall and 38 hirepool	75	pallets	ou	32		
Chester West N St Saviour Chapel	26 contruction site?	26	00	OU			,
Armagh N The Devon	plastic mesh		yes workers on site	ou	15	က	
Durham North and Chester West onr. SE	yes	31	01	ou	Ψ-		
Durham North 280 cnr Armagh, Gloucester	yes	23	yes workers on site	BO	27	m	
Peterborough cnr Montral, Victoria N	yes	88	9	ou	ග	4	
Victoria 113 S	14 tall 7 small	21	yes bricks	ou	7		
Kilmore 132 S thrifty/Wilsons	yes	88	yes bricks	90	4	2	
Oxford 176 E	yes	18	minor	90	10		
Colombo 772 E Winnie Bagos	yes	9	92	yes	19		
Oxford 214a S	plastic tape	2	yes	90			
Gloucester 144 S	yes	9	yes	e	27	4	
Gloucester 176 and Manchester 239 cnr. SW	yes	70	minor	OU.	2		
Gloucester 194 and Manchester cnr. SE	yes	25	ш	no	80	73	
Armagh and Barbadoes cnr.	18 tall 17 short	35	no	no	18	2	
Armagh 195	yes	o	yes	9	9	2	
Wilmer 6	yes	1	bricks	e	ന		
Oxford 54-56	yes	8	2	sak	yes		
Tuam 116		4	9	no	2		
Durham 218	scaffolding		92	sax	2		
Durham 207		9	2	00	2		
Соютью 590а		15	ou	sex	yes		
Colombo 593, roadworks in Ash st		12	00	yes - colombo		yes	
Colombo 601a-603, Mollet St closed		12	uo u	yes, not to shops	yes		
Colombo 605-611	scaffolding		OU	yes	인		
Colombo 628, r&r sports		25	no	yes, not to shops	yes	9	
Colombo 646, Koko		7	yes	yes, not to shops	yes		
Colombo 670-678, AMI		6	2	yes, not to shops	2		
Cashel Mall, ASB bank	barrier tape		2	not to bank	no		
Cashel 126, 2 shops		12	00	not to shops	욘		
Cashel 112a, 3 shops		20	00	not to shops	9		
O		O. T.	00	not to chone	Ċ		

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2 2 2 2 2 2 2 2 2 2	yes yes yes yes yes yes yes yes yes	no 10 10 10 10 10 10 10 10 11 10 11 10 10
not to shops not to shops no no no no not to church not to building not to shop	not to building not to building no no yes yes yes yes yes yes yes yes no no yes yes yes no no yes	yes - 1 metre yes
no skip bin no no no no no repair work beign carried out	minor no no no no yes yes yes yes no	or dence
24 4 4 4 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5	35 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	13 32+2 against wall 20 20 20 28 28 14 14 17 7 7 7 7 7 7 7 8 6 6 6 6 7 7 7 7 7 7 7
	yes yes yes yes yes yes yes yes	yes
Cashel 86, 4 shops Hereford 82-86, monkey bar Hereford 94, lane to wilson parking Hereford 106, Poppy thai Hereford 118, board room Cathedral, the Cathedral, the Cathedral 33 Cathedral 33	Volocester 159, our city O-Tautahi Cambridge 109, library chambers Manchester 27 and Dundas cnr. Printstop Manchester 27 and Dundas cnr. Printstop Manchester 52 and Eaton, Lone Star Tavern Eaton 12, Selwyn House Manchester 52 and Southwark cnr. S 65 - 77 Manchester Street 79 - 85 Manchester Street 68 a Manchester Street 79 - 85 Manchester Street 79 - 85 Manchester St cnr St Asaph St 225 St Asaph St 225 St Asaph St 225 St Asaph St 225 St Asaph St 226 - 139a Manchester St 114 Manchester St 116 Lichfield St western side His Lordships side 129 - 139a Wanchester St 110 Lichfield St western side His Lordships side 80 - 82 Lichfield St including alley west side of 80 BNZ - 2 Cathedral Sq cnr Hereford St	48 Tuam St 284a Worcester St 177f Fitzgerald Ave 1 Paparui Road Cnr Bealey & Victoria (west) Cnr Bealey & Victoria (west) Cnr Bealey & Victoria (east) Cnr Bealey & Victoria (east) Cnr Bealey & Paparui Rd 93 Bealey Ave Cnr Springfield & Clare Rd 52 Montreal St orn Bealey Ave Cnr Combo St St Manchrester St Cnr Colombo St Selection Ave between Hereford & Worcester Cnr St Asaph/Antigua - middle of road Rolleston Ave outside Arts Centre Cnr St Asaph/Antigua - middle of road Rolleston Ave outside Arts Centre Cnr St Asaph/Antigua - middle of road Rolleston Ave outside Arts Centre Cnr Rolleston/Worcester SE o/side Arts Centre Arts Centre - opp 17 Worcester Boulevard Arts Centre Book Shop - opp Worcester Boulevard Arts Centre Courtyard Sthe End by French Cafe St Ermo Courts - Montreal side of Montreal/Hereford Harvey Norman Centre pop 241 Moorhouse Ave

Harvey Norman opp Rebel Sports cnr Colombo St	yes	20	ou	yes	es & sml fence for peds	
494 Colombo thru to cnr Colombo/Byron - Rob Roys	yes	99	92	no footpath closed	tions/traffic mngmnt for vehicles	
Starts 461 Colombo ends cnr Colombo/Byron West opp 468	yes	27	01	sak	01	
Colombo between 455 & 457	yes	က	90	2	оп	
Churchills onr Battersea ends at 429 Colombo St westside	yes	39	00	no footpath closed	igmnt for traffic signs & cones	
Between 440 & 454 Colombo St	yes	16	OU	no	r cones along fenceline	
Cnr Colombo & Byron - East side	yes	6	ОП	по	no	
102 Disraeli St - Dores	yes	5	υn	ou	ou	
192 Moorhouse Ave - Mega	yes	38	00	ou	ound fencing on Moorhouse	
6 Milmer St	yes	F	Minor - behind fence	OL	00	
207 Durham St South	sak	10	00	9	00	
169 Madras St	yes	Ξ	00	92	00	
11 - 19 Ferry rd	yes	20	92	workers access thru gates	s no	
Music Centre of ChCh cnr Ferry & Barbadoes	yes	23	a lot behind fences	to front doors	no	
Moorhause Ave opp McD's	yes	35	no	OU	no	
124 Worcester St	yes	21	ou	yes	00	
205 - 215 Manchester St	yes	19	ou	ou	ОП	
178 Manchester St	yes	F	ou	92	no	
172 Manchester St	yes	\$	01	92	00	
162 Manchester St	yes	approx 30	yes	9	yes	
148 Manchester St	no	ou	OU	OL	ou	
160 - 192 Hereford includes 162-183	yes	20	yes	OLI	yes	
198 - 204 Hereford including Woolsack Lane	sak	28	yes	ou	yes	
203 Hereford St - cnr Hereford & Latimer Sq	yes	26	OU	yes	yes	
207 Cashel St including Woolsack Lane	yes	15	92	92	yes	
10 - 14 Bedford Row	yes	14	ou	sak	yes	
1 Bedford Row	yes	13	9	ou u	90	
128 Manchester St	yes	18	ou u	ou	yes	
111 Lichfield St	yes	œ	ou	yes	yes	
140 - 142 Lichfield St including Poplar lane	yes	27	OU	ou	ou ou	
Cnr Madras & Ash - up to 156 Lichfield (Ash Lane)	yes	7	ou	ou	no	
232 - 238 Tuam Street	yes	13	yes	ou	yes	
174 - 178 High Street	yes	10	ou	yes	yes	
186 - 188 High Street	sak	17	9	yes	yes	
20 Latimer Sq - cnr Latimer/Worcester	yes	28	yes	yes	s.	
210 Worcester St - cnr Barbadoes/Worcester	yes	18	ou	yes	ou	
274 Cashel St - cnr Cashel/Barbadoes	sak	45	o o	ou	20 1arrow	
165 Lichfield St - Coffee HQ	yes	20	ou	yes	28	
221 Barbadoes St -cnr Barbadoes /Lichfield	yes	20	OL	sak	yes	



