

Under the Commissions of Inquiry Act 1908  
In the matter of Royal Commission of Inquiry into building failure  
caused by Canterbury Earthquakes

Brief of Evidence of  
Malcolm Thomas Freeman in respect of  
738 Colombo Street

Dated: February 2012

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**Date of Hearing:** 27 February 2012

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Lane Neave  
LAWYERS

137 Victoria Street

PO Box 13149

Christchurch

Solicitor Acting: Glenn Jones

Email: glenn.jones@laneneave.co.nz

Phone: (03) 379 3720

Fax: (03) 379 8370

I, **Malcolm Thomas Freeman**, of Christchurch, Structural Engineer, say that:

1. My full name is Malcolm Thomas Freeman
2. I attended the University of Canterbury completing a Bachelor of Engineering with Honours degree in 1994.
3. Since November 1994 I have practiced as a Structural Engineer at Powell Fenwick Consultants Limited. During that time I have become first a Registered Engineer and then later a Chartered Engineer when that qualification became available. I am also on the International Engineering Register.
4. Following the earthquake on 4 September 2010, we were asked by the tenant at 738 Colombo St to conduct a walk through inspection of the premises to assess the structural integrity of the building and whether it was in imminent danger of structural collapse. Two of our staff conducted the inspection and their findings are contained in our letter dated 6 September 2010 addressed to the lessee of the premises **[BUI.COL738.0010.24]**. As stated in the letter, no items were seen requiring urgent attention to ensure the ongoing stability of the building. The only other damage noted was minor cracking of linings.
5. On the 26th of December 2010, Powell Fenwick Consultants Limited was asked to undertake an inspection of the building at 738 Colombo Street which housed the OK Gift Shop. This request came to us from the tenant of the building as they had previously used us for such an inspection following the September 2010 earthquake. I do not recall who specifically asked me to do the inspection; however it would have come from someone who was manning the phones and taking calls requesting such inspections.
6. As I was already in the city undertaking other inspections, I was asked to undertake the inspection for this property. At the time that I arrived on site, which I estimate to be approximately 4.30pm, the shop was operating in a normal manner with staff and customers throughout the building.
7. I was given a limited tour of the property which included access to the lower level shop, access to the rear storeroom in the lower level, and access to the storeroom in the first floor level in the rear of the building only.

8. The tenant of the shop on site who showed me around did not have access to the upper level tenancy which extended to the Colombo Street frontage of the shop. I was also able to inspect the shop frontage from Colombo Street, but not the rear of the building from the sides or behind. We were not invited during our inspection to conduct any intrusive testing or remove shop fit out items to gain better access to the structural elements of the building.
9. My inspection was limited to a visual inspection only and given the extent of the fit out in the lower level of the shop was very limited.
10. I recall seeing minor damage consisting of cracking to lath and plaster walls in the rear area of the shop only. These walls were not considered to form part of the main structure of the building and were of a partition nature only. There was no visual damage to any of the masonry walls that were observed in my inspection, which included the front wall of the building which was inspected from Colombo Street.
11. The observed damage was not considered to be detrimental to the structure of the building. Based on my inspection I did not consider that the structural integrity of the building had been diminished by the earthquake of the 26th of December 2010.
12. At the time of my inspection we did not have access to information such as the building plans, any information from GNS relating to the likelihood of future aftershocks, nor did I conduct detailed calculations for the seismic strength of the building.
13. We were not aware that there had been previous strengthening work to the building as this was visually evident on site.
14. This research or further calculations regarding the building strength were not requested as part of our brief. Our brief for that day was to provide an inspection and comment on any damage to the building and whether the building remained occupiable.
15. Based on the limited damage to the building observed on site I did not consider the building to be any worse off than it had been before the 26 December earthquake.

DATED  February 2012

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Malcolm Thomas Freeman