

COMMISSION RESUMES ON THURSDAY 28 JUNE 2012 AT 10.50 AM**MR ZARIFEH:**

This morning we are going to hear from a number of Council building
5 inspectors that inspected the CTV building shortly after the September
earthquake. You will have a statement of evidence from a Richard Sullivan in
front of you, he is an engineer, a CPEng who accompanied Mr Van der Zee
who is the first witness you will hear from and we weren't aware of him
10 accompanying Mr Van der Zee until we got Mr Van der Zee's brief and he
can't recall a lot about the inspection but he did take some photos and that's
the main purpose of his brief, so it's intended that his brief would go in by
consent and that Mr Van der Zee can refer to the photos but I just make that
point. Mr Van der Zee is going to be called by the Council's solicitors and
then we'll hear from Mr Calvert, Mr Flewellen and Mr Simson and they will be
15 called by their respective Council.

JUSTICE COOPER:

So this statement of Mr Sullivan is uncontroversial I take it, or is it?

MR ZARIFEH:

20 Well I haven't had any reaction and perhaps we'll hear now if anyone has got
any, but –

JUSTICE COOPER :

25 Is he here?

MR ZARIFEH:

No he's not. My proposal is that it be taken as read. If there is any indication
of that then he's in Christchurch but he can't really add once you read it, you'll
30 see he can't add a lot.

JUSTICE COOPER:

Mr Reid, do you see any difficulty with this?

MR REID:

No none from the Council's perspective.

5 **JUSTICE COOPER:**

Yes, and Mr Palmer have you had time to digest this?

MR PALMER:

(inaudible 10:52:05) chance to but I don't see that there's anything in here that
10 I would take objection to. If there's anything perhaps I'll come back to you.

JUSTICE COOPER :

Well when would you propose to do that?

15 **MR PALMER:**

When I've read it fully Sir, five or 10 minutes.

JUSTICE COOPER:

Well shall I ask Mr Elliott or Mr Zarifeh to read this statement into the record.
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MR PALMER:

Do that Sir and by the end of that I'll know. The default position is that I won't
require him.

25 **JUSTICE COOPER:**

Mr Zarifeh if you could do that and we'll see what other arrangements we
might need to make or not make.

STATEMENT OF RICHARD DANIEL SULLIVAN READ BY CONSENT

My full name is Richard Daniel Sullivan. I live in Christchurch, I am a CPEng structural engineer and the principal of R D Sullivan and Associates Limited. Following the 4 September 2010 earthquake I volunteered my services to the Christchurch City Council to assist with carrying out rapid assessments of buildings in the Christchurch CBD. On 5 September 2010 I was assigned to a rapid assessment team. The other members of that team were Peter Van der Zee of the Council as the leader, someone from USAR whose name I do not recall and another person. We were tasked with inspecting buildings from Hereford Street to Madras Street and then back down Cashel Street. I had a camera with me and took photographs of the buildings we inspected. I was recently contacted by Mark Zarifeh, counsel assisting the Royal Commission who asked if I had any recollection of carrying out a level 1 rapid assessment of the CTV Building on 5 September 2010. I record that I was part of a team of four that carried out level 1 rapid assessments of buildings in this part of the city, and the CTV building was in the block of buildings inspected. I searched my photograph records and found three photographs of the CTV building along with the others which were also inspected on that day. The first photograph is of the level 1 rapid assessment form completed by Mr Van der Zee at 2.15pm. I then took two photographs of the south and southeast elevations of the building, and they're coming up now, the south one and the southeast. I cannot recall the details of the inspection by the group for the CTV building. My recollection of the inspection however is that we looked at the east and south walls of the building and this correlates with the photos taken. During this inspection we did not note damage to either of these two walls and the group approved the selection made on the rapid assessment form.

30 JUSTICE COOPER:

Thank you, that statement will be read as part of the evidence.

MR REID CALLS**PETER GEORGE VAN DER ZEE****REQUEST NOT TO BE FILMED DECLINED**

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PETER GEORGE VAN DER ZEE (SWORN)**EXAMINATION: MR REID**

Q. Your full name is Peter George Van der Zee?

A. Yes.

10 Q. And you're a building consent officer for the Christchurch City Council?

A. Correct.

Q. You have worked for the Council since 2007?

A. Yes.

15 Q. And between 2006 and 2007 you worked as a building estimator for G J Gardiner Homes and prior to this you worked for Placemakers for eight years as a building estimator truss detailer?

A. That's correct.

Q. Mr Van der Zee would you please read your brief of evidence from paragraph 2?

20 A. I have approximately 28 years' experience in the construction industry as a building estimator, roof truss detailer and recently as a building consent officer. I am rated to the National BCA competency level, commercial 1. I have tertiary education at the Christchurch Polytechnic Institute of Technology, initially towards the qualification of New Zealand
25 Certificate in Architectural drafting, then part time study towards New Zealand Certificate in quantity surveying.

30 I was involved in carrying out rapid assessments of buildings as part of Christchurch City Council's earthquake response to the 4th of September 2010 and 22nd of February 2011 earthquakes. It is a requirement of my employment as a Council building consent officer that I provide assistance to Civil Defence as required. I was asked to come

to the emergency operation centre on the morning of the 5th September 2010 along with a number of other Council employees. I attended a morning briefing given by Mr John Buchan and Dave Brunson where they explained the rapid inspection and placarding process. John Buchan at that time was the Council's engineering services manager and I understand David Brunson was a Civil Defence engineering consultant. I was already generally aware of the placard system from information published by the Department of Building and Housing prior to the 4th of September 2010 earthquake but I did not previously have a detailed understanding of what the rapid assessment process involved.

It was explained that the level 1 rapid inspections were external assessments only and we were to focus on identifying obvious damage and any immediate hazards to the public. The rapid assessment team I was assigned to on the 5th of September 2010 involved Richard Sullivan who was an engineer and two other people. I cannot remember the names of the two other people. Before leaving the emergency operation centre we were given a clipboard and pens, copies of blank level 1 rapid assessment forms, copies of green, yellow and red placards and a map of the central business district showing inspection zones. I do recall that Mr Sullivan also had a camera with him. The central business district had been divided into separate blocks and each rapid assessment team was assigned to a particular block. I cannot recall the specific blocks that the assessment team I was in was assigned to on the day but I remember looking at buildings on Hereford Street, Madras Street, Woolsack Lane and Cashel Street. I only have a vague recollection of visiting the CTV building on the 5th September 2010. I have been involved with a large number of building assessments since 4 September 2010 and do not have a detailed recollection of all buildings that I have visited. I have reviewed a copy of the level 1 rapid assessment form completed on 5 September 2010 for the CTV building.

Q. I'll just stop you there Mr Van der Zee. Just have a look at the document that's come up on the screen in front of you.

A. Mmm.

Q. Is that the rapid assessment form you were referring to?

5 A. Yes it is.

Q. And the handwriting that's on the document. Whose is that?

A. All of the writing on the form is mine except the Prupi number, the abbreviation PVD54 on the bottom of the form and W4 and 2 on the top of the page. I believe the information would have been added to the form by administration staff after the form was returned to the emergency operation centre.

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JUSTICE COOPER:

Q. Could you tell us what Prupi means?

15 A. It's a property identifier number used by the Council.

Q. I thought that's what it might be but what do the letters stand for do you know?

A. Sorry which?

Q. Prupi.

20 A. Sorry I'm not –

Q. Do you know what that means?

A. No I'm not, I can't elaborate further.

Q. Okay, all right.

EXAMINATION CONTINUES: MR REID

25 Q. So I think you're up to paragraph 10 Mr Van der Zee. Just carry on from there.

A. Thank you. As this was a level 1 rapid assessment we only looked at the exterior of the building. We did not go inside the building. I believe I filled out the level 1 form in the carpark once we had walked around the building and looked for any obvious damage. There is a line through the minor/none boxes in the Overall Hazards Damage Summary. I believe I would have drawn this line through the boxes when we were in the

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carpark. This indicates that we had not seen any obvious damage or hazards to the exterior of the building which is my recollection. The level 1 form states that the building was assessed as inspected green. This decision would have been made after a discussion between me, Mr Sullivan and other members of the assessment team. I believe a green placard would have been filled out and attached to the building. Then we would have moved to the next building to be assessed. When we had finished assessing all the buildings in the block we had been assigned to we returned to the emergency operation centre at the Art Gallery. I handed all the rapid assessment forms to be processed by staff working in the building evaluation team. I did not have any further involvement with the CTV building after 5th of September 2010.

CROSS-EXAMINATION: MR ZARIFEH

Q. Mr Van der Zee one of the issues that the Commission will be looking at, in particular in the later hearing, in a bit more detail is this assessment process and part of that involves the training of people that carry out assessments. I just wanted to ask you a couple of brief questions about that. As I understand your evidence you hadn't received, prior to the 4th of September 2010 earthquake you hadn't received any training in post-earthquake assessments?

A. That's correct.

Q. And from your experience would that be the general rule amongst building inspectors or people in a similar position to you that were carrying out such inspections?

A. I believe so.

Q. And the training had to be carried out pretty rapidly after the earthquake and it took the form of briefings on the morning of the 5th of September for example and the days that followed?

A. Yes, that's correct, yes.

Q. From your experience was that sufficient to give you an adequate understanding of the rapid assessment process, or not?

A. I think so. We were looking for obvious damage or, or hazards.

- Q. Right. Do you think that if you'd had previous training that would have assisted?
- A. I don't think it would have been of much more assistance.
- Q. Right. So do you feel that you had an adequate understanding of the
5 difference between the red, yellow and green placards and when to apply each of those?
- A. For the day, yes I do.
- Q. How do you mean for the day?
- A. At that time, for what we had to do at that time, yes. It was just level 1
10 that we were looking at.
- Q. Right but were you not involved in level 2s of any buildings?
- A. Not that I recall.
- Q. So your only involvement was level 1 assessments?
- A. Yes.
- 15 Q. Did you know when level 2 assessments would be done?
- A. That would be followed up, if the level 1 identified there could be potential issues that would be referred back for a follow-up.
- Q. Right and is that something that you would identify in a level 1 if you thought that there should be a level 2?
- 20 A. It's, it's possible that it could have been, if there was obvious signs of issues that could have been triggered, yes.
- Q. Okay. Did you know what the policy, the Council policy was in relation to level 2 inspections of buildings? When they would be done?
- A. No, no.
- 25 Q. That wasn't part of the training or the briefing?
- A. I don't recall.
- Q. Do you think that would have assisted, to know that?
- A. Not what we were doing at that time for, for the level 1.
- Q. Well the Council have provided a report on the assessment process, to
30 the Royal Commission –
- A. Mmm.
- Q. – and included in that there's a, there's a statement about the, when level 2 inspections were done.

A. Okay.

Q. And essentially it says that for buildings over I think four storeys a level 2 would be carried out, there might have been a grading system because of resources but the idea was that a building over four levels
5 would be, would have a level 2. That's not something you were aware of?

A. I don't recall but we did record the number of floors, the levels of a building on that assessment form. So that information would have gone back to the evaluation team. So that could have triggered it from there.

10 Q. Right because you haven't ticked "level 2 recommended" have you, on the form?

A. No.

Q. And do I take it that that's because you didn't think there was any damage that required a level 2, rather than a level 2 should be carried
15 out as a matter of course?

A. Well part of the team we, we were just looking at just obvious hazards.

Q. Right.

A. Yeah.

Q. And did you give any thought to the structure of the building and its
20 make-up?

A. Part of our discussions we would have talked about what sort of building we considered it to be.

Q. Right.

A. And, yeah, the engineer would have made some comments.

25 Q. All right. So you had Mr Sullivan with you?

A. Yes.

Q. In that group on that day.

A. Mmm.

Q. So would he have had an input in those, in respect of those things?

30 A. Oh, certainly.

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Q. I see that you've ticked on the form 'concrete shear wall' top right.

A. Mmm. That would have been in consultation with Mr Sutherland.

- Q. Right so that's identifying that there was a concrete shear wall or walls.
- A. That's yes, yeah, that's what would have been assumed because we didn't go in the building it was just from the exterior.
- Q. I understand that. What I was going to ask you does that tick simply
5 mean that it had a concrete shear wall or was that an indication that that had been inspected from the exterior?
- A. It was just an indication that we believed the construction had contained a shear wall, not that we inspected it.
- Q. Mr Sullivan's brief that you would have heard read out...
- 10 A. Yes.
- Q. He can't recall too much about the inspection but he's obviously taken those photographs which presumably you concur with your memory of the building?
- A. Yes, correct.
- 15 Q. His recollection was that "we looked at the east and the south walls of the building".
- A. Mmm.
- Q. Does that coincide with your memory or do you recall inspecting more.
- A. That's coming down Madras Street and into the carpark. They were the
20 elevations.
- Q. So you wouldn't have looked at the north side of the building?
- A. That would be visible to a certain extent coming down Madras Street.
- Q. You said that you were looking, it was a level 1 and you were just looking for obvious damage.
- 25 A. Correct.
- Q. What were you looking for? What kind of damage in those level ones?
- A. Um, broken glass, things that were leaning out or building collapse perhaps or distortion, yeah.
- Q. And any cracks to the building?
- 30 A. Yes, yes.
- Q. So did you see any of that kind of thing in the building at all?
- A. Not that I recall. If we had a concern we would've –
- Q. Well you've marked as you say 'minor' or 'none'.

- A. Yeah.
- Q. And you can't remember if there was any minor damage now.
- A. I'm just going from what we had indicated there, that we indicated that there wasn't anything obvious there to indicate any concern of damage.
- 5 Q. And it's a damage-based test isn't it? You're looking for damage from which you may or may not be able to infer there's structural damage or problems.
- A. Yes.
- Q. Is that fair?
- 10 A. Yes.
- Q. On the form you've written next to contact name "John Drew".
- A. Mmm.
- Q. We've heard that he, at the time, was the building manager. Where did you get that information from?
- 15 A. Um, probably there would have been a placard or something on a door identifying, we were looking for contact details so it could be followed up.
- Q. So that doesn't indicate that you spoke to him.
- A. No, no, there must have been some identifier on the door.
- 20 Q. That's what you think it must have been.
- A. Yes.
- Q. Because you didn't obtain it from anyone else.
- A. No it was cordoned off areas so...
- Q. What about below that you've got King's Education, CTV and Going
- 25 Places. They were either current or previous tenants of the building.
- A. Mmm.
- Q. Where did that information come from?
- A. That would have been identified at the entranceway of the door, of the building.
- 30 Q. As the tenants?
- A. Yes.
- Q. And was it just a matter of course to write things like that in?

A. Yes it was and if we had contact phone numbers we'd put that in there as well.

5 Q. So in your damage-based assessment of this level 1, looking at the exterior, are you taking into account the size of the earthquake in September and the likelihood of aftershocks or not?

A. No.

Q. It's just a visual look for damage, obvious damage.

A. Yes and hazards I'm assuming.

10 Q. And as you say you and your group were happy that there was no obvious damage or hazards and you gave it a green placard and put that on the building.

A. Correct.

Q. And when you left the building then, from what you said, you didn't know that there'd be a level 2 necessarily.

15 A. No.

Q. The green placard recommends that the owner get his own engineering evaluation doesn't it? Do you recall that?

A. I believe so, yep.

Q. But it's only a recommendation isn't it?

20 A. Correct.

Q. So when you left the building you were happy that it could be reoccupied in terms of safety?

A. I didn't assess that on that basis.

25 Q. When did you think that would happen in terms of the Council processes?

30 A. Yeah it's, it would be just an opinion of mine but either it could have been followed up with another assessment or a more detailed assessment, either through the earthquake team or the owners would take up that, the building owner would take up the responsibility of assessing that further.

Q. Well in this case we know that the owner did that.

A. Mmm.

Q. It didn't happen though till the 6th of October there was a report done, an inspection late September and a report 6 October. But if that hadn't happened you weren't sure whether there'd be any follow-up from the Council from what you knew.

5 A. Correct.

Q. And do you think it might have assisted if you'd had training that covered things like that – when a level 1 would be done when a level 2 would be done – so that when you walked away after classifying a building as a green placard you'd know what was going to happen or was that not part of your job?

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A. No my, we were looking for just obvious signs of damage and hazards, yeah. Probably wasn't thinking too much further down the track.

CROSS-EXAMINATION: MR SHAMY, MR WALLACE, MR LESTER AND MR ELLIOTT – NIL

15 **CROSS-EXAMINATION: MR REID**

WITNESS REFERRED TO PHOTOGRAPH BUI.MAD.249.04853

Q. So this is a photograph that is on your screen now of the CTV building taken by Mr Sullivan when you inspected it. I think you confirmed that in evidence.

20 A. Yes, yes.

Q. And you can see that on the outside of the building there's a number of signs.

A. Mmm.

Q. Do you think that might be where your information on the form comes from about the tenants of the building?

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A. Yes that's correct.

QUESTIONS FROM COMMISSIONERS FENWICK AND CARTER – NIL

QUESTIONS FROM JUSTICE COOPER - NIL

WITNESS EXCUSED

MR SHAMY CALLS**GRAEME JOHN CALVERT (SWORN)**

Q. Do you confirm that your full name is Graeme John Calvert, that you're 42 years of age and that you are currently employed as a building surveyor at Alexander and Co.

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A. Yes.

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Q. Mr Calvert you have a written statement of evidence in front of you. Can you please read that aloud now starting at paragraph 2?

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A. I was employed by the Christchurch City Council (CCC). My title was senior building support officer. This meant I was responsible for dealing with litigation claims against the Council, particularly in the form of leaky building claims. I worked for the CCC for about six years. I was initially employed as a building inspector. A building inspector will look at a building as it is being built at various stages to ensure it complies with the building consent requirements. I inspected residential and commercial buildings. The CCC had ongoing professional development training courses for building inspectors. These were external courses which the CCC put their staff on. Prior to joining the CCC I worked for a building certifier. I was involved in processing plans and doing building inspections for residential buildings. I was employed by that company for about three years. Before joining that company I was an in-house carpenter at a freezing works. During this period I was employed to do more maintenance work. My first job where I did my apprenticeship was for a building company. I worked for them for five years before going to another building company for five years and then the freezing works.

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4 September 2010 earthquake. On 4 September 2010 Christchurch was rocked by a 7.1 earthquake at about 4.35am. After I had made sure my family was safe and we had got over the shock of things and sorted ourselves out I drove in to work. I arrived at work at about 6.15am. When I arrived at the CCC Hereford Street office there were only about seven to nine people including the Mayor Mr Bob Parker

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5 assembled. I recognised one or two other Council employees. It was still dark when I arrived. I made contact with my direct manager, Mr John Buchan. Mr Buchan is heavily involved in civil defence and he took a leadership role. He directed me to get into my truck and drive around the CBD to acquire an initial overview of the state the CBD was in and form an assessment. I did that. It was just coming into daylight when I started. This task took about 45 minutes to an hour. When I had finished I returned to the Hereford Street building and reported. I travelled with John Buchan to the old CCC Tuam Street office. We went there because the CCC was in the process of moving premises and the civil defence helmets and other items and equipment were still at Tuam Street. A decision was made by someone that our headquarters would be at the Art Gallery. The emergency centre at the Art Gallery was set up during the first day. People were putting in power lines and computer terminals and this was all taking a bit of time. We assembled at the Gallery. For the rest of the day people were sent out on reconnaissance to look at the state of the city. We were tasked to go to various suburbs and other areas to do a preliminary visual assessment and report back. I think from memory I spent most of the day at the Art Gallery noting down information as it was reported in from my colleagues. I was recording what my colleagues were seeing out in the CBD and suburbs.

25 5 and 6 September. My memory of what I did in the following days is a little unclear only because of the passage of time. I have a memory that on the following day, Sunday 5 September, of being tasked to go out with others and make certain roads safe or open up certain roads and to assist in allowing traffic to move more freely. We marked the footpath and the road so that a truck behind us which had site or barricading fencing could place these barriers where we had marked it. This was a big exercise. I think it occupied at least a full day if not more. At some point I stopped doing that task. I was given another task of assessing

buildings. Assessing the buildings was part of what was called the rapid assessment process.

5 Before 4 September 2010 earthquake I was broadly aware of the rapid assessment process. Approximately a year before the September earthquake I attended a course on the emergency management centre. I would just like to say Sir that it's the emergency operation centre not –

JUSTICE COOPER:

- 10 Q. Not “management”?
 A. Yep.
 Q. Is that “operation” or “operations”?
 A. I think it's “operations”.

EXAMINATION CONTINUES: MR SHAMY

15 A. I was not part of the emergency operation centre but for some reason I was sent on the course. The course was about different aspects of civil defence and how the emergency operations centre was to operate. One aspect of the course concerned the rapid assessment process. I remember Dave Brunnsden giving a presentation about the rapid
 20 assessment process. I have a very clear memory of the different placards being spoken about by Mr Brunnsden. I understand the rapid assessment process was a new system which he was heavily promoting. I had never heard of it prior to then. I think Mr Brunnsden might have given a powerpoint presentation.

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Before going out to perform rapid assessments of buildings in Christchurch I was given a briefing about the rapid assessment process. My memory of that now is a little vague due to the passage of time. I cannot recall exactly when it was. It was not a one on one talk or
 30 briefing, certainly not a talk from my immediate manager to a small group. I recall it being a briefing that was delivered to a large number of people who were going to be involved in this process. I do not have

detailed memory of the briefing. I understand the Council say that at 9.30am on 5 September rapid assessment teams were given a powerpoint briefing on the NZSEE guidelines and the process that would be followed. It is highly likely that the memory I have is of this briefing. One needs to be aware that people were coming and going and that you could not be on – and that you could be on a 5.00am till 10.00am shift or other shifts. This meant you may miss various briefings if your roster times did not coincide with those, with the briefings. There were a lot of briefings.

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Rapid assessment process. There are two rapid assessment processes – level 1 and level 2. Level 1 was a brief exterior inspection of the building, level 2 was a brief exterior and interior inspection of the building. I am not sure I was altogether clear on the criteria for level 2 assessments. Staff at the Art Gallery were assessing and categorising buildings and asking us to do level 1 and level 2 assessments. Over the next couple of days I was doing a number of things including marking for barriers and containers to protect roads and buildings. I remember going out with engineers and different groups at times and I may well have been doing level 1 assessments. It was a very busy and unusual time and I cannot give a minute by minute, hour by hour description of what I did.

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7 September. On 7 September I was working with two colleagues, Mr Dave Flewellen and Mr Russell Simson. They were both CCC employees. Dave was a senior building inspector. Russell used to be a building inspector and was at that date a building consent officer. Again, I cannot give a detailed recollection of what I did hour by hour that day, however I have been reminded by looking at a rapid assessment form level 2 that I filled out for the CTV Building. I remember going to this building and assessing it.

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Q. Just if you could pause there please Mr Calvert, I wonder if that form which ends 137.1 could be brought up on the screen?

JUSTICE COOPER:

Q. So this BUI.MAD249.0137.1?

A. Yes.

5 1130

EXAMINATION CONTINUES: MR SHAMY

Q. Mr Calvert, can you just confirm is that the form that you are referring to?

A. Yes.

10 Q. If you can now just continue reading paragraph 25.

A. I was usually at the Art Gallery by 7.00 am. I see that the assessment form has a start time of 11.45 am. I may well have done work in the Art Gallery for the first couple of hours that day. There was a lot of down time because we often were not able to get a team together and it was not permitted for us, not permitted to go out on your own to do an assessment. At some stage that morning I got together with Dave and Russell. We walked from the Art Gallery into the CBD and walked to Madras Street. We must have been tasked with carrying out assessments along Madras Street or certainly in a grid that encompassed that area. Our objective from memory was to head towards Latimer Square. I remember the three of us stopping and inspecting the Oxford Terrace Baptist Church. I do not think that this was one of our tasks but it was simply a building that we had to walk past. I remember seeing one of the columns at the church was out of vertical alignment and was tentatively supporting a large massive stone which had disconnected from the front façade of the church. We went up and had a closer look at it. There was already emergency tape around the building. We put some more emergency tape up around the dangerous area to seal it off as being out of bounds. This to my mind was a classic example of what a rapid assessment is for and what you are supposed to do. We were walking around these buildings examining them. We were tasked to look at the buildings to determine

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whether there was anything obvious that was a hazard. We would then record it and perhaps carry out some sort of remedial action such as in the form of putting a barrier or making and putting up – putting a barrier up or marking an area out so at least the potential hazards are minimised. We may have filled out a form for the Baptist Church job but I cannot remember now whether we did. I remember going to Latimer Square, to the Latimer Square building, it is an old garage. We had been instructed to mark out on the road where the barricade should go around this building. The building had a loose parapet up top. This was clearly visible. We had been tasked with ensuring that there was a barricade placed around this hazard or ensuring an area was marked out, marked where a barricade could be placed. Again I do not recall filling out a form for doing that task but may well have. We then looked at the CTV building. I do not recall whether the CTV building was one of the buildings on the list of buildings for us to check or whether we were called up on our mobile by someone at the Art Gallery and directed to do that. We were often called when we were out on the field to check something which one of our superiors or senior staff members had decided needed to be checked while we were looking at another building.

Rapid assessment of CTV Building on 7 September. I have noted on the form that we arrived at 11.45am. I see I have signed the document, dated it and timed it 12.54. This suggests we were there for an hour. I am not sure whether we were there that long. Sometimes I would sign, date and time the form as we were walking back or even when I got back to the Art Gallery. I do not recall us being there for an hour but we may well have been. We are tasked as part of the assessment to look at the outside of the building. I am sure that the three of us would have walked around the outside of the building. There was no obvious damage that caused me any concern. There was damage which I think may have been broken panes of glass or cosmetic damage but there was nothing that caused me any concern. After doing an outside

assessment we went inside. I recall speaking to the receptionist or at least one of us doing that. A man came out from behind the reception area to speak to us. My memory is that he was the boss of one of the businesses in the building. I think it needs to be mentioned that I am not
5 an engineer and neither are my other two colleagues. I understand the CCC were suggesting the rapid assessment teams should have included one building inspector, one CPEng engineer and one civil defence rescue team member. That was not the case. It might have been after the February 2011 earthquake but it certainly was not always
10 the case for the September 2010 earthquake rapid assessments. As I said the exterior seemed fine visually. That said, we are not engineers so we are not doing an in depth analysis or looking at technical aspects of the building. That is not the purpose of a rapid assessment. I do recall the man that we spoke to at reception seemed happy to be in the
15 building. He did not have any concerns about the building. We specifically asked him whether he had any concerns. This was a standard thing we did because it made our job much easier. We would ask whether there were any problems or issues and if so we could go straight to them and have a look at them. Neither the receptionist nor
20 this man had any concerns. I have a very clear memory of this aspect of the rapid assessment of the CTV building. I remember the business man telling us that they were going to get an engineer to inspect the building. I certainly have a memory of us talking to him about engineers inspecting the building and the need for this to be done. One of the
25 things we always told people who were in buildings that we were looking at was that we need, that they needed to get an engineer to inspect their building. It was a standard comment that we made to everyone we saw who was present when we carried out a rapid assessment. We were told to make that comment because the fact that we could not see any
30 obvious things that were wrong with the building did not mean that there were not things wrong with the building. Obviously there could be cracks in the foundations or all sorts of problems that were hidden from view. We were instructed by CCC to mention this and to tell owners and

occupiers there was a need for them to engage their own independent engineer to do thorough assessment. This was something we always did.

5 I recall us looking at the interior of the building. We could not look at all the floors because some were locked. I think we could only get up to the second or third level. I remained on the ground floor and checked out the ground floor and may have spoken to the receptionist. Dave Flewollen went up to the second or third floor. The fact we could not inspect all floors was not ideal however from what we saw there was no obvious damage. There was also a backup that an engineer's report would be obtained and this would examine all floors. I then went back outside again and had another look at the exterior of the building. I am not sure what Russell was doing. I think he, that he went with Dave through the ground floor and exited out the back of the building to have a look at the building as they went through. We then all met back at the car park and had a discussion about the building. As I have said a rapid assessment is not an in depth analysis of the building. It did not involve looking at building plans or any assessment of the strength of the building. We were looking for obvious damage and if there was any such damage we would then assess the extent of the damage.

25 Filling in the level 2 form. Again, I am not really sure when I filled out the assessment form. It probably would have been when we were out standing in the car park although some of it may have been completed when walking away from the building. As I said the time at the very end could have been noted down as when we got back to the Art Gallery. In any event it records some basic details about the building and that there was a green placard on the first assessment. This means I would have sighted the first green placard. Under comments it said that we called in to inspect, it was looked at us, looked at by the three of us and we spoke to a manager who had no issues as far as he was concerned. As I explained earlier we would have asked him if there was any

5 damage that he had seen which he wanted to draw to our attention. I
have, in effect, recorded or noted this answer. You will see that I have
recorded that there was an existing green placard on the building. This
would have been a level 1 assessment. I have circled “inspected green
10 G2” which I see actually means “occupyable repairs required”. On
reflection I now wonder whether I meant that or thought G2 meant it was
a green, second inspection. There certainly was cosmetic damage and
there probably were some repairs required. This perhaps highlights a
degree, a lack of understanding and knowledge of the rapid assessment
15 process in relation to the meaning of G1 and G2 and particularly the
details set out in the forms. My memory is that we were given
information about the different placards themselves. Green, yellow, red
and what these meant. Red definitely means no-one could be in the
building. It was unsafe and the building was a risk to life and limb.
20 Yellow meant that there was damage and problems with the building but
limited access was permitted to retrieve articles. Green meant,
basically, that there was no obvious damage and therefore it appeared it
was safe to occupy. I do not remember getting any training or
information about the details of these forms and what input was required
25 on them although I accept this may have been covered in the briefings.
You will also see that I have ticked “0 to 1 percent damage estimated
overall building damage.” That shows the level of damage that we saw
which, as I said, was merely cosmetic.

25 Conclusion. There was no reason as far as I am concerned after 7
September inspection for any alarm with the CTV building. There was
nothing obvious that required remedial action. If there was something
obvious I would have noted it and I would have raised it with the building
manager and the receptionist. If there was significant damage I would
30 have gone in there and told them to get out. There was definitely no
concern expressed by my colleagues Dave and Russell about the
building. We all agreed with the assessment that it was a green. This
rapid assessment, of course, was not designed for, not did it purport to

be a detailed assessment or analysis of the building. The engineers' reports would perform that task. I undertook other assessments of other buildings over the next couple of weeks. These were a mixture of residential and commercial buildings. I was still employed by the Council when the 22 February earthquake struck. After the 22 February earthquake I was again involved in rapid assessments and assessing throughout. These assessments differed in that we were not allowed to do assessments such as the one we did on the CTV building unless we had an engineer and a USAR team with us. That said I think I did assessments for the first week and then I was assigned to assisting CBD occupants to retrieve files and articles with USAR teams. I left the Council in late March 2011 to work for Alexander & Co.

Q. Thank you Mr Calvert. Just two questions of clarification. At paragraph 19 of your witness statement you say you were given a PowerPoint briefing on the NZSEE Guidelines. Are you aware what NZSEE stood for?

A. I think it's the New Zealand Society of Earthquake Engineers.

Q. Secondly, in your evidence you've spoken about seeing a receptionist and a male in the CTV premises. Did you see any other occupants of the building?

A. No.

CROSS-EXAMINATION: MR REID

Q. Mr Calvert I'd just like to refer you briefly please to the rapid assessment form that you filled out when you inspected the CTV building. That's document 2490137.1. Now you've filled out this form which is a rapid assessment level 2 form and I see that you've noted in the comments, "Looked at by three CCC senior officials." So you've specifically made that note there haven't you?

A. Yes.

Q. Yes. That suggests doesn't it that was something of particular note on that occasion?

A. Well it, it was to note that the three of us were there.

Q. Yes.

A. And we were senior members of the building team.

Q. Yes and what was the reason for, for referring to the seniority of the employees who were there?

5 A. I can't answer that I'm sorry. I don't know.

Q. Do you think it was because it was unusual that there were three staff members without an engineer?

A. I don't know.

Q. It's consistent with that though isn't it?

10 A. I can't answer that. I'm sorry. I have no recollection of why I wrote that.

CROSS-EXAMINATION: MR WALLACE AND MR LESTER - NIL

CROSS-EXAMINATION: MR PALMER

Q. Mr Calvert you mention in paragraph 3 that you were employed as a building inspector by the Council for six years and in your latter years obviously you were a senior building support officer dealing with leaky building litigation. When you say you were initially employed as a building inspector how long did you occupy the role of building inspector?

15

A. For approximately two to three years.

20 Q. Two to three years. Now when – could we please bring up the assessment form 0137. In this form I assume that you, you completed it?

A. Yes.

Q. You've ticked the box under primary occupancy of commercial offices. I, I read also that you didn't go any, go up through the building past level 2. Is that correct?

25

A. Myself, no.

Q. Were you aware that there was a school there? Were you aware that there was a school in the building?

30 A. No.

- 5 Q. While we're with your brief, at paragraph 34 you looked at the outside of the building and then you say, "There was damage which I think may have been broken panes of glass or cosmetic damage but there was nothing that caused me any concern." Can you recall how many panes of glass you saw were broken?
- A. I think it was only one.
- Q. One?
- A. Yeah.
- Q. And cosmetic damage. What, what, what was the nature of that?
- 10 A. Well I think that's what – that's what that refers to. I, I think it was only one and it was, it was a few storeys up so I couldn't actually say whether it was one pane or two panes.
- Q. Do you recall which side of the building that broken glass was on?
- A. I think it was the, it'll be the east side facing Madras Street.
- 15 Q. Several storeys up but you can't be certain?
- A. Yep.
- Q. Now in your evidence you haven't dealt with evidence that Mr Simson and Mr Flewellen have given about a crack that they found between the stairwell, or between the stairs and the wall, the lower area of the, of the building. Have you read their evidence before you gave evidence today?
- 20 A. Yes I have.
- Q. Mr Simson in particular says that you were with him when you were, the three of you were inspecting that part of the building. Do you recall seeing the crack that they refer to in their evidence?
- 25 A. I don't recall seeing it. I, I, I may have been there but I, I don't recall that.

CROSS-EXAMINATION: MR ZARIFEH

- 30 Q. Good morning Mr Calvert. I just wanted to ask you a bit about the training that you received or didn't receive for rapid assessment, the rapid assessment process. You said that you went to a course but that you were not part of the emergency management centre?

A. No, it was a one day seminar I think about how the emergency as it turns operation centre works.

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Q. And so was it just a chance that you were there from the sound of it?

5 A. Yeah.

Q. But it wasn't something that all building inspectors went to?

A. Not that I know of, no.

Q. Prior to the 4th of September earthquake did you have any knowledge of the building assessment process?

10 A. I had heard of the placards.

Q. Right, but in terms of the distinction between them and the level 1 and level 2 assessment process?

A. Not the level 1, level 2 assessment process but I had seen the placards and what they represented.

15 Q. Right, and what about at the briefings then, how long was the briefing say on the 5th of September?

A. Well as I said in my evidence I was – I don't have much recollection of that but I would hazard a guess and half an hour I'm guessing, it wasn't long.

20 Q. And do you feel that you had sufficient knowledge and training to go out and do these rapid assessments level 1 and level 2 at that time?

A. I'd had – I had an understanding of the placards and what we were required to see obvious damage but you can never have enough training.

25 Q. Right, what about the tests to be applied though to the damage that you saw, was that covered from what you can recall?

A. Well we only saw cosmetic damage so yes.

Q. No, I'm talking in general not just –

A. In general?

30 Q. – not just in terms with this building.

A. Yes I think so.

- Q. So what to look for in terms of cracks and the widths of cracks and where they were in a building in relation to say seismic resistant structures, resisting structures?
- A. Oh that wasn't covered, not that I – I was never taught that.
- 5 Q. In hindsight looking back now because the Royal Commission as you appreciate is looking at looking forward and lessons that can be learnt and things that should be changed, do you think that things like that would have been helpful, certainly for level 2 I'm talking about?
- A. For a level 2, yes although that would involve some pretty specialised engineering training.
- 10 Q. Right.
- A. Seismic forces and things like that, but yeah.
- Q. Well I'm just talking about say identifying for example cracks and when a crack may be a concern and when it may not be.
- 15 A. Yeah, well as I said you can never have enough training.
- Q. Because it would seem from your – the evidence you read that you were not all together clear on the criteria for level 2 assessments you said.
- A. Not entirely as for what the G1 and G2 meant, I assumed it was the second assessment and we'd found it green and I labelled it as such as
- 20 being having some damage with repairs required.
- Q. Right. But this was an internal and external and second inspection -
- A. Mhm.
- Q. - on behalf of the Council or the civil emergency?
- A. Yes.
- 25 Q. So that was a lot more in-depth than the level 1?
- A. Well it was, we were there a lot longer and we went inside and out, yes.
- Q. And what were you essentially looking for, what were you (overtalking 11:54:16) –
- A. We were looking for signs of obvious –
- 30 Q. – weren't you?
- A. We were looking for signs of obvious damage.
- Q. And obvious damage that would indicate what?

- A. Obvious damage that would indicate whether people could be in the building or not and we didn't see any obvious – anything obvious to us. There was nothing, it was cosmetic.
- 5 Q. What I'm getting at though is, and I'll mention cracks as an example, if there wasn't sufficient training on how to perceive damage, and in particular in relation to the seismic resistance of a building for future aftershocks say, isn't that something that you were being asked to consider, you're looking at damage to see if it was safe to be in the building essentially?
- 10 A. Well I guess so.
- Q. I'm not directing it as a criticism of you personally, I'm talking about the system more.
- A. Yeah.
- Q. And the training and what people like yourself were expected to be concluding.
- 15 A. Well training would have helped yes.
- Q. Just dealing with the CTV inspection on that day, I take it that your memory of exactly how you came to be doing the level 2 at CTV is unclear?
- 20 A. Correct.
- Q. Mr Flewellen you'll recall if you've read his brief –
- A. Yes I have.
- Q. – says that he recalls being with you and Mr Simson at the Art Gallery and being requested by Mr McCarthy, Stephen McCarthy for the three of you to go there and two other buildings. You can't remember that?
- 25 A. I can't remember that.
- Q. No.
- A. We were – at the Art Gallery there was people everywhere coming and going, to and froing, yeah.
- 30 Q. So that could have happened but you can't recall it?
- A. I can't recall that.
- Q. Did you know when you went, before you went to CTV that you were going to do a level 2 there?

A. I can't remember that either, whether – because as I said in my evidence we – I thought that we may have even been called on a mobile, I just can't remember that.

5 Q. All right, well at some point you would have been aware that you were doing a level 2?

A. Once we were in, yeah, I guess once I saw the green placard on the front door it had already been looked at so we were there for the second time.

10 Q. So definitely by then you'd know whether you were told beforehand you can't now recall?

A. I can't, no.

Q. You said that at the end of your brief that these assessments done after September differed from the ones that you did after February?

A. Yes.

15 Q. And you said they differed because in February you weren't allowed to do an assessment such as the one you'd done on the CTV unless you had an engineer and a USAR team member?

A. Yes that's correct.

20 Q. So in the days that followed the September earthquake was that not a requirement?

A. Not that I –

Q. From your experience?

25 A. – not that I know of, yeah, well not that I was aware, I know – I knew that engineers were going out and inspecting the buildings. We had an engineer with us when I –when we were doing level 1s as well but I had no – I didn't realise that it was a specific requirement for us to have an engineer with us when we were doing our assessments because the three of us were out there doing it.

30 Q. Right, and when you say you didn't realise that, are you talking about at the time?

A. I didn't think about that at the time, no.

Q. But you didn't realise that at the time of these inspections?

A. No, no.

Q. Have you learnt otherwise since then or not?

A. Well in February yes we were not allowed out to do any building assessments.

Q. And who told you that, who set that up?

5 A. Well it was at a brief it was mentioned at a briefing.

Q. But it wasn't in post September earthquake period?

A. Not that I recall.

Q. And I take it from what you've said that it wasn't just the CTV inspection that you did without an engineer, there were others?

10 A. Level 2 I'm not entirely sure. I think there may have been the only one. I don't remember doing any other level 2 and after September.

Q. Right. So did you know why there wasn't an engineer in your group on the CTV inspection?

A. No, no I don't.

15 Q. Did you give it any thought at the time, did you think we should have one because there's usually one?

A. Well yes that's why we stressed to the people in the building you must get an engineer and they informed us that they were going to and we told every person that we came across in the buildings that they should get an engineer's inspection.

20

Q. Right, but did you tell them that because you didn't have an engineer with you or did you tell them that as a matter of course?

A. It was a matter of course.

Q. So whether you had an engineer in your group or not you told them that?

25

A. Yes.

Q. Right, what I'm saying is did you give any thought to the fact that you didn't have an engineer with you on this particular inspection and query that?

30 A. I didn't query it with the Christchurch City Council but that's why we enforce with the people in the building you must get an engineer to inspect your building.

1200

- Q. Right so do you think that you made to make that more forcefully than you might ordinarily have?
- A. May have, I don't recall.
- 5 Q. The Council have filed some evidence from Mr McCarthy and he refers to a spreadsheet which shows that someone called Alistair, who apparently is an engineer, CPEng engineer, was with the three of you on other assessments on that day. Do you recall that?
- A. No I don't recall that.
- 10 Q. But you definitely, there wasn't an engineer with you in this group, there was just the three of you.
- A. Just the three of us.
- Q. Do you think that that affected your ability to properly inspect the building, not having an engineer?
- A. It would've been, I guess, a lot more thorough I guess, but we had access to limited parts of the building so he would have seen what we saw.
- 15 Q. Yeah, well you've said that the fact that you could not inspect all floors was not ideal.
- A. Mhm.
- 20 Q. What do you mean by that?
- A. Well it means that we had no, we didn't have access to the entire building. We usually split up and cover all parts of the building.
- Q. Right and on this day you looked at the ground floor.
- A. Yes.
- 25 Q. Is that all of the first level or ground floor area?
- A. Well yes as much as I could see inside and out.
- Q. And just so we get an idea of what that involves did you go into the offices that are behind the reception area?
- A. There were studios and offices and that kind of thing.
- 30 Q. So you went through all those and –
- A. As far, yeah.
- Q. And are you looking at –
- A. I can't remember the layout inside.

- Q. Are you looking at exterior walls in particular?
- A. Anything that is actually visible. There was a lot of internal linings and things which made it impossible to see.
- Q. Were there cracks, cracks in plaster or not?
- 5 A. There was cosmetic damage to certain internal linings.
- Q. And so cracks to internal linings.
- A. Mhm.
- Q. You didn't go any further in the building and, from what you said, your understanding was that Messrs Simson and Flewellen went up the stairs, you're not sure how far up, but your understanding was they
- 10 couldn't gain access to any of the tenancies, is that right?
- A. I think Dave got access to a couple and through some doors but I don't think he managed to get through.
- Q. And that sounds like it's because they were locked.
- 15 A. I think so.
- Q. I take it you didn't have access to structural plans.
- A. No, not at all.
- Q. And normally you wouldn't in a level 1 or a level 2?
- A. I never saw a plan of any building through any building that I looked at
- 20 during both emergencies.
- Q. Did you ever ask for one or is that something that wouldn't have meant a lot to you?
- A. I don't think they even, no-one suggested that we looked at plans or we didn't ask for them no.
- 25 Q. What about when you had an engineer with you? Still the same? You never –
- A. Same.
- Q. You were never shown or requested any plans?
- A. No.
- 30 Q. When you said that although it wasn't ideal that you couldn't see everything in the building, every area in the building, you were happy that there was a backup of the engineer's report that would be obtained.

- A. Yeah we were told by the building manager, or whoever we spoke to, that there was an engineer coming.
- Q. And you said that he would examine all floors you presumed.
- A. Yes.
- 5 Q. And do you think that engineer would have got things like structural plans?
- A. Um, well that's up to the engineer but if he was doing a full detailed survey he could've asked for them.
- 10 Q. So from your understanding of the rapid assessment process you didn't think that there had to be an engineer with you but that was usually the case but not always, is that correct?
- A. No I didn't think that you didn't have to have an engineer with you 'cos we were sent to this building to have a look. I had no idea that it was actually a level 2 when we got there until I saw that green sticker, well
- 15 someone's already been here.
- Q. So when you saw that and you realised that you were doing a level 2, because that's the form that you filled out isn't it – the level 2?
- A. Yes.
- Q. Did you think then we should have an engineer with us?
- 20 A. Um, I may have done, I can't recall but it sort, I probably would've for that.
- Q. And did you ring back to the Art Gallery headquarters and see if there was one available?
- A. No.
- 25 Q. So you decided to carry on and do the level 2 inspection?
- A. Well we all did, we all went through and we all agreed that we didn't see any obvious damage.
- Q. Did you have any understanding of the structural elements of the building?
- 30 A. Only from what we could see visually. I had no pre-understanding of it.
- Q. I'm talking about once your there and looking at the building?
- A. Oh once we're there, yep.
- Q. So did you understand there was a shear wall in the north?

A. Once I'd seen the exterior and the actual, yes.

Q. And is that an area that you devoted any attention to in the inspection?

A. May have done. I went through the bottom floor so and around the outside.

5 Q. What about the south wall? Were you aware that there was what they call a coupled wall, a shear wall in the south, the south exterior?

A. Not at the time, um, no I don't remember.

Q. Do you think that knowing things like that might have assisted in terms of assessing a building like that?

10 A. Definitely.

Q. And do you think that having an engineer for a start in the group might have assisted in that regard in appreciating the structural elements and what should or could be inspected?

A. Yeah.

15 Q. Did you think about that at the time or not?

A. No we were doing our job just going out looking at the, yeah, looking for damage.

Q. At the time did you realise that there was a policy that buildings over four levels should have a level 2?

20 A. I didn't know that no.

Q. The receptionist that you spoke to, I presume you can't recall any name.

A. No.

Q. Can you describe her?

A. Um, she was a middle-aged woman I think, don't want to be rude.

25 Q. And she was definitely at CTV.

A. Yes, yes, on the ground floor.

Q. The male that you spoke to, can you recall him? You weren't introduced by name or anything?

A. We may have been but it's, yeah, I don't know.

30 Q. But was he with CTV?

A. I'm unsure if he was with CTV or he was the building manager but he seemed to know what was going on and he seemed to know that there was an engineer coming and that type of thing so...

- Q. Right the building manager at the time was a Mr John Drew. That name doesn't ring a bell?
- A. No.
- 5 Q. But he is going to give evidence in this hearing, he hasn't yet, but in his written statement he says that he wasn't present for any of the Council inspections. So you're not sure if it was CTV manager or the actual building manager?
- A. I'm not sure but it was the receptionist who went and got him I think.
- Q. From where?
- 10 A. Somewhere. She disappeared and then came back.
- Q. From the CTV ground floor level?
- A. I guess, I guess, I'm not entirely sure.
- Q. How clear is your recollection about this conversation about an engineer? I understand that you're clear that you and your group
- 15 impressed upon the people you spoke to the need to get an engineer's inspection?
- 1210
- A. The actual details of the conversation is not clear but I, I know that it, it happened because we, we, it was just a standard thing that we did. We
- 20 always enforced to get an engineer, that these rapid assessments were not an engineering assessment, advice to get an independent engineer.
- Q. And that's why you say in 39, "I certainly have a memory of talking to him about engineers inspecting the building –
- A. Yeah.
- 25 Q. – and the need for this to be done?"
- A. Yes.
- Q. Right so you definitely said that or one or more of you?
- A. Well it, it was enforced on him. I'm, I'm sure I would have.
- Q. But you, you think that he said, "We're going to get one?"
- 30 A. Yes.
- Q. So agreed with you when you said that that had to happen?

A. Yes well he, he said, he said that an engineer was, had, had been called and, and was going to, was going to come and look at the building.

5 Q. Okay and so being told that or believing that that was going to happen, did that affect the level of your inspection?

A. Well I, I think we'd done most of our inspection before that. We, we'd at least done some of our inspection before that happened I think so but it certainly would have given confidence.

10 Q. So you'd essentially then completed it or most of it when you were told that. So you didn't –

A. Well I'm not entirely sure.

15 Q. I guess what I'm suggesting is that thinking that there'd be an engineers' inspection at some stage might have given you some comfort in the fact that you didn't have an engineer with you and couldn't go over the whole of the building and so you might've wanted to otherwise but you were happy to leave it at that, or was that not the case?

20 A. Well we'd come to our decision between the three of us that we, we hadn't, we hadn't seen any obvious damage that caused us concern, that the person we'd spoken to in the building was, was quite happy to be there, didn't have any issues of concern himself and we'd, we'd seen two to three levels of nothing that caused us concern and an engineer was, was going to be coming to inspect the building. So that's why we issued the green.

25 Q. Right. Do you know when the engineer was going to come? Were you told?

A. We, we just, we were told that it was, it was soon. I understand it was the 29th which is a few weeks later but –

Q. Well you understand that now.

30 A. I understand that now in hindsight but I didn't know when he was going to be there.

Q. Right.

A. But I'd assumed because he'd been called, or we were told he'd been called, it wouldn't be that far away.

- Q. You didn't tick on the form "detailed engineering evaluation recommended."
- A. No I didn't.
- Q. When would you have ticked that, in what circumstances?
- 5 A. That's just something that I should have ticked.
- Q. Sorry?
- A. That's just something that I should have ticked. I accept that.
- Q. Okay but this is a form that would go back after you've completed it to the Council?
- 10 A. Yes.
- Q. For processing?
- A. Yep.
- Q. So if you had ticked "detailed engineer evaluation" would that have been carried out subsequent to your inspection by the Council?
- 15 A. I've, I don't know. I don't know that.
- Q. Well why would you have ticked then? You ticked it what – an engineer should do it as instructed by the owner. Is that you mean?
- A. I, I don't quite understand your question.
- Q. Well I'm just wondering when you would tick that. If you ticked that and
- 20 it's going back to the Council surely you'd expect the Council to take up that further action recommended.
- A. Well yes I, yeah, yes I suppose so.
- Q. Right. So are you saying you should have –
- A. We, we had verbally said to the, to the manager, you need an engineer.
- 25 He said there was one coming. So I guess that just –
- Q. So you didn't tick it for that reason?
- A. Well not, not for that reason. I, I can't explain why I didn't.
- Q. Okay. Well I don't want to be unfair to you but perhaps is that another sign of a lack of training or where more training –
- 30 A. Yep, definitely.
- Q. – on what to look for, what to recommend and when would have been helpful?
- A. Yep, definitely.

Q. Just talking about the other two gentlemen that were with you and what they saw. Were you aware of this gap that Mr Simson had seen between I think a floor and a wall?

A. Ah –

5 Q. At the time, not now.

A. At the time, no, no.

Q. So you weren't party to any discussion that might have taken place between him and Mr Flewollen about that?

A. Not that I remember.

10 Q. And neither of them made you aware of it at the time you were signing the form out in the carpark?

A. Not that I recall, no. We, all three of us, all three of us discussed the building and said we were, we were happy.

15 Q. So Mr Simson's evidence as I understand it is going to be that he was concerned about this gap that he'd seen and he thought that an engineer should look at it and that he told everyone in the building that they should leave the building until it had been deemed safe.

A. I don't recall that.

Q. Do you recall any of that being said or –

20 A. No.

Q. And presumably if it had been would that have had any effect on you?

A. Yes.

Q. Right. So that's not your recall?

A. No it's not what I recall.

25 Q. And that would seem to be inconsistent with green placarding the building.

A. Definitely.

30 Q. Mr Flewollen says that he did not think that you could carry out, the three of you could carry out a level 2 without an engineer. What do you say to that? Do you agree with that?

A. Well not, not to the full extent as you would like I would say because you're not, you're not specifically trained to, to actually look at and do a detailed assessment on structural elements.

- Q. Right.
- A. It was outside the scope of our expertise.
- Q. Right but on the form if someone in the Council's looking at it after you've completed it and handed it in there's nothing to indicate that there wasn't an engineer with you is there? You do say looked at by three CCC senior officials but it doesn't say without an engineer does it?
- 5 A. No, no it doesn't.
- Q. So there's nothing to qualify the level 2 inspection which I took you to be saying that there had to be a qualification that you did the level 2 but you didn't have an engineer to do it to the level that would be required.
- 10 A. Well not to, to the level of, of a full structural assessment. We, we just couldn't do that.
- Q. No, no I'm just talking about –
- A. We were looking for obvious damage.
- 15 Q. I'm just talking about is there a difference between the level 2 that the three of you completed –
- A. Mmm.
- Q. – and a level 2 that might have been completed with the three of you but with a CPEng engineer with you?
- 20 A. Well I'd, I'd say so because I'm sure that a CPEng engineer would, would be looking at, you know, things that we wouldn't know.
- Q. And I asked you to comment on Mr Flewellen's evidence that he believed that a level 2 of a building like that had to have an engineer in the group –
- 25 A. Well I –
- Q. – to comply or to, to comply with policy.
- A. Yeah well I've got no, yeah, I didn't know that.
- Q. You didn't know that?
- A. No.
- 30 Q. And he also says that only the ground floor should have been occupied. Do you agree with that?
- A. I don't remember that.
- Q. Do you agree with it though?

- A. Well the, there was no-one in the, in the top, well above the ground floor there wasn't anyone in there but I, I don't remember that comment being made.
- 5 Q. Right and presumably that would be inconsistent with a green placard in your view.
- A. Yep.
- Q. Because the green placard was saying that the building could be occupied in its entirety wasn't it?
- A. Mmm, yep. It did.
- 10 Q. We've got a, I'll just get it brought up, it's BUI.MAD249.0388.1. It's an email from Murray Wood who was the manager at CTV, he was killed in the earthquake, that he sent on the 7th of September, so the day of your inspection.
- 15 A. Mhm.
1220
- Q. And it's sent at 1.26pm, see that at the top?
- A. Yep.
- Q. So from your form that's about half an hour after you signed and timed
20 it, the form, 12.54.
- A. Yep.
- Q. "We have just had an internal inspection of the building from three
25 engineers and they have found that the building is in good condition and is deemed habitable. The only damage they could find was surface damage and has" – I think, I presume it should be no, it says on – "no effect on the stability of the structure." Okay now that's obviously, whether he was the person that dealt with you or not, that's the message he's got and passed on to staff but does that fairly sum up from your point of view the inspection?
- 30 A. No, no it doesn't because it wasn't inspected by three engineers.
- Q. Right, that's the first thing wrong so he's perhaps assumed that they're engineers or whoever has passed it on to him but apart from that what it says about the building? In good condition –

A. What was said about the building yes, yes, but we didn't go there, we did not go to that building, um, as engineers, we've never pretended to be –

5 Q. I understand that but apart from the fact that he refers to you as engineers the comments and conclusions that that records you agree with.

A. Yes.

Q. And that would be consistent, presumably with green placarding.

A. Yes.

10 Q. So when you left the building you were happy that it could be occupied from what you'd seen.

A. Yes.

15 Q. And perhaps the only qualification that you might put on that, certainly now, is that you didn't have an engineer to cast his eye over it at the time.

A. Mhm.

Q. But nevertheless you went ahead and completed the level 2.

A. Mhm.

20 **JUSTICE COOPER:**

Q. Is that yes?

A. Yes, yes, sorry.

CROSS-EXAMINATION CONTINUES: MR ZARIFEH

25 Q. And perhaps looking at it in hindsight, from your point of view, it would have been better to have an engineer on that day.

A. In hindsight yes.

CROSS-EXAMINATION: MR ELLIOTT

30 Q. Mr Calvert I'm going to ask you some questions on behalf of the families of those who died and those who were injured in the collapse and they have a particular interest in identifying where important decisions about this building could or should have been made differently and, obviously,

my questions here are about this decision to allocate a green placard to the building on the 7th of September. I don't have many questions. Before asking you these questions I think we should just note, in fairness, that you and your colleagues were out there doing important work during what must have been a very difficult period –

5

A. Mhm

Q. - and that you may have, like many others, experienced personal stresses at the time and is it correct to say you were doing what you perceived the Council wanted you to do?

10

A. Mhm, yes.

Q. And I think we should also note that in October, after your inspection, a privately engaged engineer carried out an assessment of the building and told the manager of the CTV building that the building was structurally sound.

15

A. Yes.

Q. So that's the context. Now I'm going to ask you about this decision to allocate the green placard on that day. Did you understand at that time that you did the assessment that the effect of assigning a green placard after the level 2 assessment was that the Council would not look at the building again unless there was another earthquake triggering a fresh round of assessments?

20

A. Yes.

Q. So did you appreciate that although the green placard encouraged an owner to obtain a detailed assessment there was no guarantee that an owner would actually go ahead and do that?

25

A. Well I suppose if the, I would, I would, I wouldn't say assume but I would expect the Council to actually contact the building owner and make sure that one had been carried out and, if not, after a certain amount of time why?

30

Q. Did you appreciate that by contrast the allocation of a yellow or a red placard meant that the owner had to obtain a more detailed engineer's assessment before the building could be opened for occupancy?

A. Yes.

- 5 Q. Mr Zarifeh has referred you to an email from Mr Wood. We're also going to hear evidence from Mr Drew and we expect his evidence will be that he had complete faith in the structural integrity of the building and that one of the reasons for this was that green placards had been placed on the building and the words he will use are that "it was significant to me that the building was green stickered". So, in that context, the circumstances when you went out to assess the building, firstly, Mr Simson says that you weren't given any specific instructions about this building, would you agree with that?
- 10 A. Yes.
- Q. And he says that you weren't given any specific information about this building. Do you agree with that?
- A. Yes.
- Q. And you've already said that neither you nor your colleagues were engineers.
- 15 A. That's correct.
- Q. And you've said in your statement that you were not altogether clear on the criteria for level 2 assessments.
- A. Mhm.
- 20 Q. That's yes?
- A. Yes.
- Q. So when you inspected the building you couldn't get access to some of the upper levels of the building?
- A. Correct.
- 25 Q. If we look at BUI.MAD249.0137.2, can you confirm that's the second page of the level 2 assessment form that you completed?
- A. Yes.
- Q. And you've not completed anything in any of those boxes in the top left half of the form?
- 30 A. Mhm.
- Q. Is that right??
- A. Yep.

- Q. And that section of the form requires you to consider structural hazards and damage to the building, doesn't it?
- A. It does yeah.
- Q. And you wouldn't have been able to give any consideration to hazards or damage such as to columns or diaphragms in those sections of the building which you couldn't access, could you?
- 5 A. That's correct.
- Q. You and your colleagues identified that this was a complex building, is that right?
- 10 A. It was a concrete column and beam building with shear walls.
- Q. Mr Simson – I'm sorry?
- A. With shear walls, yes.
- Q. Mr Simson refers to the size and complexity of the building so do you agree that you identified –
- 15 A. Oh yes it's definitely commercially, yep, it's a complex commercial building.
- Q. And you knew that damage might have been hidden from your view?
- A. Yes, that's why we always insisted on having an engineer look at the building.
- 20 Q. You identified some cosmetic damage as well didn't you?
- A. Yep.
- Q. Would you agree that an engineer would have been much more qualified to diagnose the potential implications of that damage than you were?
- 25 A. Um, on interior linings, of course he'd be more qualified, yes he would.
- Q. The position that you and your colleagues reached was that you had no concern that the building presented an immediate danger to occupants.
- A. No, correct.
- Q. Would you agree that for the points I've just outlined, for those reasons, that you and your colleagues were not in a position to make a reliable assessment of whether the building presented an immediate danger to occupants?
- 30

A. I think we made an assessment based on what we could and we did the best that we could on that day and I feel that we wouldn't have issued a green if we didn't feel it was safe.

5 Q. Do you agree that instead of issuing that green placard on the building you should have said to the occupants, we're not engineers, we don't have enough expertise or information to say that this building can be occupied?

A. In hindsight maybe yes.

1230

10 Q. Would you also accept that instead of putting a green placard on the building what you and your colleagues should have done was to go right back to council headquarters and say, "An engineer needs to go and look at that building closely now."?

15 A. We didn't think it was – there was the damage was the extent that it needed that. We thought it was safe to occupy on what we saw and an engineer was going there to look at it.

RE-EXAMINATION: MR SHAMY

20 Q. Mr Calvert, if you could look at the level 2 assessment form 137.1 front page, you will see under the, "Further action recommended," the second box refers to detailed engineering evaluation. Does that – what did that say to you in terms of the difference between a level 2 assessment and an engineering assessment, if anything?

25 A. Well it's – a detailed engineering evaluation would be a very, a much more thorough inspection of the building than we did. Level 2 is, my understanding of the level 2 was again a rapid assessment not to the extent of what an engineer would have done. Is that what you mean?

Q. Yes.

QUESTIONS FROM COMMISSIONER FENWICK – NIL

QUESTIONS FROM COMMISSIONER CARTER – NIL

QUESTIONS FROM JUSTICE COOPER:

Q. Mr Calvert, just referring you to paragraph 26 of your brief where you say, "We must have been tasked with carrying out assessments along Madras Street or certainly in a grid that encompassed that area."?

5 A. Yes.

Q. You see that?

A. Yes.

Q. I thought some of your answers were suggesting that you were specifically tasked to look at the CTV building but is that right and how does it reconcile with that sentence in your brief?

10

A. It is not a memory I have, that we were specifically sent out to that.

Q. Right –

A. I know we ended up there but it is not a – I don't remember specifically being sent there but my colleagues might be able to shed better light on that.

15

Q. Well you say, "Our objective was to head towards Latimer Square."?

A. Yes.

Q. Now, I infer from that that you were sent off in a certain direction to survey buildings along that route, whatever it was that you were following on the way to Latimer Square, is that what you intended to convey?

20

A. I – my understanding was that the Latimer Square building was the objective but I think in my colleagues' evidence they said that all three buildings were part of our objective but I just don't recall that.

25 Q. So when you say Latimer Square you are talking about a particular building –

A. A particular building on the corner of Latimer Square and Worcester Street.

Q. Latimer Square and Worcester Street?

30 A. And Worcester Street.

Q. And you went there did you?

A. Yes we did.

Q. Before or after –

A. Before.

Q. So where were you going when you inspected the CTV building?

A. Well we – like I say I can't remember whether we were specifically sent there but if we were that is where we were going but –

5 Q. That was part of it –

A. – if not we would have been heading up Madras Street checking buildings 'cos there were, there were quite a few up there with loose parapets and parapets that had fallen off.

10 Q. Now when you spoke to the person that you spoke to at the CTV building who you thought was the manager, the person whom the receptionist obtained, I understand your evidence is that he said that there was going to be an engineer look at the building, is that right?

A. Yes.

Q. Was there any suggestion that it would be the same day?

15 A. No.

Q. What did you understand from what he said to you on that subject, if anything, about the timing of when that inspection would be?

A. I just took from the conversation soon, I didn't know when.

WITNESS EXCUSED

MR WALLACE CALLS**DAVID LINDSAY FLEWELLEN (SWORN)**

Q. Mr Flewellen, can you confirm that your full name is David Lindsay Flewellen?

5 A. Correct.

Q. And that you are currently employed by Fletchers Construction as a building liaison officer?

A. That is correct.

10 Q. Now you have prepared a written statement of evidence that has been produced to the Commission. Can you please read that from your paragraph number 2.

A. As at 7 September 2010 I was a building inspector employed by the Christchurch City Council. Prior to 1984 I worked as a builder. I have Advanced Trade Certificate and a New Zealand Certificate in Building.
15 From the beginning of my working life until 1984 I have acquired extensive experience in the construction of residential and light commercial buildings. In 1984 I commenced employment with the Waimairi District Council as a builder inspector. From 1990 with the amalgamation of the councils I became employed with the Christchurch
20 City Council as a building inspector. My duties and responsibilities in that role included residential and commercial buildings. In particular in respect to commercial buildings the role of a building inspector was effectively to audit the processes followed by the engineer to the building project. A building consent for the construction of commercial
25 buildings invariably required certification at various stages of the construction by a registered engineer. As a building inspector it was my task to audit that engineer had complied with the engineer's requirements.

30 Prior to 4th of September 2010 I had no recollection of ever receiving any specific training or instruction on completing rapid assessments of damaged buildings post a natural disaster. I had attended a civil defence training that was voluntary to attend. The training did not

involve assessments but rather was more about the help that people would need following a disaster.

5 On the 4th of September 2010 I was awoken by an earthquake at my holiday bach in the North Canterbury. Once I realised the potential for the damage I telephoned one of my superiors who was John Buchan. I asked him what was happening and he said that I should report to the Christchurch Art Gallery where my colleagues would be meeting to be assigned tasks for the day. I then drove to town and went to the Art
10 Gallery. I probably arrived there at about 7.00am. I recall that there were a number of briefings held with guidance given to, as to the procedures to be followed. It is very difficult to recall specifically what was said during those briefings. As I recall the briefings were conducted by John Buchan and Dave Brunnsden from the Department of Building
15 and Housing. I recall we were given an outline of the green, yellow, red assessments. But I do not recall any of the detail of what was actually said at the time. When we completed rapid assessments we were never given any plans or structural drawings for the building we were to assess. Our assessments were done on the basis of the damage done
20 to the building or the lack of it. I was not qualified to assess whether any building was designed to withstand the damaging forces of the earthquake. I understood we were to assess the damage to a building as an indication on how that building had withstood the forces of the 4th of September earthquake. As I recall from about 9.00am I and my
25 colleagues went to complete rapid assessments on buildings in the Christchurch CBD. Invariably on that day and the days following the team to conduct such rapid assessments comprised of a building inspector and an engineer. Sometimes there might have been three people in the team, but certainly as a minimum there was a building
30 inspector and an engineer. I conducted numerous rapid assessments of buildings in the CBD on the 4th, 5th and 6th and all of those assessments were conducted by me in association with an engineer.

On the morning of the 7th of September 2010 I was standing with my colleagues Graeme Calvert and Russell Simson. We were approached by Stephen McCarthy who was then a senior manager in the department, in the building department at the Christchurch City Council.

5 Mr McCarthy was one of our superiors in the building department. Mr McCarthy therefore knew all our experience and expertise and knew us personally. Mr McCarthy came to us and said there were no engineers available at the time to conduct any further rapid assessments but there was an urgent need to rapidly assess three

10 particular buildings. He did not say why there was urgency. He therefore instructed us as a group to conduct those rapid assessments. It was implicit in what Mr McCarthy was saying to us that despite there not being any engineers available he was confident that the three of us had had sufficient experience to conduct those rapid assessments

15 ourselves, but also that there was really no choice, but that we had to conduct those rapid assessments if they were to be done at all. It was out of the ordinary to be directed to conduct this assessment without an engineer. The three buildings that we were instructed to assess were

20 the Oxford Terrace Baptist Church, a small commercial building on the corner of Worcester Street and Latimer Square and the CTV Building. As I recall we went first of all to the Baptist Church. That building was so badly damaged that it was really a case of deciding who would dash up to the building and place a red placard on it and get away as quickly as possible. I recall Graeme fulfilled the role of the scribe during our

25 assessments and it was Graeme who completed the rapid assessment form for the Baptist Church. Russell got the job of going up to the building and placing the placard on the front of the building. We next assessed a small single level commercial building on the corner of Worcester Street and Latimer Square. As I recall that had a dangerous

30 parapet. I do not recall what colour placard we placed on that building but I do distinct – but I do have a distinct recollection of spraying paint on the footpath to indicate where safety barriers should be erected to ensure that people do not come across, do not come too close to the

building and risk masonry falling on them. The three of us then went to the CTV Building. I did not notice when we approached the building that it in fact had a green placard on it, but we did see people inside the building on the ground floor apparently working. I think these people worked for the Canterbury Television but I cannot be sure. Certainly there was a receptionist in the foyer and we approached her and asked her if we could meet the building manager. We explained the purpose of our visit and that we were building inspectors and that we were visiting the building to complete a rapid assessment. The receptionist told us that building manager was in the building but she was not exactly sure where he was at the time but she would go and find him for us. The three of us walked through the ground floor of the CTV Building and met the man that we understood was the building manager at the stairwell. The manager told us that the building had been green stickered for the exterior only and the reason why we were there to complete a further assessment was to undertake an assessment on the interior of the building. I got the impression that it was he who had requested the assessment be undertaken by us. That person did seem to be knowledgeable about the building and why we were there. At that stage we knew the level 2 assessment internal of the CTV Building was outside our scope due to its complexity. My understanding was that the building being more than three storeys in height would ultimately require an engineer's assessment. Despite the fact that an engineer's assessment was plainly going to be required, since we were there and had obtained access to the building it made sense to us to look upstairs in the building where possible to see where there was any – to see there was any damage evident. This was particularly so given that the ground floor of the building was already being occupied. I therefore asked the building manager if we could access any of the tenancies in the building and the manager left to obtain some keys for that purpose. I think he mentioned this would take some time. So while the manager was away I took the opportunity to access the stairwell and went up the stairs, probably to the top, and began working my way downstairs. Coming

down the stairwell I saw no evidence of any thresholds having been compromised. Because the stairwell is the structural core of the building I was looking for evidence of damage to the structure. I saw none. There was no indication that the stairs had moved. I was not able to get into each tenancy on all floors, even after the manager came to meet me because he did not seem to have keys to all the tenancies, however I did enter at least one tenancy on one of the upper floors with the manager having let me in and I recall seeing only minor cosmetic plasterboard vertical cracks as damage. I certainly did not see anything that alerted me to there being any structural abnormalities or structural damage. I cannot recall which level this tenancy was that I obtained entry to for the inspection. I am not altogether sure whether I went into one or more tenancies or not. I certainly was not able to gain access to all the tenancies and therefore did not have an opportunity to visually assess the interior of all tenancies. The building manager pointed to some minor vertical cracks in the plasterboard but he never mentioned having observed anything – any structural damage. He told us, he told us that none of the occupants had raised concern – had raised any concerns about the safety of the building. When I came out of the tenancy that I'd been able to gain access to I met my colleague Russell Simson who I think was on his way upstairs at that point. This would've been somewhere in the middle of the floors of the building but I do not recall exactly which floor we were on. I do not think Russell Simson went to the very top of the building and in fact he was coming to find me because he said he had something he wanted my opinion on. Russell wanted me to have a look at an area at a lower level. We therefore went down to what I believe was at ground level and looked at an area where Russell had indicated on the top of the floor. Together we viewed an untidy finish at the junction of the floor and the block wall on the north side of the building. Russell and I then gained access to the underside of the floor through a cavity where the same area was observed from the underside. I observed there what was a bony type finish to the underside of the floor slab which indicated

to me that this had not been vibrated sufficiently at the time of construction. It had the appearance of segregated aggregate. There was also a parallel gap of five to 10mm where the floor abutted a foundation wall. However there was no evidence of any recent movement. I then had another look at that surface above. A closer inspection revealed that there was evidence of pain on both surfaces that is on both on the wall and the floor. This paint was unbroken. From what we could see in terms of the paint system and the untidy floor finish at the junction was all consistent with there being no recent movement. This confirmed to me that what I was looking at was not movement as a result of the 4th of September earthquake but was pre-existing and likely to have been constructed that way. I discussed this with Russell and he agreed with my conclusion. I think that we did mention to one another that this would be looked at by an engineer subsequently in any event. I have signed a file note dated 20th of September 2011 that I understand may have been produced to the Commission. When that file note was taken which was done at the request of the Christchurch City Council's solicitor I could not reconcile how I could have been looking at the underneath of the ground floor. As a result I thought it must have been the first landing, however I have since looked at the DBH website and have seen a plan of the vertical section through the CTV stair shaft. This confirmed to me that there was a cavity under that area and that was in fact where I believe my observation was carried out. I did not see any other evidence of gaps or movements in the area adjacent to where we were inspecting or within the remainder of the stair shaft. We observed no issues in regard to the integrity of the stair shaft. We left the ground floor through a door at the rear of the building shaft, stair shaft. This door led to a covered carparking area where Russell and I walked under what I think was level 2. In this building the ground floor is described as level 1 being the first floor slab and again –

JUSTICE COOPER:

Q. You've misread this slightly, the second sentence said this door led to a covered carparking area and then it's a new sentence. Russell Simson and I, could you just start again, Russell Simson and I.

A. Start again?

5 Q. Yes.

EXAMINATION CONTINUES: MR WALLACE

A. We left the ground floor through a door at the rear of the building stair shaft. This door led to the covered carparking area. Russell Simson and I walked under what I think was level 2 being the first floor slab and
10 viewed the columns and their connections to the floor slab, and the connections between the stair shaft and the floor slab. I did not observe any structural abnormalities within this area. We then went out to the back of the building and entered the uncovered carpark area and proceeded to inspect the exterior of the building. This visual
15 assessment of the carpark and building exterior indicated no structural abnormalities. I have no clear collection of where Graeme Calvert was during the inspection, however I do recall that Russell Simson, Graeme Calvert and I met in the uncovered carpark area and discussed the rapid assessment that we'd undertaken. We agreed that there were no
20 structural abnormalities seen and none had been brought to our attention by those people in the building. It is my recollection that we were comfortable that only the ground floor should be occupied. No other floors were occupied at the time of our inspection because the building was outside our scope due to its complexities and that we did
25 not have an engineer with us. The building manager was to be advised to engage an engineer immediately to complete a level 2 assessment. Our expectation was that the engineer's assessment would be for the whole building. Russell Simson then returned to the foyer area as I understood it to convey this message to the manager. Russell reported
30 to us that he had left the manager in no doubt the need to obtain an engineer's report as a matter of urgency and the building manager assured him that this would be done. It is my recollection that as a

group we were satisfied with those assurances. Graeme either adjusted the green – the existing green level 1 placard or wrote out another green placard. I have no recollection of observing him completing the placard. It had been our practice to always advise owners or managers who are present at the building and of the need to obtain structural engineer's report to carry out an assessment regardless of the placard colour that we issued as a result of our rapid assessment. When I first arrived at the building I had assumed that there had been no level 1 assessment previously carried out and that was the purpose of our visit. Once we were there it became clear it was a level 2 assessment and in fact we were told by the building manager that an exterior assessment had been completed. After completing the assessment of the building we returned to the civil defence headquarters at the Art Gallery to log our assessment. I left the employment of the Christchurch City Council on the 24th of December and there's a correction there, that should not say 2012 it should say 2010, having received an offer from Fletchers Construction.

Q. Thank you Mr Flewellen I just have one further matter to ask you about before you answer any questions from any of the other counsel or from the Commissioners. If I could ask please that to be brought up on the screen the witness statement of Miss Brehaut, it's WIT.BREHAUT.0001.3, and I'm asking you Mr Flewellen to look particularly at paragraph 11 of that statement and you will see there that this witness has referred to a newsletter dated the 9th of September 2010 that this witness typed up and includes the message, "The Kings Building," which is the CTV building, "The Kings Building suffered no damage, Civil Defence engineers inspected the structure and have informed us that it is safe to enter. They have also advised us to get the school underway again as quickly as possible so that things can return to normal. The school was opened today for teaching." Mr Flewellen you've said at paragraph 13 of your written statement of evidence, the last sentence, you explained the purpose of our visit namely that we were building inspectors and that we were visiting the building to

complete a rapid assessment. So can you tell us was a building inspector the way you described yourself when you turned up to complete the assessment?

A. We introduced ourselves as building inspectors.

5 Q. Yes, and was the word engineers ever used in your hearing by any of you to describe yourselves?

A. Not at all.

Q. And did you make any recommendation to the Kings College to get the school underway again as quickly as possible?

10 A. Had no connection with that whatsoever, didn't meet anyone.

Q. So the answer's no, you didn't make any such recommendation?

A. No, no.

CROSS-EXAMINATION: MR SHAMY, MR LESTER AND MR REID – NIL

CROSS-EXAMINATION: MR PALMER

15 Q. Mr Flewellen, you've been in the hearing room this morning. Did you hear Mr Calvert talk about a broken window?

A. Yes I did.

Q. Do you have any recollection of that broken window?

A. No I don't.

20 Q. Or any other broken windows?

A. No I don't.

Q. In paragraph 27 of your evidence you said that you and Mr Simson walked under what you think was level, under what I think was level 2 in this building, the ground floor is described as level 1 being the first floor slab. On the basis that the ground floor is level 1 and level 2, which floor did you walk across, could you just be clear about that?

25

A. So what paragraph are we on?

Q. Paragraph 27. Just that your word is now walked under what I think was level 2, so do you mean that you walked through the ground floor?

30

A. We were walking through on the ground floor, yes.

Q. And when you were walking through, and that's the only floor that you did that walk through I assume?

A. Well we walked through the ground floor coming in the building too.

5 Q. Oh yes, yes, but by walking through presumably you mean you walked from one side of the building to the other?

A. Yes, yes.

10 Q. My understanding from your evidence is that while you went into certain parts of the building for example the stair well and one of the tenancies you didn't do a similar walk through, through any other floors. Is that correct?

A. No.

Q. No. What was the case?

A. Sorry, you might just have to speak up a little, my hearing's not fantastic.

15 Q. Sorry I'm probably going a bit fast. Your evidence in paragraph 27 is that you walked through the building?

A. Yeah.

Q. Presumably you walked through the building from one side of it to the other?

20 A. Yes.

Q. And that was on the ground floor level 1?

A. Yes.

1300

25 Q. My question is, and I've got a few along this line, did you walk through any other floors of the building in the same way that you did through the ground floor level 1?

A. No, I, only one other level into tenancy level. You obviously couldn't walk through that.

Q. So you went to one of the other levels –

30 A. Yes.

Q. - and you went to a tenancy.

A. Yeah, we went to a tenancy, yes.

- Q. So I take it from that to mean that you went to part of the floor area where the tenancy was but you did not have access to the rest of that particular floor, is that correct?
- A. No, that's correct.
- 5 Q. Were you aware that there was a language school in the building?
- A. I really wasn't aware who the occupants were.
- Q. And can you, you can't remember what floor you went to to visit the other tenancy other than that it was higher than the ground floor?
- A. I can make a bit of a calculation and I would anticipate, and again I'll
- 10 refer to the ground floor as being level 1, I would say it could well have been level 3, possibly level 3, level 4 at the highest.
- Q. I think one of the, I think level 3 may have been unoccupied. It may have been level 4 then but either of those floors.
- A. Yes.
- 15 Q. When you went through the ground floor, had your walk through, you say in paragraph 27 that you viewed the columns and their connections to the floor slab.
- A. That'd be, probably should have been the floor beam, columns to the floor beam.
- 20 Q. So you were looking above you or below you when you did this inspect-
- A. Above, above.
- Q. Were there ceiling panels in the floor there, or in that particular floor or level?
- A. I'm, a Hi Bond sort of a formwork underneath those panels and, um,
- 25 yeah.
- Q. What I mean was were there interior floor panels or ceiling panels rather, cosmetic panels that you might have had to lift up to get a good view of the floor above and the connections between the floor slab and the column?
- 30 A. Yes, no, we did not lift any of those.
- Q. When you went to the tenancy higher up in the building did you inspect the column joins with the floor slab?

A. No, no we didn't. We looked, there was a plasterboard wall there and it had some cosmetic cracking in it which didn't indicate to me that there'd been significant structural movement to warrant anything.

5 Q. So, and I take it from that answer, that you did not go through the ceiling panels on that particular floor?

A. Correct, correct.

Q. And when you say you inspected the columns and their connections to the floor slab, did you inspect every one or did you just take an isolated or miscellaneous selection.

10 A. That was essentially down on the lower level.

JUSTICE COOPER:

Just a minute, you're talking over each other. Just wait for him to finish the question and then start answering it please.

15 **CROSS-EXAMINATION CONTINUES: MR PALMER**

Q. First question did you inspect every single column joint with the floor slab above?

A. No.

Q. How many do you recall inspecting? Was it one or two or four or five?

20 A. Probably four or five.

COMMISSION ADJOURNS: 1.04 PM

COMMISSION RESUMES: 2.22 PM**CROSS-EXAMINATION: MR ZARIFEH**

- 5 Q. Mr Flewellen can I just start by asking you something unrelated to the CTV building. In paragraph 4 of your brief you say at the last sentence of that paragraph, "As a building inspector it was my task to audit that the engineer had complied with the engineer's requirements." I just wanted to ask you as someone it looks like with over 20 years' experience as a building inspector –
- 10 A. Right.
- Q. – in both Waimairi and Christchurch City.
- A. Correct.
- Q. Firstly, what do you mean, just explain to us what you mean by that.
- 15 A. Well essentially an engineer has his specific design on a project and a condition of that building consent when it is issued is that that engineer has to produce us with a completion certificate or producer statement indicating that he is satisfied with that particular project and we routinely call out to those commercial sites, unannounced, and just to verify that the logbook has been acknowledged at certain parts through that
- 20 project. So obviously if he misses out some inspections or hasn't been notified by the contractor he might jib on issuing a statement at the end of the job.
- Q. Right so in 1984 you said you were with the Waimairi District Council.
- A. Correct.
- 25 Q. And then it became part of the Christchurch City Council in 1990.
- A. Correct.
- Q. The CTV building -
- A. Yes.
- Q. – was built in 1987/1988.
- 30 A. I understand that is correct.

- Q. In terms of your understand of the processes back then were they any different to what you've just described or not?
- A. Probably the end processes would be very similar but the up-front processes were completely different.
- 5 Q. In what way?
- A. Well you're dealing with building permits opposed to building consents and I guess the documentation was all different. The end result, though, I guess we're trying to have the same end result but it's just how we got there was quite a bit different.
- 10 Q. And how did a building inspector, talking back in that era, '87/'88, how did a building inspector audit the engineer? What, how did you physically, how would you do that?
- A. Essentially it was a site office and there should be a site office book there with, when an engineer's been he fills out a document, leaves it in there.
- 15 Q. Okay and so would the building inspector be checking to see that that had been done?
- A. Primarily that would be the first job.
- Q. What about actually inspecting the construction works?
- 20 A. Yeah. We, we would go out and inspect the construction work. Bear in mind this is all specific design generally. So only if there was an issue that we identified we would ring up the engineer and ask him if he was happy with this and vice versa, yeah.
- Q. If you'd seen something.
- 25 A. Yes.
- Q. Right. In relation to CTV the, there's been a, you're probably aware a DBH report on the collapse and a number of construction issues have been raised.
- A. Correct.
- 30 Q. One of them, I just want to give you one as an example, one of them is construction joints and by that I mean, for example, where two beams which were pre-cast met a column which was, the column was poured

in-situ, there were semi-circular ends of the beams where they would meet up with the –

A. Mmm.

5 Q. – finished column and the ends, those ends were specified to be roughened, if that's the right word, the roughened edges.

A. Mmm.

Q. Would that kind of thing be something that would be inspected?

A. Probably not, not – by the engineers, yes, but not by the inspector I wouldn't have thought.

10 Q. Right so you'd rely on the engineer having inspected something like that?

A. Essentially, yes, I mean that's a reasonably critical point. We've been, the Council inspector would normally be involved in, the early construction phase would be concrete pours.

15 Q. Right and the building inspector would be more involved then. Is that what you're saying?

A. Yes, yes.

Q. And what about the reinforcement work that would be in place before concrete pours.

20 A. Yes.

Q. Would that be part of it?

A. Yes.

Q. To inspect that?

25 A. Yeah we'd be called out. Inspections by inspectors on those particular sites are kept at quite a minimum knowing an engineer's going to be doing the work, if you know what I mean.

Q. And back then, '87/'88, there wasn't a PS1 that you mentioned before was there, or am I wrong about that?

30 A. PS1 I, I don't know whether that was up and running. There was PS1, PS2, PS3, PS4. Any IPENZ engineer would be able to enlighten us on that.

Q. Right but was there any, was there some similar form of certification?

A. The Council might have just had their own sort of document that they get the engineer to sign.

5 Q. All right. Okay. Thanks for that. Now coming back to your brief and the evidence about the inspection on the 7th of September 2010. I just wanted to ask you a bit, and you will have heard me asking Mr Calvert similar questions about training.

A. Right.

10 Q. Training of the rapid, from the rapid assessment system or process and as I said to Mr Calvert the Royal Commission is as part of its terms of reference has to look at the assessment process following an earthquake such as September and February -

A. Sure.

15 Q. - and we're trying to learn and look to the future and see what could be done better. So that's why I'm asking you these questions. Not as a criticism of the role that you played. It seems that you didn't receive any training prior to the 4th of September -

A. Not specific -

Q. - on the rapid assessment process?

A. No, correct.

20 Q. And so the training you received was in the form of briefings?

A. Pretty much, yes, yes.

Q. All right. Well I asked the question of Mr Calvert, do you consider that it would have been of assistance to have more training prior to the event?

25 A. Yes and actually perhaps go right through the whole process rather than sort of, we seemed to be doing in the middle of the process the training.

Q. Right.

A. Like, ie, is the building down, let's focus where we need our staff and resources and that, you know, rather than the assessment.

Q. Well I imagine after September there was quite a call on resources.

30 A. Yes.

Q. And there would have been a certain amount of rushing around trying to do, trying to fit everything in.

A. Correct.

Q. Was that your impression?

A. Yes, very much.

Q. And there's also pressure from the public to get things going again.

A. Yes.

5 Q. And that pressure would have come on the Council and probably then turn on you.

A. Yep.

Q. There was that comment you might recall you were referred to in the email from the manager at the Kings College –

10 A. Yes.

Q. – on the, I think the 9th of September after the, referring to an inspection by three engineers but referring to the fact they'd been told to get things cracking again and I appreciate you didn't say that, but that kind of thing, to get the city up and running again.

15 A. Mmm.

Q. Do you recall that impetus at the time?

A. Not particularly, no I don't.

Q. Okay but you recall pressure from the public to get buildings and roads open.

20 A. I mean this is only in the first three days. Probably as the time went on from then –

Q. It increased.

A. – the pressure was increasing, yes.

25 Q. Did you understand the difference between the green, yellow and red placards? Or do you consider that you fully understood it?

A. I did. The, the green is essentially occupyable and the yellow is, we've identified some issues and need to be investigated and it's intermittent occupancy just to remove stuff, the public shouldn't be in there and red is dangerous for whatever reason.

30 1432

Q. Okay, and what about the level of inspection required, that we know it was damage based, that you're looking at damage.

A. Yes.

Q. And not conducting any tests on the building, not conducting any tests to determine its structural strength, you're just simply looking at damage?

A. Yes we are.

5 Q. But you heard me say to Mr Calvert, you know, were you given any instruction on where to look in relation to different buildings and shear walls and things like that and to what notice to take of different cracks or not?

10 A. We weren't given any specific instructions but we all come from building backgrounds and have a fair bit of experience and we know what shear walls are, floor diaphragms and connections and we know appropriate places to look where you'd expect stress.

Q. Right, and in terms of the process there was the level 1 and level 2.

A. Mhm.

15 Q. There seems to be perhaps some confusion or point of difference between your evidence and Mr Calvert's and perhaps even Mr Simson's as to when a level 2 would require an engineer?

A. Yes I think initially, in the initial outset level 2, I just automatically thought that it was an engineer involved on a level 2, and ...

20 Q. So an engineer is part of your group?

A. Yes, so I'd automatically thought that was the case opposed to being a level 2 being an internal inspection.

Q. Were you involved or aware of any inspections, level 2 inspections other than the CTV when there had not been an engineer in the group?

25 A. When there had –

Q. When there had not been an engineer in the group.

A. Not when we were assessing buildings. I can clearly recall walking around streets just making sure the -

Q. No, I'm talking about level 2 in particular.

30 A. No. Always had an engineer.

Q. All right, so was this an unusual event then in your mind to not have an engineer?

- A. Yes it was. Yes it was, I mean with the instructions that were given to me from our building control manager, it –
- Q. That's Mr McCarthy.
- A. Yes, it had a degree of urgency and we were under civil defence and
5 you know, the show's got to go on.
- Q. All right, did you question it, do you recall?
- A. Not particularly, I don't know, I know if we ...
- Q. Did you know the CTV building, this is back at the Art Gallery when you were asked to go there?
- 10 A. I couldn't visualise it at the time to be quite frank.
- Q. But you knew it was the high-rise?
- A. Not particularly, no.
- Q. But did it concern you that you weren't going to have an engineer to inspect that building?
- 15 A. Not particularly because I knew we had the expertise but we did think we were going for a level 1.
- Q. Right, so you hadn't been told at that stage what it was?
- A. No, no.
- Q. Well did a level 1 not require an engineer in the group from your
20 experience?
- A. Well I guess that depends on the complexity and the size of the building, and I think we had enough competence in our team with eye sight, because that's all it is, a visual to –
- Q. To do a level 1.
- 25 A. - yes, to do a level 1.
- Q. And I think to be fair you say in paragraph 16 at that stage we knew that the level 2 assessment, internal of the CTV building was outside our scope due to its complexity, so that's when you got there and realised what kind of building it was?
- 30 A. Mmm.
- Q. So, just so we're clear, your understanding at the time, once you saw what was involved and that you knew it was a level 2, your

understanding was that there should have been an engineer in your group. Is that correct?

A. An engineer should have been part of our group.

Q. For the obvious reason that he was –

5 A. For the complexity of the building.

Q. Yes. When you found, when you realised that, when you got to the CTV building, did you make any contact with the Council headquarters and ask for an engineer to come down?

10 A. We didn't and I'm just wondering, now my colleagues might be able to comment on this. I don't know if the cellphones were even up and running. I don't know, I can't even remember having a cellphone.

Q. Well did you send someone, one of you back to –

A. No, no.

Q. – get to see if that –

15 A. No.

Q. All right, so –

A. No we were there so we thought –

Q. We'll have a look anyway.

A. We did.

20 Q. But from what you're saying it really wasn't on your understanding of the process, it wasn't a full if you like level 2, a proper level 2 because there was no engineer there. Is that fair?

A. That's how I, yes I agree.

25 Q. And yet it was green placarded on the basis of the three of you and not having an engineer inspect it?

A. Yes it was.

Q. Were you comfortable about that, can you recall?

30 A. Overall what we'd seen collectively with the assurance that an engineer is going to be involved in this process and we had not visually seen anything that would indicate to us that this building would not withstand the same forces in a similar event.

- Q. Right. Do you accept as I think Mr Calvert did that there could be damage hidden, hidden damage that's not observable from a visual inspection?
- A. Sure, yeah. We hadn't seen any.
- 5 Q. No, no, but I'm saying there might be damage behind linings that isn't seen on a visual inspection but which an engineer might consider could be there and warranted getting plans or going a bit further.
- A. Yeah, my memory, the building was more of a curtain wall type construction, concrete frame, concrete piles and floors and that so the
- 10 infill panels were – I guess in my memory were not structural, more curtain walling.
- Q. You're talking about the outside or the –
- A. Yeah the outside.
- Q. The spandrel panels.
- 15 A. Yes, yeah, yeah.
- Q. But what about the beam column joints in some of the upper levels or the attachment?
- A. Yes, no, we didn't look at those and I guess the reason we saw no evidence that had caused any other significant damage to the soft
- 20 wallboard linings.
- Q. Right, and would it necessarily follow if there was a beam column joint compromised that you would definitely see damage to the internal linings?
- A. If there was damage you say?
- 25 Q. Well would it necessarily follow if there was damage to a beam column joint of some form, that you would see it in an internal lining?
- A. Not necessarily.
- Q. No, that's what I mean by the risk of hidden damage.
- A. Mmm, mmm.
- 30 Q. And that's perhaps why you thought at the time that there should be an engineer with you?
- A. We'd be more – we would have been more comfortable.

- Q. When you got to the CTV and realised you were doing a level 2 and realised it was a high-rise and I presume you agree a complex building, did you have a discussion the three of you about that or not?
- 5 A. I think probably the discussion was, there's going to be an engineer involved in this process somewhere along the line.
- Q. Right and you say that or thought that because of what –
- A. The complexity.
- Q. Right, so who was going to ensure that an engineer became involved somewhere along the line?
- 10 A. At that stage when we had decided, we hadn't decided on the placard at that stage, but at the end of the day it was green so we were going to advise the building manager to get the owner to engage an engineer.
- Q. But that, so you were going to recommend that that be done?
- A. We were making a requirement virtually.
- 15 Q. Right, and was that something you could do, you could enforce?
- A. Well the opportune –
- Q. With a green placard I mean.
- A. The opportunity we – was that we were going to allow them in that ground floor subject to an engineer's approval.
- 20 1442
- Q. Well, let's just deal with that. Mr Calvert didn't see any distinction between occupation of the ground floor or the rest of the building?
- A. Mhm.
- Q. So is that something that you recall being discussed or not, between the
- 25 three of you?
- A. I think what actually happened if I can go on a bit further is we initially and my recollection is, we initially agreed for the ground floor only and we needed the assurance from the building manager that an engineer is going to be engaged immediately. Russell went in got that assurance,
- 30 unequivocal assurance, in fact he come out and he said that there was no ambiguity and the message he conveyed to the manager nor was there anything from his response that he was going to get an engineer

and on that basis when he come out, I think we discussed, listen, green can go for the whole building.

Q. So I took from your evidence that when you left you thought that only the ground would be occupied?

5 A. Initially, initially that was said, yes it did.

Q. Because that would be inconsistent with the green placard, wouldn't it that only the ground could be occupied?

A. It would have been.

Q. Yes?

10 A. It would have been.

Q. So just so I understand you, you are saying that that is what you initially thought and suggested?

A. Yes.

Q. To the others but –

15 A. Once we got that assurance that an engineer is going to be engaged immediately we were satisfied that the whole building can go.

Q. Well who – you said Russell went and spoke to the manager?

A. Correct.

20 Q. That was inside the building, they were inside the building when he discussed it –

A. No, we were outside and I think Russell went back into the foyer, I might have gone a wee bit of the way but I didn't go all the way back in.

Q. And what about Mr Calvert, where was he?

A. Can't recall.

25 Q. Was he with you or you can't recall?

A. Oh, he was in the vicinity with us, yes.

Q. What I am trying to understand is, who actually went and spoke to the manager, was it just Mr Simson or –

A. I believe it was just Russell.

30 Q. And when Russell came back he said that there was no ambiguity and that there would be an engineer –

A. Yep.

- Q. – instructed, but did he say when that would happen, was it going to happen that day?
- A. No, there wasn't a timeframe but it, the impression we got it was going to happen now and not later.
- 5 Q. You wouldn't have known though when you left or when the engineer would necessarily be coming along, would you?
- A. Correct.
- Q. And it could have been that day or it could have been in a month, couldn't it?
- 10 A. I can't argue with that.
- Q. So were you comfortable with that given the building and what you have said?
- A. I think, I mean the person that I can recall that we were dealing with seemed to be a relatively responsible sort of a person and with that assurance coming from him I think we took him aboard that he would do
- 15 that job, rightly or wrongly.
- Q. Had you ever struck that with any other building inspections where you hadn't been that comfortable with the building but assured that an engineer was going to be coming along and so you green placarded it?
- 20 A. Oh, I can't recall doing any.
- Q. So was this unusual then in that sense?
- A. I mean the whole thing was unusual doing a – we were called into a level 2 inspection, you know –
- Q. Without an engineer?
- 25 A. Yeah.
- Q. Is that what you mean, that was unusual?
- A. Well it was.
- Q. So wouldn't, I would have thought that if you normally have an engineer with you and you are uncomfortable about that because you haven't got
- 30 one, that you would want to be a bit more cautious, or not?
- A. Yes I guess you could be right, yeah be more cautious.

- Q. And what I am suggesting is that when you left you didn't really know apart from getting that assurance that when there would be an inspection by an engineer?
- A. No we didn't know exactly.
- 5 Q. And we know in the CTV case there was one on the 29th of September so some 22 days later?
- A. Yep.
- Q. But you didn't know that at the time, did you?
- A. Was that when the inspector first visited or was that when a report was
10 provided?
- Q. That was the inspection. I think the report was 6 October.
- A. Right.
- Q. So your recollection anyway is that there was a discussion from you about the ground floor only initially?
- 15 A. What sorry?
- Q. You think that you did discuss-
- A. Yes.
- Q. – that it should just be ground floor?
- A. Yeah.
- 20 Q. And what is your recollection of Mr Simson's and Mr Calvert's response to that?
- A. The ground floor?
- Q. Yeah, the ground floor only?
- A. I think we all agreed that it was all cosmetic, what we saw, there was
25 nothing, I mean, I have seen enough plasterboard damage around to be able to identify cosmetic damage in plasterboard, minimal, very minimal.
- Q. The receptionist that you spoke to –
- A. Yes.
- Q. – I take it you can't describe her or you certainly didn't take her name?
- 30 A. Not particularly I only recall seeing a receptionist there and she –
- Q. At the CTV?
- A. At the CTV, yes.
- Q. And the person that she got, the male, were you introduced?

- A. Yeah it is my recollection she said that, she said, "I don't know where he is at this point in time but go over and walk through and I will get him to meet you over by the lift shaft."
- Q. And was there actually a reference to a building manager or just a manager?
- 5 A. I think I referred to building manager.
- Q. You asked to see the building manager?
- A. Yes, yes.
- Q. Did she refer to this person as the building manager or not?
- 10 A. I am unsure about that.
- Q. And you don't know where he came from, which office?
- A. No.
- Q. You saw him in the stairwell?
- A. Yep.
- 15 Q. And he had though, keys, or went off to get keys to other tenancies?
- A. He was the person that said he would get some keys but when he come back we, he was a bit shy on the keys, we, I understand –
- Q. He didn't have them?
- A. Sorry?
- 20 Q. You mean he didn't have them?
- A. Yeah, well didn't have them all, I don't, I can't remember, he might have only had two keys, I don't know but my understanding was, he said the tenants had taken them.
- Q. The building manager at the time you might have heard me say was
- 25 John Drew?
- A. Right.
- Q. Does that name ring a bell?
- A. Not particularly, no.
- Q. I just wanted to ask you a few brief questions about what you did
- 30 inspect. You went up the stairwell?
- A. Yes I did.
- Q. And you said that you were looking at the floors, the attachment of the floors to that north core?

A. Yes, yes.

Q. Just tell us a bit about that. What did you actually look at?

5 A. I went up the stairs and generally looking at the vertical planes of the stairs and then coming down I take particular notice of the landings, all the landings and the half landings and at the end of the day I concluded that the means of escape was certainly not compromised in that stair shaft and I did not see any structural issues that alerted me within that stair shaft.

Q. Did you see any cracking there?

10 A. No I didn't.

Q. And what about where the rest of the building attached to that north core, were you able to look at that area or not?

A. The floor diaphragms—

Q. The floor slab, yes?

15 A. I only, in that tenancy that I accessed, in coming out of there, what I observed coming out of there and the thresholds was consistent on the other side in the stair shaft which was no damage.

Q. Were there floor linings covering the concrete floor?

A. I believe there might have been some vinyl, yeah.

20 Q. And I presume you didn't lift any floor linings?

A. No, indeed if it was vinyl I would have expected to see some indication of some deformation if there was some.

Q. And what about on the other side was it carpet?

A. In the stairwell?

25 Q. No on the floor slab side?

A. No I don't believe – yeah, no can't –

Q. You can't recall?

A. I am talking about in the tenancy, I think it was vinyl and I think it was just concrete, plain concrete in the –

30 Q. And you said before you couldn't be sure if it was three of four?

A. Yeah.

1452

- Q. Was it a tenancy that was – showed, I know no one was there but was it partitioned and showed that it had been occupied or was it empty?
- A. I think the one I went in looked pretty empty, didn't look like it would have been occupied.
- 5 Q. But you're not sure if it was three or four?
- A. No.
- Q. What about the south wall, were you aware that was a coupled wall, coupled shear wall?
- A. Over where the stairs are?
- 10 Q. The fire escape stairs, yes.
- A. Yes, I didn't take it into account but I acknowledge it is a shear wall, I didn't think about it at the time.
- Q. I'm talking about at the time, not what you've learned now.
- A. Yes, yeah.
- 15 Q. And so you didn't give that area any particular attention?
- A. No.
- Q. Perhaps another reason why an engineer would have been good on the team, you may have looked at that area?
- A. Perhaps but also if we'd had some plans ourselves it would have helped.
- 20 Q. Well I was going to ask you about that. Is that something that you requested on any occasions when you did a level 2?
- A. I think – I mean you couldn't get the plans at this point in time for obvious reasons, everything's in lockdown but probably now you could with electronics, it would have been great.
- 25 Q. That would be certainly helpful wouldn't it in the situation like it was you're in?
- A. Be marvellous.
- Q. This issue about the gap.
- 30 A. Yeah.
- Q. That Mr Simson referred you to, you said that you've looked at some plans recently and seen where it was that you had, or you think you were looking?

- A. Yes.
- Q. Just get a plan brought up, and it's BUI.MAD249.0284.31. I'm just going to bring up one of the drawings that shows the stairs, and just you tell me if that's the one that you looked at. Now can you see that and perhaps the diagram on the left.
- 5 A. Yeah.
- Q. Is that helpful?
- A. Yes it is.
- Q. That might be able to be blown up. Right, can we see the area that this gap was pointed out, or this feature was pointed out to you?
- 10 A. I – it's down the very bottom here, that cavity in the bottom, I mean do you see the ground floor's quite elevated can't you?
- Q. Yes, you can use the mouse to point.
- A. It's that, yeah, it was in there somewhere.
- 15 Q. Have you got the mouse in front of you, see the mouse there you can use that to point.
- A. Was in this area here.
- Q. So you're indicating at the bottom of the diagrams at the bottom of the stairs -
- 20 A. Yes.
- Q. - and underneath the ground floor?
- A. Yeah.
- Q. So there was a cavity on – you could look under the ground floor area?
- A. Yes.
- 25 Q. And am I right that the wall to the right looking at that diagram is the north?
- A. Shear wall.
- Q. The north - the outer wall of the north core, correct?
- A. Yes.
- 30 Q. And the floor slabs would be – would attach to the left, they're not shown obviously but –
- A. Correct.

- Q. So where is the gap that you were looking at, or what might have been a gap?
- A. I mean that's a good point. I'm struggling a wee bit but it's my understanding and I stand corrected here, but the lift doors may have been open at that stage when we were there. I don't know if a lift mechanic was there doing something with the lift because I can clearly remember going in at this level and stepping down and going under.
- 5
- Q. Okay, so where would you be under on that diagram then?
- A. Well you'd probably need a plan really, but ...
- 10
- Q. Use the mouse rather than your finger.
- A. Yeah, so –
- Q. You need to use the mouse, not your finger.
- A. Oh sorry. I'd be looking under there somewhere.
- Q. So where the bottom tread met the floor, the ground floor, is that what you're talking about?
- 15
- A. Yeah around about that area.
- Q. And there was a gap or a defect there, is that what you're saying?
- A. Yes.
- Q. And you concluded that it had paint in it and so it wasn't –
- 20
- A. No.
- Q. – a new crack or gap?
- A. No, no above it it had paint, but down below it didn't.
- Q. And down below –
- A. Like underneath, under here it wasn't painted.
- 25
- Q. But you looked at both above and below.
- A. On top there was some paint evident on top.
- Q. So you weren't concerned about that?
- A. The gap?
- Q. Yes.
- 30
- A. Yes initially I looked at the gap and my initial observation was it certainly didn't look like it was from the recent event and I had a closer look, bear in mind we're on borrowed light here because we're sort of down underneath and I had another look and it looked like it had exactly been

cast that way and it was a result of the boxing or the form work and it looked exactly as if it had been cast that way and I come out of there and I conveyed that to Russell, I said, "Listen, in my view this has not been constructed, this has not been as a result of the September event,"
5 and I went up and had a look above again and that's where I could see the paint system on the vertical walls.

Q. And did he accept that from your recollection?

A. Yes he did, and I think we made comment that an engineer will be looking at this anyway.

10 Q. Because his brief of evidence seems to at least infer that you both of you were still concerned about it.

A. Oh, we were concerned when we first went down to it, there was some concern expressed, Russell was expressing concern. I think that was (inaudible 14:58:56).

15 Q. He says that you were concerned about it but thought the engineer would be looking at it anyway.

A. Yeah, I don't remember it exactly like that, but –

Q. You don't quite agree with that, no. Because you're saying that you weren't concerned after you'd done your full inspection of it.

20 A. Correct.

Q. Could you see any similar gap in any of the other levels?

A. No, not at all.

Q. Did you look?

A. Yes coming down the stairs, yeah.

25 Q. And you could look under that area that you're talking about on the upper levels?

A. On the other stairs, you could look under the landings as you come down, yeah.

Q. Okay, so that's your recollection of how things were left, that you'd
30 sorted out the gap.

A. Exactly.

Q. And again the engineer that you said you thought would be looking at it anyway was the owner's engineer once they actioned that?

A. That's correct.

Q. Were you thinking that a detailed engineering evaluation should be recommended or not, on the form?

5 A. On what we'd seen we were pretty comfortable with the building, we were pretty comfortable with the building.

Q. Why do you say pretty comfortable, was that –

A. We hadn't seen anything structurally that alerted us, like I say before that the building couldn't withstand anymore of this in a similar event.

10 Q. Mr Calvert said that not being able to access the whole of the building wasn't ideal. Would you agree with that?

A. I would.

Q. And did you think that an engineer once he did an inspection would presumably have access to the whole building?

15 A. Yeah, we didn't see anything that was reflecting through the building as manifesting its way through the building and getting worse, what we saw was just some cosmetic damage, a little bit of cosmetic damage, stair shaft was okay, exterior was okay, and the tenants who we looked into had no issues.

20 Q. And the building is green placarded, by you – you've put a green placard on it or Mr Calvert put the green placard on the building after the three of you discussed it?

A. Correct.

Q. And as we've said that effectively meant that any part of the building could be occupied?

25 A. Yes.

Q. And you went away, the three of you went away thinking there will be an engineer's inspection instigated by the owner at some stage?

A. Yes.

1502

30 Q. Do you think in hindsight that that qualification, this not having an engineer with your group and having to rely on the owner saying that, or the building manager saying that one was going to be arranged that it might have been better to defer your green placard if that could be done

or failing that give it another placard pending that engineer's inspection or even pending one, another one for a group like yours with an engineer.

5 A. Yes I hear where you're coming from and I guess at the end of the day our objective was to get an engineer into that building as soon as and perhaps a yellow would have got it in, I don't know, any sooner perhaps but the people would be out of there till that would be –

Q. Well that would be the important thing wouldn't it?

10 A. Yeah, mmm, mmm. But we had no reason to believe that that building was not unsafe for people.

Q. Right except that there's that qualification you put on it –

A. Correct.

Q. – that you didn't have an engineer or an engineer's inspection.

A. Yes, yes.

15 Q. Because we know, as we've said, that in this case there was an inspection by an engineer for the owner.

A. Yes.

Q. But they weren't obliged to do that, the owner.

A. No.

20 Q. And if that hadn't happened, hadn't have happened then your level 2, green placarding it, could have been the last thing that happened to the building couldn't it?

A. Correct.

CROSS-EXAMINATION: MR ELLIOTT

25 Q. Mr Flewellen I only have a few supplementary questions. Just while you're getting your water could I have BUI.MAD249.0486.1 please. Is it right that you were able to access levels 1 and 2 of the CTV tenancy via the internal stairwell within the CTV tenancy itself?

A. Did you say did we?

30 Q. Yes.

A. No we didn't get into level 2.

Q. Well I'm referring to perhaps what you're calling ground as level 1.

A. Oh, yeah, yep.

Q. So we know that the CTV tenancy was what we're calling levels 1 and level 2.

A. Right.

5 Q. So did you access level 2 via the internal stairwell within the CTV tenancy?

A. No we didn't.

10 Q. Would you like to have some water before my next question. I saw you about to put it to your mouth and I interrupted you. So you used the stairwell to access the upper level of the building that you're able to see.

A. Yes.

Q. And if I can ask for that to be enlarged please, the northern shear core. Do you see there in front of you the stairs?

A. Yes.

15 Q. That indicates where you would have gone up?

A. Yes.

Q. And do you see there's some words on the side stairwell and a quarter of a circle there which I think indicates a door.

A. Right.

20 Q. Is that where you recall the door being?

A. In the stairwell just here, yes.

Q. Yes.

A. Yes I think probably.

25 Q. So, and that was the door you couldn't go through on some levels because they were locked. Is that right?

A. Correct.

Q. So you wouldn't have been able to examine the column which was at C18 on that diagram on those levels you couldn't get through?

30 **JUSTICE COOPER:**

We can't see C18, can we?

WITNESS:

On a bright night Your Honour.

JUSTICE COOPER:

(inaudible 15:06:02) C18 thank you.

5 CROSS-EXAMINATION CONTINUES: MR ELLIOTT

A. Probably not, yeah.

Q. And in fact you wouldn't have been able to examine any of the 20 columns on those levels which you couldn't access.

A. Right.

10 Q. Is that right?

A. Yeah.

Q. And you wouldn't have been able to examine the state of diaphragm connections within the vicinity of the toilets or the lift on those levels which you couldn't access?

15 A. No, no, no, but I could examine the stair shaft, coming down the stair shaft where the diaphragm floors joined in.

Q. Wasn't that a void?

A. Sorry?

Q. Wasn't the stair shaft a void?

20 A. No not where you accessed the, the access point.

Q. I see. Are you talking just about the bottom section of the stairwell section?

A. On each landing.

25 Q. On the landing. Well the conclusion that you and your colleagues reached was that you didn't feel, didn't have any concerns that the building presented an immediate danger. Is that right?

A. Correct.

Q. I won't re-state all of the questions I put to Mr Calvert but just highlight briefly, you've agreed that none of you were engineers?

30 A. That's right.

Q. You've noted that this was a complex structure. Is that right?

A. Yes, correct.

Q. And you've acknowledged that you couldn't access all of the important, structural areas of the building.

A. Right.

5 Q. So would you accept in those circumstances that you really weren't in a position to make a reliable assessment of whether the building presented an immediate danger to occupants?

10 A. I think we, we saw quite a few important columns down in the basement area around the carparking area. We saw the structural core. We saw the diaphragm connections on those, on the stair shaft. We didn't see any, any structural damage in those areas and in our view the, the whole stair shaft as whole had performed pretty well and for that reason, and the columns we saw down below in the carpark certainly didn't indicate any stress to us.

15 Q. Correct me if I'm wrong but I think you've accepted that given that you've put a green placard on the building –

A. Yep.

Q. – until an engineer actually came through to look at the building your opinion about safety could not be verified by an engineer. Is that right?

A. Yeah.

20 Q. Would you agree that instead of putting a green placard on the building what you should have done was to have said to the occupants, we're not engineers, we don't have enough expertise or information to say that this building can be occupied.

25 A. Mmm. That's a good question. Hindsight's a wonderful thing and perhaps that could have been considered at the time but at the time we were comfortable with what we saw.

Q. Thank you.

RE-EXAMINATION: MR WALLACE

30 Q. Just one issue Mr Flewellen. You mentioned when you were down looking underneath that lowest floor level at the crack that had been identified –

A. Yes.

Q. – by Mr Simson you were relying on borrowed light there under that floor.

A. Sure.

Q. Was that the case in the rest of the stair shaft or was that stair shaft lit?

5 A. I had no problems with the lighting in the stair shaft.

Q. So the lighting was suitable to be able to –

A. Suitable for me to be able to make a call.

QUESTIONS FROM COMMISSIONERS FENWICK AND CARTER – NIL

QUESTIONS FROM JUSTICE COOPER:

10 Q. In paragraph 10 of your statement you say that Mr McCarthy came to you. He said there were no engineers available to conduct any further rapid assessment but there was an urgent need to rapidly assess three particular buildings. Do you see that?

A. Yes.

15 Q. And then you say he did not say why there was urgency.

A. That's right.

Q. And that it was out of the ordinary to be directed to conduct this assessment without an engineer. You say that at the end of the paragraph.

20 A. Mmm.

Q. So putting all that together did you, did you ask him why you were being put in this unusual position?

A. Not particularly no, no, we didn't and –

25 Q. You didn't ask him for an explanation as to, as to why there was urgency?

A. No we didn't, we just got on with the job quite frankly.

1512

Q. And you didn't ask yourself the question either?

30 A. Well, to be quite honest we actually didn't know what buildings we were going to at that time either and if we'd actually known what buildings we were going to we would have probably asked some harder questions.

Q. You were going to buildings you didn't know, with urgency, without an engineer and it didn't occur to you to ask what all the fuss was about?

A. Pretty much I mean like I say we are in a state of emergency and resources were stretched and we just thought we were doing our bit.

5 WITNESS EXCUSED

MR LESTER CALLS**RUSSELL JAMES SIMSON (AFFIRMED)**

Q. Your full name is Russell James Simson and you are a building consent officer at the Christchurch City Council?

5 A. Yes.

Q. Would you please read your brief of evidence starting at paragraph 1?

A. I am 59 years old and have worked for the Christchurch City Council since June 1992 as a building inspector for 13 years and a consent officer for seven years. I hold the formal position of building consent officer within the Building Operations Unit of the Christchurch City Council. My formal qualifications are New Zealand Certificate in Building. I am a certifying plumber, certifying gas fitter and a certifying drainlayer. My experience in the construction industry is for the whole of my working life both in residential and commercial construction. I have worked on some of the city's largest projects both as a foreman tradesman and as the council's building inspector, often with Dave Flewellen. Sadly, many of these buildings have now been removed from the city skyline.

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I have been asked to give evidence in respect of the inspection of the CTV building on the 7th of September 2010. I previously made a file note of my recollection of my CTV inspection and that is dated 15 September 2011. When I was first asked to recall this inspection I initially thought that it had had occurred on Monday the 6th of September but note from the date of the rapid assessment form that the inspection was on the 7th of September. As I am sure that I only went to the CTV building once I accept that the inspection was Tuesday the 7th of September 2010. I have to say at the outset that my recollection of this inspection is not particularly clear. I initially thought that I had inspected with Dave Flewellen and Bernie van Haandel. That was not correct and it was Graeme Calvert who was the third officer and it was Graeme who completed the rapid assessment form for the CTV building. I had been out with Bernie van Haandel on a number of inspections and with

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Graeme Calvert on a number of inspections, hence the confusion. None of us kept any personal records of inspections undertaken. In the days and weeks following the 4th of September earthquake up until the 22nd February earthquake I possibly inspected over 100 buildings at a guess. Post 22 February I was involved in building inspections over many months. Distinguishing this inspection from the hundreds of others I completed is not easy.

In the days after the 4th of September earthquake I was operating along with other council staff from the Christchurch Art Gallery. While I do not have a clear recollection of that particular morning, it is likely that the three of us were at the Art Gallery waiting for an assignment where we were sent to check out buildings that were allocated to us. We were not accompanied by an engineer on this visit. On this day the three of us went to look at three specific buildings. The Oxford Terrace Baptist Church, the building opposite Latimer Lodge and the CTV building. I do not recall clearly what time of the day we were sent out. We were not given any specific instructions in regard of any of the buildings. We were not given any building specific documentation and had with us only one clipboard with the forms for inspections. There were briefings held at the Art Gallery which took place around the main staircase. I do not recall if there was a briefing on the morning of the 7th of September. The briefings in the first few days generally related to where to go, our own safety and were a brief overview to determine which buildings needed further investigation. The concept was that there were too many buildings to do all of them thoroughly so we were to determine which were to have priority for detailed inspections, investigations.

The three of us walked from the Art Gallery around the river to Oxford Terrace Baptist Church then to Latimer Square and then to the CTV building. I do not recall who sent us out on that inspection or specifically what gave rise to instruction to inspect these buildings. The instructions would have come from someone working in the Art Gallery.

I assumed that there must have been some initial concern about the buildings we were sent to inspect. I had not received any specific training in respect of carrying out assessments. Employees of the council are inspected to make themselves available for civil defence work. This had not been relevant prior to September 2010. Civil defence training was held on the weekends and I was not required to attend any training sessions. My specific understanding of the placard system was limited at that time. Even those who had been to civil defence training sessions were unsure as to exactly what our specific duties were. We were left to second guess and to use our combined experience as to what was safe or otherwise. Engineers with whom I later inspected other buildings were unsure as to what extent we were to inspect/evaluate each building. This situation still existed after the February 22nd events. This inspection was only a few days after the first earthquake and I cannot say that I had a good understanding of the distinction between the different placards. For my own part, I was inspecting against my knowledge of buildings to visually identify if there was any obvious damage or immediate risk to the buildings collapsing. The key issue for me as to whether it was safe for people to be in a building. I saw the inspection as a screening test to sort out those buildings which were plainly dangerous, those which were safe and those which required further investigation.

On the day the first building we visited was the Oxford Terrace Baptist Church and to the best of my recollection I filled out the form on that inspection and completed the red sticker. There was no one at the building but all of us were concerned as to, with what we saw as to the state of the building. It was obvious from the state of the building that it required a red sticker because it was, appeared to be an imminent risk of substantial collapse. We in fact drew straws as to who was going to put the sticker on the front of the building and I drew the short straw. I recall that the main doors of the front of the building beyond the large columns, was a place I did not want to linger. I approached the door

from the side of the porch at the fire station end. I existed the same way as we agreed that area directly in front of the building would be the most dangerous place to be. Large chunks of detached masonry construction were precariously balanced at height and even any minor aftershock would have meant substantial collapse. Death to any person in this vicinity was a high probability. The area already had a temporary fencing and hazard tape. My recollection is that at this stage we were carrying out a level 1 assessment. As I understood it t the time level 2 assessments were completed with an engineer being present. We had both level 1 and level 2 forms with us. We also put up more emergency barrier tape at the church as we had brought rolls of tape with us from the Art Gallery.

1522

The next building we went to was Latimer Square, the former Blue Star Taxi 24 hour petrol building now owned by the Knight Family interests from Latimer Lodge over the road. I can recall this building was in serious disrepair also and some of the parapets had collapsed onto the footpath. We were not as concerned about the imminent collapse of the whole building as we had been with the Baptist Church but this also received a red sticker as there was masonry around where the parapets had fallen that was still at risk of falling. We arranged for a temporary fence to be installed to keep the public away from the area of falling masonry. We installed a red sticker here due to obvious further damage to the building and the risk to any public walking on the public street or footpath. At this time there was no red zone as there was after February the 22nd. Again at this point I cannot recall if this was a level 1 or a level 2 form that was used or which of us actually wrote the form out.

At the CTV building I recall that the CTV offices were open and people were working on the ground floor. I do not recall whether or not there was a green placard on the building already. At that time I had no knowledge as to whether there had been an earlier inspection of the

building. I can recall that there was a receptionist in the foyer and that she without consulting anyone else said we could go where we needed to go. The three of us went through the CTV ground floor, through the studios and through another door into the stairwell. Part way through our walk through of the CTV premises we were joined by a man who I assumed was a more senior employee of CTV. He was not someone that I knew and I do not recall his name. At the time of the inspection I assumed the lift shaft was the structural core of the building. The stairwell was adjacent to the lift shaft. Dave and the male CTV employee and I entered the bottom of the stairwell. I went up I think as far as the first half landing as I recall noticing the looking on the underside of the stairs appeared to have parted from the wall. As the building had no basement and as I recall seeing the gap from the underside, it must have been on the first half landing. I recall it was a wall to the left of the stairs where the floor had pulled away. The gap I saw I've previously described as being large enough to put your fist in. Upon reflection I think that was somewhat of an exaggeration. Upon reflection it was more likely to have been around 20mm or so. For me the gap was enough to cause concern and was a factor that made me feel further examination was called for. Dave Flewollen the other man I have referred to did go higher up the stairs. I did not but they discovered that all the doors off the stairwell were locked. I do not know if Dave and the man accompanying him went all the way to the top of the stairs. I do not recall Graeme coming up the stairs. I recall bringing the gap to the attention of Dave Flewollen. I cannot recall the outcome of the discussion other than that Dave commenting the gap may have been old as he thought there was paint in the edge of the gap, in the inside of the gap. While Dave thought the gap may have been there for some time, we were not happy with the gap. I recall Dave saying the gap was not replicated further up the stairs. We exited the stairwell and went out a different entrance to the one we had entered the building. We went out into a carpark under the building where there were something like a security grill and from there out and we, myself, Dave

and Graeme stood in the open on Cashel Street for a discussion. The CTV staff member had gone back through the studio area. My memory of the discussion is not good. I have a recollection that we were going to put a red placard on the building and while that remains my recollection I am not sure that that cannot be right. I have come to the view that my recollection is not right because during this inspection and indeed all the inspections I carried out there was no disagreement between me and my fellow inspectors. I'm aware that Graeme completed the assessment form as a green placard and I cannot imagine he would have done that if we had agreed to make it a red placard. There was certainly no disagreement at that time. Secondly nothing about the inspection suggested to me any imminent danger. We had no feeling or concern that the building was at risk of imminent collapse or there was immediate danger to the occupants of the building. It is now hard to explain how, what were partly instinctive or intuitive decisions about the buildings were made. Having been immersed in commercial construction for a long time we relied on our experience and instincts during inspections. Equally we had a feel for issues that we knew we were not able to determine. Exactly why we all believed an engineer should inspect the building is now hard to explain but it was related to the gap that we saw in the stairs, the fact that we could not get access to the upper floors because of the doors being locked (we had been instructed not to use lifts in any building) the size of the building and the method of construction and complexity of the building. Again I could not see what weighting was given to each factor but our overall assessment was that an engineer should look at the building. I don't recall inspecting at this time any other buildings with a similar design to the CTV building. As a rule of thumb we assumed the larger the building the more important it was to know the specifics of the structural design because in short the bigger they are the more complex they are. However this was an assessment for an engineer. After our discussion on the footpath we went back into the building. We went back into the CTV building and talked to the receptionist. She went and got someone

else, a male, but again I cannot be sure if it was the same person who accompanied us to the stairwell earlier. I do not recall this person's name or position in the organisation but felt he was a person with some authority. I did most of the talking, I conveyed to the receptionist and the man who was there that the building needed to be checked by a structural engineer. The man who was there said that they would get it checked immediately and I remember explaining to him the urgency of the matter due to the size and complexity of the building. I would have referred to urgency because we believed there were matters that a full engineering assessment would investigate that we were not qualified to do. We were not sent out to do the same job that an engineer would. I recall telling him it might be best if everyone left the building until it was deemed safe. The upper floors were at that time unoccupied. This was precautionary advice rather than because we thought there was any immediate danger. I recall that the man said he would deal with it and get hold of the building owner for the building owner to arrange for a structural engineer to visit. I had told him it was the responsibility of the building owner to organise the engineer's inspection. We left reassured that the inspection would be organised. From there we went back to the Art Gallery. Graeme handed in the inspection forms as they were all on one clipboard as I've said earlier. I do not recall whether a placard was put on the building that day. Personally I did not put a placard on the CTV building during that inspection. I don't recall seeing any cracks in plasterboard or any broken windows during the inspection. There were comparatively few broken windows across the city in September and I think I would have recalled if I'd seen a broken window at CTV building. I have no specific recollection of any fallen ceiling tiles, but this was more common after February the 22nd than after the September 4 event. The damage that we saw in the stairwell I have already described and as I said, this was a factor that reinforced in our minds the need for an engineering inspection. While I have said my detailed recollection of the inspection is not good, I am clear from the parts of the building that we had been able to inspect, I left the building feeling that it didn't pose any

immediate danger. For me that was the practical purpose of our inspections. By the 7th of September there had been many further aftershocks and we assumed they would continue. I was thinking of in terms of whether aftershocks would cause a collapse or items to fall
5 from the building to the footpath. My focus was looking at the damage the building had already sustained and in particular whether that would be worsened by aftershocks. I was looking for damage to the building generally. I did not specifically have regard to information about the likelihood location and extents of further aftershocks, but as I have said,
10 assumed there would be further aftershocks. I did not consider the detail of those aftershocks. I didn't personally complete any of the paperwork in respect of the CTV building. The three of us took it in turns completing the documentation of the buildings we inspected and had total confidence in each other in that regard.

15 **COMMISSION ADJOURNS: 3.31 PM**

COMMISSION RESUMES: 3.51 PM

CROSS-EXAMINATION: MR SHAMY, MR WALLACE AND MR REID - NIL

20 **CROSS-EXAMINATION: MR PALMER**

Q. Mr Simson, Mr Calvert referred to, in his evidence, the presence of broken panes of glass or cosmetic damage that he may have seen, neither caused him concern. You may recall his evidence in that respect?

25 A. Yes.

Q. There were times during the inspection where Mr Calvert and you were separated from each other weren't there?

A. Yes.

Q. When you were I think at the bottom of the stairs with Mr Flewelen to your knowledge was Mr Calvert outside somewhere?

A. I believe he went outside but I can't be 100% certain.

5 Q. Thank you. Were you aware that there was a language school in the building when you inspected?

A. Not at that time.

Q. And you will recall the photographs taken from the Cashel Street side, the southern side along the, there's a stairwell going up the outside of the building or up the outside of the building.

10 A. Yes.

Q. Did you or any of your colleagues go up that, that set of stairs?

A. No we didn't but I believe that that actually, because it was only an egress stair, it was actually locked from the outside and was only accessible from internally.

15 Q. Thank you.

A. So that's probably why we didn't go up there.

CROSS-EXAMINATION: MR ZARIFEH

20 Q. Mr Simson is it fair from your evidence to conclude that the training that you received on the rapid assessment process was non-existent or minimal?

A. Minimal.

Q. And it essentially consisted of those briefings?

A. Yes.

Q. After the February earthquake?

25 A. That was all.

Q. And you said that you hadn't been required to attend any training sessions, that they were outside work hours. Do you think that if they'd been inside work hours that you would have benefited from them, looking back at –

30 A. In hindsight?

Q. Yes.

A. Significantly benefit if everybody had had a clearer understanding.

Q. Right.

A. Because at the time we were trying to chip in and help.

Q. I understand that but I'm, as you probably heard me questioning others, just trying to understand what lessons could be learnt in terms of training for the future.

5

A. Yes.

Q. Because you say that you were left to second guess and use your combined experience as to what was safe or otherwise.

A. Yes.

10

Q. As opposed to being trained or told what to look for.

A. Well because we hadn't had sufficient training to, any specific training, we were left to our own devices to use common sense.

Q. Right but if we're looking to the future and if another large earthquake occurs somewhere and people like yourself as building inspectors are called upon do you agree that it would be beneficial to have training in advance?

15

A. Yes and I believe that we did a lot better after February than we were after September.

Q. Because of the experience?

20

A. Because we'd had practice basically.

Q. And in September you said that engineers with whom you later inspected other buildings were unsure as to what extent you were to inspect or evaluate each building.

A. Yes after February I was assigned a block in the central city to assess and I had an engineer from Wellington with me who is a specific earthquake engineer. He designs upgrades, seismic upgrades and one of the difficulties we had, or I had, was that he wanted to spend forever on every little building whereas we had a whole block to do and I was trying to move him along. So he was also clearly unsure, or we were at variance, as to what level of, you know, assessment we were required. At that stage I believe we were only doing level 1s and so there was, the engineers were at, yeah, they were a little unsure as to where they were at as well.

25

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Q. Right. It sounds like from what you say that he was being more thorough than there was time, in your view, to be.

A. Yes. He wanted to be incredibly thorough and I understand why.

Q. Right.

5 A. But, you know.

Q. And do you think that looking back to those days after the September earthquake that there were other people doing a similar job to you that were similarly unsure of the processes?

A. Almost universally.

10 Q. Really?

A. Yeah we were probably all going emotionally in the same direction but we were just at slightly different levels of understanding and the further we went through the process the more we came into line because we all talked to each other and you discovered that you had a
15 misunderstanding or something. So as time went by the process got better.

Q. What about understanding the distinction between the placards?

A. I'd have to say in the first three days after the September event our distinction, or my distinction, was quite blurred.

20 Q. Right and again from your experience of working with others was that something unique to yourself or not?

A. No there was, I think that was a widely held view.

Q. And, again, something that perhaps advanced training might remedy.

A. Yes I mean we, we were training each other by default while we were
25 waiting for assignments each morning as well as the briefing on the stairs in the Art Gallery we all talked to each and sort of between us we fine-tuned to make it work better.

Q. And was it different in February, after the February earthquake?

A. Well we had more knowledge by that stage because, because there'd
30 been the September event and the Boxing Day event and so we'd had a couple of, you know, practice runs effectively for what became the, the most major event, February.

Q. In terms of the briefings or training sessions were they different after February?

5 A. I can't be sure on that but it was just experience I think was a lot better by that stage. We had a clearer understanding as time went by of what we were supposed, you know required to do. We tried our best to do that.

Q. Okay well just going back then to the 7th of September 2010.

A. Mmm.

10 Q. Did you understand the difference between the red, yellow and green yourself – placards?

A. Basically, yes but I couldn't say I had it, I've got a clearer understanding today than I had at that time.

Q. Right I'm wanting to talk about at that time.

A. At that time I had a general understanding.

15 Q. And you're looking for obvious damage?

A. Yes.

Q. And if something was obviously unsafe such as the church building you looked at before CTV.

A. Yeah.

20 Q. Then there was no issue, correct?

A. We, we had collective wisdom I, I think was the way we approached it.

Q. What about your understanding of the, when a level 2 was required?

A. For me personally that was probably a bit more blurred.

1600

25 Q. In relation to the CTV inspection your memory's not clear as to how you came to be asked to go there?

A. At the time, initially I couldn't recall who it was that had sent us there. It's now been pointed out to me that it was Steve McCarthy and, yeah, I think that is probably correct.

30 Q. Okay well –

A. Because I think the three, the three of us were standing there waiting for an assignment and there was a drastic shortage of engineers and Steve saw the three of us as being reasonably experienced practitioners and

said, "We put the three of you together. Your collective wisdom will perhaps help when there isn't an engineer and we need these jobs looked at."

Q. Okay. Just so we're clear. You're saying that that's what he thought.

5 Did he actually say that to you at the time? Do you recall that?

A. I'm not sure.

Q. All right. So you –

A. Maybe I'm assuming there.

Q. All right. Well we just need to be careful about that. So Mr Flewollen's
10 evidence is that he recalls it was Mr McCarthy that requested that you go there. You've heard Mr Flewollen's evidence, or read it, and that has helped you recall it you're saying?

A. Yes.

Q. And so you think that he's right, that you can recall Mr McCarthy asking
15 you but no more than that?

A. No more detail.

Q. No, okay. So you can't recall whether you knew it was going to be a
level 2?

A. I can't be certain on that.

Q. All right. When you got to the CTV building though you would have
20 known that it was a level 2, once you were there?

A. I, I hadn't specifically been instructed on that but by talking to the others
I came to that conclusion once we got there.

Q. Right well surely you'd see a green placard, level 1 inspection on the
25 door. You don't recall that?

A. I didn't, no I don't recall having seen it but it has been explained to me
since that it wasn't actually on the door, it was on a window on the
Madras Street side of the building.

Q. Okay but –

30 A. So I don't personally recall seeing it.

Q. But, well how was it then that you came to realise it was a level 2?

A. The complexity of the building was beyond what we would have
normally been expected to make judgment on.

- Q. Right but you get to the CTV building. You go inside. Correct?
- A. Yes.
- Q. Wouldn't that indicate it was going to be a level 2 if you're going inside to inspect it?
- 5 A. Prob – yes, however, seeing we were there we were trying to do our bit for the war effort as it were and we thought we'd have a look through and see if there was anything obvious while we were there.
- Q. I understand that but once you went inside you would be carrying out a level 2 as opposed to a level 1.
- 10 A. Yes because level 1 was external from the street. Level 2 was internal.
- Q. And at that point when it became obvious that you were being required to do a level 2, from what you've said level 2 assessments on your understanding at the time required an engineer to be in the group. Correct?
- 15 A. Yes.
- Q. And was that a fixed rule as far as your understanding?
- A. Yes it was but I believe there was such a shortage of qualified engineers that, and there'd been a specific request for these three buildings we were sent to, that we were sent to give it our best shot.
- 20 Q. Well you're assuming that now?
- A. Yes.
- Q. Yes. All right. Once you realised then that you were being asked to do a level 2 or you were having to do a level 2 rather and you haven't got an engineer with you and you see the kind of building it is did you have concerns?
- 25 A. We were concerned that it was outside our scope because we're not engineers but all three of us have been in the building industry all our working lives and you can't help but pick up some engineering principles during that time. So, you know, you sort of, you've got a bit of a gut feeling for, for how a building works and – but we quickly, when we couldn't get access to the floors we basically baled part way through
- 30 because (a) we couldn't do it because we didn't have the expertise, and

(b) we couldn't get access. So we, we, you know, didn't linger, we baled basically.

Q. When you say you baled, do you mean that you didn't complete the level 2 inspection?

5 A. We couldn't get access to the building and we weren't, to all of the building, and we weren't engineers. We realised that it was beyond our scope.

Q. Okay so is what you're saying then that you needed an engineer to be in your group before you complete a level 2?

10 A. Yes we had been instructed I believe in the briefings that if it needed an engineer it was the owner's responsibility to get an engineer to assess their own building and, so that's why we were instructed to always advise owners or occupiers that they needed an engineer.

Q. I understand that.

15 A. And we did that at the CTV building.

Q. And you probably did it at a lot of other buildings didn't you?

A. Many.

Q. And isn't that, I think Mr Calvert said in his brief that that was a standard thing that was, advice that was given.

20 A. We were instructed to that effect.

Q. Yes and even a level 1 green placard recommends the owner get an engineer's evaluation doesn't it?

A. Yes I believe it does, yes.

25 Q. So I'm just interested in this expression where you said you baled. So in your mind had you not completed a level 2 assessment then?

A. It was beyond our scope. Correct, we had not completed it.

Q. Well how then was the building green placarded with a level 2 assessment form completed?

30 A. Because we got a verbal assurance from the person we took to be a responsible entity who I had no reason to disbelieve was going to ensure that the owner's – I mean engineers were thin on the ground and so we weren't sure that it was going to happen that day or the next day

but it was going to be soon and so we accepted that at the time that the owner's engineer would assess the building more thoroughly.

Q. Right and on that, the basis of that assurance you green placarded it. Is that what you're saying?

5 A. I don't personally recall what colour placard we put it although the evidence subsequently proves that that is the case.

Q. Right. Well as you've said your recollection was and still is that it was, or that you wanted to red sticker it. Is that right?

10 A. Because of the complexity of the building I felt that it needed further investigation but because we got that assurance from a responsible person within the building we left comfortable with that.

Q. Right but didn't you also have concerns about this gap?

A. Yes we did but we had, we were of the view that an engineer was going to look at the building and that they would look at the whole building.

15 Q. What was your concern about this gap? Why were you concerned about it?

20 A. I don't think there should have been any gap and initially I was concerned because I thought it might have pulled away as a result of seismic movement. I was able to accept on the day Dave's view that it was probably poor construction and rather than have an argument about it we agreed that an engineer would look at the building and we walked away on that basis.

Q. But your evidence, in your written evidence you say that you were still concerned about this gap.

25 A. I believe it needed assessing by an engineer.

Q. Right because of what might flow from it.

A. Yeah, well I don't know why there's a gap there and so therefore an engineer needed to assess it.

Q. Right.

30 A. And time has proven that somebody did.

Q. Right and do you think that's the reason that this red placard issue sticks in your mind?

A. I suspect so.

Q. Would there be any other reason that you would have thought it should be red placarded?

A. No.

Q. Nothing else about the inspection?

5 A. There were no other obvious issues that alerted me to have concerns.

Q. What about the fact that you didn't have an engineer in your group and it was a complex building as you said.

A. There were no engineers available when we were sent out. So we were just trying to do our, the best we could.

10 Q. I understand that but was that a factor in you perhaps thinking it should have been red placarded?

A. Probably not. It was the fact that we'd had, we decided it needed an engineer, the owner assured us and so that's why, and the building was substantially unoccupied apart from the ground floor and there were very few people in the building at that time.

15

1610

Q. Well the CTV was, people were in the CTV weren't they?

A. Yeah but during the timeframe that we were there, there were very few people in the building. I can't put a number on it but for the amount of space there was, there was very few people.

20

Q. Well you spoke to the receptionist then the manager or someone –

A. Someone that she went and got.

Q. Someone in a suit, was it?

A. Yes, it was a man who I can't identify him anymore than that it was a male, I suspect it wasn't Murray Wood because I have had a loose association with him through music circles over many years and I think I'd have recognised him enough to know who he was if it was Murray Wood so I don't think that is who it was, but I can't stand here with my hand on my heart and say no.

25

30 Q. You saw the email that he had sent shortly after your inspection?

A. I just saw that this afternoon for the first time.

Q. That's consistent with a green placard isn't it?

A. Well that – it says that we are engineers and we are not.

Q. Well leaving that aside, the conclusions about the building are consistent with a green placard though aren't they?

A. Yes.

5 Q. This gap that you were concerned about, you have heard Mr Flewelling, his evidence and he referred to the diagrams, were you watching that?

A. Yes I was.

Q. Is your recollection of where that was any different from his?

10 A. Dave and I both have a looser remembrance of that and my memory of it was it was under the first half landing between the lowest level, you know, the ground level, level 1 and level 2, so the stairs go up to the outside wall and back to the next floor and it was under that half landing on the left-hand side was the gap, so while Dave went up the stairs I actually looked under that half landing because you could walk in there, it was open but that was where there was very limited light because the

15 light was, to provide safety for coming down the stairs and so looking underneath was not, there was not a lot of light but I saw enough to at least discuss it with Dave.

Q. So are you saying that you couldn't be sure of what you were seeing or not?

20 A. It wasn't daylight but there was enough light to see there was a gap.

Q. Well do you disagree with what he said in his written brief and what he said in giving evidence that –

25 A. In principle we are agreed, the finer detail might be slightly different but the net result is that the three of us were agreed that the owner to engage an engineer and that was conveyed and was agreed that would happen and did happen.

Q. He says though that you discussed this gap and that you agreed with him that it wasn't something to be concerned about, it was pre-existing. Do you accept that or not?

30 A. Yes I can accept that.

Q. Is that how you recall it though?

A. The detail is of the words of the discussion I can't be specific about. This was 18 months ago, we looked at hundreds of buildings.

- Q. I understand that but what I suggest is that it can't quite be your recollection because in your evidence you say that the gap was of a concern to you still, or to both of you in fact and that was one of the reasons you wanted the engineer to look at the building, correct?
- 5 A. Yes that was a contributing factor.
- Q. So when you left the building the gap that you had seen was a concern and was a factor?
- A. Yes and we were comfortable that an engineer was going to look and investigate.
- 10 Q. Right, and an engineer instigated by the owner?
- A. Yes.
- Q. On the assurance that you'd been given or the recommendation you had given to them?
- A. My understanding from our instructions was that it was the owner's
- 15 responsibility to engage their own engineer to ascertain security of the building for the occupiers.
- Q. That is what this man told you?
- A. No, he told us that he would do that but my understanding from the brief for the whole civil defence team was that we were to instruct people to
- 20 get their, I mean their own engineer, not a council engineer.
- Q. So you come out and the three of you are out in the car park area?
- A. Yes out by Cashel Street over the road from IRD.
- Q. Talking about the inspection?
- A. Yes, we were there for quite a few minutes, it wasn't just a 30 second
- 25 thing.
- Q. And you'd been up the stairwell and seen this gap that we talked about?
- A. I probably only went one or max two floors because Dave had called down to me that the doors were all locked so I didn't bother going any further.
- 30 Q. And had you been part of his inspection Mr Flewellen's looking at the beam column joints and the basic –
- A. No I wasn't.
- Q. So you just looked at the stairwell?

A. Yes, the building, when it was built initially the whole of the ground floor was a car park when it was first built because the Cashel Street frontage had shops on it and subsequently those shops were demolished, that was created into a car park and CTV was established in the ground floor and they put studios in there but it still had an open, there was no ceiling, it was open you could see all the construction of the under, the floor slab, the metal formwork that is permanent and you could see that from underneath in the CTV studios and in the enclosed car park.

5

Q. And did you inspect that?

10

A. We looked at it, yes and there was no issues.

Q. So you were with Mr Flewellen when he looked at that?

A. We all three of us, I think walked through initially through the building and then Dave and I did the stairs while Graeme went outside.

Q. And you didn't see anything of concern –

15

A. Nothing that, apart from this crack in the side of the stairs that we have talked about.

JUSTICE COOPER:

Q. Can I just interrupt, just something I didn't quite catch. You said when the building was first built the ground floor was quite high except for shops that were on –

20

A. There were shops, it was actually a separate lot that fronted on to Cashel Street and that building only had Madras Street frontage when it was first built. There was a row of shops which included a Honda dealership from memory and the building was built. I can remember Williams' Construction shipping containers and everything being on the footpath in Madras Street when it was built. The firm that I worked for at the time was a sub-contractor on that job although I personally wasn't involved.

25

30 CROSS-EXAMINATION CONTINUES: MR ZARIFEH

Q. Who was that?

A. It was Clyne and Bennie Limited.

Q. And what were they?

A. Plumbing and mechanical services contractors.

Q. So you are out in the car park discussing the inspection?

A. Yes.

5 Q. And presumably the placard to put on the building?

A. Probably but I can't be absolutely certain, that conversation is lost in time.

Q. Did you know then whether there was going to be an engineer got in by the owner or not?

10 A. I can be absolutely certain that we were agreed as a threesome that the owner needed to engage an engineer and I conveyed that to the responsible person inside and was comfortable with their assurance that that would happen as soon as possible.

Q. So you were the person to go and tell them that?

15 A. Yes.

Q. And you say in paragraph 23 that, exactly why you all believed that an engineer should inspect it is now hard to explain but it was related to the gap, the fact that you could not get access to the upper floors so firstly the gap was still a concern to you at least?

20 A. Yes.

Q. You couldn't get access to the upper floors 'cos they were locked so you couldn't inspect all of the building?

A. Well I mean it is not unnatural for those doors to be locked from the –

Q. No, no I am just wanting to establish that that is one of the reasons?

25 A. Yes it is a factor.

Q. The size of the building and the method of construction and complexity of the building?

A. Yes.

Q. And it was a combination of all of those –

30 A. Yes.

Q. As far as you are concerned, that led you all to believe there should be an engineer look at it?

A. Yes. The owner should engage his engineer.

Q. So is that why you said before that you bailed on the level 2?

A. Because a) we couldn't complete it because we didn't have an engineer we weren't engineers and b) we couldn't get access and we were agreed that the owner's engineer needed to assess the building completely.

5

Q. If you'd had an engineer with you, you could have completed your level 2?

A. No because we couldn't get access.

Q. So there is no way you could have completed your level 2 that day, given the circumstances?

10

A. That's right, correct.

1620

Q. Well surely in those circumstances you can't green placard a building?

A. We hadn't seen anything that was sufficiently alarming to us to think that the building was in any imminent danger.

15

Q. I understand that but –

A. And there were other far more damaged buildings in the city so it was all relative.

Q. So was it a risk assessment by you?

20

A. Yes, there was an element of that in it.

Q. Was that part of the training, to make that kind of risk assessment when you haven't got an engineer with you?

A. I don't know.

Q. Well you didn't know when the owner would get the engineer through or

25

-

A. (overtalking 16:20:55).

Q. – in fact if they did, if they would have.

A. The person we spoke to, I spoke to left, he was – we walked away from him absolutely confident that he understood the need and he was quite happy and he didn't argue for a moment. He was agreed to do that without question.

30

Q. And –

A. So I had confidence in him.

- Q. Did you tell him that, "Look we can't finish this level 2 because we haven't got an engineer with us and we're of the view that there's a problem with a gap, potential problem with this gap and you need to get"
-
- 5 A. The gap wasn't probably discussed with him to be fair.
- Q. Why would that be from your point of view if it still concerned you?
- A. Can't answer that I'm sorry, I don't know.
- Q. But from what you've said now you couldn't complete this level 2, surely you'd tell him that and say, on your assurance that you're going to get
- 10 an engineer through straightaway, we'll green placard it, 'cos that's, from what you've said, that sounds like the position that you were leaving it.
- A. With the wisdom of hindsight that does seem a contradiction but that's actually what happened on the day.
- Q. So do you accept in hindsight that that's not what should have
- 15 happened?
- A. In hindsight we should have probably at least put a yellow sticker on the building but we hadn't had a huge amount of, you know the distinction between the different things was still rather blurred, this was only day 3 of what's turned out to be a long process.
- 20 Q. Right.
- A. We're a whole lot wiser now.
- Q. Because you could of for example requested an engineer from the Council, one of the volunteers to come to the building before you finalised your level 2, correct.
- 25 A. That didn't occur to us at the time, but in hindsight would probably have been a good move.
- Q. Because it wasn't urgent that you green placarded it was it?
- A. Not that was aware of.
- Q. Why did you tell the people that were there that it would be a good idea
- 30 for them to leave immediately?
- A. I don't know.
- Q. That seems inconsistent with green placarding the building doesn't it?
- A. Looking from here, yes.

Q. Isn't that consistent with safety concerns for them?

A. Because we didn't see the building as in any imminent danger on the day, I guess that's why the green placard was put but knowing how the system should have and does work better now, we might do it differently now to what we did on the day, but we were doing our best on the day.

5

Q. Right, but what I'm suggesting to you is that suggesting that they might, they should leave, it might be better if the leave is completely inconsistent with not having any immediate concerns.

A. It does appear that way now.

10 Q. And you can't explain that?

A. No.

Q. Just I want to ask you a question about something you mentioned about Clyde and Bennie.

A. Yes.

15 Q. Did you say that you did some work for them when they were subcontracted on the CTV site?

A. I worked for Clyne and Bennie for 11 years but I didn't work on the CTV building at any time as a contractor.

Q. But Clyde and Bennie were?

20 A. My recollection is that they did a lot of work for Williams Construction and yes that was one of the jobs that they were involved in.

Q. And were you working for them at that time?

A. Yes I was.

25 Q. Do you recall any discussions within Clyde and Bennie with your colleagues about the CTV construction site and the building?

A. Not about the construction.

Q. What about –

30 A. The gentleman that was the foreman has quite a reputation around those of us that were in commercial construction at that time, Mr Shirtcliff.

Q. Right, so did you have dealings with him?

A. On other jobs.

Q. Not on the CTV job?

A. No, not on the CTV building.

Q. And when you say he has a reputation, was that a reputation that you had experienced on other jobs?

A. I personally had found him a difficult man to deal with.

5 Q. And apart from being difficult to deal with what about in terms of standard of workmanship or supervision?

A. I don't know that I can comment on that I'm not – I wasn't the clerk of works.

Q. No, I understand that, but in your experience in dealing with him?

10 A. He was a bit like a bull at a gate.

Q. Right, meaning what in relation to construction issues?

A. He was just a very difficult man to work under.

Q. And how long were Clyde and Bennie involved the construction of CTV. What was the period over which they were involved?

15 A. They would have done the plumbing for the entire building.

Q. Right, so they –

A. There would have been fit-outs done after that of tenancies but the main toilet blocks and rainwater goods and all that sort of stuff.

20 Q. And was your understanding that he was the foreman or construction manager, whatever the –

A. Yeah I believe so.

Q. – term was over that period?

A. Yes.

25 Q. And what about any actual construction issues, did anything come to your – was anything drawn to your attention?

A. Not that I was personally aware of.

CROSS-EXAMINATION: MR ELLIOTT – NIL

RE-EXAMINATION: MR LESTER – NIL

QUESTIONS FROM COMMISSIONER FENWICK – NIL

30

QUESTIONS FROM COMMISSIONER CARTER:

Q. Just in regard to your paragraph 31 you talk about your awareness of the building to possibly experience aftershocks. Just, I think it's relevant for us to hear what information was given to you in briefings about what
5 aftershocks might be experienced. Was that a particular point that was made to you as one of the –

A. It was mostly about our own personal safety.

Q. Yes.

A. And if anything was dodgy or you know damaged partially to be very
10 mindful of our own safety and not go into things that were already partially damaged that an aftershock could make it – walk into a death trap. So that was the aftershock issue that was impressed upon us.

Q. Can you recall if the level of aftershocks was referred to, the size that they might be.

15 A. I can't recall the details I'm sorry.

QUESTIONS FROM JUSTICE COOPER:

Q. Do you recall whether, I want to get back to the shops on Cashel Street frontage, were they ever occupied as shops?

A. Yes, well, yes they weren't attached, there was a gap between the
20 shops fronting Cashel Street and the CTV building. There may even have been a separate three lots in there originally, I can't be certain on that.

Q. Did you think it's on the area that subsequently became used as a carpark?

25 A. The open carpark.

Q. The open area.

A. The open area on the Cashel Street south side of the building and at that time I guess that was a town planning requirement. If you're going to close in the carpark under the building, like the ground level, then you
30 need to have carparks out there. That would have been a town planning requirement I suspect, so by acquiring that other land the owner was able to let more space in the bottom of the building.

WITNESS EXCUSED

1630

5 DISCUSSION - WITNESS TIMETABLE

COMMISSION ADJOURNS: 4.36 PM

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