

IN THE MATTER OF
THE CANTERBURY EARTHQUAKES ROYAL COMMISSION

BRIEF OF EVIDENCE OF MARY MONICA DEVINE

22 February 2012

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1. My full name is Mary Monica Devine. I am the Managing Director of Ballantynes.
2. The Anderson Building, located at 43 Lichfield Street, was constructed in 2002. The Anderson Building was a design and build by Chas Luney & Co. The structural engineer was Lovell-Smith & Cusiel Limited.
3. There was a basement level, two levels of retail space (at ground level and level 1) and four levels of car parking above that. The entrance to the car park was via the Council's car park at 33 Lichfield Street and ramps which connected the Council's car park to the Anderson Building car park.
4. On 5 September 2010 the Anderson Building was issued with a green placard following a RAPID assessment (BUI.LIC43.0023.20). The RAPID assessment noted minor damage only.
5. Before the retail floors of the Anderson Building were re-occupied, we arranged for an independent assessment of the building. On 5 September 2010 Ballantynes verbally engaged Powell Fenwick Consultants Ltd (**Powell Fenwick**) to inspect all of its buildings, including the Anderson Building, and to assess the suitability of the buildings for use.
6. On 6 September 2010 Powell Fenwick verbally advised Ballantynes that the buildings were all safe to occupy and that any cracking was of a cosmetic nature and did not affect the structural strength and integrity of the buildings. Powell Fenwick advised that a more detailed report would follow.
7. After we received Powell Fenwick's advice the store re-opened on 10 September 2010.
8. In early September Bill Binns from the Council and Chris Keith-Gillon of the Council's parking division undertook a walk through inspection of the car park areas of the Anderson Building. I assume that this was part of the Council's inspection of their car parking buildings which included two decks of the Anderson building which it leased from Ballantynes. Some flaking around the concrete columns on each side of the ramp into level 10A of the car park was noted. This is one of the ramps which joined the Council car park with the car park in the Anderson Building.

9. As the building was engineered by LSC Consulting (formerly Lovell-Smith & Cusiel Limited) we asked it to look at the concrete columns. Matt Cusiel advised that there were no structural concerns. He said that there was ample core concrete on the column to support the vertical loads from the parking levels above and it was his opinion that the ramp could be used safely for normal service. His advice to us was recorded in an email dated 23 September 2010 (BUI.LIC43.0002.2). On the advice of Mr Cusiel, access was not permitted to level 10A and level 8A until remedial works were completed to ensure contractor safety. The remedial works required the contractors to be on the ramp and we did not want them hit by vehicles using the car park. Mr Cusiel confirmed that the upper decks could still be used safely.

10. Around this time, when we were laying hard flooring on the first floor of the Anderson Building, we lifted the carpet and found some cracks. We asked LSC Consulting to inspect. Matt Cusiel inspected the cracks on the first floor and also from the floor below by lifting ceiling tiles to view around the columns and the flooring. He said it was likely that some stress in the floor topping would have occurred but that the crack width was not wide enough and there was no vertical displacement to suggest that the steel in the floor would have yielded. He said he would issue a statement but advised that we could complete the flooring work. His advice to us was contained in an email dated 23 September 2010 (BUI.LIC43.002.1).

11. On 19 November 2010 another inspection of Ballantynes' buildings was undertaken by Powell Fenwick. This inspection was more detailed. It was not the result of any particular event. It simply followed on from the assessment undertaken after the September earthquake and with a view to specifying the repairs that needed to be undertaken. Powell Fenwick's conclusions from both inspections were presented in a report dated 14 December 2010 (BUI.LIC43.0007.1). It said that the damage observed was all superficial and not of structural concern and that the main structural elements which were visible appeared to be in good condition with little signs of movement or damage. It specifically noted that there were no structural items noted that required immediate attention to prevent on-going damage to the buildings. Powell Fenwick did not recommend a further detailed assessment of the building be carried out. Some minor non-structural remedial work was recommended.

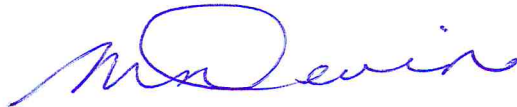
12. We engaged LSC Consulting to advise on the repairs required for the Anderson Building. By a report dated 22 December 2010 Dick Cusieli recommended some repairs to the Anderson Building (BUI.LIC43.0008.1). Mr Cusieli noted that he was confident the Anderson Building would continue to comply with the required Building Codes. He listed the damage to the building as noted by Powell Fenwick and listed repair procedures. As noted in his report, some of the repair procedures had already been carried out. The remaining items were:
 - 12.1 A fixing on the stair to the level 14 landing had pulled out of the concrete. Mr Cusieli noted that the fixing was not required and recommended it be removed and the area patched.
 - 12.2 Some diagonal cracks below the ground floor in the pre-cast wall panels (none more than 0.2mm wide), a 3.5mm crack in the bottom south corner of the west wall at ground level and cracking at the joint between the south wall and east and west walls of the goods lift at the upper parking level. Mr Cusieli recommended these cracks be injected.
13. These repairs had not been completed prior to 22 February 2011. We had provided the specification to AW Interiors for costing. This was part of the costing that was being prepared for our insurer for all of the post September 2010 earthquake repairs. As advised by Powell Fenwick, these works were minor, non-structural remedial works. Powell Fenwick's advice was that the building was not in danger of structural collapse and could be used, and Mr Cusieli's advice was that the building still complied with the required Building Codes.
14. On Boxing Day Ballantynes evacuated the store and remained closed until 29 December 2010. The Council carried out a RAPID Assessment on 26 December 2010 and minor damage was noted (BUI.LIC43.0024.1). The Anderson Building was given a green placard. Ballantynes engaged Powell Fenwick to inspect its buildings again. On 27 December 2010 Powell Fenwick undertook a visual inspection (BUI.LIC43.0029.1) and reported that the buildings were not in immediate danger of structural collapse and were safe to occupy. It noted that the parapet adjacent to the Guthrey Centre (owned by Peter Guthrey Holdings) was unstable and advised this should be cordoned or propped. This only affected one of Ballantynes' buildings known as the Moule building. Repairs were completed before the Moule building was reoccupied on 29 December 2010.

15. The Anderson building was damaged during the 22 February 2011 earthquake. Two of the three pre-cast concrete façade panels on the Lichfield Street side of the building detached (the remaining panel was later removed). One of the concrete panels fell onto Linda Arnold's car which was parked outside the Anderson Building. Ballantynes was in contact with Ms Arnold's family in February 2011 and has been since to offer support and assistance, but we would also like to publicly extend our condolences to her family for their loss.

16. On the advice of engineers, the Anderson Building has since been demolished.

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence for the purposes of the Royal Commission of Inquiry into the Canterbury Earthquakes.

Dated 22 February 2012



Mary Monica Devine