

Christchurch City Council MINUTES ATTACHMENTS

Date: Thursday 12 March 2020
Time: 9.30am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

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12 March 2020

Donna and Gary Brensell from the Northcote Motor Lodge

Public Forum Address to the Christchurch City Council

RESOURCE CONSENT APPLICATION FOR LPG DISTRIBUTION DEPOT

We are here today in regards to the Resource Consent Application in process for the LPG Distribution Depot at 315 Main North Road, Redwood.

We must express our disappointment in the treatment we have received during the last 20 months, over our concerns.

In recent times we have heard of promises and learning from past mistakes and about keeping the people of Christchurch safe...

Well, what about Redwood. Do we not have a right to feel safe?

We always thought that this would be dealt with and had faith that the people employed, funded by ratepayers, to keep us safe, would enforce the rules, put in place to do that.

Nearly two years on, after countless enquiries, we are informed that under a 'Discretionary Clause', you think it is OK to have a dangerous LPG Distribution Depot operating in a residential zone. With Council flats on one side and a motel on the other - we just don't understand the reasoning. Where is the duty of care?

This maybe just another day at the office decision for you but for us.... This is our everyday, this is our life. Put yourselves in our shoes, would you want to live next door to this dangerous activity?

There are rules & regulations associated with dangerous goods that are strictly enforced but there appears to be major failings in this example. Experts in the LPG industry are in disbelief that this operation has been allowed to continue. Surely your Town Planners would think that this operation belongs in a Commercial Zone, away from residents.

After the TV exposure, of residents' concerns; Genesis did something, within 2 days, that should have been done long ago; they ceased the operation until it could be determined if this is an appropriate location for this activity and complied with all regulations. Finally, someone is listening to us and understands.

The EPA had already declined an initial request to expand (made by Rockgas, who was the supplier at the time), but it was built anyway. After years of operating, a retrospective consent application is now being considered, with what appears to be, dispensations of the rules of today's standards. A Council employee, within the consenting & compliance group, informed us that alarm bells should have rung when the huge underground tank was consented, as this was in excess of regular service station requirements.

Safety is only one aspect of our concerns, there is amenity, air quality controls and the noise, oh the noise! Having been an existing operation, we are well aware of the noise violations and what we have to endure.

Abatement notices have been issued, but, still, every day when a tanker trunk fills the underground tank, it is in excess of the allowable decibels. The banging and clanging of the 45kg cylinders, as early as 5.30am is not conducive with sleeping guests, and continuing to refill until 7pm. Privacy is another issue, as the platform overlooks the fence, straight into the units.

With all this being said; we are unsure that you can appreciate the full extent of this operation. It is imperative that a qualitative and quantitative risk assessment is carried out on the effects of the cylinder filling facility. New Zealand legislation prescribes a 15 metre separation from neighbours but we have 6 metres.

As we were unsure whether the Resource Consent process was going to be notifiable, even though we are 'affected persons' with more than 'minor adverse effects', we felt we had to put forward our objections via this process, and convey our utter frustrations to our treatment, in this drawn out process.

Having just been made aware, we and the wider community are gravely concerned that an application has been made, to seek recommencement of the gas filling activity under existing use rights.

We recognize the public forum isn't the appropriate place to discuss this, we would seek an urgent meeting with the Council Chief Executive.

Thank you for your time.

PUBLIC FORUM ADDRESS to the CHRISTCHURCH CITY COUNCIL

The Canterbury Earthquakes Royal Commission Final Report: Have Lessons Been Learned?

Presented by: David Lynch, Director - Momentus Public Relations Ltd

Thursday 12 March 2020

Introduction

Thank you for the opportunity of allowing this Public Forum address.

My name is David Lynch and my attendance today is in my capacity as a director of Momentus Public Relations.

You have just heard from our clients Donna and Gary Brensell from the Northcote Motor Lodge, who the consultancy advised in respect of their concerns regarding the unconsented establishment of an LPG Distribution Depot at 315 Main North Road, Redwood.

In the time provide, I wish highlight a number of further examples, concerning what many people consider is a systemic problem within the Resource Consent, Building Consent, Compliance, Monitoring and Enforcement undertaken by the Christchurch City Council.

In canvassing many clients, property developers/investors, residential and community advocates, it is very clear that this is a problem, which must be addressed as a matter of some urgency.

In my professional opinion, to not do so, will simply continue to erode Public Confidence and Trust that the citizens of Christchurch expect from both those elected to represent this Council and from staff. Where public safety is concerned there can be no denial or blaming of others.

The Canterbury Earthquakes Royal Commission Final Report

The earthquakes that struck the Canterbury region in 2010-2011 was one of the most significant tragedies New Zealand has experienced as a nation. The 22 February 2011 earthquake resulted in 185 people losing their lives and many more injured.

The Canterbury earthquakes changed public perceptions and highlighted the vulnerability of our buildings to seismic activity and the fatal consequences if these

building fail. Since that terrible time in our history, Seddon and in particular the Kaikoura earthquake in November 2016 have further heightened awareness of our need to improve New Zealand's management of earthquake risks.

The Government recognised the need to understand why such significant loss of life occurred in Christchurch in 2011 and initiated the Canterbury Earthquake Royal Commission of Inquiry (the Royal Commission) to report the causes of building failure as a result of the earthquakes.

[The Royal Commissions final report identified 189 specific recommendations](#) for improvements in design codes and standards, hazard mitigation policy, post-earthquake building safety and occupancy tagging, and other topics.

These recommendations then became a multi-year body of work led by MBIE, but with many other contributing agencies.

The government then set out the following actions to improve the building and construction sector, which include:

- New laws for managing earthquake prone buildings
- Immediate changes to processes and the creation of cross agency actions
- Improving occupational regulations for building and construction sector professions
- Revising standards and creating or updating guidance for design new buildings

Have Lessons Been Learned from the Royal Commission?

In the final report by the Canterbury Earthquakes Royal Commission, it concluded that [the CTV building should not have been given a resource consent in 1986 because it did not meet the building code of the time.](#)

While significant progress has been made to improve our buildings following the events in Canterbury, it is widely acknowledged that we cannot afford to be complacent about earthquakes and the devastation they can cause our communities.

The public expectation, following the 22 February 2011, was that changes would be made to improve the safety with new and existing buildings, so that fewer families would every face the loss of a loved one, as so many did 9 years ago.

So why haven't lessons been learned?

As previously mentioned, there is a systemic problem within the Resource Consent, Building Consent, Compliance, Monitoring and Enforcement undertaken by the Christchurch City Council.

Here are a few examples:

230 High St consented with 10 serious engineering flaws

Between 2015 and 2017, the Council issued consents for a building in stages that has now been constructed at 230 High St with 10 serious flaws. Engineering company Beca has - in a report for the government – [confirmed the eight-storey, \\$8 million-plus block has 10 major seismic design flaws that would probably render it "unstable" in an earthquake that, if it were designed right, the building would withstand.](#)

Experts have indicated that the building apparently can't be fixed and will need to be demolished. Furthermore, when Council staff were questioned was 230 High St an isolated case, they apparently couldn't say if others might have slipped through the cracks.

Why has the Council been so silent on this and why hasn't there been an audit to reassure the public that 230 High St is in fact an isolated case?

Christchurch council 'uncertain' if quake-prone building owners are following law

[The Press reported \(17 January 2020\) that the Council was uncertain how many earthquake-prone buildings, were displaying the legally required warning notices.](#)

A law passed soon after 22 February 2011 earthquake requires owners of earthquake-prone buildings, which are deemed to be a "high" life-safety risk to occupants if a quake struck, to display a warning notice.

According to The Ministry of Business, Innovation and Employment (MBIE), the council was responsible for ensuring owners were displaying notices appropriately.

However, Council staff advised The Press that they do not know how many of the 700 buildings identified at risk in Christchurch, are correctly displaying earthquake-prone notices. Furthermore, staff argued the "onus is on the building owner" to follow the rules and staff checked "infrequently" if they were doing so.

Earthquake survivor Ann Brower, when asked for her comment, told The Press that she finds the council's approach "offensive".

Following the tragic loss of 185 lives, there was a natural expectation that lessons would have been learned by the Christchurch City Council. Sadly, this article confirms that this is not the case.

What corrective actions has the Council subsequently undertaken to ensure it is now meeting its statutory obligations?

Kerbs to be ripped up on flagship cycleway - because they are not strong enough

[The Press reported \(11 November 2019\)](#) that a city council contractor was ripping up more than half a kilometre of kerbs on a flagship Christchurch cycleway – because the concrete used was not strong enough.

Fortunately, the faulty concrete was associated with just a cycleway, however it has highlighted the fact that there clearly weren't appropriate checks and balances with those monitoring the contract on behalf of the Council.

Unconsented establishment of an LPG Distribution Depot at 315 Main North Road, Redwood

As presented in the address by Donna and Gary Brensell. Soon after taking over the Northcote Motor Lodge they became aware of significant non-compliance issues regarding the establishment of the Genesis Gas Refilling and Distribution Depot at the Caltex Redwood, 309 Main North Road.

As our client reflect on the difficulties, which they experienced in dealing with the Council over the past 20 months, they have reached the view that sadly, the Council has apparently learned very little from the Canterbury Earthquakes Royal Commission findings.

Conclusion - What Needs to Happen

The Council should commission an Independent Audit to fully review its role in the above-mentioned issues and others that they are aware of. This is to establish where process failed and what actions need to be taken to ensure these issues aren't repeated.

The outcome of the audit should be publicly notified.

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Waste Management's planned Toxic Waste Dump and Plant.

Good Morning.

For those who do not know me I am Ross Houliston and am here today speaking on behalf of The Greater Hornby Resident's Assn.

I am the elected member from our Assn. for liason with the Prebbleton Residents who also have concerns with the toxic plant which is to be located in Marshes Rd.

As many of you will know we have a following of 5000 odd on our facebook page, and represent the Islington, Hornby, Hei Hei, Broomfield and part of the Sockburn suburbs.

I tend to speak my mind so will start off with a quote.

The difference between a dictatorship and democracy is that with a dictatorship you get told what to and what is being done. With a democracy you vote first then get told what to do.

This appears to be what has happened in the consent process with Waste Management, despite clear instructions from Central Government that processes must be **transparent**.

Incidentally, I am sure you will all be aware that this company is owned by the Chinese Government and is not N.Z. owned.

No public consultation was called so the residents in our area could be consulted, therefore denying them their democratic right to speak out, on whether locals wanted this or not.

This is once again exactly the process that the Ombudsman criticized

last year. To the layman it would appear that the city planners have no regard for the citizens, only big business.

The Greater Hornby Resident's Assn. therefore ask that this consent be placed on hold, and a full and open consultation process take place.

Contaminants will be carried over Hornby to Wigram, as well as Prebbleton and the surrounding businesses, by the prevailing winds. To think otherwise is a bit like the ostrich hiding his head in the sand.

Word has it tyres are to be shredded onsite. When a fire starts in this equipment or the tyre pile the toxic smoke has to go somewhere, just like other toxic products onsite.

There also a question over the round-a-bout that is to be installed. Why are the rate payers or tax payers expected to pay for this when it is clearly for a business that is not New Zealand owned?

If this plant is to go ahead, which we are apposed to, as we have our community at heart, the G.H.R.A. would request, that permanent full monitoring equipment be installed around the perimeter of Waste Managements holding ground, then a repeat of this equipment at 250m; 500m and 750m.

This equipment should be supplied at the applicant's expense; should include dust and smell monitors as well as noise control decibel meters. The approved levels should not be exceeded and the meters should come under the control of an independant authority.

I also have a LGOIMA request which I am tabling now.

LGOIMA request for Waste Management.

- 1. A full list of all toxic items to be processed by Waste Management on site at Marshes Road Hornby.**
- 2. A full list of all Chemicals to be processed at the above site.**
- 3. A full list of all toxins to be held at the above site.**
- 4. A full list of all Chemicals to be held at the above site.**
- 5. A full list of all other items that will be kept on site.**
- 6. A full list of all toxins and chemicals to be recovered at this site.**
- 7. A full list of all hazards on this site.**
- 8. A full Health and Safety plan for this site listing all hazards.**
- 9. As Kate Valley was meant to be the planned location for this type of operation, who exactly is taking responsibility for this to be done within the city boundaries and why?**