

To our elected members

## Stormwater decision Wetland for Williamson Park

The reason we brought the matter of the wetland decision to you is you are our elected members – our request was for you to exercise your powers and duties as governance to stop this decision.

The decision by council staff to install a wetland in priority to completing the stormwater improvement master plan is a decision not consistent with the current Annual Plan or draft Long Term Plan currently at consultation stage.

The decision was made by staff in a scheduled series of workshops (beginning TCDC Whangamata Stormwater Workshop Agenda Thursday 27 April 2023 etc for 6 workshops held). The purpose of these workshops was to produce a master plan to then be presented to the Community Board to then be presented to council public meeting. Instead, council staff have made a decision to wetland Williamson Park. This is an unlawful decision and must be reversed. Elected members subsequently ratifying this outside a public meeting would also be unlawful.

The primary reasons (other than it being an unlawful decision) we are requesting our local elected members to reverse this decision are:

1. A wetland in Williamson Park is significant and therefore warrants community engagement. Council has been made aware of this by Opus 2018 report on Williamson Park.
2. The Williamson Family Deed of gift would not allow a substantial part of the Williamson Park to be permanently set aside for a wetland
3. Changing the current pond to a wetland does not remove the safety concerns of drowning or distress.
4. Alternative methods are available that are cheaper and would function to no lesser degree. Council was advised of at least 3 alternate options in the Opus 2018 Williamson Pond review. Stakeholders provided 2 further proposals. A resident provided another alternative. Staff have unreasonably dismissed all other options saying we were argumentative and outnumbered.
5. Spending on beautification of a stormwater asset is a poor use of rates and poor priority spending when property owners including our commercial and business areas have been promised solutions 20 years ago and still waiting.
6. Council staff have not been able to show the stakeholders one example of a successful man-made wetland in sandy soils in close proximity to Ocean sand dunes for us to view to see if the technical problems associated with wetlands can be overcome when wetlands are not located in natural tidal, stream or river boundaries.
7. Council has failed to follow, or comply, or make application to WRC under TR20-07 WRC Stormwater Management Guidelines 2020 pages 190-205. Constructing a man-made wetland is a substantial change in use of the Williamson Park land and requires consent.
8. A wetland does not reduce erosion of the beach or prevent discharge of polluted road water in storm events.
9. The cost of constructing the wetland has not yet been disclosed. When council staff made the decision, the slide show presented to the stakeholders stated the cost would be \$500,000 which the stakeholders said was unwarranted and a waste of the stormwater

improvement budget which has a current limit of \$9.1M. Despite this the cost has already ballooned to \$1.2M. It is understood the wetland design keeps changing and now rocks are proposed, substantial changes have been made to the design and overflow mechanisms, yet no update cost has been provided or a justification of the wetland priority. It appears this project has become an open-ended cost project that will divert a substantial portion of the stormwater improvement budget to non-essential works.

10. We cannot find any council meeting minutes showing or ratifying the decision for a wetland.
11. We cannot find any specifications or costs for maintenance of the wetland.
12. We cannot find council meeting minutes where alternative options as presented by Opus or stakeholders (and one resident) were discussed.

Staff have no legislative power under the LGA to make decisions outside council meetings.

Staff have admitted at the Community Board meeting on 9<sup>th</sup> April that they had been ordered by senior staff (bosses) they were not to engage with us stakeholders, not to provide documents to stakeholders under LGOIMA and that they have make decisions without going through the legal requirements of decision making in LGA.

The workshops we agreed to engage with were to provide a master plan. Staff making decisions, however justified are unlawful and ultra viries. We as stakeholders are not covered by elected member immunity should the decision be confirmed as unlawful, un-democratic, wasteful and outside the purposes of creating a master plan. The council has refused to extend immunity to us.

What we are seeking of you as our elected members in your role as governance is to use the powers vested in you to reverse this unlawful decision to protect us from liability by agreeing as volunteers to act as stakeholders, prevent community disapproval and distrust growing any further and get the workshop back on track to produce the master plan so as to avoid yet more delays to purposeful and prioritized stormwater improvements.

This complaint is our process as stakeholders to seek governance intervention.

Ian and Rob