

Open letter to CEO
TCDC

22 April 2024

Attention Aileen Lawrie CEO TCDC

I am writing this letter directly to you advising why I have resigned from my/our stakeholders representative position on council's Whangamata stormwater workshop group.

- 1. Council has made an unlawful decision to proceed with a wetland at Williamson Park. Workshops are not authorised to make decisions.**
- 2. Despite repeated requests council has failed to properly engage, be transparent or to provide documents to us. NB: Council has sent considerable documents but not all and has not produced many of these reports as to qualifying reasoning.**
- 3. Council staff have told or implied to our elected members that I/we, as part of the workshops had agreed to a wetland at Williamon Park. This is false.**
- 4. Council has failed to provide indemnity cover to me/us should the wetland decision have repercussions for me/us personally within our community or liability should the project cost blow out or become a failed project.**

It is apparent that council is using the workshop as a form engagement with community. We claim council has not engaged to an adequate standard to comply with our significance and engagement policy. Council has withheld documents needed by us to become informed sufficiently. Documents that have been provided have not been used in discussions. I/we do accept we have been provided an avenue in the workshops to express our views however council has left us uninformed as to technical reasoning. Council has misinformed our elected members. This demonstrates council has little if any interest in exploring our views and solutions we brought forward.

To correct this, I/we request of you to:

5. Advise me/us immediately that the wetland decision has been reversed and
6. Council will not hold me/us liable for any matter relating to this decision and
7. Confirm no other decisions will be made until the master plan is completed at the workshops and been correctly put through full council meetings.

Interim work required at Williamson Park:

In the interim we acknowledge council must undertake some work at Williamson Park to correct the ponds faulty design and current health and safety issues. This work should be done under maintenance as it would not cause material adverse effects and would allow the weir and detention system to perform more efficiently if we had another storm event before priorities had been established within the master plan. This includes:

8. Safety concerns with the Williamson stormwater pond – drowning. The pond walls are too steep and slippery so toddlers or impaired people could slip and be unable to safely get out. I have repeatedly advised TCDC of this, but the only response so far is erecting signs which does not reduce the risk of drowning or distress. MBIE regulate manmade 'lakes' and these cannot be located beside playgrounds where children may not be well supervised. The MBIE also has maximum slopes on lake surrounds – Williamson

breaches this considerably. To avoid the possibility of a death the pond should be immediately filled with clean sand to the invert level.

9. Health concerns with the Williamson stormwater pond water quality – sickness, ill-health and poison. TCDC claim the ‘wetland’ is to clean water which implies TCDC has determined the water is either toxic or polluted. TCDC has not undertaken water testing in the pond (Kessler or Morpium) so this claim is of concern. If this claim is correct TCDC should have included the pond in its mandatory testing for the CSDC for the past 20 years and if the test results are that the water is polluted, find the cause, correct it or have it filled in. If it is true that road water is polluted this means about 21 other discharge pipes also need wetlands. Undertaking wetland works at Williamson Park would set a ‘priority of works’ ahead of more serious flooding issues around Whangamata and would lead to the conclusion that the stormwater improvements priorities must be 21 wetlands. The Community Board papers state \$1.2M is the current estimate cost for the wetland. I note the first iteration of wetland costs was \$500,000. Since then substantial changes have been made which will add to cost. If 21 wetlands are needed that exceeds the existing \$9.5M allocated in the 2024/2034 LTP. Where will the remainder come from and where will the money come from for improvements that will get into the master plan for the 461 odd property owners with flood issues identified in the Opus 2005 report? It is noted 5 discharge pipes have regular testing yet has not raised an alarm to wetland. What makes Williamson different? The Water Services Manager stated categorically that TCDC had a letter from WRC requiring the wetland. The supposed letter from WRC does not contain any such statement.
10. Harmful algae bloom HAB: It is accepted by everyone that the HAB does not come from road discharge. It occurs when still water is warmed by the sun and subject to UV, oxygen depletes, as does nitrogen until the still water becomes suitable for HAB growth. The still water is present because there is no regular tidal or river/estuary fresh water supply/removal. The current detention device, the pond, relies on soakage into the aquifer as its natural drainage. When the surrounding water table level rises the net result is still water to that level and HAB growth. This can be immediately corrected by filling in the pond to the invert level – providing the surrounding water table is lower.
11. The pond design has no outfall and is designed as a detention device. Stormwater discharges into the pond and raises the pond water level. When the rate of discharge into the pond exceeds the infiltration rate into the surrounding sand the pond level rises. With last year’s heavy and persistent rains, the pond level remained above the invert (and often above soffit level) meaning the discharge rate from the piped network is impeded to an extent surface flooding could not escape to the Ocean. Reports disclosed under LGOIMA show consultants continue adding catchment areas to reduce flooding despite reporting the pond cannot cope. TCDC were advised by the Whangamata Stormwater Action Group to correct this faulty design in April 2023 to reduce the pond water level, which would allow the pipes to discharge, which then allows surface water to drain which reduces flooding. Council has repeatedly refused to provide the weir and spillway drawings but documents obtained under LGOIMA show council has been advised to change the weir spillway. Our investigations are that the weir is filled back to the pond with hardfill so cannot drain out. Pipes could be installed immediately at a much lesser cost than the overall wetland concept and go some way to reduce the water level. It must be noted that the pond water level will never go below the sea level and during high tides and storm conditions pipes will be submerged provide little added benefit to reduce pipe blockages. According to NIWA we are re-entering El Nino from about July 2024 which could put Coromandel in the pathway of more cyclones. The pipe needs installing immediately.

12. Maintenance of the pond has been incorrectly done. The so-called pond maintenance was to remove 150-200mm (or more or less) of the bottom of the pond at each clean to draw off settled sludge. This has repeatedly lowered the base of the pond by about 600mm since it was built leaving the bottom of the pond well below the 'normal' water table level. This means the water in the pond is still water to the level of the surrounding aquifer. In any event the current pond base is now at or below MWS so the still water has no-where to drain. If maintenance had been done correctly by reinstating the pond base height at each clean back to invert there would be no still water when the water table falls in summer. HAB would not form and the pond would not be a safety or health concern.
13. Cleaning of pond has involved pumping out the water in the pond to the beach so diggers can go in and remove the sludge. If the water is contaminated as implied by TCDC this pumping to the beach would be an unlawful action. Pumping contaminated water into the Ocean would normally necessitate WRC to prosecute council. A wetland design will still need maintenance and some form of cleaning. It is our understanding WRC has not been consulted in this regard.
14. Cleaning of the pond included digging out the sludge and dumping it. TCDC has no registered dump site for polluted materials. This action would be a breach of WRC/RMA and possible further prosecution.
15. Any design for Williamson Park must take all this into consideration.

Williamson Park improvements for the master plan:

The stakeholders have repeatedly promoted reducing the adverse effect on the beach and sludge formation in the pond the master plan must include reducing the catchment area to Williamson Park until the discharges can be managed. Reducing catchment will take time and cost meaning the most desirable outcome for balancing storm water spend across Whangamata would be a minimal CAPEX and lower ongoing maintenance for Williamson Park. It is the stakeholders wish to remove all stormwater discharge systems from Ocean discharges and from the park to honour the Williamson Family deed of gift but acknowledge this may be almost impossible due to the low-lying land having inadequate fall to redirect pipes and the associated cost.

In the Council stormwater workshops we accept we had discussion about alternate proposals. Our beef is council had a predetermined wetland decision when it shut our debate down. Our position remains:

16. We the stakeholders had provided 2 alternate options, but were shut down by statements we need to stop arguing and we were outnumbered.
17. The specialist contractors began to discuss an alternate but were not allowed the floor
18. Another resident had a proposal which never got to be discussed
19. Metis began discussing a simpler system to full wetland but were shut down
20. Council has failed to be transparent or promote open discussion of options
21. Council has used the workshop to make decisions when our agreed purpose was to provide a master plan of stormwater improvements to go to a full council meeting and then to community consultation.
22. Opus 2018 report on the pond stated 3 options had merit but that any decision would be contentious and needed community consultation. This was fair warning to engage with community.
23. Until the master plan is complete and our elected members given the task of determining costs and priorities it is unlawful of council to pervert LGA legislation.

Council withholding reports claiming they are too Contentious for ratepayers:

24. LGOIMA have been rejected claiming reports are too contentious. It is accepted that councils inactions following receipt of reports can create contingent liability. Withholding these reports, ie preventing disclosure is a method of managing liability. If liability materialised settlements would come from the general rate pool. It is therefore of concern to us that:
- a. Withholding reports means engagement cannot be transparent.
 - b. Withholding reports is a form of managing conflict of interest. This means doubt arises as to what will be in the master plan itself.
 - c. Since the consultant reports that are withheld council may have made further decisions that add to liability.
 - d. How will ratepayers know council is acting fairly and transparently when it produces the master plan
 - e. How will elected members be advised why decisions have priority.

In summary: We accept some immediate work is required for Williamson (as stated in April 2023) and that council should if required seek the elected members authorisation for the following:

25. Immediate works:
- a. The pond base filled to invert level so the still water would drain into the aquifer (until the surrounding water table rose) which would correct safety concerns, HAB and claims of toxic water
 - b. Install several pipes through the spillway to the weir to drain off water above the invert. This would clear the pipes so they could function to design. NB: this does not mean the pond will never fill again as it will still remain as detention during high tide
 - c. Raise the peripheral of the pond base to a slope to allow drain off of the water table and provide detention whilst high or King tides were simultaneous during heavy rainfall. Leave a small say 2-3m width swale between the invert and weir discharge pipes.
26. Future work scopes for the master plan
- a. Monitor the results after the immediate works as it is likely some further improvement is required.
 - b. Reduce catchment into the Williamson Park by 20% each 10 years to gradually reduce the volume of water being discharged to the pond and weir overflowing which reduces the adverse effects of pollution and erosion to the beach and Ocean.
 - c. Determine how to safely manage and maintain the (temporary) 2-3m wide swale between the invert discharge and weir pipes. This could still be messy and unsightly.
 - d. Formally provide 3 options for community consultation.
27. The benefit to the community is the immediate works does not cost much leaving more of the \$9.5M for important flood relief. It will improve the discharge rates, remove safety and health concerns and can still be altered later in the overall master plan. Nothing in the immediate works is irreversible or a waste of money or over commitment.

We wish to express our extreme dissatisfaction with the process of the workshops. We have repeatedly complained to the extent we have dozens of unanswered LGOIMA. We prepared a complaint to the Ombudsman in December 2023. We agreed to withhold the LGOIMA and complaint so staff could focus and complete the master plan over Christmas. Instead, staff have gone off on a tangent and made an unlawful decision and delayed the master plan outside

Open letter CEO Stormwater Objections

the LTP 2024/2034 consultation period thus denying the community the chance of providing input.

Can you please confirm no other decisions have been made. We fear Island View pond is also at the stage of tenderers. The project we also objected to as in our opinion failed to address the problem, was wrong, over specified, waste of money and again wrongly prioritised.

We would like an immediate response.

Ian/Rob/Eric