To Honourable Len Salt Mayor

TCDC

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Honourable Mayor

My home got flooded and I want answers.

My home was flooded during Gabrielle. I purchased my home on 8 June 2008. I have insurance for the damage but not for stress or loss of incidental personal property, disruption whilst having to vacate or landscaping loss.

I completed a RFS and have had what I would call irresponsible responses designed to aggravate me. I will go into that later.

I have sought two official information requests which have only been responded to in part. I have been invited to ring TCDC staff or go to the Ombudsman.

Since my official information requests and RFS the cesspits either side of my property have been pumped out and Cam from Pinnacle has visited. Cam advised me the soakage pits are performing as per design.

Since then, the light rain last week again caused water to come within a few centimetres of flooding my home again. We are still in the process of getting the new GIB stopped and painted. To be that close to flooding again is very disparaging. It rains a lot at night and we are restless looking outside as the flood water rises.

I have lost complete faith in TCDC. I do not believe they possess the skills or passion or empathy to relate to the distress being caused to me, my wife or my family we now rely on for support.

I have been doing some of my own research into what I believe is wrong.

1997 TCDC engaged a stormwater engineering company called Woodward Clyde and another called Airey Consultants to provide stormwater advice following Cyclone Bola. ***I do not know what these reports include but I request of you to provide me with copies of both these documents.***

2003 TCDC engaged Opus another stormwater engineering company to provide stormwater advice following cyclone Zoe. I have not seen a copy of this report. I understand Opus did reports for each of the five wards but all I want is the Whangamata one.

2003 as part of the Opus engagement a questionnaire was circulated to all owners of Whangamata. Some 650 residents responded with flood notations. Unbeknown to me the then owner of 110 Kiwi Rd responded with pooling of water in heavy rain in the front of the house to about 5cm. I have now obtained a copy of this questionnaire (attached) and it shows a circled area in the front of the section.

2004 TCDC issued a building consent to add on a garage and extension to the house, built on a concrete pad and lower than the existing house which is above the ground on wooden floor and piles. The location of the garage and extension are directly over the circled area in the 2003 questionnaire response. I now understand when this BC was issued TCDC was required, but failed to, apply section 36 of the Building Act 1991 which prohibits building on a hazard, as identified by the owner in 2003.

2005 TCDC must have re-engaged Opus following the then state of emergency to the Eastern areas of Coromandel and through Tauranga and from that provided an updated report along with recommendations for about 25 roads and areas within Whangamata. Kiwi Road was included in this upgrade with a recommendation to curb and channel, with a 375mm diameter pipe to Williamson Road and the creation of overland or secondary flow paths into the Williamson Golf Course. I have only recently received this report through the WRA.

FYI I attach this extract from the 2005 Opus report which is clear for anyone to read. The full document can be downloaded from this link put up by WRA. [WRA Library]

Kiwi Rd	101A & B, Water appears to be entering private property from road	Option 1: Construct bund in vicinity of property to keep water out	$9k	n/a	n/a	
	122 & 128, Flooding into private property and garage from road	Option 1: Construct overland flow path from Kiwi Road to depression in Golf Course via walkway to golf course adjacent to 128, ensuring flow is directed away from private properties. Allow depression in golf course to act as soak pit.	n/a	$14k	n/a	
		Option 2 (solution for entire length of Kiwi Road) Install 500m of 375 mm diameter pipe to existing system in Williamson Road.	n/a	n/a	$56k	

2008 I purchased 110 Kiwi Road. None of the above history was provided to me.

2012 I now understand TCDC engaged Opus to carry out testing and report on the water tables including data logging at 5 bore holes throughout Whangamata over 5 years. This means they began this some time in 2007 before I purchased. I have only recently received this report through the WRA. This report recommended ongoing monitoring for a number of reasons which I believe relate to the fact if the water table is high soak pits don't work which exacerbates flooding especially to streets without piped stormwater systems like Kiwi Rd.

2013 Another company called KTB Planning created a stormwater management plan. This is an extract from that report which highlights public consultation and lists key stakeholders being me as part of the community.

Public consultation occurs on both the Annual Plan and Ten Year Plan and these public processes provide the community with the opportunity to have input into Council's provision of stormwater services, funding and priorities.

1.4 Key Stakeholders

e) A list of the key stakeholders who have an interest in the stormwater diversion and discharge activities authorised by this consent, and their respective views on managing these activities;

This SMP recognises the valuable input to stormwater management provided by the following key stakeholders.

- The community, including citizens, ratepayers and Iwi
- Fish and Game Council
- Waikato Regional Council
- Government Agencies, including the Department of Health, Ministry for the Environment and the Department of Conservation.

All key stakeholders generally share the view that the stormwater networks within the District shall be designed and implemented to protect the relevant communities from flooding and also avoid, as far as practicable, the adverse effects on receiving waters and habitats.

The KTB Planning report lists these summary activities in agreements we have with contractors.

By way of summary, the agreement includes, but is not limited to, the following operation and maintenance procedures that are directly relevant to stormwater generated within urban areas of the District:

- Detritus and slip removal – any materials that impedes effective and efficient operation of the drainage system
- Intervention criteria where detritus shall be removed e.g. drainage grates cleaned once more than 10% of the effective grate area is covered.
- Grassing and hydroseeding of exposed soils.
- Maintaining all drainage structures such as culverts, including accessway culverts, sumps, catchpits and associated leads.
- Sump and catchpit cleaning.
- Drain and surface water channel maintenance
- Network inspections, defects recorded and remedial work programmed.
- Annual cleaning of sumps and catchpits.
- Annual provision of a Drainage Inspection Report which includes location, inspection date, condition and programmed completion date.
- Annual sump and catchpit cleaning completed during May.
- Monthly reports on stormwater maintenance procedures.
- Street cleaning - Intervention criteria where detritus shall be removed e.g. drainage grates cleaned once more than 10% of the effective grate area is covered.
- CBD street and footpath sweeping every 3 months.
- Emptying and cleaning all rubbish bins.

My view of this is that TCDC is ignoring its duties to the stormwater management plan. For instance the annual sump and catchpit cleaning completed during May is not happening.

2017 flooding was severe. I understand TCDC re-engaged Opus to report on the Williamson Pond. I believe the pond is quite contentious.

1. The pond is not a listed stormwater asset in the TCDC stormwater consent with WRC
2. To maintain, or rather clean the pond, means expensive pumping and removal of the sediment and flushing of the RainSmart pods
3. To pump means discharging to the Ocean which means sediment and toxic waste is deliberately pumped out and contaminates the Sea water
4. To pump water to water requires a discharge consent which is not part of the TCDC consent. Ie TCDC has no authority to pump polluted water anywhere.

The reason I am making this point is for TCDC to comply with the Opus recommendation of a 375mm diameter pipe down Kiwi Rd would mean an upgrade of the Williamson Rd pipes which means additional catchment being directed into the pond, which has no discharge consent, nor does it have a means of being maintained without discharging polluted water into the Ocean and it is hopelessly undersized and has no treatment capabilities.

2018 I understand another engineering company called HAL was engaged to do some modelling or something. ***I do not know what these reports include but I request of you to provide me with copies of both these documents.***

2018 I understand another company I think called Morphun were engaged to do ecological testing of some kind. ***I do not know what these reports include but I request of you to provide me with copies of both these documents.***

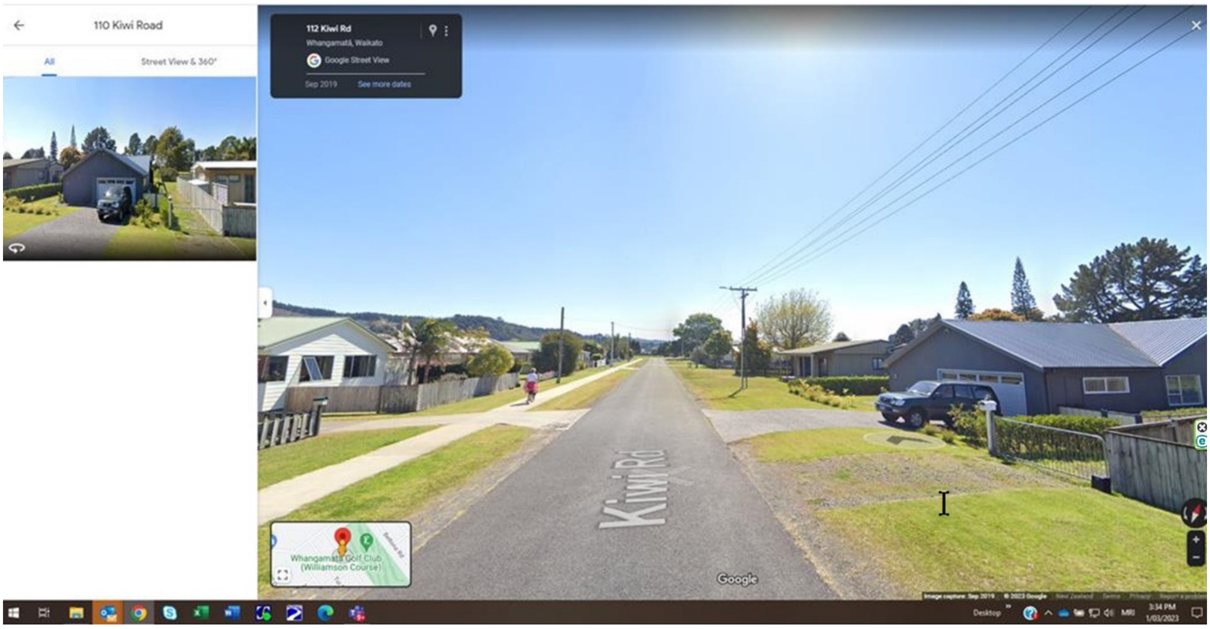
2018 Kiwi Rd was upgraded by a company called Pinnacle. I understand they subcontracted the work to Splice. The only thing I was aware of at the time was that this project would stop flooding along Kiwi Rd.

2018 Veolia produced a stormwater monitoring program which included Kessel's ecological testing at a number of river discharge areas. The Williamson Pond is perhaps the greatest discharge point and is not included in this testing. I can understand the reason being in flood, toxic waste can be as highly contaminated as 100 times that during normal rain. In the case of the pond, it will be worse than that as no water actually flows during normal weather, so all the sediment and heavy toxic substances settled and collected then become disturbed in flooded flows and ends up discharging over the weir.

2022 4SIGHT consulting was engaged by TCDC to create a stormwater monitoring program. 4SIGHT reinforces what is obviously being ignored by TCDC.

2023 my homes garage and extensions were flooded, GIB and insulation has been removed and is now being re-instated. I am concerned the advice I got has been wrong and my insurer should have made an application for BC for this work as the work involves replacing bracing units and insulation. Now what?

2023 I emailed you and completed an RFS. TCDC response came from the roading Manager Ed Varley. He sent me an email with a screen shot off Google maps showing Kiwi Rd in about 2017 pre the nib and channel and told me to lobby the Community Board to have curb and channel installed with pipes and probably a pump station. He attached a Barristers (Stuart Ryan) report and what I have taken as Mr Varley legal opinion advising me it was servitude and totally my fault. This is Mr Varleys image taken off Google maps explaining I need to lobby the Community Board for curb and channels, pipes and pumping.



2023 I have made two official information act requests. What I wanted was the project number (the whole file as used by the tracking system) and what I now understand to be the Project Request Form (again the whole file) used in the financial records. ***I do not know what is included in these files so I request of you to provide me with copies of both these files.***

2023 the last TCDC OIA response included drawings of Kiwi Rd and a rather sketchy drawing of the cesspits and locations of the soakage trenches. This has raised many questions. I attach drawings and specifications of the soakage trench at 106 St Patricks as an example to compare what Pinnacle have done to Kiwi Rd. I have had some help working this out so if you need an engineer to assist you I can arrange for you to be included in this loop.

1. **Percolation Tests of soakage trench.** The Pinnacle plans (attached) do not include percolation tests. I would have expected Pinnacle would be required to follow E1/VM1 percolation tests at each of the proposed soak trenches along Kiwi Rd – to prove that the Opus 375mm pipes were not necessary for all of Kiwi Rd. For example, the 106 St Patricks plans (attached) show 6 bore holes to test water table levels and undertake percolation testing just for this duplex. I would have thought value and significance of each project works would warrant a few tests – surely a few augers and pouring in some water for a $1.2M spend is essential and inconsequential to the overall value of the project. If Pinnacle failed to do them then what? If TCDC said don't bother, (then who made the decision to delete the pipes? If TCDC said forget the testing on what basis does TCDC know percolation rates will be sufficient along Kiwi Rd – which is overriding the professional advice by Opus in 2005 and Opus testing between 2007 and 2012 and the resultant surface flooding 1996, 2003, 2005 and 2017 some lasting for as long as 6 months. If TCDC does have some guidance as to soakage rates when were these undertaken, what were the results, how many tests were done, where did TCDC do these tests and do they remain valid comparative soakage rates TCDC can place reliance on for Kiwi Rd to not need specific individual tests at any of the soakage trench locations along Kiwi Rd. **There are a lot of questions that need answers**.

2. **Percolation rates used**. The Pinnacles design uses a figure of 5000mm/hr which seems awfully high compared to 106 St Patricks of 1000mm/hr. The St Patricks report states some variations would exist between intended soakage pit locations but St Patricks is closer to the

sand dunes and Ocean which will provide more immediate soakage and probably have cleaner sand for better soakage escape than Kiwi Rd. Kiwi Rd would need testing.

3. **Catchment area.** The Pinnacle design includes a total catchment area of 840sqm. It fails to highlight on the plan where that 840sqm relates to. I got a neighbour to pace out the catchment areas during a rain event a couple of weeks ago. He observed the cesspit at the junction of Kiwi Rd and Archilles was being overwhelmed as was the cesspit at the intersection of Tui Rd and Achilles. He said water flow started at the intersection of Archilles and Otahu. That equals 2400sqm after deducting the 0.3 rate for verges that are pervious to an extent but are used in catchpit calculations.

4. **Reduction factor for soakage trenches**. The Pinnacle design calculations have failed to discount or rather include the reduction factor of 0.5 required for soakage cells

5. **No flushing chamber.** I followed Cam from Pinnacle around as he inspected the cesspits and soakage trench to find the flushing chamber port. He stated he could not find it, but it will be on the as-builts. If there are as-builts than TCDC has failed to provide me with these in my request for information. I have discussed the location with my neighbour, and he thinks the access port was deep so he covered it over to prevent someone driving into the hole. I note the drawings for 106 St Patricks show an access for flushing and so does the RainSmart specifications – some of these even have bubble up chambers as well – so when the soakage trench is full and soakage rate is less than delivery it can overflow. That overflow ends up flooding my home. That is not servitude but a deliberate defect in design flow by Pinnacle.

6. **The Kiwi Rd design has no pipes**. The Pinnacles design is different to the 2005 Opus recommendation which includes 375mm diameter pipes, curb and channel with overland flow paths to the golf course. Who had the authority to omit these and on what basis can Pinnacle justify the altered design will prevent flooding? Who made the decision to delete these items remembering Opus is a professional engineer?

7. **Hazard warning in 110 Kiwi Rd was not removed**. Whilst I was not aware council had placed a hazard notation on my property file in 2003 prior to my purchase I would have expected it would be removed following the significant work of curb and soakage trenches along Kiwi Rd. Council did not remove the hazard warning despite spending I understand to be $1.2M. These are my rates which should have been applied to relieve flooding and remove my hazard warning.

Just recently a Hydrojet pump arrived and twice sucked out the cesspits both sides of the road and the secondary catchment pit on the verge. It seemed to me every time they sucked out the water it came straight back in. The water level was above the outlet into the soakage trench. Surely if Pinnacle did a soakage test then they would have found the percolation rate to be negative as water was or must have been coming back into the catchpit. That would make the concept of soakage trenches along Kiwi Rd useless.

This brings me to the outcomes of my investigation:

a. The 840sqm Pinnacle has used as a catchment area is about 1/3 of the actual 2400sqm
b. The percolation rate Pinnacle has used 5 times greater that of St Patrick (without justification)
c. Pinnacle failed to apply the discount reduction of 0.5

This means the Pinnacle design could be out by as much as a factor of 30 or more. Cam of Pinnacle claimed the soakage pits were performing as per design. Whilst this may well be a correct statement to the calculations I have received could mean the design itself could be out by a factor of 30. The recent pumping condemns the idea of soakage trenches. Recent small rains continue to overwhelm them and flood my property.

In addition, I raise the following points:

d. The 1:10 year event Pinnacle applies is to manage up to that but not beyond that. Prolonged rain will eventually overwhelm the gross percolation rate (of any design), meaning even designs to the code it is foreseeable, at least to Opus, that at each of the low points in the road where the cesspits are located the soakage trenches (or cesspits with pipes) will be overwhelmed and require overland or secondary flow paths to remove the excess storm water before it floods my house. I claim Pinnacle failed to incorporate that into the Stormwater design.
e. The design departed from Opus calculating the need for 375mm diameter pipes and overland flow paths onto the golf course. I am yet to see any justification for this departure.

What I require:

What I require of you is to conduct an independent investigation why the Kiwi Rd project was approved and went ahead with clear deficiencies in the design, why it failed to prevent flooding to my home, why my hazard tag existed and why council failed to remove my hazard tag in this process.

What really annoys me is TCDC has deliberately withheld the Opus reports from me (and other ratepayers). TCDC has failed to correctly engage with the community. I mean I knew Kiwi Rd was being upgraded but by TCDC withholding the Opus reports recommendations I was left in the dark over why the pipes and overland flow paths were omitted. This is deceitful. I now understand TCDC has an engagement policy with the community. I would expect you would know about this but to be sure I include its principles here

2 Principles

The policy is guided by the following principles:

- *Decision-makers are well informed, aware of and consider the community's views.*
- *The Council will use a consistent approach to establish the significance of a matter requiring a decision.*
- *The level of engagement will be tailored to the level of significance for each issue, proposal or decision.*
- *Decision-making and engagement processes are transparent and clearly expressed.*
- *The community will have clarity on the range of engagement methods the Council may use relative to the significance of a matter.*
- *Engagement is honest, proactive, inclusive, accessible, a two-way dialogue, and people are aware of and understand the final decisions taken.*

Reading through these I reckon TCDC has broken all of them. I certainly have no trust left. I can see why TCDC would tell me its servitude – as explained in the dictionary means ***<u>the state of being a slave or completely subject to someone more powerful.</u>***

This is exactly how they are treating me. I am a ratepayer not a slave.

I believe I have given TCDC three opportunities to come clean with me. The RFS response from the roading manager was an insult. Since his response(s) I have received 39 photos under official information requests. This means these photos were available to the roading manager, as was the Pinnacle drawings showing the nib and channel and the soakage trenches and the deficiencies in these calculations all ***before*** he told me legally it was servitude and my problem. I have made two official information act requests which have provided me with just a few snippets of files TCDC thinks I cannot understand to see why my home flooded.

I also want an explanation why we as ratepayers have wasted money on numerous professional engineering reports since 1996 (probably many more I am yet to find), failed to follow any of their advice and now wasted $1.2M (or more?) on a defective design purporting to upgrade Kiwi Rd under the auspice of stormwater management plans.

Many councils spend between 2%- 4% on Stormwater yet all I can see is Kiwi Rd done defectively. I want to know what steps you will take to stop these delays since 1996 and stop defective decisions being made like Kiwi Rd that don't help and get our stormwater system working.

Regards Richard Abraham

Ratepayer 110 Kiwi Road Whangamata