

**Minutes for the Public Stormwater Meeting held 15 December 2024, Whanga Lounge
01-03 pm, chaired by Flemming Rasmussen**



Minutes summarised and compiled by Messrs:

- Ian Holyoake (IH), Stormwater Working Group
- Terry Walker (Cr Walker), TCDC Councillor
- Rob Boston (RB), WRA
- Flemming Rasmussen (FR), Independent Moderator

FR opened the meeting, providing in-house details, meeting rules and etiquette, his independent facilitator role, and finally advising that it was intended to finish by 3.00 pm.

Received apologies from:

- Garry Gotlieb, TCDC Councillor.
- John Freer, CFM.
- Graeme Manson.
- Sarah Sullivan.
- Lena Gavin.

Format: FR invited IH to make his presentation of around 5 – 7 minutes, Q+A, and then followed by Cr. Walker, after which the “floor would be open”.

Extracts from IH’s presentation: A slide show of:

- progress at Williamson Park; still waiting for the Drybasin, we now have permanent scouring at the weir outlet, weeds growing in the base - and to honour the gifting of the park by the Williamson family, we want this stormwater device removed as this space will be required in the future as demand for our beach and events increases.
- the council has identified six projects, but we disagree with the Hetherington Pipe enlargement because it's already submerged, so making it bigger will not alleviate flooding along Port Rd, and to do this work will disrupt traffic and cause harm to businesses.
- Outline a stormwater toolbox as a tool to reduce flooding in Whangamata.

There were nine elements to the toolbox:

1. Curb and channel – most efficient way to treat stormwater and less costly
 2. Soak pits – making them larger to handle bigger rain events
 3. Swales reformed along roads to temporarily marshal surface water
 4. Detention ponds to store excess runoff to drain away after rains stop slowly
 5. Maintenance sweeping and cleaning drains
 6. Reform lost overland flow paths
 7. Fill low-level land
 8. Water table management
 9. Innovation
- Rational things to do – all included in the Opus 2005 report.
 - Council has Commissioned 20 odd reports since cyclone Bola with many still withheld even though we have paid for them out of rates.
 - Talked of frustration with the council's unwillingness to disclose reports and previous master plans.
 - In defence of the council, he believed that staff had not been inducted correctly when they began their duties, so even they did not know these reports existed.
 - Even though we are the officially engaged stakeholders, the working group was not consulted about the flood letter. Ian has done 34 LGOIMA and council is still withholding information.

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FR provided a brief background for clarity: The acronym **LOGIMA** is a request for information per the Local Government Official Information and Meetings Act 1987.

There were no questions from the floor at that point.

Cr. Walker provided a report on progress to date.

“As a Councillor, my job is to hear the issues, understand the importance and, with the CB support, take the project to Council for debate and hopefully be included in an LTP process.”

“The town constantly told me this in 2017-2018 to fix the flooding issues.”

“We now have a 4-year, district-funded project using Staff, Consultants and Local contractors to undertake localised pipes in 5 areas of town to reduce stormwater ponding on people’s properties by removing water from the roads.”

He stated that council is recalling the original letter, and the council will apologise to those affected. He read out extracts of a new letter Council intends to send out. Councillor Walker has, since the meeting, provided the text of that letter.

Hazards section

The 2023 Whangamata Stormwater Flood model identifies areas potentially subject to stormwater flooding in Whangamata (2023 model) based on rainfall data from NIWA, 2008 MfE climate change guidelines and 2013 LiDAR survey data. The 2023 model estimates the likelihood of stormwater flooding in an extreme rainfall event. The 2023 model does not consider the built environment or changes to the terrain since 2013.

This property is in an area that potentially may be subject to flooding in an extreme rainfall event, being 1% Annual Exceedance Probability (AEP), which is a 1 in 100-year event.

The 2023 model does not include information about the potential for flooding from rivers or coastal inundation.

People need to Refer to the maps, fact sheet and stormwater flooding investigation letter for general information.

Further detailed information on the extent of the potential stormwater flooding is contained in the Flood Maps created by the 2023 model (enclosed), which can be accessed on the TCDC webpage www.tcdc.govt.nz/whangamatastormwater. You can also contact the Council to obtain the indicative levels of flood depth, velocity and elevation.

If you rent or lease your property, please pass this information on to your tenant(s).

Cr. Walker presented council-provided figures covering the drop-in sessions and community response. 193 Counter Enquiries and 232 RFS (Request for Service) were received.

He encouraged people to go to the TCDC office and obtain maps, request documents or arrange a meeting to discuss their concerns.

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Cr. Walker has since provided this table, which he obtained from the council.

| Whangamata Stormwater Flood Model Release - General Information | | | | | |
|--|---|---|-------------------------------|---|--|
| Counter Enquiries | Total RFS received | Site Visits | Drop in Session Attend | Industry Session Attend | LOGIMAs |
| 193 | 232 | 13 | | 25 | 3 |
| 21/10 to 10/12. 14 solved at at counte (e.g. maps printed) | 51 were generated from counter enquires | <ul style="list-style-type: none"> • 8 for flood enquiries • 5 for infrastructure enquiries | 45 groups over four sessions | Very good re- sponse from attendees need to check this as only 8 people attended including me. There would be 50 odd that should have | Most questions are regarding the process of releasing information. |

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| Breakdown of RFS Details (Total of 232 RFSs received) | | | | | |
|--|--|---|----------------------------------|---|---|
| RFS Completed | RFS In Progress | RFS Properties removed from 'at risk' of flooding | RFS Enquires wanting maps | RFS enquires for letter to be resent | RFS enquires due to terrain changes |
| 216 (93%) | 16 (7%) | 56 | 15 | 9 | 25 |
| | Of the 16 - 2 are further enquires with HAL regarding the flood model - 14 are properties being removed from the flood map. - Process takes approximately 10 working days. <ul style="list-style-type: none"> All these ratepayers have been contacted. | <ul style="list-style-type: none"> Minor encroachments over boundary est. 85%. Assessment of survey plan est. 5%. Assessment of title plan (cross-leased properties est. 10% | | | E.g. they have built or undertaken landscaping. |

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| 193 | 232 | 13 | | 25 | 3 |
| From 21 October to 10 December, 142 were resolved at the counter (e.g. maps printed) | 51 were generated from counter enquires | <ul style="list-style-type: none"> 8 for flood enquiries 5 for infrastructure enquiries | 45 groups over 4 sessions | Very good response from attendees | Most questions are regarding the process of releasing information. |

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Cr. Walker provided a short Update on the Whangamata Stormwater Improvement Project per the LTP 2024-34.

This information was provided by Brett Houston - Council Lead on this Stormwater Project.

Project Areas

- Hetherington Road .
- Harbour View Road.

Milestone Forecast Dates

- Consultant Procured 21/11/2024
- Investigation(surveying and CCTV) – in progress and due complete 15/01/2025
- Design – preliminary concept design started and full design due complete 15/02/2025
- Procurement for construction – due complete 31/03/2025
- Construction - to start 01/04/2025
- Construction Completion – due complete 13/05/2025
- As-Built and close of Project – due complete 30/06/2025

Questions from the floor

Leigh Rapson, a resident of the 22 Waireka Place property owners over ponding on shared common ground, stated the blue flooding on this land has resulted in all 22 getting flood letters and notices on their LIMs. The common ground is well below the houses, so flooding causes no issues or damage. The council refused to visit or discuss it. His message is that the council need some common sense.

Addressing comments from the floor regarding paying tax, FR briefly responded by describing the difference between Rates and Tax(es).

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IH commented that the 1%AEP modelling (1 flood every 100 years) is not new. Opus were engaged in 2004 to carry out the 1%AEP and produce flooding maps. These have been removed from the Opus report. We understand that this work supported the 1998 Woodward Clyde reports after Cyclone Bola when the District Plan set the requirement for buildings to have floor levels 500mm above flood levels. This flood height for floor levels is in excess of the requirements for the Building Act. But the council has failed to administer this. If it had at least homes built since 2004 would be safe from flooding and not need a flood letter.

IH discovered that HAL Consulting and Morphine did a similar LiDAR using a 1%AEP in 2018, following cyclone Cook in 2017. This work is still being withheld from us. We note that the HAL report council released last week quotes that AECOM peer-reviewed an earlier HAL modelling report. All these documents remain withheld.

Cr Walker did not disagree with IH, saying that adding water runs off roofs into the ground and that if your property is lower than the road, that's your problem.

IH interjected, pointing out that when it is developed like a road, the higher ground land must manage any water runoff.

FR commended Cr. Walker for attending and paraphrased the following.

- LIM report (buyer beware notification);
- Strong procedural requirements (incl. link to purchase of real property process);
- Modelling is all but a simulation.
- Encourage engagement and dialogue with TCDC.

Cr Walker commented the Eastern Seaboard wastewater plants totalled over \$100m and the potable water \$30m which ensured Whangamata has the latest systems with capacity for growth. Water meters will be installed; the current charge is \$820 per annum under the meter system. This will be reduced to \$400.00, and the water cost will be \$1.63 m3.

IH said the council had advised that they followed Tauranga City Council procedures when they released their flood letters in 2015. They adopted a 'no secrets policy', scrubbing out any flood depth below 100 mm. They conducted a site survey of all properties with surface water to validate the modelling, and letters only went out to affected properties. In IH's opinion TCDC has not followed this. Documents are withheld. The 100mm rule is because floors must be at least 220mm above ground, meaning 100mm flooding is only nuisance water, and our council has apparently sent out 5,000 letters as a blanket decision irrespective of flood levels to floor levels or whether properties have been changed since 2013 when the LiDAR was completed.

IH was highly critical of the proposal to install pipes along Hetherington Road as it will create massive disruption to the town and will not work as the pipe outlet will be underwater at high tide, so if anything, it will cause bubble-ups along the road grates further up the line and cause those properties to flood. The Government had issued directives to get councils to allow for possible sea level rise.

Ian Davidson, retired Barrister, summarised s 44A of the Local Government Official Information and Meetings Act 1987. He was critical of the council sending 3,500 letters to property owners who (in general) would not understand its implications. He believes there was general apathy in the community. Ratepayers need to be advised appropriately.

His view was that post-Cyclone Bola council had received half a dozen reports stating cess pits to be maintained but haven't. This is "not good enough."

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Comments from the floor from unidentified attendees

- Unidentified person: "What Government and big business is doing part of the bigger picture, to get us out of our beachfront properties".
- Concern over tides etc.
- The council had emailed a lady present. She read it out: a standard response. She asked what are the consequences?
- Shoreline protection, particularly regarding what is to happen with Beach Rd. Spoke against stormwater pumps as they would not prevent inundation.
- Comment on consistency, saying the money collected, but where does it go?
- Lady reported the modelling is theoretical, with no debate and subsequent letters.
- A lady in white spoke about managed retreat and asked if people present knew about the situation in Kapiti Coast. She said it was time to wake up we need people who can beat the system.
- A gentleman in a white shirt spoke of the consequences of receiving a council flood letter, potential loss of house values, and increased insurance.

Paul Shanks told those present that he has lived in Whangamata since 1958 and in his house since 1975. Community Boards should be community driven. TCDC is not doing its job correctly, \$39m million dollars were spent on the wastewater plant, not \$100m. The resource consent is in my name. There are two other sites located in Whitianga and Tairua. The water plant was only \$ 6.3 million. I take my hat off to Ian and Rob, who were part of the stormwater working group, which has failed to find suitable end-of-pipe solutions which are not required. He referred to recent global scientists who have apologised to the UN that the 2.1-degree Celsius temperature rise is overstated and more likely stable, or a 1-degree Celsius temperature increase in the next 100 years and predicted that the sea level rise has not occurred. This will radically change the forecasters and models. Paul spoke of the area and the Esplanade and car park area, pointing out that the area of the beach does not belong to us.

After an hour, FR summarised: "There is good knowledge and investigative skills within this room and an undercurrent of a strong call for action and change."

Patrick Kerr spoke to the 1% AEP variable and other possibilities 2% and even 3% referring to the HAL report, referring to Terry Walker's comment "We don't have a stormwater system" so if we have when will we see it?

IH referred to the 2003 Opus Report about Mooloo Crescent, advising that no more impermeable ground or properties should be built until the flooding situation is resolved. Despite this, some 10 more properties have been built in this location, Ranfurly Road has been extended in concrete, and now homes are planned to be built along the campsite. What is the plan to manage the extra water since 2003?

We acknowledge that we have problems. Solutions are required

FR spoke of Mercury Bay ward as an example, citing rate levels and rate increases in the last two years.

Cr Walker: RFS 232 modelling soakage stormwater system LIM tells what could happen in reference to previous reports. The issue is to get things approved with five council votes required at the council table to achieve this. Despite what Ian says, he believed TCDC is trying to engage with the working group.

FR, stressing that he was not giving legal advice, outlined that TCDC has an obligation to comply by putting notifications on a LIM of affected properties. Impacted people (property owners) have the right to object.

IH spoke to (FR's) statement that information placed on property files and into LIMs must be accurate and reliable. The council's flood letters state that the modelling is not accurate or reliable. This automatically

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disqualifies it from LIMs. Ian commented that architects and designers must meet the FFL (Finished floor levels), but the council must ensure that it meets the district plan requirements.

In response to a question, six workshops have taken place to date.

John Spencer provided an account of the situation of his property advising of some of the lower levels that flooded, but did not affect his house. His house was on piles well above flood waters. It is an older house and has never flooded. He does not believe the council can do this.

IH referred John to the 1999 legislation requirements.

Patrick Kerr observed that Ian was being confronted by an obstinate council under the direction of the CE. It may be time to put pressure on the CE to gain results.

FR spoke of the process and purpose of the council's CE review committee.

Leigh Rapson reiterated his comment about the council having little common sense and his frustration over the situation that he and 22 other homeowners have had in Waireka Place.

Rob Boston expressed disappointment and sadness that this meeting was taking place, addressing what was causing unnecessary hardship and frustration. Had the Whangamata Stormwater-Flooding Master Plan been completed as promised, the community could have been working with the Council to achieve a long-standing result instead of dealing with the flood letter issue.

Paul Shanks spoke to the proposed Local Water Done Well options, advising that care is required by the council over the proposed changes, as TCDC has over \$100 million in working assets.

FR complimented Paul on his observations and advised in the recent council meeting minutes (meeting 10 December 2024) that they had worked through five options provided by the Department of Internal Affairs (DIA). Councillors attended in-house (closed) workshops to learn about and deliberate the options.

1. Internal business unit or division of Council
2. Standalone Council Controlled Organization (CCO) for Water
3. Shared service agreement with Hauraki District Council
4. Regional / sub-regional shared service water organisation – Waikato Water Done Well Stage 1 (CCO set up – not asset owning)
5. Regional / Sub-regional asset-owning water organisation. Either Waikato Water done Well (Stage 2) or a sub-regional CCO with either (i) Hamilton City Council or (ii) Tauranga City Council and Western Bay of Plenty District Council.

It was crucial to participate in the debate under Two Waters. Public consultation is expected to be in Feb/Mar 2025. 25% (approx. \$40m) of council income (budget) is impacted, which has significant implications regarding what the council will look like under Local Water Done Well. Add to that the introduction of Māori wards, meaning that the 11 October 2025 local government elections are of significant importance and require everyone's active engagement and participation.

Paul Shanks advised that Watercare split from Auckland Council and operate autonomously.

Regarding master plans, IH commented there were two master plans produced after 2018, when the workshop began, which they failed to share, which, in his opinion, was disgraceful.

FR closed the meeting at 3:10 pm, thanking those present for their time, input and insights.