20230403 OIA WRC Kessler and Williamson Pond

As I started getting snipets of reports I tried filling the information gaps. This is to do with water quality angles. Annouska was sort of obstructing me by claiming council does not hold reports – but as you can read this is not accurate – as they had them and carelessness is not an excuse.

Includes 20230502 LGOIMA TCDC Kessels monitoring as this got stopped.

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Thursday, June 1, 2023 11:42 PM
To: 'Anouska Greene' <anouska.greene@tcdc.govt.nz>
Subject: RE: Ecological report for TCDC 2001

Hi Anouska

Incorrect

The Kessels report appears to be the founding document for the TCDC resource certificate 105667.

As this document is referred to in the certificate which is a record of the TCDC resource consent application and as the Kessels report must be a report TCDC has requested and paid for and had possession of – to use it as the base for monitoring – then the document does exist and it is under TCDC power as that power is through TCDC engagement with Kessels. Ie the document is within the power and control of TCDC.

If as we both seem to realise TCDC has 'lost' its copy, or 'cannot find it', but needs it to support certificate 105667, then the correct process to disclose this under my response would be for TCDC to seek a copy from Kessels and send to me.

As you do not seem willing to do that, I have taken the step of trying to get TCDC a copy of that document. Google stated Tonkin had taken over Kessels. But Erilys said not this part. Seems Gerry has sold off some of his business to focus on ecology and has retained this part of his business. When Bluewattle/Kessels does send it to you, you will be able to confirm with water services if this document is the correct one. I assume Bruce was not around in 2001 so he would need to see it is likely to be the correct reference so he can use that to promote completion of 105667. In the meantime you will be releasing it to me.

This is similar to the situation where council may have files held with your solicitors. These are under councils power and control so discoverable. Not having possession does not mean it is not discoverable. I can send you the Ombudsmans case studies on this if you like.

Ok

Ian

From: Anouska Greene <anouska.greene@tcdc.govt.nz>
Sent: Thursday, June 1, 2023 2:00 PM
To: Ian Holyoake <ian@moisturedetection.co.nz>
Subject: RE: Ecological report for TCDC 2001

Dear Ian,

Council is not obligated to search or seek out information that we do not hold under LGOIMA.

My involvement should only relate to matters where official information has been requested and that request is active. The request relating to ecological reports is closed.

Any further involvement will be at an operational level and should be directed to the water services team or customer services.

Regards,

Anouska Greene

Legal Technical Specialist (LGOIMA)

Monday, Wednesday and Friday

Thames-Coromandel District Council

p: 07 280 0230

e: anouska.greene@tcdc.govt.nz

w: www.tcdc.govt.nz



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From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Monday, May 29, 2023 4:22 PM
To: 'gkessels@bluewattle.co.nz' <gkessels@bluewattle.co.nz>

Cc: 'Anouska Greene' <anouska.greene@tcdc.govt.nz>
Subject: FW: Ecological report for TCDC 2001

Hi Gerry

I am trying to track down an early Kessels report as reported in the attached document CSDC page 2 stating

**The ecological assessments undertaken by Kessels and Associates in 2001 form the basis of an
appropriate Monitoring Programme moving forward.**

Would it be possible to locate this document please (under the old Kessels) and forward to Anouska Greene at TCDC email above.

Thank you for your assistance.

Regards Ian Holyoake

021607611

File Note: Eirlys phones 3.30pm and stated contact Bluewattle Kessels for report.

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Monday, May 29, 2023 2:03 PM
To: 'ebond@tonkintaylor.co.nz' <ebond@tonkintaylor.co.nz>
Cc: 'Anouska Greene' <anouska.greene@tcdc.govt.nz>
Subject: Ecological report for TCDC 2001

Hi Eirlys

Kessels completed a report recorded in the attached document CSDC page 2 stating

**The ecological assessments undertaken by Kessels and Associates in 2001 form the basis of an
appropriate Monitoring Programme moving forward.**

Would it be possible to locate this document please (under the old Kessels) and forward to Anouska Greene at TCDC email above.

Thank you for your assistance.

Regards Ian Holyoake

021607611

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Friday, April 28, 2023 7:59 AM
To: Ian Holyoake <ian@moisturedetection.co.nz>
Subject: Response REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

The technical reports linked below are on our website:

Assessment of Physical Changes after Mangrove Removal: Whangamata Harbour 2008 | Waikato Regional Council

Summary of historic estuarine sedimentation measurements in the Waikato region and formulation of a historic baseline sedimentation rate | Waikato Regional Council

I have also attached the Whangamata Harbour and Harbour Care Catchment Management Plans summary.

These are reports that council holds that may be useful.

Our Science team have Identified a list of documents that may also be useful. Council does not hold these, or are still in a draft copy, but they may be able to be sourced from the University of Waikato.

See list below.

- *Sheffield, A.T. 1991. The Sedimentology and Hydrodynamics of Whangamata Harbour. Unpublished MSc thesis, University of Waikato, New Zealand.*

- *Sheffield, A.T., Healy, T.R. and McGlone, M.S. 1995. Infilling Rates of a Steepland Catchment Estuary, Whangamata, New Zealand. Journal of Coastal Research, 11(4), pp. 1294-1308.*
- *Stokes, D. 2010. Erosion potential of surface sediments after mangrove removal Whangamata Harbour. Prepared for Environment Waikato by Debra Stokes, March 2010*
- *Stokes, D and Harris, R. 2015. Sediment properties and surface erodibility following a large-scale mangrove (Avicennia marina) removal. Journal of Continental Shelf Research 107.*
- *Greer, D. Whangamata Harbour Modelling: Estimating Bed Shear Stress for Sediment Transport Modelling. Draft report by eCoast for WRC.*
- *Bulmer, R.H., Lewis, M., O'Donnell, E. and Lundquist, C.J. 2016. Assessing mangrove clearance methods to minimise adverse impacts and maximise the potential to achieve restoration objectives, New Zealand Journal of Marine and Freshwater Research*

Please let me know if there is anything outstanding that has not been answered today or in my email to you on Wednesday.

Kind Regards,

Alyx McDonald

Alyx McDonald | OFFICIAL INFORMATION AND PRIVACY ADVISOR | Democracy, Customer, Community and Services

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Private Bag 3038, Waikato Mail Centre, Hamilton, 3240

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Wednesday, April 26, 2023 3:56 PM
To: 'Alyx McDonald' <Alyx.McDonald@waikatoregion.govt.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Thanks appreciated.

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Wednesday, April 26, 2023 2:40 PM
To: Ian Holyoake <ian@moisturedetection.co.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

You are on my list to contact today for an update on your request.

Regarding the Williamson park Lake, I have comment below from an officer in our Consents team who has advised:

The CSDC (Comprehensive Stormwater Discharge consent) authorised existing SW discharges at the time of consent in 2011. The CSDC's do not assess or consent the TCDC SW networks or any SW devices, such as the Williamson Pond. WRC has no reports or technical information on file relating to any design or construction of this particular pond. My understanding is that the pond was designed many years ago to assist in alleviating existing flooding and is more of a soakage device and doesn't provide water quality treatment as such.

WRC does not have the information you are looking for specifically in regards to this pond. TCDC is still best placed to hold this information.

I have information form our Science team regarding the causeway. I just need to collate the information into a response to you. I am hoping to have this to you by the end of this week.

Kind Regards,

Alyx McDonald

Alyx McDonald | OFFICIAL INFORMATION AND PRIVACY ADVISOR | Democracy, Customer, Community and Services

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F: facebook.com/waikatoregion

Private Bag 3038, Waikato Mail Centre, Hamilton, 3240

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Tuesday, April 25, 2023 11:20 PM
To: 'Alyx McDonald' <Alyx.McDonald@waikatoregion.govt.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Hi Alyx

We may have got my requests muddled up.

When you asked me on 4 April 2023 if this email (my 3 April 2023) replaces my previous requests I said yes it does.

Can you please update me on progress of my request. I am now under urgency as I have discussions with TCDC on these matters this coming Thursday 27th April 2023 and I need the information. In particular the Kessler and the Williamson pond if we can call it that.

Thanks

Ian Holyoake

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Tuesday, April 4, 2023 12:18 PM

To: 'Alyx McDonald' <Alyx.McDonald@waikatoregion.govt.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Hi Alyx

Yes I think it does as all I wanted was to track down the TCDC stormwater plan for Whangamata. Now I can start assimilating it. Then if I have more need of information I can request it. I think the documentation I will need will find its way to the top as I continue my review.

I do have one question outside the request but why would TCDC want to retain the 105667 consent as an ongoing and open one other than to avoid needing to meet the RMA 2003 Amendment. That would be like me getting a 1991 building consent to build a home and getting my CCC (which is the analogy) and then me wanting to some alterations in 2023 and wishing to use the 1991 consent as the basis for the build.

Surely the reasons we have amendments etc is to improve existing old practices we have found are not meeting societal needs or standards. Things do move forward but keeping the ability to sort of 'backdate' new infrastructure to pre 2003 seems a little outside the intent of Parliament?

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Tuesday, April 4, 2023 12:06 PM
To: 'Ian Holyoake' <ian@moisturedetection.co.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Thank Ian,

Can you please confirm that the below email replaces your previous requests?

Thanks,

Alyx

Alyx McDonald | OFFICIAL INFORMATION AND PRIVACY ADVISOR | Democracy, Customer, Community and Services

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F: facebook.com/waikatoregion

Private Bag 3038, Waikato Mail Centre, Hamilton, 3240

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Monday, April 3, 2023 12:43 PM
To: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

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Hi Alyx

Thank you for this information.

Additional information request. I accept this may become a new request.

Can you please send me a copy of "Kessels and Associates in 2001 form the basis of an appropriate Monitoring Programme moving forward" as referred to in page 2 of the Consent Evaluation.

Please provide me with all the drawings, specifications and monitoring program plus results issued to WRC by TCDC for the Williamson Park management of storm water collection and discharge since the consent application was made ie since 2001.

Please send me the management/maintenance of this – both the 3 yearly and annual reports.

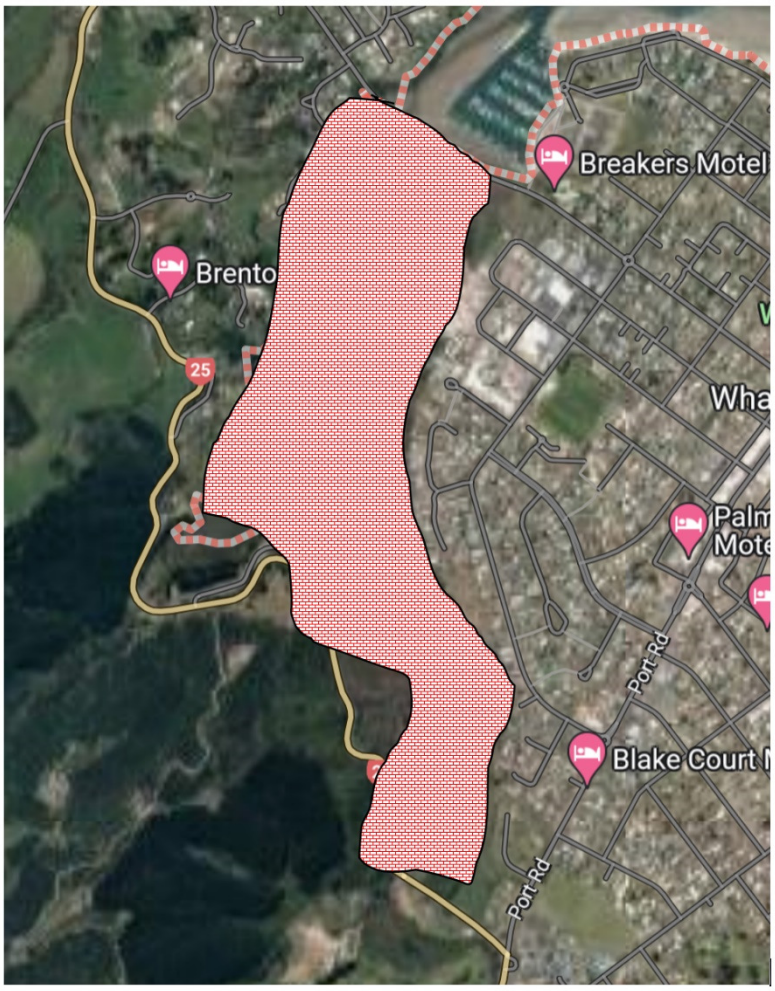
Where this information is contained within larger reporting by TCDC please provide the full report

I understand TCDC are preparing plans to dig a bypass drain around the weir to drain the sediment pond directly to the Ocean. If this is a non-notifiable consent or is intended to be embraced within the 2011 consent 105667 which precedes the changes to RMA in 2003 please register me as an objector to this amendment or new consent.

Thanks

PS: Additional request.

Within the Wentworth River between SH25 bypass Tairua bridge over the Wentworth and all the riverbed extending to high ground either side down to the Hetherington Harry Watt bridge – the Causeway as shaded below has filled with sediments. Can you please send me any reports received or commissioned by WRC covering this since the Causeway and since the Marina was constructed. If outside parties have requested a report irrespective of the originating body that requested or commissioned it please include that as I am after any sort of document or report held by WRC or within the power and control of WRC.



Could you also please direct me to ‘how to make a complaint to WRC’

Thanks

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Monday, April 3, 2023 10:54 AM
To: Ian Holyoake <ian@moisturedetection.co.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

Apologies for the confusion in my previous email.

TCDC is the authority responsible for managing the stormwater system in Whangamata. Waikato Regional Council is the regulatory authority – in other words WRC granted resource consent to TCDC to operate the stormwater system including any discharges to the environment. WRC also monitors TCDC's compliance with the conditions of the resource consent. How TCDC manages it SW system is up to them, WRC's role is to ensure that the system does not result in adverse effects on the environment by ensuring TCDC meets the consent conditions.

I have attached:

the decision report and certificates for TCDC's Comprehensive Stormwater Discharge Consents.

The last Annual report submitted to WRC by TCDC.

The last Compliance Inspection report prepared by WRC.

Based on the above information , can you please clarify what information you still require from WRC.

Kind Regards,

Alyx McDonald.

Alyx McDonald | OFFICIAL INFORMATION AND PRIVACY ADVISOR | Democracy, Customer, Community and Services

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Private Bag 3038, Waikato Mail Centre, Hamilton, 3240

From: Ian Holyoake <ian@moisturedetection.co.nz>
Sent: Thursday, March 30, 2023 11:13 PM
To: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Subject: RE: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

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Hi Alyx

Firstly thank you for your response.

I will take this up with an information request directly to TCDC.

I naturally assumed WRC role was to act as an independent body to ensure TA's themselves met the laws.

For a TA to 'self-issue' takes away the natural and expected gatekeeper for the RMA. These are the protections I expected to be in place just in case TA's failed to not only understand their duties but to make good past permits for infrastructure that would no longer be acceptable under the RMA if a new application was made.

I do not accept the possibility that WRC and also EW have no say in any TCDC operational plan regarding water.

If I were to lodge a complaint would I lodge it with WRC, or EW or TCDC first, and then if I'm not satisfied lodge with WRC and then if I'm still not satisfied lodge with EW and if I'm still not satisfied with the Minister? Is that the chain of events?

I would like to now request this information.

1. Does TCDC lodge resource management plans like ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** with WRC
2. If not why not
3. In respect to the ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** please provide all documentation, correspondence, emails and minutes of meetings WRC (and its contractors and engineers and other outside parties) have had in the lead up to the 2011 (as you stated) ***resource consent held by TCDC which covers its entire Whangamata stormwater network.***
4. In respect to subsequent events since the self-issuing by TCDC of the ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** please provide me all documentation, correspondence, emails and minutes of meetings WRC (and its contractors and engineers and other outside parties) have had following TCDC issuing the 2011 (as you stated) directive.
5. In response to question 4 above please provide me with all documentation, correspondence, emails and minutes of meetings WRC (and its contractors and engineers and other outside parties) have had in respect to any subsequent amendments to the 2011 policy (as you stated)
6. If WRC has had no communication, or input, or correspondence (including issuing or notices) to TCDC in respect to the ***resource consent held by TCDC which covers its entire Whangamata stormwater network*** please advise why not
7. In respect to question 6 above please state under what specific law or policy WRC does not need to get involved in resource consents for the use of water eg the ***resource consent held by TCDC which covers its entire Whangamata stormwater network***

Thank you

If my request is too broad, I am happy to visit you at your offices and discuss further these matters.

Ian Holyoake

Managing Director

Moisture Detection Company Ltd

Ratepayer Whangamata

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Tuesday, March 28, 2023 10:47 AM
To: 'ian@moisturedetection.co.nz' <ian@moisturedetection.co.nz>
Subject: FW: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

The Williamson Park stormwater pond and discharge are authorised by a resource consent held by TCDC which covers its entire Whangamata stormwater network. These consents were granted in 2011 and included all of TCDC's existing stormwater assets and discharges that were already established at that time.

Your questions are better directed to TCDC to respond to as the Williamson Park stormwater system is managed by that Council.

Can you please advise whether you have contacted TCDC already regarding this matter, and whether you wish for me to transfer your information request to TCDC.

Kind Regards,

Alyx McDonald

Alyx McDonald | OFFICIAL INFORMATION AND PRIVACY ADVISOR | Democracy, Customer, Community and Services

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Private Bag 3038, Waikato Mail Centre, Hamilton, 3240

From: Alyx McDonald <Alyx.McDonald@waikatoregion.govt.nz>
Sent: Wednesday, March 15, 2023 8:47 AM
To: 'ian@moisturedetection.co.nz' <ian@moisturedetection.co.nz>
Subject: REQ196483- Williamson Park Lake, Ocean Road in Whangamata- Consents, operational plans

Kia ora Ian,

Thank you for your information request received 14 March 2023.

What I am seeking is:

1. A copy of all WRC resource consents that cover the construction of the Lake and its discharge into the Ocean. These are to include who was approved, any conditions of use, any adverse effects and how these were to be mitigated, what maintenance requirements and performance standards were set into the resource consent for example cleaning the Lake and treating discharge other than the original natural watercourse. This would include how to mitigate Coastal erosion of the sand dunes and sand once liquified by the artificial water table around the Lake when it is not empty.

2. If no permits why not?

3. Was any discretionary powers included for example to meet Operational Plans of TCDC?

4. I understand the RMA and subsequent legislation provided for a sort of amnesty period to correct things like this. Has WRC made such application and when and provide a copy.

5. If not why not?

6. Any discharge permits issued in relation to volumes of water that can be discharged, or collected, quality of water that can be discharged, catchment areas that can be included in the redirection of land not included in the natural catchment areas and testing requirements. How was the impact of Coastal discharge satisfied?

7. If no conditions why not?

8. Any resource consents other than the TCDC Operational plan that TCDC have applied for to effect the function of detention ponds for example the Lake and discharge into the Ocean

9. A copy of the TCDC Operational Plan that WRC has approved. I have the TCDC Operational Plan but that does not reference WRC. Does TCDC need to seek WRC approval for any of the activities it requires to manage detention ponds, activities within natural stream beds and including artificial Lakes and Ocean discharges.

10. If WRC does not possess the TCDC Operational Plan can you please explain why TCDC is not required to seek such approval.

11. Would WRC agree to TCDC preparing and approving an Operational Plan (or in part) for the work I describe above to meet RMA requirements?

12. If TCDC were approved does WRC still manage the performance of that Operational Plan?

13. A copy of WRC policy, design, specification and management of detention ponds in general, like the artificial Lake at Williamson Park including changing, modifying or adapting natural water ways and in particular where they directly discharge to the Ocean or Estuary.

14. If the WRC detention pond specifications vary from the MBIE 2012 Guidelines for Artificial Lakes please provide an explanation of why they do.

15. Please provide any report available relating to Whangamata Coastline written by the WRC Coastal Engineer or manager of the Coastline (including that department). I understand WRC does not permit Coastal discharge.

16. Please provide a reference or copy of any external report covering in particular the Coastline along Whangamata Beach at the Williamson Park Lake discharge site.

In relation to timing of your response. TCDC are ready to release their Annual Plan and Long Term Plan 2023-2033 with a submission period closing 10th April 2023. They may be changing that to comply with s83(1)(b)(iii) of LGA but I must assume for now they will not change the closing date. I therefore need the information urgently. I appreciate this request is a particularly extensive one. I would accept modification of this LGOIMA if WRC intends to submit to TCDC during the submission period, or by way of special request to TCDC, WRC position and objectives and requirements that TCDC must consider and abide by in relation to Williamson Park Lake, storm water collection, containment and treatment of contaminants and discharge to the sea at the Coastline. I would require an early copy of that to allow any modification of this request so I can then evaluate WRC position so I can modify my submission to TCDC.

Council will respond as soon as possible, but in any case no later than 13 April 2023. At that time, you will be informed whether or not your request has been granted and, if granted, when Council expects to be able to provide you with the information.

If you have any further questions, please feel free to contact me.

Kind Regards,

Alyx McDonald

Alyx McDonald | OFFICIAL INFORMATION AND PRIVACY ADVISOR | Democracy, Customer, Community and Services

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