

20241016 Len Salt Mayor emails stormwater

**From:** Brett Houston <[Brett.Houston@tcdc.govt.nz](mailto:Brett.Houston@tcdc.govt.nz)>

**Sent:** Monday, 25 November 2024 11:18 am

**To:** [ian@moisturedetection.co.nz](mailto:ian@moisturedetection.co.nz)

**Cc:** Mohamed Imtiaz <[mohamed.imtiaz@tcdc.govt.nz](mailto:mohamed.imtiaz@tcdc.govt.nz)>; Jen Amner <[Jennifer.Amner@tcdc.govt.nz](mailto:Jennifer.Amner@tcdc.govt.nz)>;

Toni Sims <[toni.sims@tcdc.govt.nz](mailto:toni.sims@tcdc.govt.nz)>

**Subject:** Questions emailed to Len Salt 24-Oct-24 - Whangamata SW Questions

Ian

Response to your questions on 24<sup>th</sup> Oct-24

1. Properties that have no blue shading on any of their legal boundaries have been LIM'd ie council had no legal right to tag as they failed to even review the actions it was taking were correct and reasonable
  - The LIM note clearly identifies that the flood risk is **modelled**.
  - The flood model extent only needs to touch a property boundary to be included in the flood model map extent.
  - The map will be included in each LIM which will indicate where the flood extent is. If the property is not freehold title this will include common property and shared accessways.
  - If a Property Owner wants to contest the flood extent they have been advised in the handout in the mail out and in the FAQs to contact Council with their concerns.
  - Council is already receiving these and responding, which includes, where applicable to remove the flood extent from the property, and henceforth from the property file and any future LIMs.
  - Council has an obligation to make the hazard information it holds available to the public under the Local Government Official Information and Meetings Act 1987 – Section 44a (2) a Land Information Memorandum (LIM). Council is required to identify hazards (including inundation) on a property. The LIM note has been drafted by our Legal team and reviewed by our LIMs team.
  - Wording which will be included in LIM is italicised below;

#### ***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 occurring 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 an 1 in 100-year event.*

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

*Refer to the attached map, 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) and which can be accessed on the TCDC webpage [www.tcdc.govt.nz/whanqamatastormwater](http://www.tcdc.govt.nz/whanqamatastormwater). You can also contact Council to obtain the indicative levels of flood depth, velocity and elevation.*

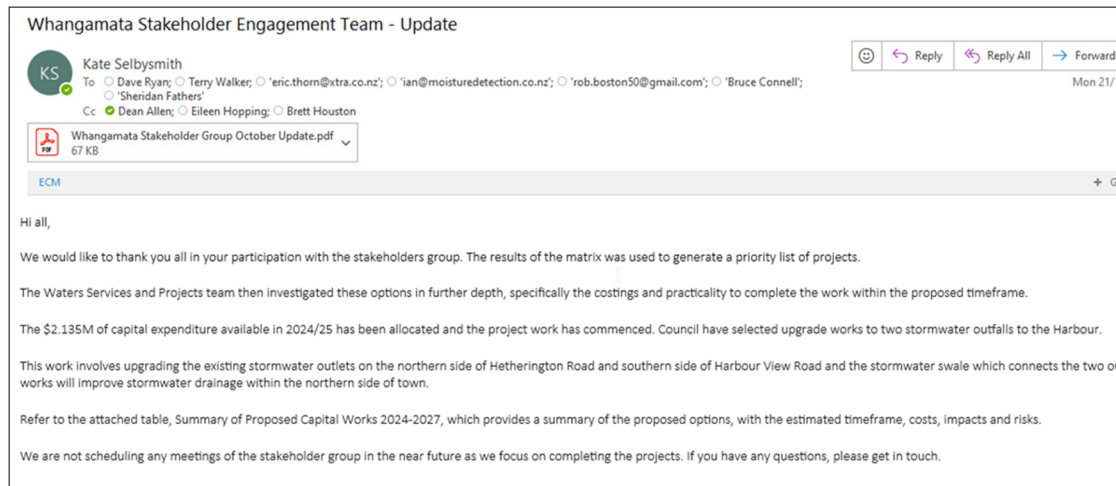
*If you rent or lease your property, please pass this information to your tenant(s).*

2. Properties that have been altered since the data sheet background was prepared do not correctly show LIDAR readings ie ie council had no legal right to tag even though building consents had been knowingly issued so knowingly have added an adverse tag
  - The Flood Model Map is primarily based on LiDAR survey data flown in 2013 in combination with 5m contour data in areas where no LiDAR data is available.
  - The LIM note refers to the date of the LiDAR survey.
  - Property Owners can either wait until the next model run (estimated 2026), which will use the latest contour data, or if concerned about this issue they can contour survey their land and submit this to TCDC for consideration.
  - Note, the letter and LIM states this is a HAZARD RISK, not that the property floods.
  
3. Properties that have been sold and had LIM's prepared for the sale but did not at that stage contain the tag – even though council has had the LIDAR since about 2018 and the Opus reports since 2003. This means council has issued false LIM's which affects property values. I have now been told previous councils even won an award for innovative stormwater solutions in 2001 from the Government
  - Council can only add statements to LIMs after the Flood Model was received and approved by Council
  - The Flood Model was received and approved by Council on the 15<sup>th</sup> Oct-24
  
4. Council has made no distinction between nuisance flooding of bare land around properties to that of FFL flooding. This has a massive difference to insurability, and can even affect EQC payouts if insurers back out. This means owners will suffer and be hurt because they have not had access to the LIDAR to change their position of risk
  - Council is unable to provide the floor levels of existing buildings
  - Property Owners are encouraged to contact us for detailed information regarding the modelled flood level, flood depth and velocity for individual properties.
  - Property Owners are then able to use this information to determine if the flooding is nuisance or could potentially flood a dwelling.

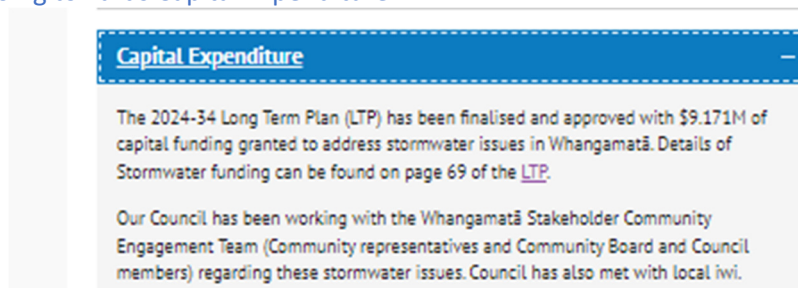
5. Staff said to me this week that there is no intention, at least for the next 15 years to correct any ground changes by owners. I put the base contour maps at 8 years old. This means 23 years of old out of date LIM reporting. This is not consistent with a competent council doing its best for community.
  - From our FAQ page on the website:

*The flooding shown on the Flood Model Map is the best available information.*

*The model inputs will be reviewed every two years, which includes changes to modelling methods, inclusion of new infrastructure (e.g. new pipes), new or updated inputs and assumptions (e.g. climate change allowance) and changes to landforms (e.g. new LiDAR information). If there are significant changes, Council will inform the community and update the model.*
  - Council will also change the property file if a Property Owner can confirm the ground contours. Lidar is updated roughly every ten year and new data was released in 2023.
  
6. Staff assured me this week that the building department is policing FFL. This unfortunately is not correct. Get them to inspect 413 and 415 Ocean Rd new builds not yet completed and CCC unissued. All 3 of these buildings are covered in blue shading. This means the building department does not even have the Opus Reports, 2018 LIDAR or the recently produced LIDAR. It is unacceptable that council has failed to require these building consents to be issued under s73 of BA 2004
  - The TCDC Building and Planning Groups are only able to use this information after the Flood Model was received and approved by Council
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7. The situation is the same for St Patricks Rd, Mooloo and Ranfurly Rds. Blue covering at least 15 recent builds. This amounts to something greater than negligence because council has been repeatedly warned by Opus, MBIE, the Auditor General, Stormwater Master Plans and many times by me that FFL must be above the RL of the crown. There are no overland flow paths left below the crowns of the roads so E1/AS1 has just the 150mm option left.
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  - Please review email sent to Ian and others on 21/10/2024 which only says we are not scheduling any meetings in the near future.



9. The accompanying FaQ attached to the letters since Friday include false statements that require correcting. One relates to the assertion stakeholders were part of discussions about flooding in the letter relating to the flood mapping. This can only be true if council included what we said (in my reports) and include a valid reason why my advice was NOT followed, but in fact the exact opposite position was taken, made into a decision and presumably approved in a council meeting. I have not been provided any feedback or a way to correct the misinformation in the FaQ.
- Fact sheet which was included in mail out to ratepayer and FAQs on website do not reference stakeholders.
  - They are mentioned in the Whangamata Stormwater page for the work they have been doing towards Capital Expenditure:



10. Council has in haste mistaken the difference between Flood Hazard and Hydrologic trespass. They should look this up as they most certainly won't take my word for it. The majority of the blue shading is from Hydrologic trespass so is not flooding as defined in RMA or the building code. To call Hydrologic trespass flooding means council accepts it has failed to design and incorporate adequate infrastructure to manage the water run off created by allowing development of the land, including roading. To include these properties in LIM tags is a threat to liability which comes out of rates. Our rates.
- We do not understand what is meant by hydrologic trespass.
  - Council research indicates RMA and Building Act do not define between types of inundation for example overland flow, ponding, flood plain etc.
    - The RMA, Part One Interpretation and application, includes flooding under natural hazards 'means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire,

or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment’

- Under the Building Regulations 1992, Schedule 1, Clause E1 Surface Water E1.3.1 buildings and sitework shall be constructed in a way that protects people and other property from the adverse effects of **surface water**. This includes establishing the floor level of a building to provide the required freeboard to the flood level.
- Under Section 71 of the Building Act 2024, Council must refuse to grant a building consent for construction of a building, or major alterations to a building, if the land on which the building work is to be carried out is subject or is likely to be subject to a natural hazards (which includes flooding and overland flow); or if the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property

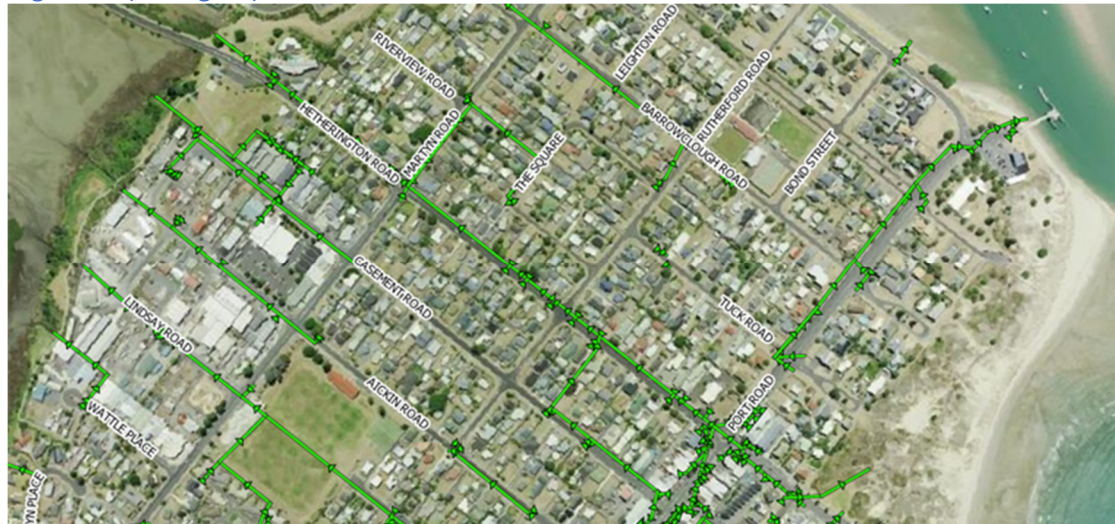
11. Council has been remiss over Williamson Park stormwater works. I require an independent investigation into this project since 2017 Cook cyclone and this to be made public.
- Council is unable to respond to this as there is no explanation and / or justification as to why it has been remiss, and an investigation is required.

12. I received a schedule of 6 approved stormwater projects on Tuesday These MUST be returned to the workshops for discussion. One such project involves Hetherington Rd I offer this statement: Council is now preparing to dig up Hetherington Rd to cripple what remains of our retail, services and commercial businesses. Council may not take into account the costs of businesses from COVID, or the storms impact on businesses, that the cost of living has blown up resulting in a severe drop in consumer spending and that interest rates were hiked to dampen the economy. Store owners and business got shut down and ruined. Council intends installing a bigger pipe knowing full well this pipe is a 2%AEP and not designed to manage the entire catchment to Dianna, Barabara, Beverly, the campsite, Port Rd and streets around.

A competent engineer would have understood the existing Hetherington outfall is already submerged at high tide so a bigger diameter pipe will do no better unless it is installed higher above the high tide mark ie near above ground level to work not buried lower. If lower to keep the same soffit level below the surface this will result at high tide (assuming nil sea level rise) it will become just as blocked as Williamson was so would never meet design capacity so provide little if any benefit. Surely council has realised that clearing storm pipes of standing water makes them work? A competent engineer would consider Port Rd as the more logical place as it could be installed without ruining traffic flow, tourists, the community or the business centre, would be 200m less pipe cost and would be higher RFL at the discharge point as all that land is elevated. It might even work? We did discuss the pipe to go down Aikin Rd and pick up the issues at Lindsay and Aikin, the Rugby field and down to the commercial area. I personally discussed this with the engineer and it was agreed alternatives would work at least as well and not shut down Whangamata. I cannot comprehend why staff are so inclined to punish our community.

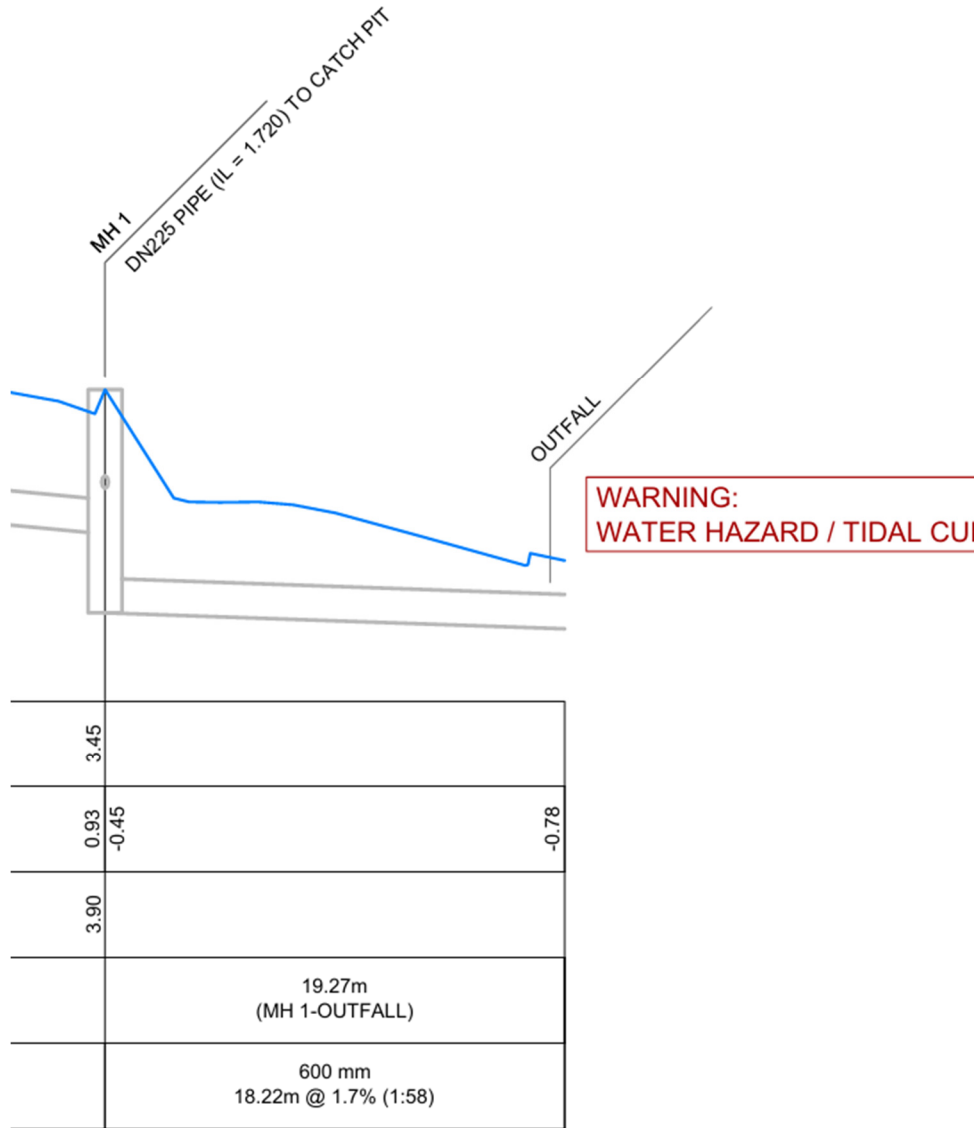
Hetherington Road outlet being submerged at high tide and flood waters prevented from discharging – did we have better options than this (Resident suggested Port Road outlet as it could be designed to be exposed at high tide?)

- Why stormwater can't be diverted down Port Road instead of utilising the Hetherington Road network.  
The answer is threefold:
  - Port Road pipes will not be big enough. They are already operating at capacity and cannot accommodate runoff from elsewhere. The Hetherington Road network has a really large catchment as it captures runoff from a large portion of Whangamata (see figure).



- Existing pipe levels and slope do not allow for connecting Hetherington Road down into Port Road. The entire pipe network will need to be redone make the levels work.
- Port Rd outfall is already low, and is likely to be submerged during high tide.
  - Outfall level is -0.78mRL per council GIS. Mean High Water Springs is currently 1.1mRL. Future high tide is 1.6mRL. This means that the backflow issues would exist at Port Road as well. Here's a drawing snip that illustrates the issue as it stands (from

a WSP water quality design on Port Road):



- May be possible to cut back the pipe so outfall is at higher level. This would still be temporary though considering sea level rise. By the time you get to an invert of 1.6mRL, you are halfway up

the parking lot on Port Road.



- Traffic Management for Hetherington Road :
  - It is still unclear at this stage what sort of mitigation measure will be implemented and where it will be situated. So we cannot give a definitive answer.
  - As the Hetherington Rd main is located beside the road, it will likely require a lane closure with one way stop/go.
  - The likely duration is one month but that depends of the scope of work.

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- Total of 137 building consents issued (excludes amendments to existing consents) in Whangamata in 2023 calendar year. This includes all types of builds – new, alterations, commercial, residential, marquees, etc.

Thanks

**Brett Houston**

Water Services Manager

Thames-Coromandel District Council

Private Bag, 515 Mackay Street, Thames



e: [brett.houston@tcdc.govt.nz](mailto:brett.houston@tcdc.govt.nz)

w: [www.tcdc.govt.nz](http://www.tcdc.govt.nz)



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*Please consider the planet before printing out this email.*

**From:** Ian Holyoake <[ian@moisturedetection.co.nz](mailto:ian@moisturedetection.co.nz)>

**Sent:** Thursday, October 24, 2024 3:58 PM

**To:** Len Salt <[len.salt@tcdc.govt.nz](mailto:len.salt@tcdc.govt.nz)>

**Subject:** Staff and Stormwater

Hi Len

I want to use a chip. I agreed not to lambast staff and contribute in a positive and meaningful manner regarding my role as stakeholder representative on the stormwater improvement program.

Since our discussion I have 2 episodes that I require addressing.

The first occurred when council published information in the paper which was incorrect and made Rob, Eric and myself idiots. I addressed that directly with Mo and put that down to learning within council to be more respectful if they want respect back. I don't need to address this one further but it sets the scene I did not expect a second.

Flood Maps of Whangamata were released last Friday I understand. These are the maps that were withheld from us since 2018 because they were too contentious for ratepayers to see. This explanation is in LGOIMA responses if you want to see them. Staff do not deny this was said. I understand councillors have had the data sheets for several years – but I let that role on one proviso. My proviso was that it would be irresponsible for council to release the mapping without firstly having a plan in place so affected owners could take actions OR that council already had actions in place to manage the flooding. I am NOT a lawyer but made it very clear in written form that any release must be accompanied by solutions.

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I see a disconnect. Staff have been happy to meet me twice. I believe we have aired our differences and looked forward to a better working relationship. But these actions, using stakeholders participation as cover is totally unacceptable.

I can no longer hold to our agreement. I cannot be held responsible to the friends and community knowing everything I put forward is dismantled and council deliberately does the opposite. The above list is but the surface.

I sought a solution at the CB you attended for CB to appoint stakeholders. This was not done. At the next CB I sought an independent person chair the workshops. That has not been done. Now we are facing LIM adverse comments, insurers, mortgage renewal problems, loss of market value, wasted rates, misspent rates eg Williamson Park and facing more useless infrastructure.

We do not have to accept sea level rise as being real or whatever. Government has listened and weighed up what it considers important to NZ and has issued mandates that infrastructure, paid out of rates and taxes, is required to be designed to allow for the rises. Burying pipes down Hetherington is another example of council acting irrationally and against Government guidelines.

What I seek from you here is a response by Friday (tomorrow) that council officers will meet and explain to the stakeholders representatives what is going on and how the above matters can be resolved.

I would appreciate if you could forward a copy to the CE – my plea is through you. I am prepared to meet with staff again, but I think this may be best with either yourself or the CE in attendance unless the RandA independent person can attend.

In the meantime, staff have stirred the beehive and will undoubtedly harvest the honey that falls.

Regards Ian

**6 November 2024 file note:** Whilst at the pop-in for flood maps Kate said she has been tasked with answering my email to Len – and then I talked to Brett and he said all my communications are now being treated as LGOIMA.

**From:** Rita Maxwell <Rita.Maxwell@tcddc.govt.nz>  
**Sent:** Thursday, 31 October 2024 3:06 pm  
**To:** Ian Holyoake <ian@moisturedetection.co.nz>  
**Subject:** RE: Staff and Stormwater

Kia ora Ian,

Thank you for your email to the mayor with your feedback regarding the stormwater project at Whangamatā. Your email has been forwarded to the water services team who will be in touch with you about how you can raise a query with them in due course.

Ngā mihi

**Rita Maxwell**

Executive Officer To Mayor & CE

Thames-Coromandel District Council

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12. I received a schedule of 6 approved stormwater projects on Tuesday These MUST be returned to the workshops for discussion. One such project involves Hetherington Rd

I offer this statement: Council is now preparing to dig up Hetherington Rd to cripple what remains of our retail, services and commercial businesses. Council may not take into account the costs of businesses from COVID, or the storms impact on businesses, that the cost of living has blown up resulting in a severe drop in consumer spending and that interest rates were hiked to dampen the economy. Store owners and business got shut down and ruined. Council intends installing a bigger pipe knowing full well this pipe is a 2%AEP and not designed to manage the entire catchment to Dianna, Barabara, Beverly, the campsite, Port Rd and streets around.

A competent engineer would have understood the existing Hetherington outfall is already submerged at high tide so a bigger diameter pipe will do no better unless it is installed higher above the high tide mark ie near above ground level to work not buried lower. If lower to keep the same soffit level below the surface this will result at high tide (assuming nil sea level rise) it will become just as blocked as Williamson was so would never meet design capacity so provide little if any benefit. Surely council has realised that clearing storm pipes of standing water makes them work? A competent engineer would consider Port Rd as the more logical place as it could be installed without ruining traffic flow, tourists, the community or the business centre, would be 200m less pipe cost and would be higher RFL at the discharge point as all that land is elevated. It might even work? We did discuss the pipe to go down Aikin Rd and pick up the issues at Linsday and Aikin, the Rugby field and down to the commercial area. I personally discussed this with the engineer and it was agreed alternatives would work at least as well and not shut down Whangamata. I cannot comprehend why staff are so inclined to punish our community.

13. At a rough calculation I think there could be 400 odd new builds since council did realise its duties that are in the blue shading.

I see a disconnect. Staff have been happy to meet me twice. I believe we have aired our differences and looked forward to a better working relationship. But these actions, using stakeholders participation as cover is totally unacceptable.

I can no longer hold to our agreement. I cannot be held responsible to the friends and community knowing everything I put forward is dismantled and council deliberately does the opposite. The above list is but the surface.

I sought a solution at the CB you attended for CB to appoint stakeholders. This was not done. At the next CB I sought an independent person chair the workshops. That has not been done. Now we are facing LIM adverse comments, insurers, mortgage renewal problems, loss of market value, wasted rates, misspent rates eg Williamson Park and facing more useless infrastructure.

We do not have to accept sea level rise as being real or whatever. Government has listened and weighed up what it considers important to NZ and has issued mandates that infrastructure, paid out of rates and taxes, is required to be designed to allow for the rises. Burying pipes down Hetherington is another example of council acting irrationally and against Government guidelines.

What I seek from you here is a response by Friday (tomorrow) that council officers will meet and explain to the stakeholders representatives what is going on and how the above matters can be resolved.

I would appreciate if you could forward a copy to the CE – my plea is through you. I am prepared to meet with staff again, but I think this may be best with either yourself or the CE in attendance unless the RandA independent person can attend.

In the meantime, staff have stirred the beehive and will undoubtedly harvest the honey that falls.

Regards Ian