

Stormwater Action Group update: 20240528 released by Ian Holyoake

Council circulated on Monday its '**proposed**' wetland with an invite to the community to come along and hear about it at Williamson Park on Friday 1pm. The work starts Tuesday next week. It can hardly be called 'proposed' when contractors are already booked.

Firstly, we congratulate council on finally after 21 years of denials now accepting the pond isn't working. The first step to deal with a problem is to investigate what went wrong. Council has refused to engage with us or share with us why it's not working. Instead they present a wetland claiming that will fix it up.

THE ORIGINAL BASIN was dug out to form a retention basin in a naturally formed shallow when the previous council removed pipe discharge away from the beach.

THE FIRST WEIR was built in response to storm surges breaching the basin and almost reaching Ocean Rd

THE SECOND WEIR was designed by Grant Crook and built behind the first weir with what locals describe as cages, rocks and Geotech material presumably to allow water to infiltrate through the weir slowly when the basin was full. Bruce Scott councillor at the time makes this comment:

29 May 2024 by email: I was involved when the pond and weir set up was first installed. The weir was designed by Grant Crook – local engineer and set to allow for overflow at a level that did not cause back up in the main stormwater reticulation. A main factor in the whole operation was that the bottom of the pond was cleaned of silt (fines) once a year. I believe this was done at the start but then not continued. Personally cannot see how a "wetlands" (less volume) would help in regard to limiting overflow to the beach.

THE 2017 FLOODING investigation found 300-400mm of sand and grass had grown over the rocks that were supposed to allow infiltration. This was because **NO MAINTENANCE** had been done to keep the infiltration devices clear and working.

THE 2023 FLOODING resulted in council deciding to remove the pond water with pumps. This was not successful. Later council twice pumped sludge and road water runoff onto the beach and dug out the base to clear the organic sludge. This lowered the pond base below the surrounding water table so it permanently holds water which warms up in the sun allowing harmful algae bloom to grow.

THE POND IS A SAFETY ISSUE, WATER CLOGGS THE UPPER PIPES AND THE POND ADVERSELY FLOODS THE SURROUNDING WATER TABLE. It is an illegal structure as it does not self-drain, the slopes are too steep, and it is located in close proximity to children's playing areas.

OVER THE LAST 30 YEARS council has taken short cuts and continued adding bigger and bigger pipes into the basin until the surrounding sand could no longer cope. **Council has failed to undertake basic maintenance and when it did has done it wrong.**

Rob and I have attended 6 workshops on behalf of the Stormwater Action Group to prepare a 'master plan' for Whangamata by 23 November 2023. This was to go into the LTP so our community could see what was happening and make submissions. **THERE IS NO PLAN OR A HINT OF A PLAN** after more than a year.

Instead, council now presents to the community a wetland as its priority spend. Council has failed to investigate what went wrong and failed to acknowledge it ignored maintenance. Maybe council has investigated and does not want to share this with us?

The Wetland is a CAPEX and must be approved in either an Annual Plan or LTP. It is not.

This letter is to give council fair warning that it is to stop the Wetland 'proposal' and avoid the embarrassing consequence of the Friday public meeting and possible injunctive relief.

The questions for the Friday meeting will be how is council to satisfy the community it is acting in good faith, how council will correct its breaches under the LGA, how council will now engage in an open and transparent manner to comply with our Significance and Engagement Policy and the when council will be presenting the master plan to the next Annual or Long-Term Plan for correct consultation.

HOW HAS THIS HAPPENED? Rob and I have attended all 6 workshops. We have repeatedly asked for investigations into Island View pond flooding, Kiwi Rd flooding, Williamson Pond flooding, Mooloo and many others around town. An investigation would include reviewing old reports and drawings, examining maintenance specifications and whether maintenance undertaken was appropriate or need upgrading and any complaints (now called RFS) from the affected community. Council has refused all these requests including official LGOIMA requests.

In respect to Kiwi Rd, Island View and Williamson we presented options on our own initiative. Three 3 options were discussed for the pond. We presented what we now know to be a 'DRYBASIN' method but were told to shut up, stop arguing, you're outnumbered, and that the decision is to 'WETLAND'. Council staff claimed they had a letter from **WRC stating it had to be a wetland** and that **all experts agreed** that was the solution. Our councillors have stated publicly we need to follow these experts.

THE 2018 OPUS REPORT on the pond is an expert report. It included sufficient advice at that time for council to move forward with 3 options to modify the pond with a clear warning to council this **WOULD NEED COMMUNITY PARTICIPATION**.

- Stormwater Detention Basins are to be self-draining without the use of pumping equipment and are not permitted to permanently hold water or be used as a water feature.

COUNCILS WETLAND DECISION IS UNLAWFUL: Gary confirmed the wetland decision is an unlawful decision as defined by the Ombudsman's report 'Open for Business'. Decisions cannot be made in workshops – they must be made in full council meetings. Rob and I don't enjoy staff or councillor immunity and could face liability or community scorn by being associated with unlawful decisions. We have had to withdraw from the workshops.

I have just received 3 further LGOIMA requests concerning how the wetland decision was made. Initially council claimed it was our December workshop, then it changed to between the experts and staff prior to the workshop, then it changed to the WRC letter. The LGOIMA responses show all previous claims to be false. To make things worse at the last Community Board meeting on 9 May 2024 under questioning staff stated he had been instructed by his bosses **NOT TO ENGAGE** and **NOT TO PROVIDE INFORMATION** Ian was seeking. Councils story keeps changing.

AN EXPERT REPORT SUPPORTS THE DRYBASIN: I now have another expert report provided under LGOIMA written on 23 February 2024 by councils expert Metis. It is a 'dry basin' proposal acceptable and approved by WRC. I attach this report. I believe this report is based in accordance with the

Golder Associates 2016 report TR2016 010 for Auckland City Council stating road water runoff is not contaminated to an extent it needs treatments (like wetlands).

TO CLAIM A WETLAND IS REQUIRED to clean water to discharge into water would require testing of the discharge pipes into the pond and that those test results were consistent and exceed accepted toxicity levels. The results would need examining and comparing to how other similar councils dealt with this. I have asked at workshops and then in LGOIMA for this testing to be done. Councils response is testing was a 'waste of time and money' and that they were using standard WRC methodologies. A previous stormwater action group member recalls council did test the pond influent in 2017 and found it was of acceptable quality to not require treatment. Council has no justification, test result or reason to claim a wetland is required or would make any difference to water that is already clean.

WRC DID NOT STATE A WETLAND IS REQUIRED. The claim by staff that WRC had told them it had to be a wetland is false. I attach WRC letter that explains WRC position.

OUR POSITION:

Council has not been forthcoming with documents. I have had to request around 20 LGOIMA. Much of the documentation required is to see at face value what the our stormwater issues are, remain withheld. We provide this summary of fact knowing full well council could have information that may conflict with what we believe but are withholding it.

1. The weir spillway must be opened and pipe(s) installed to promote draining away to reduce water levels. Both the DRYBASIN and WETLAND achieve this. This is essentially the original Grant Crook design
2. The stand of pine trees must be removed as they are dangerous, at the end of their maturity and have been falling into the pond and onto the road. The sand mound can be used to fill the existing basin up to the invert level and above the water table (for most of the time). This will stop algae bloom and return the pond into a dry basin which will remove the child safety risk.
3. The new proposed drop-down gabion in the front of the weir to reduce erosion is sound practice BUT is outside our CSDC. However, its compensatory factor is it will manage the depth of erosion at the weir face and prevent it being undermined like the first weir.
4. The pipes will drain off water more regularly because they are installed at the level of the discharge pipe so any flood water entering either the DRYBASIN or WETLAND will exit through the weir and cause erosion (channelling) on the beach. This channelling will be more prolific and King tides and surges will flow up the channel and increasingly overtop the weir. This channel and overtopping will become more pronounced and more permanent. I am of the view WRC should place a limit of 3 years (possibly with one extension) under the CSDC for this pipe system to allow council time to redirect pipes to other outfalls which will reduce the influent which will then reduce the channel erosion of our main beach.
5. The new underground sediment capture system has not been discussed. Our roading system feeding the pond has numerous cesspits with decent sized catchpits to perform this function. Council has failed to maintain these (despite reports stating yearly cleaning is part of the contractors' duties). Failing to clean allows catchpits to fill up so sediment gets into the pipe network. Council should also sweep the gutters to remove windblown sand which will reduce cesspit capture and maintenance.
6. The experts agreed that the appropriate long-term plan for Williamson is to remove 20% of the catchment away to other discharge locations in every 10-year plan. That would mean in

about 20 years the influent into the pond will reduce to manageable levels and may not need any of the proposed plans. This involves re-directing catchment from the Golf Course up through Tui to Otahu. Other streets would go elsewhere.

7. The Williamson Park is our communities most valuable shore-based asset. It is and must remain as the Williamson family bequeathed for all community to enjoy and use. Putting a permanent wetland is NOT in the communities' interests for this asset. The Friends of Williamson Park Society need to act consistently as they opposed the concerts on the basis this land must be kept for all to enjoy. This land will be needed by our Grandchildrens Grandchildren as Whangamata keeps growing, events are getting bigger, and tourism increases. We must retain this valuable land.
8. We have repeatedly asked the experts and council to show us one example of an artificial wetland constructed by a beach on sand. There are none. This is a pure experiment. The experts claim it does not need a clay base or Geotech liners to prevent it drying out in summer and becoming a deadland and fire risk. Wetlands generally have meters of peat below them and water being regularly replenished. Greater Wellington and Christchurch City Council go into great length as to what wetlands need. This information should be heeded by our experts. The only wetland examples shown to us were within existing marshes or streams. The main reason wetlands are not prolific around urban areas is the scarcity of land. Just because we have this open space is NOT justification for ruining it when other options exist.
9. Councils' wetland brochure misses many vital requirements for maintenance. It is silent on how to stop invader weeds, how to maintain new growth and how to remove organic material. There is no consideration for mosquitoes, algae bloom or rats. It will become a rubbish tip every new year. Councils record of maintenance is zero so this amazingly presented brochure will end up like Moanu Anu Anu. A dead and unattractive wasteland in the middle of our picturesque beach.
10. Councillors claim that the pond already exists so we can use that land for the wetland. The pond is illegal and been misrepresented to us as a 'water feature' pretending to add value to community to presumably swim, wade, boat and fish in. Tourists may think that but not anyone in our community. The land is to be returned.
11. Council staff state that if the decision goes bad, they will take responsibility for it. How will they do that? With our rates presumably so what responsibility are staff and councillors actually taking on? Waste more of our rates? We have too many bad outcomes to trust council yet again. Our community needs a say.
12. Who will clean the weeds up off the beach after each storm? The wetland has no overflow bypass. Weeds may never even survive in the sand.
13. Imagine if nature does take over and we find a skunk, or fish, or bird in the wetland. Then it could have such significance trying to undo the decision could be irreversible and the land never be returned to us.

Summary:

Rob and I salute council for presenting this proposal but are shocked and disgusted in the way council has gone about it. Council has acted in bad faith in workshops, withheld documents in breach of LGOIMA, refused to engage according to our Significance and Engagement Policy, breached the LGA sections 82 and 83, made unlawful decisions, formed a closed mind and now imposing on us a wetland with 'selected' community allowing only a 4-day window to consider just one option based on one brochure and false media statements. What is the purpose of pretend consulting.

Council withheld the experts DRYBASIN report in 2 LGOIMA requests and from us at workshops. Which expert reports are we to rely on? The reports when Grant Crook designed the weir that council failed to maintain or the various new options now before us shrouded in withheld information?

Recent media statements from council include the threat **BY NOT ACCEPTING THE WETLAND FUNDING MAY BE WITHDRAWN** is a question community must ask of our councillors. Is this how community intends being treated?

This is contempt of democracy. Council has used its power and control in a bullying way.

Let the community speak on Friday. Everyone is entitled to their opinions BUT surely community must be given transparent and truthful information so they can make an informed decision.

The objective of the workshops was to produce a master plan by 23 November 2024. No major decisions should be made until this is formalised and set before community. NIWA has stated El Nino is returning in July so doing nothing is not an option.

Friday agenda:

We, the stakeholders representatives move the following to be voted on by the community that turns up:

- 1. That the wetland proposal be dropped immediately**
- 2. That council appoint an independent commissioner to make inquiry into Whangamata Stormwater issues, inquiry into how experts are being managed, release of documentation and that the terms of reference are agreed to by the Whangamata stormwater action group and cover all of Whangamata's issue¹**
- 3. That urgent maintenance is undertaken on the pond to make the changes to the weir, fell the trees and fill the basin to the invert to form a 'DRYBASIN'.**

We would like you to seriously consider and support the DRYBASIN option – with the 3 year limitation – it's easy to mow grass, won't have weeds and if it needs changing in the future even if the 20% reductions don't work it can be. Can't undo a wetland so easily.

WARNING TO COUNCIL: Failure to accept these three motions will result in injunctive or other relief being sought. We advise council NOT to incur further costs or commence works on the Wetland.

¹ The Whangamata stormwater action group submission to the long-term plan will form the basis of the terms of reference.