

20240408 LTP 2024/2034 - submission

This submission has been prepared by Ian Holyoake on behalf of WRSAG. It has been peer reviewed by our engineering member and members of WRSAG.

Order to release 9:40pm 8/4/2024

Glossary:

WRSAG Whangamata Ratepayers Stormwater Action Group – formed by concerned ratepayers and residents in the wake of cyclone Hale in January 2023. WRA, Community Board and councillors have representation.

WRA Whangamata Ratepayers Association

SWG - TCDC Stormwater Group – council formed workshops to provide engagement. Whangamata stakeholders are represented by 3 members of WRSAG, the Deputy Mayor and Community Board chair.

Contents

Summary – Council priorities and resilience.....	3
WRSAG response: we agree with councils’ main priorities – with the inclusion of ‘stormwater’ ..	3
LTP fails to adequately reflect Stormwater Needs	3
WRSAG response: When the master plan is produced the LTP will require amendments to reflect approved projects	5
Council has failed to comply with our Engagement Policy.....	5
WRSAG response: Council must engage in accordance with our engagement policy.	5
WRSAG response: When council fails to act in accordance with our engagement policy (this is bad faith) council is to appoint an independent person to chair the stormwater workshops so projects can be tested and brought forward to governance to be included in the LTP and Annual Plans	5
% of rates to Stormwater	5
WRSAG response: Council must increase the Stormwater spend to make up for the last 19 years of underspending.	7
WRSAG response: Council must create and adopt a purposeful stormwater master plan to provide surety to land owners subject to flooding that relief is on the way. That will go some way to stave off claims.	7
TCDC Statements of intent in the LTP	7
WRSAG response: Council must follow up its statements of intent with actions otherwise owners will keep getting flooded and start claiming as insurers deny claims.	8
Key performance indicators – flooding numbers.....	8

WRSAG response: The Statement of Intent must clearly show the KPI reduction benefit of properties no longer prone to flooding. 9

2003 to 2005 Opus reports recommendations..... 9

WRSAG response: Council spending our rates getting professional advice is obliged to follow it except for very good reason..... 11

WRSAG response: Council should get Opus back to mark councils’ performance before they spend more of our rates on new consultants. 11

Insurance and liability drag on rates 11

WRSAG response: Council’s Risk and Assurance Committee is obliged to report the failure to maintain (and the contract) to the Auditor General for independent examination..... 12

WRSAG response: Council’s Risk and Assurance Committee is obliged to report the risk to its insurer and ratepayers for the growing contingent liability of the flood prone properties. 12

Auditor General Report 2018..... 12

WRSAG response: Council’s Risk and Assurance Committee is obliged to report the ongoing expenditure on consultants to the Auditor General for independent examination. 12

MBIE Technical review 12

WRSAG response: For transparency sake Council’s Risk and Assurance Committee is obliged to report to the Auditor General how they are complying with s71-74 to protect ratepayers from claims where waivers or modifications were or were not issued..... 13

Alternate sources of funding for stormwater 13

WRSAG response: Council should investigate alternate funding mechanisms and adopt a user pay approach to developers..... 15

The divisions within Council must be removed 15

WRSAG response: Council must give the full and proper authority to the manager of SWG workshops. 16

Solutions – as proposed by WRA excluded from workshops..... 16

WRSAG response: The master plan must include ‘a toolbox of solutions’ that goes through the consultation process and what gets approved goes into the District Plan and compliance divisions of council. 19

Summary – Council priorities and resilience

Council is saying its main priorities for this LTP:

We’re prioritising the resilience of our district in our budgets and planning. We’re focusing on building strong foundations to continue the recovery from the extreme weather events of last year, and building resilience into the infrastructure and facilities our Council provides, while also enabling recovery and resilience within our communities. We’ll be making some provision in our long-term budgets for roading repairs and improvements, climate change, and supporting community and economic recovery.

WRSAG response: we agree with councils’ main priorities – with the inclusion of ‘stormwater’


LTP fails to adequately reflect Stormwater Needs

Council formed SWG in April 2023 to produce a master plan by 23 November 2023. This would have provided sufficient time for Governance to review a list of recommended projects so they could make decisions as to what is to be included in the LTP for consultation.

Council staff have not started the master plan.

WRSAG has provided many reports and recommendations to SWG that now seems to no avail. The recommendations were to improve Whangamata’s stormwater infrastructure to reduce flooding and mitigate surface water ponding.

The specific projects listed under section 10.4 page 64 of the draft infrastructure strategy states the Whangamata Stormwater project is focusing on four key areas: Williamson Ave, Lincoln/Lindsay Rd, Barbara Ave and Achilles Ave.

Project: Whangamata Stormwater Improvements				programme
	Most likely Scenario	Climate change and Coastal hazards Age and condition of assets District Growth - Enabling Thames and surrounds	Decision to invest in stormwater network upgrades to increase drainage capacity to meet growth, climate change and resilience requirements. Decision process: 2024 LTP	<p>The primary stormwater management of Whangamata was ground soakage. The growth of infill subdivisions and the construction of larger and second dwellings, has increased the impermeable surfaces that reduces the area available for soakage. This is an ongoing phased programme of work and improve the capacity of the existing infrastructure by upgrading and increasing the pipe network. The project is focused on four key areas: Williamson Ave, Lincoln Rd / Lindsay Rd, Barbara Ave and Achilles Ave. Primary driver: ILOS (100%)</p> <p>Option 1: Defer funding and timeframes with the risk of surface flooding.</p> <p>Option 2: (Preferred) Continue to fund and implement phased stormwater improvements.</p>
				2024/25 to 2029/30
				\$9.17 M (capex)

These projects have not been discussed at SWG workshops.

- a) Williamson Ave. Extending the pipe network on Williamson Ave will increase the catchment area and increase the discharge volume into the pond. This will speed up the water and cause more uncontrolled scour to the beach. The Williamson Pond could need increasing to 3% in size of the catchment area. This needs to be worked out because the current pond is likely inadequate meaning more land permanently lost to the pond. If the outflow is

inadequate we will be back to the same problem of water backing up the pipe network so flood waters and surface ponding cannot drain away, and when discharging into the Ocean will cause even greater scour and polluted waters discharging onto the beach. WRC would not accept this.

- b) Achilles Ave. This network joins Ocean Rd which flows to the Williamson Park pond and cause even greater adverse effects on the water table, cause backup of pipe network, will reduce flood drainage and ruins the beach
- c) Lincoln/Lindsay Rd already has a 1050 Dia network pipe system. There is no evidence this is overwhelmed. What is happening at the end of Lindsay Rd the ground was altered to form the Rugby field and netball courts. This work altered the natural overland flow paths providing overland flow off the properties at the end of Lincoln and behind Aickin Rd. These properties lie below the road crown so cannot drain in excess rainfall that the soakage devices can manage. These properties were built on many years ago, so it is more than likely the soak pits do not work. Something different is required. We are yet to visit this area to find answers.

- d) Barbara Ave. The fact this pipe is being proposed needs a priority justification. The campsite at 104 Barbara Ave has approval for 47 new dwellings. The land use plans show 4 overland flow paths out of the development when rain exceeds 10%AEP. These flow paths exit onto Barbara Ave, Diana Ave and Beverly Tce. These 3 roads have existing surface flooding which has not been addressed. Opus 2005 photos show an overland flow path could exit through Ranfurly and into Mooloo increasing the flood depth there. It is rumoured Diana Ave is also getting a pipe network not included in the LTP.



SmartMaps show Beverly Tce has an existing 650 Dia pipe network connected to Lincoln Rd which is 1050 Dia. The justification to bring these pipes ahead of existing flood locations needs review. Drawing is of the approved campsite development that disposes flood water onto roads not prepared for stormwater flow paths.

The LTP must address the stormwater concerns. These are all included in the Opus 2005 report.

Due to the delays in producing the master plan it is likely these 4 pipe networks are fillers until the master plan is finalised and in front of governance at a full council meeting.

WRSAG response: When the master plan is produced the LTP will require amendments to reflect approved projects

Council has failed to comply with our Engagement Policy.

WSG has held 6 workshops and one walk over parts of Whangamata.

WRSAG has been told by Council staff they have instructions NOT to provide information or allow free flow of information. When asked staff responses (including LGOIMA) are:

- a) The information does not exist - when we know it does and then is found later,
- b) The information we seek is not relevant - yet historical reports are essential background information that we have paid for and been written by professionals so we should be taking notice of and implementing recommendations.
- c) That reports by consultants are too contentious for ratepayers to view - we assume because councils insurance and liability could be compromised because council has failed to discharge its stormwater duties
- d) That they must get permission from higher up the tree to release information or discuss matters.
- e) I am too argumentative and need to stop arguing
- f) That decisions have already been made – despite our objections council has advised governance the workshop agreed

Councils' failure to engage means no projects can be agreed because we cannot test them. This means nothing can be presented to governance for decisions to include in the LTP.

It has become apparent council is now actively making decisions on which projects are to proceed outside the Annual Plans and LTP mandates.

WRSAG response: Council must engage in accordance with our engagement policy.

WRSAG response: When council fails to act in accordance with our engagement policy (this is bad faith) council is to appoint an independent person to chair the stormwater workshops so projects can be tested and brought forward to governance to be included in the LTP and Annual Plans

% of rates to Stormwater

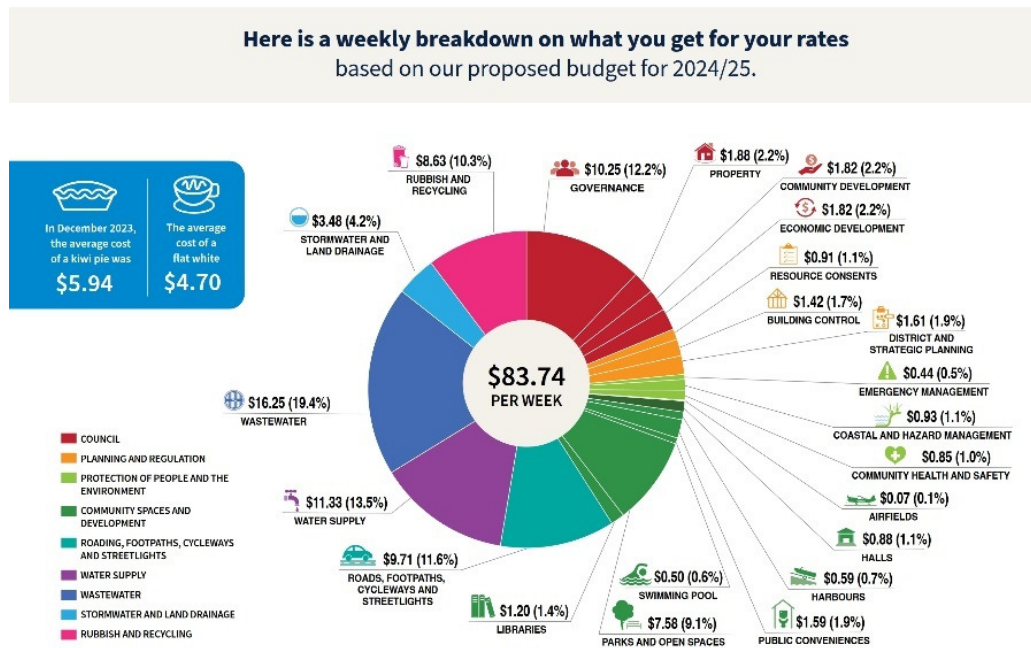
The LTP is stating 4.2% of the rates portion of council income is allocated to stormwater.

NB: the % of funding is unclear as the percentage to total council income especially that for development contributions is not stated. The true figure is likely 3%.

Council includes staff salaries, expenses and consultant fees in the stormwater allocation. This means actual project spending is considerably less than the 4.2%.

4.2% is totally inadequate. It is inadequate because council has failed year on year to spend money on new stormwater infrastructure. Since the Opus 2005 report recommending works to about 26 Streets little if anything has been completed with success.

Because work has not been completed or prioritised these areas keep flooding year after year.



Auditor General states councils have been underinvesting in stormwater over the past decades. We are not even investing the depreciation portion back into new infrastructure. See

oag.parliament.nz/2021/local-govt/part2.htm

Many other councils spend more – from \$33.54 to \$409.12 per rating unit. That’s up to 10% of rates.

waternz.org.nz/Story?Action=View&Story_id=1941

A clear example is the 2017-2018 TCDC Annual Plan for Whangamata.

Whangamata

The **Curb/Channel/Swale programme** started in 2015/16 and will now be completed in 2017/18. Work was not completed in 2016/17 because the contractor was diverted from this work programme to address emergency management priorities arising from the 8 March storm event.

It is assumed this is the Kiwi Rd curb and channel and 5 new soakage devices. This work did not follow the Opus recommendations to install a 375mm Dia pipe network with overland flow paths into the Williamson golf course. This work has failed and now causes even greater flooding. Now money will need to be spent ‘undoing’ what was done and then doing it properly. The cost of that work is being withheld but rumoured to be in excess of \$1M.

This is the only significant stormwater works we have discovered in Whangamata. Council has refused our LGOIMA for a list of completed stormwater improvements. Council in response to LGOIMA has stated Kiwi Rd had no stormwater improvements.

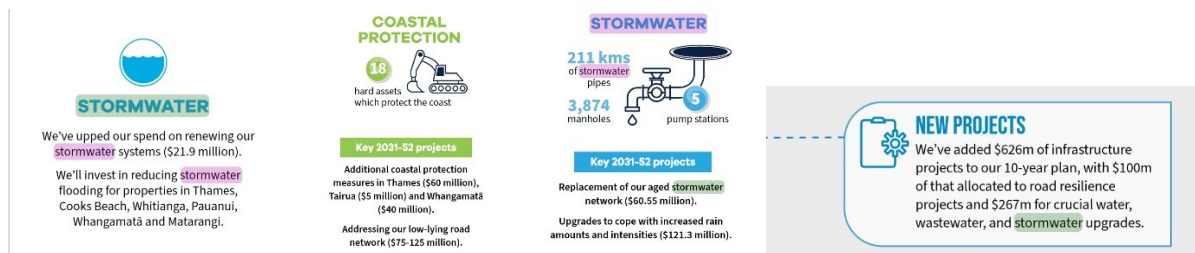
This means Whangamata is deficient by 19 years at 4.2% of our rates ie in today's money 4.2% is a deficit of \$118M. The \$3.48M cannot possibly get the infrastructure that should have already been completed.

WRSAG response: Council must increase the Stormwater spend to make up for the last 19 years of underspending.

WRSAG response: Council must create and adopt a purposeful stormwater master plan to provide surety to land owners subject to flooding that relief is on the way. That will go some way to stave off claims.

TCDC Statements of intent in the LTP

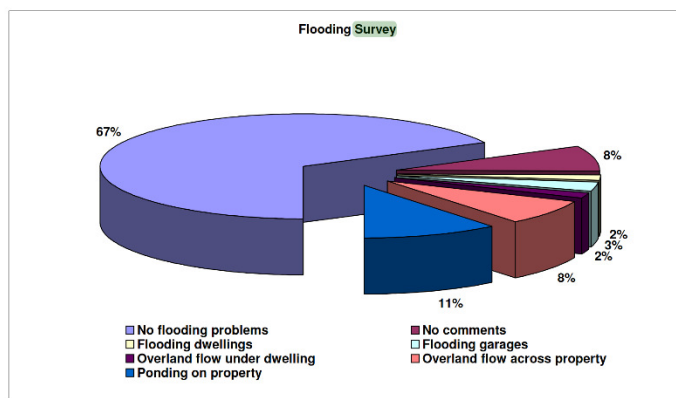
The following statements of intent appear in the LTP.



These statements on the face of it satisfy the casual reader. But they are window dressing to appease ratepayers who may be misled into believing stormwater solutions are on the way. \$3.48M is ridiculous.

Despite councils ban on providing information rumours of the recent modelling of flood levels predict between 400-1900 properties could be affected by flooding – as this is too contentious for ratepayers we do not have the variables that make up these predictions.

The questionnaire responses indicate that 67% of residents have no flooding problems and the remaining 33% do experience flooding problems to some degree. A total of 2% have had their dwellings flooded, 3% garages flooded, 11% ponding on property, 2% overland flow under dwellings, and 8% overland flow across property. A graphical representation of the distribution and the nature of flooding problems is shown below:



The 2003 Opus report included

survey responses from 1223 owners. 33% of respondents - 400 reported flooding. See figure above. Council was made aware in 2005 that 400 owners had voluntarily come forward with flood issues.

Despite LGOIMA requests council has refused to provide a list of any project undertaken following the Opus recommendations. It is highly likely the current modelling has identified the same 400 flooded properties 19 years later. With no projects done this is not surprising.

Council has wasted more money on consultants telling them the same properties flood.

WRSAG response: Council must follow up its statements of intent with actions otherwise owners will keep getting flooded and start claiming as insurers deny claims.

Key performance indicators – flooding numbers

LGOIMA requires council to provide adequate advice which properties are prone to flooding.

One example on Kiwi Rd the owner responded to the Opus 2003 questionnaire admitting to surface ponding. The current LIM includes a prone to flooding warning (tag). Despite this tag council issued a building consent on the very property to build a habitable floor directly over the ponding area. It now floods.

What this means is council has the mechanism in place to record prone to flood properties, but it failed to give that list to compliance who then approved a building floor to be built below the crown of the road on the flood prone area.

It is possible council has listed all the 400 properties with tags. Without undertaking stormwater improvements these tags will remain. If stormwater improvements have been done these tags should be removed. If homes have been built on the tags then claims will be foreseeable.

Any properties subject to or prone to flooding in the current modelling (which council says is too contentious for ratepayers to view) must become the priority stormwater projects. I will call each of these tag properties a KPI flooding.

A way council could evaluate priorities is to work out projects with the highest KPI for dollar spent. I.e how much does each tag cost to remove, and hence each project has a value to community?

What is suggested is councils 'statement of intent' must include how many prone to flood properties will have tags removed as a result of any proposed works. It is accepted raising the ground in a property prone to flooding will have a positive effect to stop/manage flooding to that property, but these works must be done in conjunction with better soakage design, targeted pipes and overland flow paths otherwise one owner taking positive action will likely cause others nearby and below them to suffer greater. This is the reason for the neighbourly approach so all properties affected by the same issue can together move the water to the roads or overland flow paths so it does not adversely affect downstream properties. That will work if council is included in these projects to create the overland flow paths and pipes.

I refer these tags as the KPI that is intended being removed in the LTP. That way stormwater projects will show how many KPI flooding reductions the LTP will address.

It will be up to governance to balance cost of project to KPI benefit to priority and timing.

That way the % of stormwater rates can be shown to provide flood relief to defined KPI. Each of the Annual Plans within the LTP can then use the same KPI.

WRSAG response: The Statement of Intent must clearly show the KPI reduction benefit of properties no longer prone to flooding.

2003 to 2005 Opus reports recommendations

Council engaged Opus International Consultants in 2003 to conduct a study called the Whangamata Stormwater Catchment Management Study

This was actually a District wide project. All 5 wards were included in the study. Each has its own report. We discovered this under LGOIMA. None of the existing staff had seen it. It is ridiculous existing staff were unaware of this report yet charged with the task of producing a master plan. It means council wasted our rates on the Opus report.

The Opus report referenced earlier stormwater reports by Woodward Clyde and Airey. Council has not yet provided these under LGOIMA. This was likely wasted money as well. The point is how many reports are needed. The flood prone properties don't move or change.

What is of interest is 'nothing has been done' since the Opus report (or rather LGOIMA requests have been denied). This means the Opus recommendations in these reports are still relevant.

Opus Report section 6.3 (Page 27) Proposed Stormwater Management Strategy

A suggested strategy for stormwater management for the Whangamata area is as follows

(refer also the Engineering Standards in Section 1.4.6):

- *Bridge crossings should be sized to convey the 100-year ARI flood event.*
- *Main stream channels and their associated flood plains should be capable of passing the 100-year flood event without causing damaging flooding.*
- *Other overland flow paths should be sized to convey the 50-year ARI storm event, unless measures are in place to manage these extreme events by storage and/or soakage.*
- *All roads should have a suitable stormwater disposal system to avoid uncontrolled spillage of stormwater onto private properties. Flows from extreme events (up to 50 year ARI) should be managed by either providing adequate overland flow paths or by utilising the storage and soakage available within the road drainage system.*
- *Piped reticulation should be designed to convey the 5-year ARI flow from roadways. Measures should be incorporated in design to pond or convey flows from bigger events without causing damaging flooding.*
- *Private properties should drain by soakage. South of Otahu Rd full soakage*

investigations will be required for design of soakage systems.

- *Private property owners should be encouraged to upgrade defective private drains/soakpits/driveway culverts and implement other private flood mitigation works where required.*
- *Building floor levels should be constructed a sufficient height above surrounding roads/flowpaths/ponding areas. Some of the sand basins in Whangamata extend over several properties, and an overflow point some distance from the house concerned may determine flood level. Some of these hydraulic controls may not be immediately obvious from within the property concerned. We recommend that these basins are identified, surveyed and minimum floor levels set.*
- *It may be practicable to drain some sand basins by extending existing pipe reticulation (where pipe levels are satisfactory). Such infrastructure should reduce the extent of 'nuisance' flooding occurring, but should not be considered to have alleviated flooding in extreme events. Minimum building floor levels should still be observed as noted above.*
- *Filling of existing sand basins is a possibility, but will usually be impracticable due to the existence of dwellings, roads, etc. Care should be taken with any filling to ensure that the fill material has similar soakage characteristics to the underlying sandy soils.*
- *Other flood-prone dwellings should be protected in priority order based on the magnitude and frequency of flooding and the degree of community benefit involved.*
- *Public stormwater infrastructure should receive regular inspection and maintenance. In particular coastal outfalls should be cleared regularly, roads should be swept and cesspits cleaned.*
- *TCDC should consider measures to ensure that on-site soakage systems are maintained fully operational. Options might include education, TCDC inspection or testing, or requiring owners to submit 'warrants of fitness' from suitable independent assessors on a regular basis. This initiative needs further thought and investigation, since many on-site systems are difficult to locate, let-alone review.*

COMMENT: It is difficult to comprehend that despite professional advice council has approved hundreds of homes to be built on flood prone properties. Many have floor levels below road crowns and without overland flow paths. This is contrary to the minimum Building Code requirements and contrary to the warnings in the Opus report.

It would seem councils actual stormwater statement of intent is 'do nothing, do worse and deny'.

When required by law to engage with community councils strategy becomes 'due to contentious nature of documents they are withheld and to engage staff need permission from upstairs'.

Ratepayers are being continually affected by flooding and suffer personal damage, loss of property value, suffer wellbeing issues and get misleading denials from council when filing RFS.

Where work has been done, eg Kiwi Rd the work is defective and has increased the flooding to selected properties. When the owner complained directly to the Mayor council denied any liability.

The Opus report included many photographs showing surface flooding. These properties include the Campsite, Aickin, Mooloo, Chartwell, Ranfurly, Williamson Park Golf course and about 20 other streets. Despite this new buildings have been approved on flood prone properties.

WRSAG response: Council spending our rates getting professional advice is obliged to follow it except for very good reason.

WRSAG response: Council should get Opus back to mark councils' performance before they spend more of our rates on new consultants.

Insurance and liability drag on rates

Councils' liability rests with the foreseeability test. That is if an owner reports flooding and nothing is done it is foreseeable they will flood again. The Opus (and others) provided constructive knowledge and recommendations for actions council had a duty to undertake which they haven't so becomes a 'but for test'. These flood prone properties will be flooded again and again which leaves our rates vulnerable to claims.

When council comes up with a credible stormwater master plan that will show a KPI benefit this will go some way to satisfy owners that solutions are close by which will stay claims and insurers refusing claims.

Council has failed to maintain roading cesspits and soakage devices, failed to maintain the Williamson Pond (and it now appears to have been defectively constructed), failed to implement stormwater infrastructure and built some new infrastructure defectively.

Council refuses to provide LGOIMA responses for the maintenance contract but we have identified that our rates are applied to the roading service provider to have cesspits etc cleaned each year in May. This was not done for at least 5 years. Council claims cesspits only get cleaned in response to RFS. This is negligent as to RFS means its already flooded. Too late. Maintenance is required before floods and storms. Council refuse to answer questions in relation to this.

We suspect the roading contractor has been paid for cleaning the cesspits but not done it.

WRSAG response: Council's Risk and Assurance Committee is obligated to report the failure to maintain (and the contract) to the Auditor General for independent examination.

WRSAG response: Council's Risk and Assurance Committee is obligated to report the risk to its insurer and ratepayers for the growing contingent liability of the flood prone properties.

Auditor General Report 2018

The 'Office' carried out a review of 3 councils regarding councils reaction to floods. TCDC was one of the councils. The report describes councils' reactions to floods is to get a report and then do little, again and again. By advising ratepayers and residents 'a report is on the way' is an appeasement not a master plan of projects. A master plan is only a solution once the project is complete, if done right.

[OAG 2018 stormwater review](#)

So far, we have uncovered a litany of reports going back to 1996. Council have refused to disclose many of these under LGOIMA. The 'modelling report' is too contentious for ratepayers. The obvious interpretation is the contentious nature is because council is exposed to liability or insurance issues if it's made public.

Due to this pressure of exposure to liability any proposals council is intending to complete under LTP or Annual Plans needs full public scrutiny.

WRSAG response: Council's Risk and Assurance Committee is obligated to report the ongoing expenditure on consultants to the Auditor General for independent examination.

MBIE Technical review

MBIE periodically undertakes technical reviews of councils.

building.govt.nz/assets/Uploads/building-officials/technical-review/2009-thames-coromandel-technical-review.pdf

In this review amongst other things MBIE directed TCDC to review and obtain legal advice on waivers and modifications of the building code – namely sections 71-74 of the Building Act. Page 16 MBIE Technical review 2009.

Therefore, if the Council does not grant waivers or modifications of the Building Code, there should be no requirement to notify, as the hazard should have been mitigated and compliance with the Building Code achieved.

Personnel responsible for waivers and modifications

The Department identified that the people listed as responsible and authorised for undertaking this procedure were the Building Control Manager, the team leader and building officials (which covers most of the Council’s technical building control unit). Assessing whether a waiver or modification should be granted is an important decision. Although a range of technical staff could be involved in assessing applications for waivers and modifications, the final decision on whether to grant should be made by a named person(s) within the Council who is technically competent and authorised to do so.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none"> Review its procedure on waivers and modifications of the Building Code, and develop and implement a more comprehensive procedure. 	The Council advised it will review its procedure on waivers and modifications of the Building Code and, as appropriate, implement a more comprehensive procedure.
<ul style="list-style-type: none"> Ensure the procedure is followed consistently. 	The auditing regime will be amended to include checks that the current procedure relating to waivers and modifications of the Building Code is being consistently followed.
<ul style="list-style-type: none"> Review the procedure on assessing whether a solution could be provided by a Compliance Document or an alternative solution. 	The Council advised that it will review its procedure accordingly.
<ul style="list-style-type: none"> Implement a more comprehensive procedure for assessing requirements under sections 71–74 of the Building Act. 	Incidental to a review of its procedure in this area, the Council will seek legal and technical advice on the matters covered under these sections of the Act.
<ul style="list-style-type: none"> Nominate technically competent staff to make the final decisions on whether to grant or refuse waivers and modifications to the Building Code. 	With reference to the most recently available competency assessments (assessments are re-done from time to time), the Council will nominate technically competent staff to undertake this task.

The significance of sections 71-74 is under s73 council must issue a building consent on property subject to a natural hazard but on the condition, owners sign a declaration that they will not hold council liable for harm or loss if the natural hazard materialises. This record is to be placed on LIM and CT to ensure owners and future owners have a clear understanding of the declaration. Owners are consequently less likely to get insurance, EQC or Bank lending due to the potential risk associated with the hazard.

Our LGOIMA request has been refused.

WRSAG response: For transparency sake Council’s Risk and Assurance Committee is obligated to report to the Auditor General how they are complying with s71-74 to protect ratepayers from claims where waivers or modifications were or were not issued.

Failure to comply puts future rates at risk which will affect councils ability to meet its stormwater obligations and LTP.

Alternate sources of funding for stormwater

To fund the underspending of the last 19 years alternate sources of funding is required. Rates cannot increase by 100% or more for the next few years. Before funding is required the ward master plans

need compiling and work their way through governance. Council staff often say there is no money. This is not an acceptable response when master plans are not yet prepared.

Funding could come from: by way of example

1. **Borrowings** – the LTP describes borrowings for infrastructure costs that future ratepayers should pay for in the way of ongoing interest. We should not limit stormwater deficiency of spending over the last 19 years because of worry of lack of yearly rates.
2. **Development contributions** – developers business model is to make money. Often they develop underdeveloped and undervalued properties to make profits. It is not equitable for ratepayers in general to pay infrastructure costs because developers have found a use for the land to make a profit. The current development contribution in Appendix A for stormwater in Whangamata is \$316.03 per rating unit.

APPENDIX A - Schedule of reserve and development contributions payable by area –(including GST)

For the year ending 30 June 2025

Catchment	District Transportation	Strategic Land & Buildings	Community Area Reserves	Solid Waste	Community Transportation	Community Area Parks	Community Centres & Halls	Community Area Harbours	Swimming Pools	Libraries	Cemeteries	Public Conveniences	Airfields	Water Supply	Wastewater Treatment	Stormwater	Total
Hāhei	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	4,346.03	13,040.07	-	29,647.05
Matarangi	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	1,707.23	13,966.61	504.72	28,439.50
Whitanga	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	4,615.64	3,996.66	836.02	21,329.27
Whangapoua	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	-	-	12,260.95
Cooks Beach	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	4,841.52	-	17,102.47
Opito Bay	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	-	-	12,260.95
Kuaoitunu West	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	-	-	12,260.95
Kuaoitunu	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	-	-	12,260.95
Hot Water Beach	2,922.48	71.93	6,629.97	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	-	-	12,260.95
Tairua	2,922.48	71.93	-	278.66	359.54	-	131.59	36.66	-	-	-	448.75	-	3,480.35	7,572.22	826.81	16,129.00
Pauanui	2,922.48	71.93	-	278.66	359.54	-	131.59	36.66	-	-	-	448.75	-	2,992.22	7,572.22	33.40	14,847.46
Thames	2,922.48	71.93	-	278.66	10,543.22	-	-	-	-	28.97	-	26.70	102.23	15,628.51	762.80	5,259.77	35,625.26
Matatoki	2,922.48	71.93	-	278.66	10,543.22	-	-	-	-	28.97	-	26.70	102.23	6,338.85	-	-	20,313.03
Thames Valley	2,922.48	71.93	-	278.66	10,543.22	-	-	-	-	28.97	-	26.70	102.23	2,932.03	-	-	16,996.21
Whangamata	2,922.48	71.93	-	278.66	1,078.27	2.57	260.99	-	-	-	-	-	-	5,380.23	7,881.53	318.03	18,192.68
Onemana	2,922.48	71.93	-	278.66	1,078.27	2.57	260.99	-	-	-	-	-	-	-	-	-	4,614.90
Coromandel	2,922.48	71.93	-	278.66	503.03	2,458.18	-	-	-	-	16.50	-	-	1,636.06	4,584.74	76.14	12,547.70
Oamaru Bay	2,922.48	71.93	-	278.66	503.03	2,458.18	-	-	-	-	16.50	-	-	-	-	-	6,250.77
Rural Mercury Bay	2,922.48	71.93	-	278.66	387.40	1,011.12	-	569.59	-	-	140.50	249.31	-	-	-	-	5,630.88
Rural Tairua Pauanui	2,922.48	71.93	-	278.66	359.54	-	131.59	36.66	-	-	-	448.75	-	-	-	-	4,249.61
Rural Thames	2,922.48	71.93	-	278.66	10,543.22	-	-	-	-	28.97	-	26.70	102.23	-	-	-	13,974.18
Rural Whangamata	2,922.48	71.93	-	278.66	1,078.27	2.57	260.99	-	-	-	-	-	-	-	-	-	4,614.90
Rural Coromandel Colville	2,922.48	71.93	-	278.66	503.03	2,458.18	-	-	-	-	16.50	-	-	-	-	-	6,250.77

I will use the campsite 47 units as my example. The current contributions brings in \$14,853.41 to extra income to council. It is likely the Diana Rd, Barbara Ave, Beverly Tce and Ranfurly extension will/could cost council well over \$20M. Maybe a lot more. It is accepted that some benefit will accrue to the property owners along these streets as the development proceeds. BUT pipes only have to deal with up to 10%AEP. The 47 campsite properties have soakage devices designed for the 10%AEP. This is misleading as soakage devices will become 'loaded' in the first 10 minutes then be ineffective. They will also be ineffective when the water table lifts as it did last winter. It is likely more money will be needed as the pipe systems won't cope and overland flow paths will be needed. It may be fair to general rate some of this but if the campsite remained and not developed improvements to stormwater in this area may only cost \$2M. It is equitable developers pay for any differential in excess of what the plan would be without their development.

This must apply to all developments including new private homes and subdividing existing properties that change the impermeable footprint on properties.

The LTP includes this financial statement

Page 6 Draft Financial

While developers are responsible for providing infrastructure directly related to the development (local roads, footpaths etc), or paying a

contribution towards the provision of that local infrastructure, Council is responsible for making sure there is sufficient, appropriately zoned land for new housing and employment areas and that our local roads, parks, pipes, and community facilities can provide for the additional population. Council also needs to expand its day to day services to keep pace with that growth.

This statement does not mean 'provide for free'. The statement 'directly related to the development' must include any resultant adverse effect or additional infrastructure required because of the development.

3. **Neighbourly** – this is a trial method of getting the affected owners on each street with the same issues to join together to create their own project to resolve flooding and funding. One of the simplest solutions to flooding is raise the ground level to 150mm (minimum) above the crown of the road. This prevents roading trespass water entering properties and restrains the road to become the overland flow path. Raising just one property leaves the neighbours in the depression and still flooding. There is precedent already set in court cases that if an owner wants to take action to reduce loss his neighbour cannot block that action by a 'do nothing stance'. Councils' role is to manage and facilitate. The beneficiary is the property owner as the tag is removed, the property can now be built on without waiver and insurance and lending is possible. The property value increases. Council could waive consent fees and offer free inspections. The benefit to council is KPI reduction which means less possible future claims.
4. **Grants and loans** – this is like the energy loans where council co-funds the project and adds charges to rates to cover the loan. On sale the loan is repaid. The beneficiary is the owner as the property tag is removed and the land value increases because it can now be built on without waiver. Council may even consider part grants. The benefit to council is KPI is reduced and less future claims.

There will be many more. It is frustrating when council staff have the immediate rebuttal. They are not governance so have no right to set financial limitations. Just because a development provides more rating units the cost to council (our rates) to create those rating units must be taken into account.

WRSAG response: Council should investigate alternate funding mechanisms and adopt a user pay approach to developers.

The divisions within Council must be removed

Council staff running the SWG workshops have not been given the correct delegated authority. For example:

1. When we discuss cesspits and soakage devices they say 'that's roading' so we get no solution or discussion.

2. When we discuss resource consent approvals for use of land we are told 'that's compliance' so we get no solution
3. When we discuss building consent approvals below the crown of the road we are told 'that's compliance' so we get no solutions
4. When we discuss 'Parks and Reserves' as these hold strategic land that can be ideal for water table management we are told 'that's Parks and Reserves' so we get no solutions
5. When we discuss coastal discharges we get told 'that's DOC or WRC' so we get no solutions

This prevents an overall district wide (global) solution. These are councils arms (except DOC) so must be integral in the master plan otherwise the master plan will be reduced to meaningless discussion points that are likely to be rejected behind closed doors.

I suspect this is the reason the Opus recommendations went no-where or if it did got vetoed by nameless staffers. It will need co-operation by all of council. When staff leave chains of command become lost. Until new staff are employed gaps in authority restrain completion of the master plan and projects. It is pointless conducting workshops into a management structure that can veto that work.

WRSAG response: Council must give the full and proper authority to the manager of SWG workshops.

Solutions – as proposed by WRA excluded from workshops

WRSAG has provided a 'toolbox' of possible solutions to properties prone to flooding. It is expected these will be debated at some time for inclusion into the proposed master plan. Many solutions require work scopes and building consents. Many must be worked into the CSDC and updated in WRC records.

If anyone wants a copy of these please request one through WRA.

The master plan will eventually be started and it needs to be more robust than the previous one prepared in 2019.

Whangamata Stormwater Master Plan Update

TO	All of Council Committee
FROM	Jonathan Smith - Water Services Asset Engineer
DATE	9 April 2019
SUBJECT	Whangamata Stormwater Master Plan Update

1 Purpose of report

To provide an update on the development Whangamata Stormwater Master Plan.

2 Background

Historically, the primary stormwater management approach has been via ground soakage. However, the increase of infill subdivision and construction of larger properties or second dwellings has increased hard stand areas (impermeable surfaces). This reduces the area where stormwater runoff can be used as soakage and increases the likelihood of ponding / flooding on private properties and road reserves.

3 Issue

Recent storm events have caused flooding and have raised concerns about the extent and capacity of the existing stormwater system, and the potential impacts of climate change need to be accounted for in TCDC's future planning.

4 Discussion

To address the above issue TCDC has engaged Hydraulic Analysis Ltd and Morphem Environmental Ltd to undertake a study and provide recommendations.

The objective of this study is to develop a strategic Stormwater Master Plan (SMP). This SMP will enable TCDC to achieve the following key outcomes:

- Develop and implement a prioritised 10 year works programme to improve stormwater management and mitigate flooding in Whangamata.
- Enable urgent projects to get underway in the 2019/2020 and 2020/2021 years.
- Mitigate future adverse effects through recommendations for updated planning rules and specifications.
- To be able to communicate to internal and external stakeholders how the Stormwater Master Plan will address their area(s) of concern.
- Where appropriate, determine cost vs Level of Service (LoS) to enable the community to make informed decisions about cost against acceptable level of service.
- To inform Council asset and financial planning processes (including business cases if required).

Master Plan Programme

The Council has engaged Hydraulic Analysis Ltd and Morphem Environmental Ltd to undertake the development of the SMP. Indicative timeframes are provided below.

Description	Delivery Date
Strategic Context and Data Review <ul style="list-style-type: none"> • Identify water quality requirements and risks • Identify asset performance and risks • Identify flooding issues and risks • GAP analysis 	June 2019
Risk Workshop	June 2019

Description	Delivery Date
Flood Modelling <ul style="list-style-type: none"> Model Build Current and Future System Performance Flood Plan Mapping 	October 2019
Multi Criteria Options Assessment	November 2019
Risk Workshop	November 2019
Deliver Stormwater Master Plan	December 2019
Draft Capital Works Programme	December 2019
Finalised Capital Works Programme	February 2020

Construction Programmed Works

In addition to the investigation project, several physical works projects have been completed or are proposed to be completed by the end of the financial year. These include the following.

Description	Delivery Date
Williamson Park Drainage Improvements – Works will separate flows from Williamson Road and Ocean Road and increase below ground storage.	June 2019
Esplanade Drive Drainage Improvements – Works included reshaping and catchment improvements – Completed	December 2018
Esplanade Drive / Lowe Street Drainage Improvements – Works include reshaping and catchment improvements	June 2019
Otahu Stormwater Pump Station Overflow Improvements – Works included enlarging overflow pipe.	September 2018
Rangitua Street Pond Improvements – Works included increasing the capacity of the pond - Completed	February 2019

5 Significance and engagement

The significance of the decision is due to the impact this project will have in association with the following:

- Level of financial impact to the Council and the Local Community;
- Stormwater level of service affected significantly; and
- Likely consequences are controversial.

Financial Impact

The financial impact of possible improvement options will be significant.

Level of Service

The Level of Service regarding stormwater stated in the current 2018-2028 Long Term Plan is:

- The Council's stormwater services protect habitable areas from flooding; and
- The Council minimises the environmental impact of protecting habitable areas from flooding.

The improvement options will increase the compliance to the Levels of Service by mitigating the risk of flooding.

Consequences Controversial

The recommended mitigation works, costs and timeframe maybe unacceptable to the community.

6 Suggested resolution(s)

That the All of Council Committee:

1. Receives the Whangamata Stormwater Master Plan Update report, dated 9 April 2019.

This is all we have been provided by council which represents efforts from the Opus 2005 report ie 14 years following the recommendations just 5 items have been commissioned. The works to Esplanade Drive and Graham are inadequate. Installing a soakage device beside the sand dunes just gets filled with sand after every blow. The Esplanade/Lowe works digging a depression in Williamson Park is to relieve a number of properties. What this shows is council can undertake works when it is threatened with legal action.

Activity	Current geographic area "catchment"	Practical and administrative efficiency s197AB(g)(i)	Fairness and equity s197AB(g)(i)	District wide grouping avoided wherever practical s197AB(g)(ii)	Consideration of factors	Proposed geographic area
Stormwater	Areas served by urban stormwater networks	Reasonably practical and efficient to use those main urban areas where stormwater service is provided for groupings. Becomes impractical and inefficient to group down to smaller, more localised parts of urban areas	Any significant cost differences between different urban areas can impose an unfair burden on some communities if costs are shared (averaged) at district or sub-district levels. Price averaging across different urban areas can also create inequities if levels of service vary between them	A district wide grouping can be practically avoided	All s197AB(g) factors combine to favour separate geographic groups for each of the urban areas that have the stormwater service.	Main urban areas

This is the statement in the draft LTP:

The solutions become generic and must be developed to apply to all regions.

WRSAG response: The master plan must include 'a toolbox of solutions' that goes through the consultation process and what gets approved goes into the District Plan and compliance divisions of council.